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OF COLUMBIA UNIVERSITY

Volume LIII

Whole Number 131

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**THE CIVIL WAR AND  
RECONSTRUCTION IN FLORIDA**

BY

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TO

MY FATHER

MATTHEW LIVINGSTON DAVIS

OF ALABAMA



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## PREFACE

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BEFORE this monograph on Florida was begun American historians had presented with admirable clearness and breadth the essential facts and principles involved in the momentous issues which confronted the nation for more than a decade after 1861. The field had been fairly explored. Little that was both broadly significant and new remained unexploited. The present work is therefore something like a small section of a long appendix. It belongs logically to that body of monographic literature which usually follows the stimulating analysis of a period or of an extended institution. The crop of Civil War and Reconstruction monographs is steadily increasing and today at least exhibits evidences of good intention and industry on the part of the monographists. Maybe from these detailed studies a wiser and juster interpretation of the period will be produced for some later generation, although nothing, not even monographs, can save a generation from seeking what it desires, which in matters historical seems to be history that is proven ("authentic" is the word usually heard) and interesting ("just like a romance" is the phrase)—regardless of the facts in the case. People seem to want their opinions on past politics ready-made, and there is a successful effort to supply the small demand. This is evidently not a phenomenon of our utilitarian age. Montaigne referred to it more than three centuries ago. "The middle sort of historians (of which the most are)," he concluded sadly, "spoil it all; they will chew our

meat for us . . . they pass judgment and consequently twist history to suit their fancy."

The object of this particular monograph can be succinctly stated because the object is simple; namely, to present the course of political events in Florida through a limited period, to show how national policies affected local politics there, to supplement in a small way what is already well known concerning the history of the nation at large. No facts or conclusions of very broad significance are presented here for the first time. No claim is made to revolutionary, original, or particularly new explanation of what took place in Florida or out. It is probably just as well that the striking and original features of this book are left out, for it is thick enough as it is—which is a sign of literary youth, I am told.

I undertook the writing of this monograph on the suggestion of Professor William A. Dunning, in whose seminar at Columbia University I was a student when the suggestion was made to me. The work has slowly reached completion under the eye of Professor Dunning. To him I am sincerely grateful for what I believe to be the best help that a student of the Civil War and Reconstruction can receive on the subject.

In writing this book I have encountered the difficulties and disappointments incident to historical investigation. I have found surviving testimony very thin on some subjects. I have found many clear gaps in the surviving records. The historical material which is available is in reality scattered and scant. Hence there are gaps and thin places in this study. These shortcomings can best be appreciated by reading the monograph. It does not become me to point them out. I have written too much already about the book. "The author who speaks about his own book," wrote Benja-

min Disraeli, with the insight of one who had many books but no children to his credit, "is almost as bad as the mother who talks about her own children."

It has been my object to supplement as much as possible scientific use of documents by conversations with some of those men and women who personally experienced the Civil War and Reconstruction in Florida. I am much indebted to many of them for advice and information, particularly to Mr. Daniel Brent and the late Mr. Edward Anderson of Pensacola, to Mr. William Trimmer of Molino, to Judge P. W. White of Quincy, to Mrs. Chapman, and Mr. Thomas Barnes of Marianna, to ex-Governor Bloxham, Judge Hocker, Judge Taylor, Judge Bernard, Judge Raney and the late Colonel Fred. L. Robertson of Tallahassee. I have been greatly aided through advice and documentary material presented by other friends and acquaintances—younger men and women than the foregoing. My uncle, Philip Keyes Yonge of Pensacola, put his valuable library at my disposal. My cousin, Julien C. Yonge of Pensacola, through his scholarly insight aided me greatly in obtaining historical material. For various helpful suggestions and kindnesses I am indebted to Mr. and Mrs. William Milton, Judge Carter, and Mr. Thomas Walker of Marianna, Mr. F. F. Bingham of Pensacola, Mr. W. L. Cawthon of De Funiak Springs, Judge Parkhill of Tallahassee, Colonel Choate of Tallahassee, Miss Maggie Williams of Tallahassee and Miss Gamble of Virginia.

In the preparation of the manuscript for the printer I was faithfully and efficiently aided by Mr. F. W. Charlesworth, Mr. Earle Moore and Mr. R. E. L. Gunning, students in the University of Kansas, and by Mr. F. I. Carter of Lawrence, Kansas.

The proof was read by Professor Dunning, whose sug-

gestions and corrections proved invaluable to me. I am indebted to Professor Edwin R. A. Seligman for his kindly interest in getting the work into press. In the revision of the proof my sister, Sarah Caroline Davis, helped me greatly by her careful, patient work. For sound criticism and never-failing encouragement I am deeply indebted to two very dear kinswomen: Mrs. Malcolm C. Anderson and Miss M. Louise Sullivan of New York.

Finally I wish to acknowledge the substantial help and steady encouragement rendered by my father, to whom this volume is dedicated. He has shown deep interest in the work in spite of his many pressing business cares. He has sympathized intelligently with me in those inevitable difficulties that are apt to come, I am told, to young writers. He has backed me up consistently from first to last. His aid made the publication of this history possible.

WILLIAM WATSON DAVIS.

THE UNIVERSITY OF KANSAS,  
LAWRENCE, KANSAS, *December 1, 1912.*

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## BOOK I

### THE PARTING OF THE WAYS

"Florida came into the Union fifteen years ago upon an equality with the original States, and their rights in the Confederacy are equally her rights. . . . From the Union, governed by the Constitution as our fathers made it, there breathes not a secessionist upon her soil; but a deep sense of injustice, inequality and insecurity produced by the causes to which I have adverted, is brought home to the reason and patriotism of her people; and to secure and maintain these rights which the Constitution no longer accords them, they have placed the State of Florida out of the Confederacy."—Stephen R. Mallory before the United States Senate, Jan. 21, 1861, *Cong. Globe*, 36th C., 2nd S., p. 485.





## CHAPTER I

### THE EVOLUTION OF A SLAVE-HOLDING COMMONWEALTH

FLORIDA was the last Federal territory to become a slave state. At the outbreak of the Civil War it had fewer factories, fewer towns, less wealth, and less population than any other slave state. Every other commonwealth created during the Middle Period quickly surpassed Florida in population and wealth, although along its coasts had been established the first permanent European colonies within the present bounds of the Union. Mr. Rhodes points out, with great truth, that at the outbreak of the Civil War the Southern states were "but a farm, dependent on Europe and the North for everything but bread and meat, and before the war for much of these". This characteristic of the South was probably most accentuated in Florida. The history of the Civil War and Reconstruction there is essentially a history of profound revolution in a sparsely settled and distinctly rural region. Therefore, at the outset, the obvious facts concerning the comparative retardation of Florida in material development are worthy of some notice. They indicate the fundamental characteristic of the state under the old régime.

The land rests serenely amid opalescent Southern seas. No other state has so much seacoast. For more than a thousand miles stretch its gleaming seaward confines—a well-marked dividing line between the expanse of the ocean and the mysteries of the woods. Long ago Spanish voyagers in search of what Sir Walter Raleigh termed "a mi-

raculous fountain of youth" <sup>1</sup> reached this coast. "In the same year, 1512", <sup>2</sup> records Samuel Purchas,

John Ponce of Leon, which had been governor of the Ile of Saint John, armed two ships and went to seek the Ile of Bayuca, where the naturals of the country reported to be a wel which maketh olde men young. Whereupon he laboured to find it out, and was in searching of it the space of sixe moneths, but could finde no such thing. Hee entered into the Ile of Bimini, and discovered a point of firm land, standing 29. degrees toward the North upon Easter-day, and therefore he named it Florida.<sup>3</sup>

Mr. Lowery has conceived the country that Ponce and his crew saw. "Beyond the shallowing green waters," he writes,

the waves rolled their white crests of foam up the long, hard, shell-paved beaches, which formed a silver bar between the sea and the dense verdure of the islands along which he was coasting. A thick forest of gray cypress, tulip, ash, and magnolia, with knarled live oaks that reminded the strangers of their native land, clad the low sand dunes and marshes of the islands and cut the horizon with its dark canopy, above which floated the plumes of towering palm groves and the light tufts of the broom-pine. Between the islands the eye rested upon the glistening surface of lagoons with brilliant borders of rush and sedge extending up to the very edge of the mysterious forest on the mainland. It was the season of flowers. The perfumed breath of the white lily was wafted out to them from its humid haunts in the shady nooks of the islands. . . . Upon the dark foliage like flights of gaudy butterflies lay spread the masses of blue, crimson, and white, the blue flowers

<sup>1</sup> *English Voyages* in Hakluyt (Maclehose Edit.), v. 12, p. 12.

<sup>2</sup> Mr. Shea and Mr. Lowery conclude that the year should be 1513, not 1512.

<sup>3</sup> Purchas, *His Pilgrim*, v. 10, p. 33.

and coral berries of the *licium salsium*, the andromeda, and the azalea; along the inner shore, between the water's edge and the forest, the royal palmetto, crested with pyramids of silver white blossom, thrust forth its sword-shaped leaves. Loons and Spanish curlew whirled overhead; in the woods strutted the wild turkey, saluting the dawn with noisy call from his perch on the lofty cypress or the magnolia, and many hued humming-birds fluttered from flower to flower.<sup>1</sup>

The virgin splendor of this most Southern state has not entirely faded. It possesses still a haunting melancholy beauty, all its own and not easily forgotten by those who have felt its spell. "I recall in this case," once wrote Thomas Wentworth Higginson, "the faintest sensation of our voyage, as Ponce de Leon may have recalled those of his wandering search in the same soft zone for the secret of the mysterious fountain."<sup>2</sup>

Placid expanse; sinuous, graceful curves; and gentle undulation characterize the lay of the land—they are in fact the essential qualities in Florida's peculiar beauty. The highest point in the state is less than 300 feet above the sea. Its streams move slumberously to the ocean. Its low sand coast is beaten by tropical hurricane and ocean wave into contour of elusive grace. Its innumerable lakes give to the interior often the suggested spaciousness of the sea. No other state of the Union has within its borders so much lake surface or so many lakes without visible outlet.

Sidney Lanier once wrote from Tampa of

"Pale inshore greens and distant blue delights,  
White visionary sails, long reaches fair  
By moon-horn'd strands that film the far-off air."

He saw the glory of the Southern sea, which is, in part, the glory of Florida.

<sup>1</sup> Lowery, *Spanish Settlements*, v. 1, p. 138.

<sup>2</sup> *Army Life in a Black Regiment*, p. 139.

As you journey across the peninsula the charm created by the coast and the ocean is not necessarily dissolved. You see many blue lakes as clear and limpid as woodland springs, which most of them are. You cross winding streams overhung by trees festooned in gray Spanish moss that vibrates faintly in the occasional breeze. You skirt far-flung green savannahs dense with red and yellow alligator bonnets. You penetrate deep, cool hammocks where strange brilliant flowers flash in the day and where the chuck-will-the-widow calls at night amid the jessamine, the magnolia, the sweet bay tree, the pine, the oak, and the hickory. You pass out upon desolate pine barrens sometimes as silent as the grave and sometimes filled with the sighing and moaning of the wind from the distant sea. You look over broad, rich fields that are green or snow white, and from them rise countless lark, whose whistle is a merry contrast to the sound of the wind in the pines. You pass often between tangles of wild roses, honeysuckle, and scuppernong, and you hear a remarkable variety of sweet calls from a remarkably fine lot of little birds,—wood thrush, swamp sparrow, joe reet, wren, mocking bird, red bird, blue bird, chick-a-dee, chee-chee, pop-eyed-molly, and even blue jay. You find yourself now and then in the midst of woodpeckers. About you among the pines, if the day be sunny, scramble and chirrup the speckled “sap-sucker”, the “yaller-hammer”, the white and black red head, and the little mottled gray “worm-chaser”. All are drumming away as they push themselves up the trees with their tails. You catch occasionally the strident whooping of the swooping, red-headed “Lawd Gawd”—the biggest woodpecker that flies in America. You frighten fragile blue heron, gray crane, brown die-dappers, and tufted kingfishers from slumberous creek side and stagnant pool. In the sky above no longer sail the gull and cormorant of the sea. Their place is taken by the broad-winged turkey buzzard—that

denizen of the upper air in the far South. He sometimes drops from more than a thousand feet, and his passage through the air makes a sucking, whistling sound—his only note, some say.

You pass on through the shadows of evening. The "varmints" begin to creep from their holes. You will probably not see them, but they are a host yet in Florida, these timid creatures of the shadows,—'possum, coon, catamount, mink, fox, weasel. In the deeper wood small Virginia deer timidly emerge from the titi thickets when evening falls. In the more remote and desolate swamps panther still cry plaintively beneath the moon. Along the banks of the more remote streams otter still slide in the night. In the denser huckleberry patches and palmetto jungles small black bear still amble about. Along the bayous and lakes of Florida thousands of turtles sun themselves in the day and alligators roar at night. And, as you pass beneath the moss-draped trees, you will occasionally catch the beat of unseen wings as the great hoot owl passes. His insane though melodious calling suggested once to some negro necromancer the following: "Red, top, shoe-boot; chicken, foot, so good! ha! ha'a!" Lanier's poetic conception of some aspects of the land is a fairly descriptive one. He saw there

"Robins and mocking birds that all day long  
Athwart straight sunshine weave cross-threads of song,  
Shuttles of music—clouds of mosses gray  
That rain me rains of pleasant thoughts alway  
From a low sky of leaves—faint yearning psalms  
Of endless metre breathing through the palms  
That crowd and lean and gaze from off the shore  
Ever for one that cometh nevermore—  
Palmettos ranked, with childish spearpoints set  
Against no enemy—rich cones that fret  
High roofs of temples shafted tall with pines—  
Green, grateful mangroves where the sand-beach shines—  
Long lissome coast that in and outward swerves,  
The grace of God made manifest in curves."

About four hundred years ago European explorers first sailed along this coast. More than 350 years ago settlers from Spain gained a permanent foothold on the mainland in the building of St. Augustine. Spanish occupation, with slight interruption, endured almost two and a half centuries without developing extended or very prosperous settlement. Civilized population was restricted to the neighborhood of three or four little towns: Pensacola and St. Marks on the Gulf, and St. Augustine and Fernandina on the Atlantic. The eastern and the western settlements faced different seas and were without connection by land. Each consisted of a fringe of farms, trading posts, and forts lying between the sea and that tremendous wilderness which Ponce de Leon and Hernando de Soto had penetrated in vain search of a better land. "The Indians are exceedingly ready with their weapons," wrote a gentlemen of Elvas who accompanied De Soto into Florida. "In many places are high and dense forests and extensive bogs. . . . Toward the west was a place called Cale, the inhabitants of which were at war with those of territories where the greater part of the year was summer, and where there was so much gold that when the people came to make war upon those of Cale they wore golden hats like casques."<sup>1</sup> No one has ever discovered the rich neighbors of the people of Cale. The chronicler of "much gold" in the neighborhood of Florida was either the victim or the perpetrator of the first recorded lie on that subject.

Florida passed into the hands of the British in 1763.<sup>2</sup> For twenty years England held it, and the change brought a short-lived prosperity. Trade thrived as never before

<sup>1</sup> *True Relation of . . . A Fidalgo of Elvas*, Buckingham. Smith's translation.

<sup>2</sup> Fairbanks, G. R., *History of Florida*, pp. 149, 162. Treaty of Paris, Art. 20, MacDonald, *Select Documents*, v. 1.

with Indian and half-breed trappers. Loyalists, driven out of the Southern English colonies by the Whig revolutionists, poured into Florida.<sup>1</sup> Along the St. Johns and St. Marys rivers, new plantations were cleared; more negro slaves were brought in to labor; fields were better tilled; new roads were cut through swamp, glade, and barren; and the English colonist, here as elsewhere, demonstrated his ability to win and transform and hold, after a certain homely fashion, a wild region.

Spanish control was resumed in 1783.<sup>2</sup> Most of the British settlers left the colony. Some went to Great Britain; some, to the Bahamas; and some, probably, to the United States.<sup>3</sup> Plantations were deserted, trade decreased, and in a few years Florida had lapsed back into its condition before British occupation. Therefore the permanent and lasting results of Anglo-Saxon control in colonial Florida were very meagre.

Spanish government in Florida from earliest times was mild and paternal and restricted to the narrow limits of civilized settlement. The Indians were not tractable and made poor slaves. Taxation seems to have been light and for local purposes only. When in 1821 the territory was transferred to the United States, the civilized population of the region now embracing Florida was not more than 8,000. More than half of this population was in East Florida. St. Augustine contained maybe 2,000 souls—one-half whites and the other half negro slaves or free negroes. Fernandina had a population of less than 500. The plantation settlements along the St. Marys and St. Johns rivers contained probably 2,000 more—including slaves. In West

<sup>1</sup> Fuller in his *Purchase of Florida*, p. 18, states that during the year 1778 nearly 7,000 loyalists emigrated to Florida.

<sup>2</sup> Fairbanks, G. R., *op. cit.*, p. 162.

<sup>3</sup> Fuller, *op. cit.*, p. 19.

Florida (or Gulf Coast Florida) population amounting to two or three thousand was confined to Pensacola and St. Marks and the immediate vicinities of these two hamlets.

Economically the country was not self-supporting. Imports usually far exceeded exports in value and variety. Most of the citizens were Spanish officials, farmers, and fur traders. Salaries paid by the Spanish government constituted the main source of wealth. The white population was preponderantly Spanish. In East Florida a considerable element of Minorcans and Italians had drifted in,<sup>1</sup> and a few English, Irish, and Greeks. In the West population was more purely Spanish.

Life was simple because the people were too poor to make it complex. Customs were those of the Spanish Creole, who never lost touch with the home country and managed somehow to transfuse the crudities of colonial America with some of the native grace and urbanity of Spain. The "patgo", the "masquerade", the "carnival", the "chiverree", the "bazoo", the "fandango", cock-fighting, card-playing, and going to mass were the more usual social distractions. This primitive Latin, Catholic, Creole, slaveholding society, more than two centuries old in 1821—and therefore ancient for civilized America—was soon swallowed up by the influx of newcomers from the North,—the unwelcome and grasping Americans.<sup>2</sup>

<sup>1</sup> Fairbanks, *op. cit.*, chap. 25, for account of Dr. Turnbull's colony (1763-70) of Greeks and Minorcans. The descendants of these people live in East Florida to-day. Also Rerick, *Memoirs of Florida*, v. i, pp. 86-87; Dewhurst, *St. Augustine*.

<sup>2</sup> The foregoing references to colonial Florida are based upon the following works: Garcillasso de la Vega, *Histoire de la Floride*, Richalet, French translation, 1735; Lowery, *Spanish Settlements*, 2 vols.; the accounts of De Soto's expedition by De Beidma, Ranjel, and Elvas; Irving, *Conquest of Florida*; Averette, *Unwritten History of Old St. Augustine*, Copied from the Spanish Archives in Seville, covering



As settlers moved into southwestern Georgia and Alabama Territory, Florida became more and more the place of retreat for runaway negro slaves, hostile Indians, and lawless white men. Its forests were dense and its swamps, almost trackless; and for those fleeing from Americans it afforded protection as foreign territory. The failure of Spain adequately to govern this region which became an asylum for the lawless was the occasion for the American invasion under Andrew Jackson.<sup>1</sup> Florida was in truth not an important part of Spain's colonial empire. Acquisition by the United States was the resultant of Spanish administrative feebleness, the geographical situation of the peninsula, and the expansion to natural boundaries of the robust and aggressive Northern power.

The purchase of Florida from Spain was consummated during the first great sectional controversy over slavery in the territories.<sup>2</sup> The location of the new territory made it logically future slave soil. Historically it was slave soil at

period from 1565 to 1786, *Libr. Fla. Hist. Soc.*; Bartram, *Travels in Florida*, London, 1792; Dewhurst, *St. Augustine*, 1881, a brief secondary work; Fairbanks, *Hist. of St. Augustine*, 1881, a valuable monograph by an authority; Fairbanks, *Hist. of Florida*; Rerick, *Memoirs of Florida*, v. i; Brinton, *Notes on the Florida Peninsula*, a valuable work, 1859; Campbell, *Hist. Sketches of Colonial Fla.*, 1892; Darby, *Memoir on Geog., etc. . . . of Flo.*, 1821; *Libr. Fla. Hist. Soc.*; Forbes, *Sketches of the Floridas*, 1821, *Libr. Fla. Hist. Soc.*; Brevard and Bennett, *Hist. and Govt. of Fla.*, a valuable little book; Williams, *Hist. of Fla.*, 1821.

<sup>1</sup> Fuller, *op. cit.*, chaps. 6-8. "Corresp. between Gen. A. Jackson and Jno. C. Calhoun" on Seminole War; a pamphlet (Washington, 1831) in *Libr. Fla. Hist. Soc.*, Jacksonville. *Sen. Docs.*, 15th C., 2 S., No. 100, No. 102, for the official history of Jackson's invasion. *H. Docs.*, 15th C., 2nd S., No. 119, for Jackson's destruction of Negro Fort. Also *Ex. Docs.*, 15th C., 2nd S., No. 82.

<sup>2</sup> Fuller, *op. cit.*, *passim*, is the best study of the Florida Treaty.

For important sources, see *Ex. Papers*, 16th C., 1st S., No. 96 (1819); *Ex. Docs.*, 16th C., 1st S., No. 120 (Mess. and papers of Pres. Monroe,

that time. Into Florida came ultimately a part of that vast host of planters and speculators which, till late in the Middle Period, was steadily moving southwestward. The splendid "Kingdom of Cotton" was then in the making. However, the first Americans to settle in Florida were not cotton planters, but poor squatters—"kasions", "crackers", *etc.*—an ignorant, shiftless, hardy lot of people who began to drift over the borders of Florida before the region passed into the hands of the United States. These poor whites were little interested in slavery or cotton or even government.

In 1822 the military rule of General Jackson was superseded by the civil rule of the territorial council and governor. Florida was divided into counties, laws were adopted to regulate civil and criminal practice, and inferior courts were established. A Federal commission was appointed to examine all land claims originating prior to American occupation. It took several years to adjust this matter, and in the meantime no public land was sold.<sup>1</sup>

The territorial council met for the first time in Pensacola—on the western edge of the territory. Its second meeting was in St. Augustine—on the eastern edge of the territory.<sup>2</sup> Distances were great and wilderness trails bad. Therefore the council sought a site for a capital midway between the two inhabited sections.<sup>3</sup>

1819); *Ex. Papers*, 18th C., 1st S., No. 55 (Mess. of Monroe). See, also, J. L. M. Curry's "Acquisition of Florida," *Am. Hist. Mag.*, v. xix, p. 286.

<sup>1</sup> The adjustment of claims proved perplexing. The more important documents bearing on the subject are: *Ex. Papers*, 18th C., 1st S., No. 156 (1824—Report of Land Commissioners); No. 158; *Ex. Papers*, 18th C., 2nd S., No. 111; 19th C., 1st S., No. 115; *Ex. Docs.*, 18th C., 2nd S., No. 47.

<sup>2</sup> Rerick, *op. cit.*, v. 1.

<sup>3</sup> "History of the Location of Tallahassee," from *House Journal*, pamphlet, Libr. Fla. Hist. Soc., Jacksonville.

In North Central Florida clear lakes and broad savannahs divide many ranges of low loam hills. These uplands, rich in humus, were then lying fallow, covered with hickory and oak and pine and myriads of flowers. People in search of new homes and good lands had already "prospected", by 1823, this fair, virgin region. Here in an old Indian field the Territorial Council chose a site for a capital which became known as Tallahassee.<sup>1</sup> The governor and council met there in 1824.

The building in which they met was humble and roughly constructed. The wilderness stretched away on all sides. "The assembling and adjournment of the council are the events of the year in this territory from which citizens date," wrote Mrs. Long. "The interval does not count."<sup>2</sup>

The second wave of immigration into Florida from the United States was more speculative and transitory than permanent. Prospectors were seeking good lands at a low price, many expecting to sell out when the increase of population should inevitably send up the values of cotton land. They were a vigorous, hard-headed, adventurous lot of men. "The country was filled with strangers," one man writes who experienced this beginning,

who spread themselves over the country with compass in hand,

<sup>1</sup> "Hist. of Location of Tallahassee," *H. Journal*. Rerick, *op. cit.*, v. i, p. 152. *Gulf States Hist. Mag.*, v. i, p. 199, "Selection of Tallahassee."

<sup>2</sup> *Florida Breezes*, Mrs. Ellen Call Long. Mrs. Long was the granddaughter of Rich. Keith Call who became Governor of Florida in 1835. Her book is rambling and occasionally confused but replete with interesting observations and discussions of society in ante-bellum Florida. Beyond her own experiences her sources were evidently the recollections and miscellaneous memoirs of her grandfather and her many friends. The work is out of print and now very difficult to find. The author consulted the copy in the British Museum, London, published after the Civil War.

according to the marked lines, examining the lands, taking notes, keeping profound silence, and avoiding one another. Perhaps some of them have bought from a surveyor the supposed secret of an excellent and unknown section. Little portable plans, mysteriously figured, circulate privately. Nothing is talked of but lands, their qualities, probable prices, etc. Intrigue and knavery the most unblushing display themselves in all their lustre.<sup>1</sup>

The newcomers came from all parts of the Union. Most of them can, with safety, be denominated slave-holders. Radical free-soilism did not touch Florida. The territory was spared that conflict of ethical ideas and material interests which was then surely dividing the nation and which produced bloody Kansas and the great war a generation later.

The Federal land office was opened at Tallahassee in 1825. This land sale was an event of significance for this unformed commonwealth whose wealth was based prospectively upon extensive agriculture. "Land speculators anticipating the influx of immigration 'had flocked' to the territory and bought land of the Indian for a trifle, supposing the title good; and those who came to make permanent homes were disappointed to find locations occupied and held by large grants."<sup>2</sup> The Federal authorities probably put an end to such hastily acquired titles.

When the day arrived for the first sale of public lands, a

<sup>1</sup> Murat, *America and the Americans*, p. 59. Chas. Louis Napoleon Achille Murat, son of Napoleon's sister Caroline and Marshal Murat who became King of Naples, came to Florida early in the 20's, made the territory his home, married a Floridian (Miss Willis), and lived many years near Tallahassee. His book on America devotes some space to society in an American "territory". Obviously, he wrote about Florida, which was the part of the Union best known to him. See Rerick, *op. cit.*, v. i, p. 153.

<sup>2</sup> Long, *op. cit.*, p. 45.

heterogeneous crowd of speculating land sharks, planters, small farmers, squatters, "kasions", country lawyers and confidence men had come together in Tallahassee. Prince Achille Murat, recalling this incident probably—for he was in Florida at the time—wrote from Italy as follows:

The hour approaches. The poor squatter runs about town. He has been laboring all the year that he may buy the land on which his house is situated. Perhaps for want of a dollar or two it will be taken from him by the greedy speculators. Anxiety and trouble are depicted on his honest and wild countenance. A jobber accosts him, pities him, and offers to withdraw his pretensions for the sum of \$3.00. The poor simpleton gives it to him not doubting that the jobber cannot now bid against him. This is what is called "hush money". The cryer puts up the land by eights, beginning by a section and township in regular order. The prices are different but the sale always opens at \$1.25 per acre. . . . An old Indian village, a situation for a mill, the plantation of a squatter, a place to which a road or river leads, or which seems likely to become the seat of a city or entrepot,—are so many circumstances which augment the value of land tenfold or more.<sup>1</sup>

The sale of the choicer public land meant the advent of more settled economic and social conditions. Immigrants continued to come into the territory. Most of them pushed on past the old towns of entry—Pensacola, St. Augustine, Fernandina—and sought the richer uplands of the interior. The census of 1834 showed a total population of 34,739, of whom full 20,000 lived in those new counties between the Chipola and Suwanee rivers—North Central Florida. The settlers came from practically every section of the Union. The majority hailed from Virginia, Tennessee, the Carolinas, and Georgia. The town of Jacksonville on the St. Johns river was laid out in 1822. It was destined within

<sup>1</sup> Murat, *op. cit.*, p. 60.

a few years to become the chief town of East Florida. Pensacola, the old town in the extreme west, was gaining population and trade. More than 2,000 bales of cotton and a quarter of a million feet of sawed lumber were exported from there in 1824. Between the Chipola and Suwanee, settlements expanded into towns which some of the optimistic inhabitants would have told you were the finest in the Union. Quincy, Monticello, Marianna, and Tallahassee were hamlets in size, but each was the metropolis for its section. They were situated along the St. Augustine road, a rough wilderness way cleared through the forest from Pensacola on the Gulf to St. Augustine on the Atlantic.

The first general election was held in 1825 to choose a delegate to the Federal Congress. It was hotly contested and definitely marks the beginning of election politics in Florida. The methods employed then were essentially the same as those of later generations. "For some months previous the candidates and their friends have been in motion, making calls from habitation to habitation, trying to persuade, excuse, explain," writes Achille Murat.

In general the friends take more trouble than the candidates themselves. The Governor by proclamation fixes the day and divides the country into precincts, in each of which he chooses a central house and appoints three election judges. These dignitaries meet in the morning and swear, kissing the Bible, to conduct themselves with integrity. They seat themselves around a table at a window. An old cigar box patched up with a hole in the lid, a sheet of paper and a writing desk form the materials of the establishment. Everyone presents himself outside the window, gives his name, which is registered upon a paper, deposits his ballot in a box presented to him and withdraws; if the judges doubt his qualifications as to residence or age they administer the oath to him. Within the room everything passes in an orderly manner, but it is not the same outside. The roads are soon filled with horses and carts. The

electors arrive in troops, laughing and singing, often half-tipsy since the morning and exciting one another to support their favorite candidate. They or their friends present themselves to the electors as they arrive with ballots ready prepared, often printed, and expose themselves to their jokes and coarseness. Every newcomer is questioned about his vote and is received with applause or hisses. An influential man presents himself to vote, declares his opinions and reasons in a short speech; the tumult ceases for a moment and he draws away many people after him. Nobody offers to molest him. Meanwhile whiskey circulates. Toward evening everybody is more or less tipsy, and it is not often that the sovereign people abdicate their power without general battle in which nobody knows what he is about, and in which all those who have managed to retain their carriage take good care not to embroil themselves. Everybody goes home to sleep. The judges scrutinize the suffrage and send the result to the capital. The next day beaten and beat are as good friends as if nothing had happened.<sup>1</sup>

This is a rather lurid account of a territorial election, but it probably reflects well enough the rough-and-tumble spirit and the inebriety of the frontier. Conduct was more disgraceful a generation after Florida had ceased to be frontier country.

Politics kept pace with material development in Florida. The middle counties, containing most of the prosperous planter class, had become by 1830 the dominant section of the territory. The counties of Jackson, Gadsden, Leon, Jefferson, and Madison—all organized between 1822 and 1827—contained about two-thirds of the population in 1830. Spreading over the gently rolling uplands, plantations flanked lake and savannah with a misty expanse of white when the cotton opened. Fields of cotton and corn

<sup>1</sup> Murat, *op. cit.*, p. 68; also account in Long, *op. cit.*, *passim*.

replaced immense areas of forest. Splendid homes were being built by the more prosperous—built sometimes of brick and stone where ten years before an unbroken wilderness had stood. Such development indicates tremendous optimism and the extravagance which goes with it. But such evidences of prosperity were not entirely vulgar. The severe and simple lintels; the tall white columns; the spacious and simple interiors; the general absence of cheap attempts at ornate architecture; the substantial beauty and quaint harmony of tables, chairs, beds, and cupboards,—reflect an aspiration at least after the best of the past. The Latin and Greek works upon the bookshelves of many homes indicate the same thing. The few hundred aristocracy of Central Florida were a moderately cultured and eminently forceful lot of people.

By the advent of the thirties weekly newspapers were published in the various towns of this section, setting forth the opinions and doings of the planter class. Local, national, and foreign questions were discussed with a gravity and dryness which suggest the conservative English journals. "Reviews and magazines, literary journals and novelties of every sort came to us from New York, Philadelphia, and England at a moderate price and a month or two after their publication over the Atlantic," writes a citizen. "I had read, I have no doubt, the last romance of Sir Walter Scott before it had reached Vienna." Some of the works offered for sale in a Tallahassee book-store in 1831 were as follows: Blake's *Botany*, Good's *Study of Medicine*, Murphy's *Tacitus*, Benson's *Sermons*, Homer's *Iliad*, Robertson's *America*, *Scotland*, *Charles V*, Jefferson's *Notes on Virginia*, Herodotus' *History*, Rollin's *Ancient History*, Moore's *Poems*, Scott's *Prose Works*, Fielding's *Tom Jones*, Byron's *Works*, Irving's *Columbus*, *Memoirs of Napoleon*, *The Arabian Nights*, and a host of other



books of as varied a quality.<sup>1</sup> All this is indicative of a certain urbanity and culture, though not of a demand for the latest and liveliest books.

Life was not over refined with the upper class. There was considerable gambling, drinking, horse-racing, and betting. Each town soon had its own jockey club. Fatal duels were often fought in formal fashion. Fast horses and bright colors were in evidence.<sup>2</sup> Yet the whites—rich and poor—were a religious people. Religion afforded both consolation and amusement. Most of the planters were Methodists or Episcopalians. The year of the founding of Tallahassee witnessed the organization of the Methodist Church of the District of Tallahassee with a minister in charge.<sup>3</sup> The following year Tallahassee became an Episcopal mission station.<sup>4</sup> Methodists, Episcopalians, Presbyterians, and Baptists all established churches in Florida before the end of its first decade as American territory. The Roman Catholic church had been established in Florida for more than two centuries. "There is no church building here" (in Tallahassee), writes Mrs. Long of the early days,

but there is a Tyng, which is a good name and true—synonymous with sound teaching, present usefulness and ancestral claims. The place of worship is the arena of many purposes; sometimes a court room in trial and pleadings; again for political discussions; at night, a dance hall; and sometimes there players lived their mimic life. The congregation was well

<sup>1</sup> *Floridian and Advocate*, Jan. 20, 1831.

<sup>2</sup> See Jockey Club notices in Florida papers in Congressional Library, Washington. For examples, *Floridian*, Jan. 5 and Feb. 2, 1839. Also, Long, *Florida Breezes*, p. 99.

<sup>3</sup> Smith, *History of Wesleyan Methodism*, p. 228.

<sup>4</sup> Within fifteen years Episcopal parishes were established in Key West, St. Augustine, Pensacola, Tallahassee, Jacksonville, St. Joseph, Marianna and Quincy. Daniels, *Episcopal Church in Florida*, *passim*.

dressed; gentlemen in fine blue cloth, brass buttons, high black stocks and stiff sharp-cornered collars and ruffled bosoms, though a little out of date gave none the less an air of marked elegance in their appearance.<sup>1</sup>

Cotton fields were spreading out and planters were becoming prosperous because cotton was paying. The abundant yield of the earth gave stability to society. Early dwelling places became old homes. Those who had come to the new land remained. The ivy crept over walls. Men and women had about them children who had known no home but Florida.<sup>2</sup> "There are a thousand nameless ties, kindred thoughts and deep sympathies that make a chain of friendships for these country people," writes Mrs. Long.

On through the town we passed, welcomed by a chorus of barking dogs accompanied or varied by the whooping or whistling of boys. Lights from the unshuttered or thinly-draped windows speak of home life, but the streets had no illumination save a shower of moonlight that poured a wealth of beauty upon the scene, its effulgence streaming in through the dark green of centenary oaks which lined the streets.<sup>3</sup>

The nativizing of population did not produce complete homogeneity. People came into Florida with sectional idiosyncrasies developed, and these characteristics were handed down to the second and third generation. There were communities of Virginians, and communities of South Carolinians, and communities of Georgians, *etc.* West Florida's population differed from East Florida's; and Central Florida's, from both.

The planter was generally enlightened and prosperous. Within his class should be included the merchants and pro-

<sup>1</sup> Long, *op. cit.*, p. 72.

<sup>2</sup> See Murat, *op. cit.*, pp. 66, 74 *et seq.*

<sup>3</sup> Long, *op. cit.*, pp. 55 and 72.

fessional men. Prosperity was not enjoyed by all classes of whites. The little farmers and squatters in the sparsely settled counties led lives which in material appointments were only slightly above the savage. Corn pone, clabber, youpon tea, dried beef, venison, and occasionally wild honey constituted their fare until civilization brought nearer their habitations salt pork, razor-backs, and coffee. Their houses were rude log huts with dirt floors, unglazed windows, and mud chimneys.<sup>1</sup> They were neighbors to the Seminole and Creek Indians, and when the final struggle came with the Seminoles the poor whites suffered most.

Mild-mannered, kindly, and indolent, they were as hospitable as they were poor. A few of the more prosperous owned a negro slave of two. Occasionally a cracker accumulated property and became a planter. Mrs. Long describes meeting a family of poor whites in Florida.

The residence of Mr. Smith consists of two log rooms on sills connected by an open passage upon the floor of which reposed a white man who used a reversed hide-bottom chair as a pillow. Peeping from the door was a slouchy white woman who wore a dirty sun-bonnet, who upon our halting before the gate called "Alik Smith! Alik Smith! I keep on telling you to git up! Git up, Alik Smith; thar's folks a' callin' on you at the gate!" Finally the intelligence of Mr. Smith was aroused, and yawning and stretching he came out to greet us: "An' I declar, its you, Mister Maclean, to be sure. I hearn as how you had gone down below. Light, gentlemen, hitch yer critters—that damn lazy scoundrel is nary time about when he's wanted—but thar's the rascal now. Horcules, see how you give feed to them horses! Wal, strangers, you must know as how niggers is moughty high an' gittin' higher. It took my level best with five crops on this poor piney land to git done payin for

<sup>1</sup> See reference to these people in Smith, *op. cit.*, pp. 265, 306; Murat, *op. cit.*, *passim*; *De Bow's Review*, etc.

Horcules.<sup>1</sup> As we got under the roof of the *building*, for it can scarcely be called entering a house, he called aloud to the woman no longer seen,—“Ole Sweet, push up the pot for the gentlemen will be agying hungry”; and with the diffuse manners of a grand chamberlain he offered us seats which he called “cheers”, adding, “make yourselves at home, gentlemen”. Then he placed part of his body on a chair while his legs were extended up and down, resting on the rough paling that partially empaled the passage. A quid of tobacco completed his ease, and he was ready for the enjoyment of society. “Wal, gentlemen, what’s the news?”<sup>1</sup>

As the territory grew the usual phenomena of economic and political organization were manifest. The principal issue in territorial Florida for political controversy was but the local phase of a great national question, namely, to what extent should government aid and control banks. In Florida the controversy began at an early date. The governor vetoed bills of the territorial council in 1824 for the incorporation of certain banks because he believed that such banks would prove to be “unsuited to the genius and spirit of our free institutions”.<sup>2</sup> With the advent of Andrew Jackson as President the entire nation became more or less disturbed over the national aspect of this question.

The heavy cotton planters of interior Florida were the exponents and local apostles of banks. In 1828 the Bank of Florida was incorporated. Within the next five years the craze of the times for financial organization showed itself in Florida. Numerous insurance companies and banks with large capital stock and broad powers were incorporated—such, for instance, as the Central Bank of Tallahassee, the Union Bank of Tallahassee, and the South-

<sup>1</sup> Long, *op. cit.*, p. 52.

<sup>2</sup> Rerick, *Memoirs of Florida*, v. 1, p. 157.

ern Life and Insurance Company of St. Augustine. The most important of all was the Union Bank of Tallahassee. Its charter was fashioned after that of the Union Bank of Louisiana.<sup>1</sup> Its initial capital, \$3,000,000, was obtained from the sale of Territorial bonds. The property of the stockholders to the amount of the shares was mortgaged to the territory as security for the bonds issued.<sup>2</sup> This bank was not the only financial institution aided by the territory. The Bank of Pensacola received \$500,000 in bonds in guarantee of its securities, and the Southern Life Insurance and Trust Company, \$395,000.

The Union Bank thrived from the first. It was a brilliant and advanced scheme. "Yes, it started with a capital of \$1,000,000 and that is increased to \$3,000,000 by exchanging the certificates of subscribers for territorial bonds which were sold in Europe. They found purchasers in London—a wonderful success, considering the resources of the territory, and could have been accomplished only by men so well known," writes Mrs. Long in discussing the bank.

General Mercer represented Virginia in Congress for thirty years, besides, he was President of the Colonization Society which gave him *éclat* in England, and Col. Gamble is also known abroad. You want to know how it operates? Well,

<sup>1</sup> *Reply of the Board of Directors of the Union Bank*, p. 4. A very full discussion of the policy and record of the Union Bank, British Museum, London.

<sup>2</sup> *Reply of Board of Directors*, pp. 4, 10, 95. In 1840 the Directors stated that to secure the bonds issued (to the amount of \$2,917,800) 246,419 acres of land were mortgaged to the territory, valued at \$1,968,800; 2,680 slaves, valued at \$938,000. The average value of the land mortgaged per acre was \$8.00, while at the time farming land in Leon Co. sold for from \$15.00 to \$30.00 per acre. The slaves were mortgaged at \$350 each, while their average market value was over \$600.00.

you see a man can mortgage his land and negroes; draw from the bank two-thirds (in money) of the value, which will be reinvested in more land and negroes. One or two crops of cotton will redeem all obligations—so you see it is the best thing afloat; a man can just go to sleep and wake up rich. "Go to sleep," remarked one, "is a good suggestion, but unfortunately too many are wide awake, spending money in display when their very shovel and tongs in the kitchen belong to the bank."<sup>1</sup>

The increase of cotton fields and population in Florida, Georgia, and Alabama produced a noticeable effect on Gulf Coast shipping. Mobile absorbed most of the cotton which territorially belonged to Pensacola, and many cargoes of cotton by 1835 went annually from St. Marks.<sup>2</sup> St. Marks was the point of shipment for the planters of Leon, Jefferson, and Madison counties.<sup>3</sup> The first railway of Florida was built from Tallahassee to St. Marks in 1834.

Near the mouth of the Apalachicola river the town of Apalachicola was incorporated in 1831. Its trade with the interior was soon flourishing. River steamers for the Chattahoochee and Flint valleys loaded and unloaded along its water front. Ocean-going ships carried its cotton and timber to Europe and the North. The channel was dredged to admit bigger ships. Brick business blocks and spacious warehouses were built. By 1836 it was the third cotton port in the Gulf. Three years later its weekly newspaper became a daily.<sup>4</sup>

Within twenty-five miles of Apalachicola a land and improvement company established the town of St. Joseph on a deep and well-sheltered bay. In 1839 its backers claimed for it a population of more than 4,000 and a commerce in

<sup>1</sup> Long, *op. cit.*, p. 84.

<sup>2</sup> Smith, *op. cit.*, p. 265.

<sup>3</sup> *Ibid.*, p. 305.

<sup>4</sup> Rerick, *op. cit.*, v. 1, p. 167.

cotton of more than 100,000 bales annually. A railroad, churches, newspapers, docks, banks, warehouses, shops, bar-rooms, cheap hotels, and rough gambling places gave this new town the reputation and air of a metropolis, and with some of the more Godly the notoriety of being a "wicked city", that would come to no good end. It became an intense business rival of Apalachicola. The territorial constitutional convention met in St. Joseph during 1838-9.

The end of the town was swift and tragic. Yellow fever of the most malignant type fairly wiped it out in 1841. The people there "died like flies". Many fled the town. The living who remained could hardly bury the dead. "My Pa saved me because he was a horse-doctor and believed in ile and bleedin'," one aged survivor said to me. To-day two graveyards and vine-covered ruins are all that remain of the "wicked city" of St. Joseph. About it stand the enigmatical solitudes of Florida—the haunt to-day of the owl, the alligator, and the whip-poor-will. Verily the Godly of territorial Florida have had their prophecy come true.<sup>1</sup>

But ere the end of St. Joseph, that national wave of optimism which had been instrumental in creating it had reached its height. Apalachicola, Jacksonville, and the whole line of interior towns along the St. Augustine Road were partly products of "flush times". Like the sea waves that eternally roll in on more than a thousand miles of Florida coast, the wave of optimism and speculation broke. The dreadful panic of 1837—the worst in our history—found Florida still a sparsely-settled territory built up mainly on future hopes and sufficiently dependent upon outside capital to share the disaster of the financial shock. The years

<sup>1</sup> Rerick, *op. cit.*, v. I, p. 167.

1835-36 were "flush" over the whole South. Cotton was high. The banks seemed prosperous. People were extravagant. "Those pictures you see of Napoleon's battles," remarked a Florida planter before the panic, "cost me a whole crop of cotton."<sup>1</sup> Speculation was wild. Paper promises were abundant. Good land was cheap. "To make more cotton, to buy more negroes, to make more cotton and so on in a vicious circle was the rule of the planter."<sup>2</sup>

The panic, the contraction of credit, the public distrust of banks, and the consequent business depression which followed the year 1837 hurt the reputation and prestige of the banking party in Florida. It constituted by this time a fairly well-defined political group which included some of the wealthiest planters and slave-holders—the moneyed aristocracy.

Governor Call, in discussing the disastrous effects of the panic, declared that

the incorporation of banking companies without capital and with the extraordinary privilege of raising millions of money on the faith and responsibility of the Territory, the expanded issues of these institutions beyond their capacity to redeem the paper thrown by them into circulation, the great facilities afforded to individuals for procuring money and extending their credit, gave to every species of property a fictitious value and seduced even the most prudent and cautious into wild and hazardous speculation. . . . The records of our courts present a frightful picture of the indebtedness of our people, and during the past summer some instances occurred of immense sacrifice of property sold under execution.<sup>3</sup>

In the struggle for the formation of a state constitution

<sup>1</sup> Long, *op. cit.*, p. 139.

<sup>2</sup> Smith, *op. cit.*, p. 321.

<sup>3</sup> Rerick, *op. cit.*, v. I, p. 165, message of Gov. R. K. Call.



at St. Joseph in 1839 the principal points of controversy were: 1, What powers should be extended to banks? 2, What aid should be given banks by the government?<sup>1</sup> When the constitution was finally submitted to the people for ratification, the contest was, primarily, between those who favored the incorporation of banks with liberal charters and who would continue government endorsement of certain banks' securities, and those who would limit strictly the business of banks and who would discontinue the practice of government endorsement.<sup>2</sup> So bitter became the contest between Democrats and Whigs that riot was threatened in Tallahassee.<sup>3</sup> The Democrats supported the proposed constitution and opposed the renewal of the bank charters.<sup>4</sup> They declared that the capital of the Union Bank, for instance, was insecure; that the stock had been unevenly distributed over the territory; that its loans had been dictated by rank favoritism; that its administration had not been honest.<sup>5</sup> The Whigs opposed the adoption of the constitution and championed the banks. They were stigmatized by their opponents as the "Federal Whig Bankocracy who desire a division of the territory, abolition, and faith bonds."<sup>6</sup> The campaign of 1840 resulted in the ratification of the constitution by a narrow margin, the election of a Democratic delegate to Congress, and the sending of a heavy Democratic majority to the territorial legislature.<sup>7</sup> The Whigs were beaten.

<sup>1</sup> See debate, *Floridian*, Jan. 5, 1839.

<sup>2</sup> *Floridian*, March 9, 1839.

<sup>3</sup> Rerick, *op. cit.*, v. 1.

<sup>4</sup> *Floridian*, Aug. 3, 1839.

<sup>5</sup> *Reply of Directors*, pp. 5-6.

<sup>6</sup> *Floridian*, Apr. 4, 1840.

<sup>7</sup> *Floridian*, Oct. 3, 1840; Rerick, *op. cit.*, v. 1, pp. 168-172. Seventeen of the 27 delegates to the territorial legislature were Democrats. Es-

The constitution expressly stipulated that the "general assembly shall not pledge the faith and credit of the State to raise funds in aid of any corporation whatsoever." Furthermore, the legislature was forbidden to pass an act of incorporation "unless with the assent of at least two-thirds of each house," and no "banking corporation" could exist "composed of less than twenty individuals, a majority of whom shall be residents of the State." No bank charter should be granted for a longer period than twenty years and no bank charter should "be extended or renewed." The charters of banks granted by the legislature should "restrict such banks to the business of exchange, discount, and deposit; and they shall not speculate or deal in real-estate or the stock of other corporations or associations or the merchandise or chattels or be concerned in insurance, manufacturing, exportation or importation except of bullion or specie." Finally, the constitution stipulated that the capital stock of "any bank" should be created only by the actual payment of specie, that "no dividends of profits exceeding 10 per cent per annum on the capital stock paid in" should be made; that all profits above 10 per cent should be set apart and "retained as a safety fund"; and that "no president, cashier or other officer of any banking company"<sup>1</sup> should be eligible for any state office until twelve months after he had severed his official connection with all banks. In regard to state control of banks this constitution was the most drastic produced in the Union before the Civil War.

The approval of this constitution by the people meant

cambia, Walton, Jackson, Gadsden, and Madison counties went solidly Whig and for banks. Three out of four delegates from Leon county, the most populous in Florida, were anti-bank or Democratic.

<sup>1</sup> *H. Docs.* (U. S.), 59th C., 2nd S., No. 357, v. ii (Thorpe's Constitutions), Const. 1838, Arts. 6 and 13.

that the political power of the larger slave-holders was seriously shaken. In reality, 1840 witnessed a backwoods revolution against the conditions which capitalism had imposed. Florida was controlled by Jacksonian Democrats, although in this year, 1840, the Whigs gained the control of the national government. In Florida the poor whites and small slave-holders attacked their more successful neighbors because they believed these neighbors intended "to clothe with purple and fine linen the planters of Central Florida"; and because they knew that the richer planters were strong enough and able enough to seek successfully capital from abroad and were already dominating the territorial government to pledge land and to grant franchises to the local rich class in order that this class might "shave its own bills in Wall Street."<sup>1</sup>

Florida was ready for statehood. Before it was admitted to the Union it passed through a long and terrible Indian war.

<sup>1</sup> Rerick, *op. cit.*, v. i, p. 166.

## CHAPTER II

### THE LAST YEARS OF THE ANTE-BELLUM RÉGIME

THE financial depression which followed the panic of 1837 and the seven years' war with the Seminole Indians which began in 1835, were terrible misfortunes for Florida. Half-cleared fields covered with weeds, "belted trees stripped of foliage standing like masts of ships",<sup>1</sup> boom towns no longer booming, rail fences rotting to earth, houses abandoned in process of construction, clambering wild vines half-hiding some task given up, devastated and deserted plantations, the desolate ashes of squatters' cabins, the new graves of the massacred in the gloom of the primeval wilderness, and the frightful traditions that went abroad of forays by savages termed "wild beasts and hell hounds";<sup>2</sup> these were some of the scars of the double blow which had stricken Florida. "It will take us twenty-five years to get over the Seminole War and the Union Bank," was the opinion expressed by some.<sup>3</sup> "The tide of prosperity which once flowed over our land has receded," declared Governor Call, "and has been followed by a universal derangement of business, a depreciated currency, prostration of credit, and the embarrassment of the whole community . . . which can only be overcome by years of patient labor, industry, and economy."<sup>4</sup>

The Seminole War involved heavy loss. 20,000 volun-

<sup>1</sup> Long, *Florida Breezes*, p. 209.

<sup>2</sup> Rerick, *Memoirs of Florida*, v. i, p. 200, Message of Gov. Reid.

<sup>3</sup> Long, *ibid.*, p. 209.

<sup>4</sup> Rerick, *ibid.*, v. i, p. 165, Message of Gov. Call.

teers had been called out in Florida and neighboring states for service against the Indians. For six years about 4,000 regular troops had been on duty. The national government had expended more than \$20,000,000 in maintaining and operating its troops. More than 1,000 lives had been lost in campaigning. Outlying settlements had been burned and the inhabitants massacred. The Seminoles had fought like tigers and the reputations of more than one American general had suffered.<sup>1</sup>

In spite of misfortunes the population of the territory increased steadily. By 1846 it was 58,000. Florida was entitled, therefore, to admission into the Union of states.<sup>2</sup> In accordance with the principle of balanced representation in the Senate between free soil and slave soil, bills for the admission of Florida and Iowa were coupled together. The former entered the Union on the 3rd of March, 1845; the latter, in 1846.<sup>3</sup>

The new Southern state began its career with local political parties active and well established. Within a few years the discussion of slavery in the territories deeply colored politics in Florida. The entire nation was then moving into the thick of this controversy. The Democrats controlled

<sup>1</sup> For Seminole War see particularly: *Sen. Docs.*, 26th C., 1st S., No. 278; *Ex. Docs.*, 25th C., 2nd S., No. 78.

Also following documents: *Ex. Docs.*, 25th C., 2nd S., No. 299; *H. Docs.*, 26th C., 1st S., No. 136, No. 142; 28th C., 1st S., No. 70; *Sen. Docs.*, 26th C., 2nd S., No. 226, No. 227; 29th C., 1st S., No. 22.

The following secondary works are valuable: Fairbanks, *History of Florida*; Sprague, *Origin, Progress and Conclusion of the Florida War*, 1848; Potter, *The War in Florida*, by a staff officer, 1836; Cohen, *Notices of Florida and the Campaigns*, 1836; Coe, *Red Patriots*; Giddings, J. R., *The Exiles of Florida*, 1858; Perrine, *A True Story of Some Eventful Years in Grandpa's Life*, 1885 (a tremendously realistic account of an Indian massacre, etc.).

<sup>2</sup> *H. Docs.*, 28th C., 2nd S., No. 111, resolutions of Fla. legislature.

<sup>3</sup> See Wilson, *Rise and Fall of the Slave Power*, v. ii, chap. i.

the government in 1846. They had successfully attacked the rich Whig planters of Central Florida in 1840. The strength of the Democrats lay in the counties east of the Suwanee river—East Florida. Their opponents, the Whigs, were strongest in the western and central counties. In 1848 the Whigs carried the state—electing the governor, controlling the legislature, and casting the state's presidential vote for General Taylor.<sup>1</sup> This was the last Whig victory. The Democrats regained control of the state two years later, and held it in their grip until secession took it out of the Union and brought a revolution which before it ended overthrew and discredited the Democratic party.

The most significant phenomena of these ten years preceding the great war were the steady development of a militant pro-slavery sentiment and the spread of cotton fields and railroads. Those who owned the cotton fields, promoted the railroads, and controlled the government were slave-holders. The majority of the whites were non-slave-holders. They belonged to this class not from principle but because they were too poor to belong to the other. In 1850 the population of the five cotton counties of Central Florida was approximately 39,000. The population of the state was 87,445, 39,000 of whom were negro slaves. More than 22,000 of these slaves were in the five cotton counties of Central Florida (Jackson, Gadsden, Leon, Jefferson, and Madison). In the other counties the white population exceeded the black about three to one.<sup>2</sup> Those whites in Florida who held slaves numbered at this time probably 3,000.

The output of cotton fields, turpentine orchards, and lumber camps constituted the exportable wealth of the state.<sup>3</sup>

<sup>1</sup> *Floridian and Journal*, Oct. 3; Oct. 4; Nov. 11, 1848.

<sup>2</sup> *Census of 1850*.

<sup>3</sup> *Floridian*, Feb. 18, Sept. 25, Sept. 27, 1858. *Floridian and Journal*, Apr. 30, 1859. *De Bow's Review*, *passim*.

Almost everything consumed except vegetables, forage, and corn meal was imported. The planter bought his goods from the jobber merchant in the towns. The jobber purchased them generally in the Northern or Western states. Even salt meat came to many plantations of Florida from the West *via* New Orleans. Mules and horses in large numbers came from Tennessee and Kentucky.<sup>1</sup> Most imports and exports passed through Pensacola, St. Marks, and Apalachicola on the Gulf; and Jacksonville and Fernandina on the Atlantic. In the summer months many of the more prosperous inhabitants left the coast towns and sought a cooler portion of the country. When the autumn came the families returned; cotton began to arrive by river boats and railway; ocean-going ships entered the harbors to take the cotton to distant ports; trade and industry revived; and usually a season of gayety followed which to this day old inhabitants look back on through the enchanted vista of the "good times before the War" when they were young. Florida's public economy was typically that of the far-southern slaveholding commonwealth. Cotton fields were many and large and factories few and small.<sup>2</sup>

The decade of the fifties was a period of unusual economic activity.<sup>3</sup> "Boom" enterprises in Florida began

<sup>1</sup> *De Bow's Review*.

<sup>2</sup> According to the Federal census of 1860 only \$1,874,125 were invested in Florida manufactories, which employed 2,454 workers. \$886,000 of this amount was invested in Santa Rosa County, mostly in saw-mills.

<sup>3</sup> *De Bow's Review*, Apr., 1853, *passim*. In 1850 there were less than 50 miles of railway in Florida. The creation of the Internal Improvement Fund by the state in 1855 was a prime cause of the steady expansion of railway lines. The directors of this fund endorsed railway bonds to the amount of \$10,000 per mile and gave, in addition, huge grants of land to the corporations. See *Minutes of Trustees of*

again. Railroads were projected and built with energy. 380 miles of railway were constructed and put into operation during the decade ending 1860, at a cost of more than \$8,000,000.<sup>1</sup> Florida surpassed Louisiana, Texas, and Arkansas in added railroad mileage for this period. More saw-mills were built; more roads were blazed out; more turpentine was extracted from the trees; more fields were cleared for the cultivation of cotton and corn.<sup>2</sup> Settlers poured into the central peninsular counties—Alachua and Marion, particularly. The state's population went from 87,445 in 1850 to 140,427 in 1860.<sup>3</sup> Of the 77,747 free whites in Florida by the latter year, 42,145 were natives of other states and foreign countries. 1,725 were natives of the North. The value of the real and personal property rose from \$22,862,270.00 in 1850 to \$73,101,500.00 in 1860.<sup>4</sup> The influence of Wall Street in the state's develop-

*Internal Improvement Fund*, 5 vols., 1855, Florida Historical Society, Jacksonville. Also Rerick, *Memoirs of Florida*, v. i, pp. 168-180.

Concerning the condition of transportation and communication by stage line, river boat, and sea-going steamer, see *Floridian and Journal*, Dec. 29, 1849; May 5, 1857; Nov. 20, 1858; *East Floridian*, Nov. 10, Dec. 15, 1859; *Florida News*, Feb. 17, Apr. 14, May 5, Dec. 23, 1858; *Hunt's Magazine*, July, 1851; *Banker's Magazine*, Feb., 1859; *De Bow's Review*, Jan. and July, 1859.

<sup>1</sup> *Census of 1860*.

<sup>2</sup> The Federal *Census of 1850* reported 349,049 acres of improved farm land in Florida; the census of 1860 reported 654,213 acres. The horses and cattle in Florida increased from 250,000 to 450,000 head; the cotton produced from 45,000 to 65,000 bales; corn, from 2,000,000 bushels to 3,000,000 bushels, etc. See *Floridian and Journal*, Feb. 8, 1851; Feb. 4, Apr. 25, July 11, 1857; Feb. 6, 1858; May 21, May 28, Sept. 17, 1859. See also Message of Gov. Perry on the condition of railways and general economic development, *East Floridian*, Dec. 10, 1859; Jan. 19, 1860.

<sup>3</sup> *Census of 1850, 1860*.

<sup>4</sup> *Census of 1860*. This is not the "assessed valuation" but is given as the "intrinsic", market, or true valuation.



ment then was about as obvious as it is to-day. The growing cotton and lumber trade to Europe was financed through New York. Railway bonds and other securities were marketed there.<sup>1</sup>

Yet in spite of this economic development, broadening in its very nature, public opinion became narrowed down and surely crystallized first against "free soil" and "abolition" ideas;<sup>2</sup> and finally against "the North" without distinction. When public opinion thus crystallizes, either a very dangerous or a very safe condition has been reached by the body politic.

The national political crisis of 1850 which came so near bringing on a civil war was responded to in Florida. "Southern Rights Associations" were formed throughout the state. The Fourth of July picnics and barbecues of 1851 were occasions for extremely anti-national demonstrations.<sup>3</sup> At Madison, for example, after a great crowd of planters and poor whites had listened to prayers, the Bible, and the Declaration of Independence, toasts were offered as follows: "A seceder in '32, the same in '51"; "May peace be our motto till war is inevitable".<sup>4</sup>

As a factor in practical politics the "Southern Rights" movement in Florida strengthened the Democratic party there. In the Nashville Convention of 1850 the state was represented by United States Senator Mallory. He was not enthusiastic and expressed the opinion that the convention was of no importance beyond possibly organizing the

<sup>1</sup> This reliance on New York is suggested by newspapers and pamphlets, such, for instance, as *Internal Improvement Bonds of Fla.* (1858), a pamphlet printed in New York (Libr. Fla. Hist. Soc.); *Fla. R. R. First Mort. Bonds*, etc. (Libr. Fla. Hist. Soc.).

<sup>2</sup> See burthen of Democratic accusation against the Whigs, *Floridian and Journal*, Jan. 5, 1855.

<sup>3</sup> *Floridian and Journal*, March 25, Apr. 19, 1851.

<sup>4</sup> *Floridian and Sentinel*, July 19, 1851.

South to stand united against hostile opinion in the North. "In ten years," he said, "no Northern statesman would be bold enough to break a lance in the Southern Cause."<sup>1</sup> The future proved the fallacy of his prophecy.

The Whigs lost the election of 1852 by only 22 votes out of 9,000 cast. In the election of 1854 the Democrats won by 1,000 votes out of 10,000 cast.<sup>2</sup> Following the defeat of the Whigs in 1852 the American party appeared. It was the incomplete successor of the Whig party and was popularly termed by its opponents "Know Nothing". A "Know Nothing" state convention met in Tallahassee during December, 1855.<sup>3</sup> Seventeen counties were represented by delegates who found real difficulty in being themselves without encroaching upon Democratic ground. A delegation was duly chosen for the national convention and distinctly pro-slavery resolutions were adopted.

The Democrats were singularly aggressive in the congressional elections of 1854 and the general election of 1856. The issues were national issues—the Kansas question, the policy of Mr. Douglas, the Fugitive Slave law, national expansion.<sup>4</sup> Slavery underlay in some fashion every question of public moment taken up for discussion. The Democrats carried both elections,<sup>5</sup> and followed it by winning the congressional election of 1858 with an increased majority.<sup>6</sup> The "Know Nothing" strength was

<sup>1</sup> *Floridian and Journal*, Feb. 8, 1851.

<sup>2</sup> *Florida Sentinel*, Oct. 10, 24, Nov. 7, 1854.

<sup>3</sup> *Floridian and Sentinel*, Dec. 11, 1855.

<sup>4</sup> *Floridian and Journal*, Jan. 5, Feb. 23, Mch. 8, 18, Apr. 12, 26, May 3, June 17, July 12, 19, Aug. 23, 26, 30, Sept. 13, 1856.

<sup>5</sup> *Florida Sentinel*, Nov. 7, 1854; *Floridian and Journal*, Oct. 11, 1856.

<sup>6</sup> *Florida News*, Feb. 17, May 26, June 9, Aug. 14, 1858; March 17, 1859; *Floridian and Journal*, Feb. 13, July 31, Aug. 14, 28, Sept. 18, 1858; *East Floridian*, July 14, 1859; *Floridian*, Nov. 26, 1859.

being absorbed by the more positive Southern Democracy. The state was steadily drifting completely into the Democratic column, and Southern leaders of the Democratic party were becoming with each election more pronounced and clear in their demands.

Governor Perry's message of 1858 recommended the re-organization of the state's militia. "The late elections in the non-slave-holding states," he wrote, "bode no good for us in the South."<sup>1</sup> The nation was inevitably moving toward the parting of the ways. Many thoughtful persons must have realized it by this time. The idea of possible secession had become old. The attempt of John Brown to bring about a slave insurrection in Virginia (1859) found an inflamed public opinion in Florida.<sup>2</sup> The leading papers published long accounts with heavy headlines of this narrowly-averted servile rising. An alarum of unfortunate depth was sounded. The more susceptible among the whites expressed fear that abolition fanaticism would cause the blacks to repeat the horrors of Santo Domingo. Governor Perry, in his message of December, 1859, declared that the anti-slavery sentiment in the North made that section aggressively hostile toward the South; that the people of the North had annulled the written contract by their refusal to render up fugitive slaves; that the "John Brown villainy" was part of the Republican party's policy; that he was in favor of "eternal separation from the Union." He expressed his fear of a slave rising.<sup>3</sup>

The appearance of the incendiary *Impending Crisis* by Hinton Rowan Helper fed the dangerous flame of ill-will.

<sup>1</sup> *Floridian and Journal*, Nov. 20, 1858, Governor's Message.

<sup>2</sup> Florida newspapers, 1859-60, *passim*; also *The New Reign of Terror*, etc., anti-slavery tract (p. 132).

<sup>3</sup> *East Floridian*, Dec. 15, 1859.

In Florida notices of it appeared prominently in various papers and extracts from the most violent passages were printed on the front page of the influential Fernandina *East Floridian*.<sup>1</sup>

The year 1860 in Florida was one of unrest, suppressed feeling and vague military preparation. Volunteer military companies were organized in Fernandina and Tallahassee because of the "critical state of national affairs".<sup>2</sup> One journal published an article on the cost of raising and equipping a brigade for active service.<sup>3</sup> "Vigilant committees" were formed in the various towns to suppress slave risings and to send out of the state those persons suspected of being abolitionists.<sup>4</sup>

Democrats were prominent in this agitation. Local leaders were vigorously at work throughout Florida during the spring and summer of 1860. The state administration was Democratic and the governor used the influence of his position to arouse the state. The legislature, which was Democratic, was responsive to the radical influence of the Democratic governor, and he responsive to the legislature. From one end of the state to the other, county and local Democratic leaders engineered ably the campaign of 1860.<sup>5</sup> Their cry was: "Oppose the North, which seeks the control of the national government to *exclude* slavery from the territories and *destroy* it in the South." The facts in the case made their position a strong one.

They were opposed by the Constitutional Union party—composed of conservative Democrats and Old-Line Whigs.

<sup>1</sup> *East Floridian*, Dec. 22, 1859.

<sup>2</sup> *Floridian*, Dec. 31, 1859. *E. Floridian* (Fernandina), Jan. 5, 1860.

<sup>3</sup> *E. Floridian*, Jan. 19, 1860.

<sup>4</sup> *Ibid.*, Oct. 4, 18, Nov. 7, 1860.

<sup>5</sup> *Floridian*, Apr. 7, 14, 1860, etc.

Its personnel included a large number of the Scotch Presbyterians of West Florida and many of the most aristocratic and wealthy planters of the cotton counties west of the Suwanee river. The Constitutional Union convention met in Quincy early in April.<sup>1</sup> The party resolutions adopted there acknowledged the "wrongs inflicted on the South", but advanced a pacific, rational, and judicial method for righting these wrongs—differing thereby with the Democratic policy. The policy of the Constitutional Union party was, in fact, that of a calm and wise lawyer seeking a compromise. But, unfortunately, the country was in no mood for restrained behavior. Men believed that they saw clearly where the interests of the South clashed with the intentions of the North. Compromise would entail sacrifice—and the South, driven to the wall, had nothing to sacrifice except that which involved absolutely its immediate prosperity.

A Democratic state convention met in Tallahassee on April 9th.<sup>2</sup> Its resolutions endorsed the action of a recent Democratic state caucus at Washington; reviewed the historical foundation of state rights; declared negro slavery to be a necessary domestic institution; declared it to be the duty of Congress to protect slavery in the territories; and insisted upon the strict enforcement of the Fugitive Slave law.

Florida was well represented at the national Democratic convention in Charleston, S. C., where the fatal sectional division within the Democratic party was exposed.<sup>3</sup> Its

<sup>1</sup> *Floridian*, Apr. 14, 1860.

<sup>2</sup> *Ibid.*, Apr. 14; *E. Floridian*, Apr. 19, 1860.

The Florida delegation included John Milton of Jackson County; Chas. E. Dyke of Leon County, editor of the Tallahassee *Floridian*; J. B. Owens of Marion County. John Milton was shortly after elected governor of Florida. *Floridian*, Apr. 14, 1860.

delegation, as a body, seceded from the convention with the other cotton state delegations when the convention, controlled by the Northern Democracy, failed to endorse the extreme and uncompromising Southern view. The Florida protest, signed by the state's delegates and laid before the convention, was as follows:

The undersigned Democratic delegates from the State of Florida enter this their solemn protest against the action of the Convention in voting down the platform of the majority. Florida with her Southern sisters is entitled to a clear and unambiguous recognition of her rights in the territories, and this being refused by the rejection of the Majority Report, we protest against receiving the Cincinnati Platform with the interpretation that it favors the Doctrine of Squatter Sovereignty in the territories, which doctrine, in the name of the people we represent we repudiate.<sup>1</sup>

The delegates from Florida—T. J. Eppes, B. F. Wardlow, John Milton, J. B. Owens, and C. E. Dyke—soon returned to their state. The news of what had happened at Charleston preceded them. The Democratic party had split in twain over the slavery issue. The news was of tremendous import to the people of Florida. Mass meetings were called together in practically all important towns and villages, and along with impassioned talk resolutions were adopted which endorsed the action of the Florida delegates in withdrawing.<sup>2</sup> John Milton, a prominent planter of Jackson county, on his return from the convention spoke to crowds of people in Fernandina and Tallahassee concerning what had transpired at Charleston. He emphatically stated that the failure to agree was not due to petty wrangling between Northern and Southern politicians. The

<sup>1</sup> *Floridian*, May 5, 1860.

<sup>2</sup> *E. Floridian*, May 12, 24, 31, June 14, 1860.

cause, he said, lay in the profound difference in public opinion North and South.<sup>1</sup>

All Florida Democrats were not in sympathy with either the act of withdrawal at Charleston or the attempt which followed to form a Southern Democratic party. United States Senator Yulee wrote from Washington to C. E. Dyke, editor of the *Floridian*, strongly protesting against the sending of a delegation to the Southern Democratic convention called to meet in Richmond, Va. He stated that the formation of a Southern party would weaken the Southern cause.<sup>2</sup> His views coincided with those of a conservative minority in Florida.

But the Democratic state convention which met in Quincy, June 4th, took the radical Southern position. Delegates were here chosen for the Richmond convention and John Milton of Jackson county, West Florida, was nominated for governor on the twenty-third ballot, after a fierce contest.<sup>3</sup>

The Constitutional Unionists were active. They chose a full delegation for the National convention to meet in Baltimore; nominated Colonel Edward Hopkins, a well-to-do planter, for governor; and prepared generally to contest the elections vigorously.<sup>4</sup> They charged the Democratic party with deliberately planning disunion. The Democrats did not seek to deny the charge.

At a Democratic meeting in Jacksonville on May 15th, it was resolved that

regardless who may be the nominee of the several presidential

<sup>1</sup> *E. Floridian*, May 3, 10, 12, 1860. J. J. Williams and T. J. Eppes also spoke in Fernandina on the convention.

<sup>2</sup> *E. Floridian*, June 14, 1860.

<sup>3</sup> *Floridian*, June 16, 21, 1860.

<sup>4</sup> *Ibid.*, June 23, 30, 1860.

conventions or who may be elected President, if it appear from such election that a majority of the people or the states of this Union deny to the South the amplest protection and security to slave property in the territories owned by the General Government, or if it indicate approbation of the continued refusal of the free states to surrender fugitive slaves when legally demanded . . . then we are of the opinion that the rights of the citizens of Florida are no longer safe in the Union and we think that she should raise the banner of secession and invite her Southern sisters to join her.

At a Democratic meeting in Gainesville, on May 21st, it was resolved that "if in consequence of Northern fanaticism the irrepressible conflict must come we are prepared to meet it". Another meeting resolved that "we would sacrifice our lives before we would yield to the Black Republican Party".<sup>1</sup>

The campaign was fought out stubbornly and sharply, but the passing weeks showed the weak points in the position of the Constitutional Union party.<sup>2</sup> Its rational conservatism was not popular in this crisis. What program had it to offer in case the Republicans won? The state seemed strongly Democratic. Of the twenty-two newspapers in Florida seventeen were Democratic, which number included the most influential journals.<sup>3</sup>

The methods of radical Southern politicians were often dictatorial and bulldozing—causing here and there lawless outbreaks when regulators attempted to coerce opponents. Following the John Brown incident at Harper's Ferry and the organization in the North of the "Wide Awakes" and

<sup>1</sup> *E. Floridian*, Aug. 23, 1860.

<sup>2</sup> *E. Floridian*, July 9, 26, Aug. 23, Sept. 6, 1860; *Floridian*, Aug. 13, 25, Sept. 8, 1860, *passim*.

<sup>3</sup> The *U. S. Census of 1860* gave Florida only 20 papers, 17 of which were weeklies, one bi-weekly, and two tri-weekly.



similar organizations, "vigilant committees" and companies of "Minute Men" were formed in several counties in Florida. The idea came probably from South Carolina. The professed object of these extra-legal bands was to keep an eye on the slaves and those suspected of being Abolitionists. Some did more than this. They attempted to drive out of the country those persons suspected of being not in sympathy with the extreme Southern position.

In July (1860), for instance, a Dr. Wm. Hollingworth was attacked at night in his home in Bradford county by regulators because of his anti-Southern views. The assailants fired on him through windows and doors. He and his son fought back until the elder man was badly wounded. The end of the tragedy is not recorded. In East Florida bands of whippers and thugs operated through the country at this time. They were reported to have secret signs of recognition and pass-words and to be "bound together by horrid oaths and penalties". Men were dragged from their beds at night, stripped, blind-folded, taken into the woods and whipped. In East Florida near Santa Fe a local vigilante committee found one James Douglas guilty of tampering with the slaves. They shaved his head and sent him out of the state. In Escambia County, West Florida, a man who was rather loud in his condemnation of the Southern viewpoint was taken from his house into the back yard and there, in the presence of a sick wife, brutally whipped. She died from the ordeal of witnessing the beating and he became a bitter Unionist during the war.

In Calhoun County (West Florida) a party of men calling themselves "regulators" visited the house of one Jesse Durden, late in October, 1860. They murdered Durden and then, proceeding down the county road, overtook two of the dead man's friends whom they likewise killed. The friends and relatives of the three dead rose to avenge the

killings. The conflict soon reached such proportions in Calhoun County that Judge J. J. Finley of the state circuit court declared the county to be in a condition of "insurrectionary war," and Adj.-Gen. Anderson promptly ordered there a brigade of state militia. At the same time the Federal judge for the northern district of Florida, McQueen McIntosh—later a radical in the secession convention—directed his United States deputy marshal, H. K. Simmons, to summon a posse and execute such processes in Calhoun County as he should order. A company of militia from Jackson County marched into the affected district, the so-called insurrection was suppressed, and twenty-seven arrests made—besides the binding under peace bonds of some thirty individuals.<sup>1</sup>

The real character of these lawless conflicts immediately preceding the war has never been historically established. Did the Democrats in these localities resort to such means in order to crush the obstruction of minorities? or were the Democratic majorities made and held by systematic terrorism and coercion? or was there no connection at all between Democratic politics and violence? Certainly in those sections of the state where most trouble existed in 1860 were found during the War most deserters and "Union Men" or anti-Confederates—as, for instance, in Calhoun and Escambia Counties. The two judges who were most prominent in suppressing the Calhoun County trouble were soon after leading figures in taking the state from the Union.

Bad feeling was painfully evident in the fall of 1860 and wild expressions were running loose, such, for instance, as the following:

These associations [vigilant committees] should be composed of firm, respectable, and prudent men. The election of Lin-

<sup>1</sup> *E. Floridian*, Oct. 18, 31, 1860.

coln now so imminent will doubtless embolden many of his followers to visit the South for the purpose of spreading his damn doctrine. Let Florida be prepared to give all such a meet and proper reception. If any individual is convicted of tampering with our slaves let him die the death of a felon. If they furnish necks, hemp is cheap and oak limbs handy.

Before the autumn elections the press began to discuss the method of seceding in case the Republican party elected the President.<sup>1</sup> The people of Florida did not believe that secession would be a peaceful, constitutional process. The dreadful note of preparation for war was in the air. "From every portion of the South exchanges bring accounts of formation, arming, and drilling of military corps." In Florida, following the advice of Governor Perry, the legislature, by statute, provided for the reorganization of the state militia. Elections were held during the spring of 1860 putting into operation the law.<sup>2</sup> Companies of "Minute Men" were forming in hamlet after hamlet and coalescing into larger military bodies. The magazine was prepared for the explosion when the spark should be dropped. The people awaited with suppressed agitation the result of the national election.

The Democratic party was desperately active. Vituperation and invective were poured out upon the heads of Lincoln and his followers. The Democratic speakers and editors with force and reason appealed to men's passions in their discussion of Southern rights. Their positive program of no compromise with Republicanism won votes. Yet the Constitutional Unionists fought hard and skillfully and with the prestige of aristocratic leadership.

The Breckinridge and Lane (Southern Democratic)

<sup>1</sup> *Floridian*, Nov. 3, 1860.

<sup>2</sup> *E. Floridian*, May 24, 1860; *Floridian*, July 14, 1860.

ticket carried the state, on the 7th of November, by a substantial majority. The votes cast were as follows:

Breckinridge and Lane .....	8,543
Bell and Everett (Constitutional Unionist) .....	5,437
Douglas and Johnson (Northern Democratic) .....	367
Lincoln and Hamlin (Republican) .....	0
	<hr/>
	14,347
Breckinridge and Lane majority .....	1,369 <sup>1</sup>

"Are you ready?" asked the *Floridian* of its readers on the day that the fatal votes were cast. They were. A few days later that journal struck well the common sentiment in Florida when it declared: "*Lincoln is elected. There is a beginning of the end. Sectionalism has triumphed. What is to be done? We say resist.*"<sup>2</sup>

<sup>1</sup> Stanwood, E., *History of the Presidency*, p. 297; Greeley, *American Conflict*, v. i; Greeley's and Stanwood's figures do not exactly agree.

<sup>2</sup> *Floridian*, Nov. 10, 1860.

## CHAPTER III

### SECESSION

FROM another quarter of the state came the expression of similar opinion. "Secession of the state of Florida. Dissolution of the Union. Formation of a Southern Confederacy," ran the headlines of a leading newspaper. The account continued:

The time has come—Lincoln is elected—The curtain has risen and the first act of the dark drama of Black Republicanism has been represented—The issue has been boldly made—Throw doubt and indecision to the winds—the requisite steps should be taken at once for the arming and equipment of every able-bodied man—The irrepressible conflict has commenced—We must meet it manfully and bravely—Florida will secede.<sup>1</sup>

In many towns of the state mass meetings protested against the election of Lincoln.<sup>2</sup> They were Democratic meetings, but as the Southern Democratic party was in power and borne up by a rising wave of popularity, their proceedings probably reflect with fair accuracy the temper of more than the party majority. Florida became perceptibly more radical after the election. In Gainesville, Alachua County, a meeting called upon the legislature by resolution to order a convention of "the people". Secession, it thought, was the proper course for the state. It advised that all citizens arm and that the state be

<sup>1</sup> *E. Floridian*, Nov. 14, 1860.

<sup>2</sup> *Floridian*, Nov. 24, 1860; *E. Floridian*, Nov. 28, 1860.

put immediately in a condition for defense.<sup>1</sup> Radical Governor Perry was from Alachua County.

Late in November the governor submitted his message to the legislature. He was a vigorous and direct man as well as an active politician. His position in this crisis was never in doubt. His message on the situation was as clear and strong as it was narrow and bitter. "The crisis expected by men of observation and reflection has at last come," he said:

The only hope that the Southern states have for domestic peace or for future respect or prosperity is dependent on their action now, and that action is, secession from faithless, perjured confederates. But some Southern men object to secession until some overt act of unconstitutional power shall have been committed. If we wait for such an overt act our fate will be that of the whites in Santo Domingo. I recommend that a convention of the people be called at an early date to take such action as necessary. I further recommend that the militia laws be revised and that \$100,000 be appropriated as a military fund for the ensuing year, to be expended as the public necessity may require.<sup>2</sup>

These very pronounced views met with wide endorsement. One political enemy of the governor stated that the sentiments expressed would "coincide with the views of a vast majority of the citizens of Florida."<sup>3</sup>

The legislature acted promptly. In the senate were now thirteen Democrats and eight termed "Opposition"; in the house, thirty-seven Democrats and ten "Opposition".<sup>4</sup> The opposition was affected by the radical spirit of the majority. When on November 28th, a bill was presented in

<sup>1</sup> *E. Floridian*, Nov. 28, 1860.

<sup>2</sup> Gov.'s Mess., *Floridian*, Dec. 1, 1860.

<sup>3</sup> *E. Floridian*, Dec. 5, 1860.

<sup>4</sup> *Ibid.*, Nov. 17, 1860.

the legislature for the calling of a convention to consider the question of Florida's position in the Union, it passed both houses with but one dissenting vote. On November 30th the bill became a law. It provided for a special election on December 22nd of delegates to a "convention of the people". This convention, according to the statute, was to assemble in Tallahassee on January 3rd. Its prospective business was to take the state out of the Union.<sup>1</sup> On the day that the convention bill became a law, November 30th, Governor Perry issued a proclamation setting forth the conditions of the coming election. Judges of probate were directed to appoint inspectors and to make all other necessary arrangements. The object of the convention was declared to be to "consider the dangers incident to the position of the state in the Federal Union and to amend the constitution in any way necessary."<sup>2</sup>

Florida was rapidly and surely making toward secession. Some men tried desperately at this late date to change the course of public opinion. Their efforts proved pathetically futile. The 5,804 Constitutional Unionists and Douglas Democrats were now a negligible force in controlling the destinies of the state. Ex-Governor Richard Call of Tallahassee, who had come into Florida with Andrew Jackson, who had stood by his chief in the Nullification controversy with South Carolina, and who clung to earlier ideals of positive nationalism, strove to assemble the people, "here and there. But faction leaders would not let the people hear him. Counter-meetings and closed doors excluded him. Pleadingly he argued and wrote and published, and in the name of God and his country he declared the contemplated act treason. Few would listen and some noisy, brainless fellows called him a submissionist."<sup>3</sup>

<sup>1</sup> *Floridian*, Dec. 5, 1860.

<sup>2</sup> Procl., *E. Floridian*, Dec. 5, 1860.

<sup>3</sup> Long, *Fla. Breezes*, p. 283.

On December 1st, he issued a pamphlet containing his appeal. "My fellow citizens," he wrote,

on Monday last your legislature met. Secession was the watchword, and reply, and on Thursday before the hour of 12 was consummated an act amid rapt applause which may produce the most fatal consequences. This act provides for a convention of the people to be chosen with the same rushing haste to assemble in your capital on January 3rd, next. And for what purpose? *Secession of the State of Florida from the Union*. I proclaim that when that deed shall be done it will be treason, high treason against our constitutional government. Is the election of a sectional president by a sectional party consisting of less than one-third of the political strength of the Nation sufficient cause for justifying rebellion and revolution against your government? Is it not a fact that the present disunion movement in Florida is not because of the election of Mr. Lincoln but from a long-cherished hatred of the Union by the leading politicians of the State? Wait then, I pray you, wait!<sup>1</sup>

But the legislature and the governor did not wait. Within two weeks \$100,000 were appropriated for military purposes and Governor Perry had left the state ostensibly for the purchase of arms and ammunition.<sup>2</sup> The legislature and governor evidently believed that they were acting in harmony with the will of the "people at home". The fact is, Southern slavery was threatened as never before. The Southern planter opposed the destruction of a system on which his worldly prosperity depended. And the poor white, with no slaves to lose or rich lands to decrease in value if the social system should be so radically changed, was opposed to the idea of the free negro. To the slave, the poor white was merely "low-down white trash". The

<sup>1</sup> Pamphlet containing appeal of Call, Libr. P. K. Yonge, Pensacola.

<sup>2</sup> *E. Floridian*, Dec. 12, 1860.



"white trash" reciprocated by having no particular liking for "a damn nigger". The possibility of a proletariat of blacks and whites was distasteful to those poverty-stricken Caucasians who foresaw, by instinct if not by intelligence, what might come to pass.

All intelligent men of the South, regardless of riches or enlightenment, knew that the party which won the national elections of 1860 received its support in the North and was hostile to slavery. Most men of conservative opinion believed that the activity of the Republican party in the immediate future would be directed only toward making the territories free soil, restricting the spread of slavery. Men of this opinion did not counsel secession because conditions, they thought, warranted no such radical, dangerous move.

The majority of those persons in Florida who swayed and formulated public opinion during 1860 seemed convinced in all sincerity that the victorious political party North meant, somehow, to cripple and ultimately to destroy slavery. In any legislative war on slavery other interests of the South would suffer. A hostile national administration, a hostile national legislature,<sup>1</sup> and a hostile public opinion in the North sustaining such a government—these were the conditions which the Southerner believed that he observed in 1860-1861.<sup>1</sup>

"When the political success of the Republican party culminated in the election of Mr. Lincoln," stated Senator Mallory, of Florida, at a later date, "the conviction of the Southern mind that it would pursue a course of unjust, unequal and class legislation, toward the South, as well with regard to other vital interests as to those of slavery, and

<sup>1</sup> See letters of S. R. Mallory and D. L. Yulee, Senators, for a discussion of the Southern position. *Off. Rcds. Rebell.*, s. i, v. 8, pp. 637, 662-70. Also, letters, proclamations and messages of Gov. Milton, *Milton Papers*, MSS.

that submission would equally disgrace, demoralize and impoverish her people, kindled and sustained the fires of revolution.”<sup>1</sup> The leaders in the attempted revolution were slave-holders—trusted and respected and, in some cases, beloved by the millions of whites too poor to hold slaves.

And there was another reason for opposing the North which did not proceed directly from fear of Congressional interference with slavery in the territories or from dissatisfaction with the poor execution of the Fugitive Slave Law. The President of the United States presented in apt phrases this other Southern nightmare when he declared that in the slave-holding states

a sense of security no longer exists around the family altar. This feeling of peace at home has given place to apprehensions of servile insurrection. Many a matron throughout the South retires at night in dread of what may befall herself and her children before the morning. Should this apprehension of domestic danger, whether real or imaginary, extend and intensify itself, until it shall pervade the masses of the Southern people, then disunion will be inevitable. Self-preservation is the first law of nature and has been implanted in the heart of man, by his Creator, for the wisest purposes, and no political Union, however fraught with blessings and benefits in all other respects, can long continue if the necessary consequence be to render the homes and the firesides of nearly half the parties to it habitually and hopelessly insecure.<sup>2</sup>

Of the 78,000 whites in Florida at the time about 25,000 (men, women and children) constituted the slave-holding class, namely, families whose members actually owned one or more negroes. The census denominated 1,175 whites in Florida “planters”. There were then within the state

<sup>1</sup> *Off. Rcds. Rebell.*, s. ii, v. 8, pp. 662-3.

<sup>2</sup> Moore, *Works of Buchanan*, v. xi, pp. 7-8, Mess. Dec. 3, 1860.

1,123 farms of 100 acres or more, and 1,157 slave-holders who owned 15 or more slaves. These figures suggest a certain correlation of farms, slave-holders, and "planters". 250 of the slave-holders owned 50 or more slaves and 288 farms or "plantations" consisted of 500 or more acres each. Forty-seven planters owned from 100 to 300 slaves and 77 plantations exceeded 1,000 acres in extent. 3,995 slaveholders, of a total of 5,152, owned less than 15 negroes each. 4,676 farms contained less than 100 acres each. The segregation of slaves, slave-holders, and estimated wealth is worthy of some notice. In the seven great planting counties of Alachua, Marion, Madison, Jefferson, Leon, Gadsden and Jackson the valuation of property—real and personal—was \$48,000,000. The total valuation of all property in the state was but \$73,101,500. In these seven planting counties were about 40,000 of the 61,000 slave population and about 26,000 of the 78,000 whites.<sup>1</sup> These counties contained the majority of Florida's wealthier and more enlightened citizens, hence a majority of those who led in the crisis of 1861.

The last two months of the year 1860 witnessed an ominous development in public opinion. The organization of those volunteer companies called "Minute Men" continued. On November 19th such a company tendered its services to the governor. Governor Perry accepted it "as the first company in defense of the State."<sup>2</sup> In Pensacola, a company of "Minute Men" reported among its members United States Senator Mallory and Colonel William Chase, a retired army officer, both active in furthering secession.

The inhabitants of the towns were agitated and excited. In Pensacola, for instance, frequent meetings were held by the town council to discuss the situation. Radical speeches

<sup>1</sup> *Census*, 1860.

<sup>2</sup> *E. Floridian*, Dec. 12, 1860.

were made before mass meetings on the street. "Men, women and children seem to have gone mad," stated a naval officer, stationed in Pensacola harbor at this time. "Everybody was talking secession—officers at the mess table and at home, where the women always take a strong hand; and the workmen during their mid-day meal."<sup>1</sup> United States sailors and marines, ashore from the Federal warships lying in the harbor, were drawn into street fights by the more violent advocates of state rights. To express in public pronounced Union sentiments meant probably a fight unless you quickly ate your words. The excitement grew day by day.<sup>2</sup>

"I traveled by way of Montgomery to Pensacola," wrote Captain Meigs, an army engineer.

There I took the mail steamer and touching off Apalachicola, St. Marks, Cedar Keys, and Tampa, I reached Key West on the 7th [November] and this place on the next day. I found on some parts of the route a feeling of strong hostility to the Union. I heard from men reputed to be sober, careful, conscientious citizens, expressions of regret for the danger of the Union, but of belief that its preservation for many years was impossible, and a feeling that if a struggle was to come, they would prefer it coming now.<sup>3</sup>

The *Marianna Patriot* of Jackson County expressed pronounced secession sentiments in November. Another Florida journal reported "Secession flags everywhere." In Marion County a meeting was held at the county courthouse, where an assemblage of citizens voted for secession, while in the public square of the village floated a flag with

<sup>1</sup> *Erben, Personal Recollections of the War of the Rebellion*, p. 215.

<sup>2</sup> See testimony of witnesses in the Armstrong investigation, *H. Rpts.*, 36th C., 2nd S., no. 87.

<sup>3</sup> *Off. Rcds. Rebell.*, s. 1, v. 52, pt. 1, p. 4.

a single blue star and the inscription, "Let Us Alone." The *Quincy Republican* of Gadsden County reported a secession flag flying in the town of Quincy with the inscription, "Secession, Florida, Sovereignty, Independence". All of this was evident in November.<sup>1</sup>

In some places Lincoln was burned in effigy.<sup>2</sup> Colonel Chase of Pensacola, originally from Massachusetts, in an open letter advocated "*immediate secession*" by the coming convention of the people.<sup>3</sup> United States Senator Yulee in Washington, on hearing that a convention of the people had been called, wrote to the legislature that "he would promptly and joyfully return home if Florida seceded." In St. Augustine the "secession flag" was raised and "blue cockades" were worn by many of the citizens.<sup>4</sup> In Fernandina two military companies were organized, equipping themselves and announcing that their uniforms were of "Southern manufacture".<sup>5</sup> At Mayport Mills, below Jacksonville, several Northern fishermen were forced to leave the locality, because they had expressed opinions which conflicted too much with the pro-slavery sentiments of the natives.<sup>6</sup> On December 12th, affected by the crisis, the Bank of St. Johns in St. Augustine suspended specie payment "in compliance with the wishes of the people".<sup>7</sup> "At Tallahassee," wrote Mrs. Long, "I find the atmosphere redolent with secession. Gallants wear the palmetto cockade. Matrons are ready to buckle the sword for their husbands, and I wonder if they will do it so readily for their sons. Everything is promised everybody—the merchant

<sup>1</sup> *E. Floridian*, Dec. 5, 1860.

<sup>2</sup> *Ibid.*, Dec. 5, 19, 1860.

<sup>3</sup> Letter in *N. Y. Times*, Dec. 15, 1860.

<sup>4</sup> *E. Floridian*, Dec. 19, 1860.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, Dec. 19, 1860.

<sup>7</sup> *Ibid.*, Dec. 12, 1860.

to be rid of paying his Northern debts; the slave-trade, revived for the planters;<sup>1</sup> the ambitious, a new and nearer field of promotion; and those who have nothing are to get something in the general scramble.”<sup>2</sup>

“I believe the temper of the South is excited—dangerous,” Captain Meigs had written General Scott, from Key West, a few weeks before.<sup>3</sup> Such incidents and expressions as the foregoing indicate a public consciousness out of which obviously a political revolution might come. The definite beginning of such a revolution was made by the convention which assembled on January 3rd in Tallahassee at the call of the legislature. On the day named sixty delegates presented their credentials. Among them were some of the best known, most respected and wealthiest men of the state.<sup>4</sup> Little record remains of the manner in which they were elected—whether fair or foul. Their good characters support the assumption that fairness preponderated. They composed a body which was to take unto itself sovereign powers, repudiate the Union, and change in theory at least, the very nature of the state represented.

The temporary chairman, Mr. Pelot, in his opening address, declared that Northern fanaticism had endangered Southern liberties and institutions; that the election of Abraham Lincoln, “a wily abolitionist”, destroyed all hope for the future. “We must stand shoulder to shoulder in the great work before us,” he concluded, “and may the

<sup>1</sup> It is worth while noticing the revival of interest in Florida at this time, in the reopening of the African slave trade. In Aug., 1860, 2,020 Africans captured from “Slavers” were in the hands of Federal authorities at Key West. See *E. Floridian* for June 7, 21, Aug. 9, 1860.

<sup>2</sup> Long, *Florida Breezes*, p. 282.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 52, pt. 1, p. 4, written Nov. 10, 1860.

<sup>4</sup> See Comments by *N. Y. Herald*, Jan. 7, 1861; also *Proceedings of Conven.*, pp. 1, 2.

God of Mercy and Goodness direct us in our deliberations that we may arrive at the best means to accomplish the desired end.”<sup>1</sup>

Amid the suppressed hum of comment which followed the applause McQueen McIntosh, the Federal judge who had recently figured in suppressing the “regulator” disturbances in West Florida, arose.

“Mr. Chairman,” he said, “it is but seldom that men are called upon to discharge the grave and solemn duties about to devolve upon us. And with nations as with men, there is a Providence which fashions their destinies. I therefore move, Sir, that the Right Reverend Bishop Rutledge be invited to a seat by your side and that this convention be opened with prayer.” Bishop Rutledge, whose ancestors had helped take South Carolina out of the British colonial system, prayed that “the Lord would enlighten, direct, and strengthen them” in deciding whether Florida should be taken out of the Federal system.<sup>2</sup> Thus with bitterness toward those whom they had considered their enemies in the North and a solemn appeal for the help of Almighty God in dealing with the situation, the members of the Florida secession convention began their work in true Puritanic spirit.

All delegates elected had not arrived by January 3rd. Four western counties (Escambia, Santa Rosa, Franklin and Liberty) and one eastern county (Clay) were not represented, as well as some of the senatorial districts. Representation was by county and senatorial district. The convention therefore adjourned for two days, until Saturday, January 5th. On that day the body definitely organized itself for its destructive and constructive constitutional work. John C. McGehee, a planter, was chosen president.

<sup>1</sup> *Proceedings of Conven.*, p. 3.

<sup>2</sup> *Ibid.*, p. 4.

The president of the convention promptly systematized the work of the body by appointing committees of five members each on judiciary, ordinance, Federal relations, foreign relations, taxes and revenue, militia and internal police, sea-coast defenses, public lands, *etc.* Each committee was to occupy itself with some phase of the contemplated constitutional change.<sup>1</sup> The appointment of these committees before the convention had acted on the question of Federal relations was an obvious index of what the body expected to do. If Florida was to remain in the Union, there was little reason for thus preparing to revise at that time her fundamental law.

The convention had met to take Florida out of the Union. Two ways of accomplishing this were proposed on the second day of meeting. Mr. Parkhill, a prominent planter of Leon County, submitted the first proposition. He would have the convention take immediate action on secession and then submit its decision to the votes of the people. He would have the people cast their votes for or against the convention's decision after Georgia and Alabama had taken action definitely on secession. His was the conservative plan, whose keynote was delay. It was promptly laid on the table and remained there.

Judge McQueen McIntosh of Franklin County, proposed the second plan. He would have secession proclaimed as a state right, Florida proclaimed justified in exercising that right, and the convention proclaimed competent to act for the state. This proclamation method was simpler, swifter, more direct, more radical, more popular, and more dangerous than the other. McIntosh's resolutions were ordered printed and further consideration was postponed until Monday.<sup>2</sup>

<sup>1</sup> *Proceedings of Conven.*, p. 12.

<sup>2</sup> *Ibid.*, pp. 12-13.



On Monday, January 7th, the question of secession, the *raison d'être* of the convention, was again taken up. "Florida is very impatient to be the second State in the banner of the South," recorded a critic of the convention.

The Convention which was called merely to ratify the foregone conclusions of the politicians of the State is now in session, and the town [Tallahassee] is full of bewildered and excited people. The timid are silent or are with the popular voice in the noise they make, and would change with them tomorrow for the same reason. The Convention is formed of the most ultra element who have not come to investigate, reason or determine, but with a fixed purpose to vote Florida out of the Union. . . . The halls of the capital are crowded day and night. Citizens—even ladies—attend the councils while the wildest excitement prevails.<sup>1</sup>

Ere the vote was taken in Florida on secession the delegates were addressed by commissioners from Alabama, South Carolina, and Virginia. These gentlemen—E. C. Bullock of Alabama, S. C. Spratt of South Carolina, and Edmund Ruffin of Virginia—had been introduced to the convention by Governor Perry,<sup>2</sup> who had recently returned from a trip into South Carolina and probably into Georgia. The words of the commissioners—advance agents of the Confederacy—constituted a part of the radical appeal from abroad. They came on the wings of revolution. They counselled radical action. They found in Tallahassee a radical body to counsel. Advice is attended with interest when we are like-minded with the counsellors and are dubious of the future.

Mr. Spratt, of South Carolina, read the secession ordi-

<sup>1</sup> Long, *Florida Breezes*, p. 303.

<sup>2</sup> *Proceedings of Conven.*, p. 14. Spratt and Bullock did most of the talking. Virginia's position then was very uncertain.

nance of his state. He then read the eloquent address of South Carolina on the "Relations of the Slave-holding States". He concluded with a speech on his own state's recent action.<sup>1</sup> South Carolina had left the Union on December 20th. Commissioners of the Republic of South Carolina to the United States had been appointed two days after her secession. Major Anderson had withdrawn to Fort Sumter the Federal troops under his command. South Carolina had prepared to resist with force if necessary the landing of supplies or reinforcements in Sumter. While Spratt spoke in Florida, the Federal steamer "Star of the West" was at sea bound for Fort Sumter with supplies, and South-Carolinians were preparing to open fire on her when she should come within range.<sup>2</sup>

The South Carolina commissioner was discussing, therefore, not vague generalities concerning what might come to pass. He spoke of changes and conditions which indicated abnormal times. The entire body politic was affected. The spirit of revolution was in fact already unchained.

The words of the commissioners vitalized the events of the hour to the advantage of radicalism, and thereby hastened, maybe, the separation of Florida from the Union. The state would have seceded regardless of inter-state commissioners. On the day that Spratt spoke, Senator Yulee wrote from Washington that he and his colleague, Mallory, had unequivocally joined with other Southern Senators in declaring that "the Southern States should, as soon as may be, secede."<sup>3</sup> On January 6th, Mr. Mallory informed the

<sup>1</sup> *Proceedings of Conven.*, p. 15.

<sup>2</sup> See accounts in Rhodes, *U. S.*, v. iii, pp. 245-6; Chadwick, *Causes of Civil War*, pp. 225-6.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. i, pp. 442-3. The letter was addressed by Yulee to "Finegan or Call."

Florida convention by telegraph of this secret conclave by Southern senators in which he and Yulee had taken part.<sup>1</sup> Governor Perry of Florida had already appealed to the governor of Alabama for assistance in seizing Federal property;<sup>2</sup> and Yulee in Washington had conspired with Robert Toombs of Georgia to the same end.<sup>3</sup> Dissolution of political bonds had advanced perceptibly by January the 7th.

The convention voted on that day, January 7th, that the "people of the State" possess the "right" to sever political connections when in their opinion just and proper cause exist; it concluded that "just and proper cause" did exist and that Florida should exercise the right.<sup>4</sup> In taking this step the convention committed itself to a view of the Union consistent with the contemplated separation. Both delegates from Walton County in West Florida voted against the resolution. The other three votes in opposition came from East Florida—all five votes coming from white or almost non-cotton-planting counties.

Immediately after the passage of the resolution a "select committee" of thirteen was appointed by the chair to prepare an ordinance of secession. The committee was representative of the various sections of the state. Two days later, January 9th, it reported an ordinance.<sup>5</sup> The convention went into session as committee of the whole for a consideration of the report. The proposed measure was submitted to the judiciary committee with instructions to report in an hour. The judiciary committee promptly brought in the revised ordinance.<sup>6</sup> In the desperate efforts to amend

<sup>1</sup> *Off. Rcds. Rebell.*, s. ii, v. 8, p. 833; s. i, v. i, p. 443.

<sup>2</sup> *Ibid.*, s. i, v. i, p. 444. This seems a reasonable assumption from the letter of Gov. Moore to the Alabama Convention, Jan. 8.

<sup>3</sup> *Ibid.*, s. i, v. i, p. 442. Letter of Yulee, Jan. 5.

<sup>4</sup> *Proceedings of Conven.*, p. 18.

<sup>5</sup> *Ibid.*, p. 25.

<sup>6</sup> *Ibid.*, p. 28.

it the conservative element in the convention showed its strength and policy.<sup>1</sup> Delay by Florida until more powerful states had acted underlay the various projects to amend.

Mr. Ward, of Leon County, would have the proposed ordinance of secession not take effect till the convention had been advised of the actions of Georgia and Alabama on Federal relations. This was lost by a vote of 30 to 39. Mr. Allison, of Gadsden, would have the ordinance not take effect till the governor was informed that Georgia and Alabama had gone out of the Union; and in case these states did not go out, he would have the question of secession submitted to the votes of the people. Lost by a vote of 27 to 32. Mr. Ward then proposed that the ordinance be submitted to the votes of the people. Lost by a vote of 26 to 41. Mr. Morton, of Santa Rosa County, proposed that the convention postpone action till Alabama had signified definitely her intention of quitting the Union. Lost by a vote of 28 to 40. Mr. Ward then proposed that further action on the question of secession be postponed till January 18th. Lost by a vote of 28 to 40.

This ended opposition to the passage of an unqualified and immediate ordinance of secession. The votes for delay had been cast mainly by representatives of the white counties—particularly the western counties which had been strongly Whig. Escambia, Walton and Jackson Counties, for instance, supported solidly a qualified ordinance. But opposition was not confined to a section. Gadsden and Wakulla Counties voted for delay. Four out of five delegates from Leon County did likewise, as well as several members from East and Southern Florida; while in West Florida, Washington, Holmes, and Franklin Counties, abutting Escambia, Walton and Jackson, and containing

<sup>1</sup> *Proceedings of Conven.*, pp. 28-31.

almost the same kind of population, went solidly for immediate secession.

The vote therefore in the secession convention failed to disclose sectionalism within the state or division between planter and poorer white. It merely divided radical Democrat from conservative Democrat and Constitutional Unionist. It tended to show that Florida East of the Suwanee river was more radical than Florida west of that stream. Seventy of the seventy-seven "thousand-acre or more" plantations were *west* of the river, as well as 165 of the 211 planters operating 500 to 1,000 acres.<sup>1</sup> The larger property-holders were conservative when on their actions hung the probability of contest with the Federal government.

With every member present and the visitors' galleries of the senate chamber crowded, the convention proceeded to business on Thursday, January 10th. Excitement was high. The "Star of the West" had drawn fire in Charleston harbor at dawn the day before, and this morning Governor Perry electrified the assembly with a telegram from Florida's representatives in Washington. "Federal troops are said to be moving or about to move on Pensacola forts," it read. "Every hour is important."<sup>2</sup>

For two hours committees submitted reports on constitutional revision, and desultory debate went on. Most of the discussion was by those who sought to delay the secession of the state. They obtained a respectful and unenthusiastic hearing. At last, almost at mid-day, the question of the hour was laid before the convention. The secretary nervously raised his papers from the table and the people bent

*Census, 1860.*

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. i, p. 444. Message of Gov. Perry to Mr. McGehee, president of convention Jan. 10. The message had been sent the day before from Washington and was signed by Mallory, Yulee and Hawkins (congressmen).

forward in silent and strained attention as the proposed secession ordinance was read.

It ran as follows:

We, the people of the State of Florida in convention assembled, do solemnly ordain, publish, and declare that the State of Florida hereby withdraws herself from the Confederacy of States existing under the name of the United States of America, and from the existing government of the said States; and that all political connection between her and the government of said states ought to be and the same is hereby totally annulled, and the said Union of States dissolved, and the State of Florida hereby declared a sovereign and independent nation; and that all ordinances heretofore adopted, in so far as they create or recognize the said Union, are rescinded, and all laws and parts of laws in force in this State, in so far as they recognize or consent to said Union, be and they are hereby repealed.<sup>1</sup>

The vote was taken and stood 62 to 7 for secession. Four of the seven votes in opposition came from West Florida.<sup>2</sup> Both Walton County delegates voted with the minority. At twenty-two minutes past twelve o'clock P. M., January 10th, the president declared the ordinance adopted.<sup>3</sup> Applause broke forth and the shouting was taken up by those outside the hall. The die had been cast. "As the vote was taken," declared Mrs. Long, "the applause was deafening. Men whooped and women clapped their hands. Madame M—— gave way to tears."<sup>4</sup>

<sup>1</sup> *Proceedings of Conven.*, p. 31.

<sup>2</sup> *Ibid.*, p. 31. Those who voted against it were Baker of Jackson Co., McCaskill and Morrison of Walton Co., Rutland of 19th Senatorial District, Gregory of Liberty Co., Hendricks of Clay Co., and Woodruff of Orange Co.

<sup>3</sup> *Proceedings of Conven.*, p. 31.

<sup>4</sup> Long, *Florida Breezes*, p. 306.

Three delegates were appointed to represent Florida in the proposed convention of representatives from those Southern states which would withdraw from the Union.<sup>1</sup> Senator Yulee, in a recent communication to a member of the Florida convention, had urged the immediate importance of a Southern confederacy.<sup>2</sup> The great ordinance passed, the assembly chamber was cleared of its occupants and the doors closed for the day.

Groups formed before hotels, bars and the hospitable general stores to discuss the momentous political developments of the hour. The few bar-rooms did a flowing holiday business—for optimism was running high and the weather was cool. When night came, the many lights which flashed in public buildings and along the usually quiet streets indicated the continuation of celebration. More than 500 lights shone in the "Capital Hotel". Soon scores of rockets and roman candles blazed and ricocheted above the shadows of the live-oaks. Some said Florida was already "a nation". Certainly there was evidence of the political self-assurance necessary to separate national life. The state's rural citizenry swung out in the flood tide of a new national existence with no cities, no factory system, few railroads, sparse population, and less than 1,000 skilled laborers within the length and breadth of the land.<sup>3</sup>

The *New York Times* declared that the secession of Florida meant the wiping-out of old debts, that the South

<sup>1</sup> *Proceedings of Conven.*; Rerick, *Memoirs of Fla.*, v. i, p. 236. The commissioners were Gen. Morton, Col. Patton Anderson and Col. Jas. B. Owens. The convention also created a special council of four to assist the Governor. Perry appointed J. C. McGehee (president of convention), Gen. Morton, Maj. Jno. Beard and Col. Jos. Finegan, members of this Council.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. i, p. 442.

<sup>3</sup> *Census*, 1860.

was in control of "the railroad class who want secession for financial ends".<sup>1</sup> This was an accusation frequently brought at that time and later against the seceding states.<sup>2</sup> It is true that at this time the Florida Railroad owed one firm in New York three quarters of a million dollars.<sup>3</sup> Heavy stockholders in the road were Floridians active in furthering secession. David L. Yulee, United States Senator, was president of the road, and a prominent figure in the secession movement. Florida railways were then built mostly from the proceeds of the sale of bonds guaranteed by the Internal Improvement Fund of the state.<sup>4</sup> Since 1850 more than \$8,000,000 had been expended for the construction of railways in Florida.<sup>5</sup> Part of this sum was contributed by capitalists in the North. Did secession mean necessarily the wiping-out of honest bonded indebtedness? In this tragic and complex crisis in the South's history did the selfish and sinister designs of a few Southern and Northern capitalists arouse the passionate and generally honest prejudices of the more than 5,000,000 Americans who promptly answered the long roll?

A torch-light procession headed by a band of local musicians paraded the streets of Tallahassee. Before the

<sup>1</sup> *N. Y. Times*, Jan. 23, 1861.

<sup>2</sup> Lincoln referred to this aspect of the situation in his first annual message to Congress, Dec. 13, 1861. "There are no courts nor officers to whom the citizens of other states may apply for the enforcement of their lawful claims against citizens of the insurgent states. Some of them have estimated it as high as \$200,000,000, due in large part from insurgents, in open rebellion, to lawful citizens."—*Complete Works* (Nicolay & Hay), v. i, p. 99.

<sup>3</sup> *H. Ex. Docs.*, 38th C., 2d S., no. 18, p. 83. M. O. Roberts of N. Y.

<sup>4</sup> *Minutes Trustees Internal Improvement Fund, Internal Improvement Bonds of Fla.*—a pamphlet (1858); *Fla. R. R. 1st Mort. Bonds*—a pamphlet; Fla. Hist. Soc., etc.

<sup>5</sup> *Census*, 1860.



Capital Hotel Governor-elect Milton, Editor C. E. Dyke of the *Floridian*, and Mr. Hilton, who by Florida's secession had lost his place in Congress, addressed the crowd, which roared approval to the leaders speaking there beneath the flickering light of fat pine torch and astral oil lamp.<sup>1</sup>

On the following afternoon, January 11th, at a few minutes past one o'clock, the members of the convention proceeded in a body to the east portico of the capital building. There in the presence of the legislature, the supreme court, Governor-elect Milton, cabinet members, and a throng of spectators, they signed the ordinance of secession. The signing was by counties. Sixty-four of the sixty-nine delegates signed.<sup>1</sup>

The secretary of state, Mr. Villepigue, affixed the great seal of the state to the document, and, turning, faced the crowd assembled. In a "clear and distinct voice" he proclaimed Florida "an independent nation". A second later fifteen cannon were fired in salute of the new state and shouting broke forth.<sup>2</sup>

Governor-elect Milton then stepped forward and presented to the members of the convention a white silk flag bearing three blue stars. It was the handiwork of some patriotic women of East Florida. The three stars were for Florida, Mississippi, and South Carolina, the states which had quit the Union. A speech by Mr. Butler King, commissioner of Georgia to the Florida legislature, concluded the process of ratification.

"Thus terminates," stated a Florida journal, "the most

<sup>1</sup> *N. Y. Herald*, Jan. 25, 1861. Tallahassee letter.

<sup>1</sup> *Proceedings of Conven.*, p. 40.

<sup>2</sup> *N. Y. Herald*, Jan. 13, 1861; Rerick, *Memoirs of Fla.*, v. i, pp. 235-6; Brevard and Bennett, *Hist. of Fla.*, p. 157.

glorious event in the history of Florida—her secession (we trust forever) from Yankeedom and Yankees”.<sup>3</sup>

The people of Florida were moving with the Southern current. They had reached the brink of a gulf whose depths they had no means of sounding. As votaries of some ancient creed once with emotion greeted the first glow of a new day, so over the South thousands, swept by enthusiasm, sang beneath the morning star of a new national life. And like men borne upon the bosom of some vast flood, majestically they moved on their way impelled by political currents which like the streams of the sea came somewhere from the depths. Hozannahs and hoarse shouting for the future—not a requiem for the stricken Republic—give to him who cares to examine our recent past the spirit which ushered in the cataclysm. The strength of Southern nationalism was to be tested in the fearful crucible of war. For the mass of Southerners—whether constitutional secessionists or revolutionists—there was no turning back after secession. “The moving finger writes and having writ, moves on.” They heard the enthusiastic shouting—in which they joined, or were gravely silent, as the case might be—and then they followed to the last bloody whirlpool of defeat, destruction, and death with a fortitude strong and admirable, the fortunes of the Confederacy, that new state which like some creation of the mists arose from out the maelstrom of secession.

<sup>3</sup> *N. Y. Herald*, Jan. 13, 1861, quotation.

## CHAPTER IV

### THE SEIZURE OF FEDERAL PROPERTY AND THE RAISING OF TROOPS

THE seizure of Federal fortifications and supplies by order of Florida's governor began before the formal consummation of secession by the convention at Tallahassee. In December, 1860, Senator Yulee wrote from Washington to Joseph Finegan in Florida suggesting that the state should prepare to seize the Pensacola forts and navy-yard. Possession of the yard "would give a good supply of ordnance and make the occupation of the forts easier", stated Yulee. He and Senator Mallory jointly requested of the war department on January 2nd a statement of munitions and equipment in the Federal forts and arsenals of Florida.<sup>1</sup> Secretary Holt refused them the information,<sup>2</sup> but Mallory a short time later transmitted to secession leaders in Pensacola information concerning the value of supplies in the Pensacola navy-yard.<sup>3</sup>

It is not unreasonable to assume that both Florida senators were in intimate communication with Governor Perry, Joseph Finegan, Wilkinson Call, William Chase, and other state leaders who favored and expected a speedy secession.<sup>4</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. i, p. 349; letter of Jan. 2, 1861. Yulee requested, on Dec. 21, 1860, of the War Dept. a "statement of the officers of the U. S. who were appt. from Fla., their rank and pay." He obtained his information, see p. 348.

<sup>2</sup> *Ibid.*, s. i, v. 1, p. 351; letter of Jan. 9.

<sup>3</sup> *Ibid.*, s. i, v. 52, pt. 2, p. 8.

<sup>4</sup> *Ibid.*, s. i, v. 1, pp. 349, 444-5, etc.

"I did not advise or stimulate secession of the State," wrote Mr. Yulee four years later;<sup>1</sup> yet he declared in a letter to Finegan, January 5th, 1861, that

the immediately important thing to be done is the occupation of the forts and arsenals in Florida. The naval station and forts at Pensacola are *first* in consequence. For this a force is necessary. I have conversed with Mr. Toombs upon the subject. He will start this week for Georgia and says if the convention of sovereignty will ask Governor Brown of Georgia for a force he will immediately send a sufficient force.<sup>2</sup>

Early in January Governor Perry appealed to Governor Moore of Alabama for aid in seizing and holding Federal fortifications in West Florida<sup>3</sup>—at that time almost without garrisons.<sup>4</sup> Before the end of December, 1860, radical state leaders at home and in Washington were undoubtedly deeply involved in plans to paralyze and despoil the Federal government if Florida should leave the Union.<sup>5</sup>

In November, 1860, Captain Meigs of the United States army concluded that the government's control of its Florida forts was destined soon to be disputed. He expressed his views very plainly to General Scott. "There is danger," he wrote, "that a few ardent, desperate men, seeing the great fortifications of Pensacola, of Key West, and of this harbor [Tortugas]—the Key of the Gulf—unoccupied by troops, may emulate the fame of Ethan Allen and by a much less dangerous blow secure for themselves distinction with their party by seizing some of these undefended posts. The en-

<sup>1</sup> *Off. Rcds. Rebell.*, s. ii, v. 8, pp. 668-670.

<sup>2</sup> *Ibid.*, s. i, v. 1, p. 442.

<sup>3</sup> *Ibid.*, s. i, v. 1, p. 444.

<sup>4</sup> *H. Rpts.*, 36th C., 2d S., no. 85, pp. 26-27.

<sup>5</sup> In this connection see the telegrams of Yulee and Soutter, Jan. 12, *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 6.

terprise is so safe and easy that leaders and men are to be found.”<sup>1</sup>

Captain Brannan, commanding the Federal garrison at Key West, informed the war department on December 11th that

the present condition of affairs in this State indicates very clearly that Florida by the act of her people will secede from the Federal Government. I have reliable information that as soon as the act is committed an attempt will be made to seize upon Fort Taylor. I therefore request instructions what I am to do—endeavor at all hazards to prevent Fort Taylor being taken, or allow the state authorities to have possession without any resistance on the part of my command? These instructions are absolutely necessary *now* as it may be too late after the State secedes.<sup>2</sup>

He received no instructions. The national administration, though warned of danger, took no steps to better protect Federal property in Florida until too late.<sup>3</sup>

Without waiting for aid from abroad the governor proceeded quietly and swiftly to execute his designs of usurpation. “I hereby authorize you,” he informed a Colonel Duryea early in January, “to raise a company of picked men and proceed to the Apalachicola river and seize and possess the arsenals, arms, ammunition, etc.” The order

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 52, pt. I, p. 4.

<sup>2</sup> *Ibid.*, s. i, v. I, pp. 342-343.

<sup>3</sup> It is an interesting fact that on Jan. 2, 1860, a year before the secession crisis, President Buchanan had requested of the war dept. a “statement” of the troops on the Atlantic and Gulf coasts “available for the defense of the public property.”—See *Works of Buchanan*, v. x, p. 372. Mr. Buchanan declares in his “Administration on the Eve of Rebellion” (pp. 88-91), that there were not enough troops available to adequately garrison the forts: “Five companies only, 400 men, to garrison nine fortifications scattered over six highly excited Southern States.” He lays the blame for this condition of affairs on Gen. Scott and Congress.

continued: "You are requested to act with great secrecy and discretion."<sup>1</sup> Another order of similar purport was issued to an aide regarding the occupation of Fort Marion at St. Augustine.<sup>2</sup>

On the morning of January 5th Ordnance Sergeant Powell of the Federal arsenal at Chattahoochee notified the war department that soon after daybreak the arsenal had been taken possession of by state troops.<sup>3</sup> The Quincy Guards—a company of local militia—led by Colonel Duryea risked this revolutionary step,<sup>4</sup> for Florida was still nominally in the Union.

The sergeant in charge at Chattahoochee had been ordered to surrender. "I refused giving up the keys," stated Powell, "but the Governor telegraphed to the commanding officer to insist on the delivery of the same and I was compelled to give them up."<sup>5</sup> The work thus passed without violence into the hands of the state. It contained 500,000 rounds of musket cartridges, 300,000 rounds of rifle cartridges, and 50,000 pounds of gunpowder.<sup>6</sup> "If I had had a force equal or even one-half the strength of yours," Powell is reported to have said to Duryea, "I'll be damned if you would have ever entered that gate. You see I have but three men."<sup>7</sup>

<sup>1</sup> *H. Rpts.*, 36th C., 2nd S., no. 91, p. 93.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 333; *H. Rpts.*, 36th C., 2nd S., no. 91, p. 88.

<sup>3</sup> *H. Rpts.*, 36th C., 2nd S., no. 91, p. 88. There is a conflict of statement about the name of the militia commander at Apalachicola. One account gives it as Dunn; see *Off. Rcds. Rebell.*, s. i, v. 1, p. 332.

<sup>4</sup> *N. Y. Herald*, Jan. 14, 1861; *Off. Rcds. Rebell.*, s. i, v. 1, pp. 332-3.

<sup>5</sup> *H. Rpts.*, 36th C., 2nd S., no. 91, p. 92.

<sup>6</sup> *Off. Rcds. Rebell.*, s. i, v. 1, pp. 332-333.

<sup>7</sup> Quoted in *N. Y. World* from *So. Confed.*, Jan. 25, 1861. *Ex. Docs.*, 36th C., 2nd S., no. 85, states that the arsenal's garrison was then only 4.

At St. Augustine a company of volunteers marched to Fort Marion on January 7th and demanded possession. An aide-de-camp of Governor Perry showed written instructions from his chief to seize the work.<sup>1</sup> Without delay or controversy the dilapidated and almost empty fortification was surrendered by the single man constituting its garrison. "Upon reflection I decided that the only alternative for me was to deliver the keys under protest,"<sup>2</sup> stated the garrison. "One thing is certain," he added with evident relief, "with the exception of the guns composing the water battery the property seized is of no great value"<sup>3</sup>—which was partly true.

Unfinished and deserted Fort Clinch, protecting (on paper) Fernandina harbor, was quietly occupied by state troops a day or two after the Fort Marion episode.<sup>4</sup>

Captain Brannan at Key West, on hearing of the passage of the secession ordinance at Tallahassee, transferred his entire force of forty-four men from the barracks to the interior of Fort Taylor.<sup>5</sup> The Southern sympathizers on the island were turbulent and threatened to be aggressive,<sup>6</sup> although they never made a determined attempt to expel the Federal garrison. In moving to Fort Taylor, Captain Brannan acted without instructions from Washington.<sup>7</sup>

<sup>1</sup> *H. Rpts.*, 36th C., 2nd S., no. 91, p. 88.

<sup>2</sup> *Ibid.*, no. 91, p. 94.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 333; *N. Y. Herald*, Jan. 25, 1861.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 1, pp. 367-68.

<sup>5</sup> *Ibid.*, s. i, v. 1, pp. 343-345.

<sup>6</sup> *Ibid.*, s. i, v. 1, pp. 343-345, 360, 374-7, 411, 426. *N. Y. Herald*, May 24, 1861; June 6, 1861—Key West Letters. *N. Y. Times*, Feb. 28, 1862—Key West Letters.

<sup>7</sup> *Off. Rcds. Rebell.*, s. i, v. 1, pp. 342, 344. The war dept., on Jan. 4, issued an order to Brannan to transfer his company to Ft. Taylor. The order did not reach its destination till Jan. 26th, after Brannan had shifted his force.

On Pensacola bay the course of events indicating the disintegration of Federal authority proved more involved. Lieutenant Adam Slemmer of the First Artillery was in command at Fort Barrancas—one of the three works flanking the mouth of the bay and at the time the only one with a garrison. Slemmer's position in Florida during the first three months of 1861 was not unlike that of Major Anderson in South Carolina. Anderson withdrew to Fort Sumter on December 26th; Slemmer, to Fort Pickens, January 10th.<sup>1</sup> Both men were confronted by much the same problems. Both went through the strain of awaiting instructions, supplies, and reinforcements which came not at all or slowly. Both were forced to prepare for extensive armed strife with fellow Americans of high position representing hostile governments. And therefore upon both was thrust by accident part of the responsibility of inaugurating a program of coercion which might vitally affect the fortunes of the Union.

Slemmer was a man of nerve and coolness. In appearance he has been described as "small and insignificant".<sup>2</sup> He proved to have the courage to act boldly and decisively and the mental balance (or good fortune) to follow a successful course during a period of frightful confusion and uncertainty. Captain Armstrong of the navy-yard, with whom Slemmer had failed to agree, referred to him afterwards as "a gallant and trusty officer".<sup>3</sup>

Rumors were abroad early in January that citizens of Florida and Alabama intended seizing Federal property on Pensacola bay.<sup>4</sup> Judged in the light of what had happened in Florida and elsewhere these rumors seemed se-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 335; Rhodes, v. 3, pp. 216-17.

<sup>2</sup> *N. Y. Herald*, Apr. 23, 1861.

<sup>3</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, p. 66.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 333.



rious. When on the morning of January 7th news came that the forts on Mobile bay had been occupied by Alabama troops, and the Chattahoochee arsenal by Florida troops,<sup>1</sup> Lieutenant Slemmer at once conferred with Captain Armstrong, commanding at the Pensacola navy-yard, about the necessity of immediate defensive measures.<sup>2</sup> The captain, in absence of orders from Washington, refused to co-operate with Slemmer. Neither the characters nor the policies of the two men were alike—and in addition, they belonged to different branches of the public service. Slemmer was positive, self-assured, and fully decided to prevent at all hazards the seizure of United States property in his care. Armstrong was temporizing, cautious, and in this crisis undecided, fearful of provoking bloodshed, and inclined to take no risks by personal initiative.<sup>3</sup>

Slemmer wished to destroy the navy-yard and Fort Barrancas and to concentrate all force, naval and military, at Fort Pickens. Such would have been a very radical and politically portentous move in January, 1861. Some of the officers on board the Federal men-of-war lying in the harbor agreed with Slemmer. Others, on the ships and ashore, held totally different views—particularly the aides of Captain Armstrong.<sup>4</sup> The national government failed to keep up with and control the situation in West Florida. No harmonious or consistent policy for the Union was followed on Pensacola bay.

<sup>1</sup> Fort Morgan was seized by Alabama militia on Jan. 4th; Chattahoochee Arsenal (Fla.), Jan. 5th. See Fleming, *Civil War and Reconstruction in Alabama*, for reference to the situation in that state.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 334; Erben, Hy., *Personal Recollections of the Rebellion*, pp. 213-222.

<sup>3</sup> See Scharf, *Confed. States Navy*, pp. 602-603, for a letter of Lieut. Renshaw of Pensacola navy-yard, pub. in *N. Y. Herald*, Jan. 29, 1861, discussing the situation in Florida.

<sup>4</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, *passim*.

Orders from Washington were "asked for but most likely they never got out of the state".<sup>1</sup> At all events, no replies were received until the navy-yard commandant got the ridiculous order to keep the "Department" *advised* of what was going on and to be *vigilant* in protecting public property.

The crisis had stunned Armstrong. He seemed unable to grasp the obvious character of the situation before him. The younger officers about him with whom he was accustomed to confer were bitterly divided in sentiment and gave diametrically conflicting advice.<sup>2</sup> His most intimate advisors and friends among his subordinates were Southern sympathizers, and at that time some of them were playing double parts in their efforts to have the yard pass without bloodshed into the possession of the state. "There were enemies in his own household," affirmed a friend—"none that he could rely upon but the 25 or 30 muskets that he had in his marine guard."<sup>3</sup>

Lieutenant Erben of the store-ship Supply visited the captain's quarters late in the night of the 9th and strongly advised the destruction at once of all property in the navy-yard to prevent its seizure by state militia. Armstrong seemed "completely dazed". He read to Erben his last orders from Washington,—“to be vigilant in protecting government property”. “Now you ask me to destroy it,”

<sup>1</sup> Erben, Hy., *Personal Recollections of the Rebellion*. See letter of Senator Yulee (in Washington) to Chase (in Pensacola), which stated that it was "charged that the correspondence of the Government through the mail has been interfered with on the part of State authorities. Let the post-master send a dispatch."—*Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, pp. 8, 14. Also *H. Rpts.*, 36th C., 2nd S., no. 87, p. 55.

<sup>2</sup> Erben, *op. cit.*, *passim*. Gilman, J. H., in *Battles and Leaders of the Civil War*, v. 1, p. 27.

<sup>3</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, pp. 54-55.

he said hopelessly and blankly. "I did all I could to get his permission," stated Erben,

but failed. He went to the parlor door, called his orderly and sent him for Commander Farrand. Then I knew it was all up. There was some violent talk after Farrand came. He asked the Commodore to put me under arrest and send me back to the ship; said that I was crazy and had been disrespectful to him. The Commodore refused to do this. Then Farrand rose, seized a chair, threw it at my head and left the room. I remained with the old Commodore a while. His face was buried in his hands and he was crying like a child.<sup>1</sup>

On the night of January 8th the sentries at Fort Barrancas saw dimly a body of men moving about along the outskirts of the fortifications.<sup>2</sup> The corporal of the guard gave the alarm and the midnight visitors disappeared in the dense shadows of the scrub and brush which almost surrounded the work at a short distance.<sup>3</sup> A few hours before this the telegraph office at Pensacola had been seized by state troops and a sentry placed on guard.<sup>4</sup> Soldiers from Alabama and Mississippi were already on their way to West Florida or preparing to leave for that region.<sup>5</sup> It was probably knowledge of such incidents as these which finally decided Slemmer to abandon Forts McRee and Barrancas on the mainland and to occupy the extremely important and more easily defended work, Fort Pickens, situated on the western extremity of Santa Rosa Island and completely commanding the entrance to the bay. Had the

<sup>1</sup> Erben, Hy., *op. cit.*, p. 217.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. I, p. 334.

<sup>3</sup> Gilman, J. H., *op. cit.*, v. I, p. 27. Gilman was of Slemmer's force.

<sup>4</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, p. 55.

<sup>5</sup> *Pub. Miss. Hist. Soc.*, v. ix, p. 17; *H. Rpts.*, 36th C., 2nd S., no. 87, p. 55; *Off. Rcds. Rebell.*, s. i, v. I, p. 444.

secessionists come into possession of Pickens they would have controlled the best protected and deepest harbor on the Gulf coast. Pensacola bay would have been of great value to the Confederacy.

Slemmer prepared to act on his own responsibility, for no orders had come from the war department. Preparations for the removal of his troops across the channel were begun on January 9th. The night mail brought an order from the war department telling him "to do his utmost to prevent the seizure of either of the forts in Pensacola harbor".<sup>1</sup> This order came through the mail "in a small pink envelope addressed in a woman's hand".<sup>2</sup>

After some controversy with Captain Armstrong of the navy-yard, Lieutenant Slemmer obtained from him an addition of thirty unarmed seamen to his little command.<sup>3</sup> On the morning of January 10th this force of eighty-one men quit Barrancas and moved across the channel in barges to Pickens, arriving about 10 A. M.<sup>4</sup> The ammunition and supplies at Barrancas were carried to Pickens or destroyed. The guns there bearing upon the latter fort were spiked.<sup>5</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 334—from Gen. Scott; Gilman, J. H., *op. cit.*, v. 1, p. 27.

<sup>2</sup> Erben, Hy., *op. cit.*, p. 214; Gilman, *op. cit.*, p. 27. The following explanation was given a few weeks later by L. Q. Washington, a Confederate secret service man, to Secretary of War Walker: "When the first step of occupying Fort Pickens was taken by the U. S., the orders were sent down by a special messenger and also by a telegram in cipher. The telegram left here in the night [and] was stopped at Mobile or Montgomery by our friends. I gave the fact early next day to the Florida delegation, but the special messenger went through, delivered his message to Lieut. Slemmer, and thus we lost Ft. Pickens."—Washington to Walker, Mar. 20, 1861. *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 27.

<sup>3</sup> *H. Rpts.*, 36th C., 2nd S., no. 87.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 335.

<sup>5</sup> *Ibid.*, p. 335. More than 20,000 lbs. of powder were in Barrancas at the time and 19,000 in McRee, p. 349-50.

No steps were taken by Slemmer to remove or destroy the munitions of war or spike the guns at Fort McRee. Lieutenant Erben of the store-ship Supply undertook this work. With a boat's crew he pulled down to McRee. The sergeant in charge was away and his wife, the sole occupant of a fort built for 650,<sup>1</sup> refused to give up the keys. The doors were promptly battered in; the guns bearing on Pickens, spiked; and several thousand pounds of powder in barrels, rolled to the beach and thrown into the sea.<sup>2</sup>

By the 11th of January the transfer to Pickens had been completed and the big fort, built for a garrison of 1,260, was manned by 81 men.<sup>3</sup> It was in delapidation. Few guns were mounted. The gun-carriages were rickety and antiquated. Windows and port-holes lacked shutters. Weeds were growing riotously in the central court. The gloomy chambers were musty and mouldy from long disuse.<sup>4</sup>

Preparations meanwhile were being made in Pensacola for the occupation of the navy-yard by force if necessary. Colonel William Chase, a retired army officer resident in Pensacola, assumed general command or direction of not only the local militia, but of the Louisiana, Alabama, Mississippi and Georgia state troops that began to pour into Pensacola after January 10th.<sup>5</sup> On that day Senator Mallory in Washington telegraphed Chase: "All here look to you

<sup>1</sup> *Ex. Docs.*, 36th C., 2nd S., no. 72, pp. 26-27.

<sup>2</sup> Erben, Hy., *op. cit.*, pp. 215-16; *Off. Rcds. Rebell.*, s. i, v. 1, p. 341.

<sup>3</sup> See Scharf, *Confed. States Navy*, p. 600, for description of Pickens. Scharf from practical experience was well prepared to discuss such subjects. *Off. Rcds. Rebell.*, s. i, v. 1, p. 337. "81 men, including officers," says Slemmer.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 1, pp. 337, 379-80; Gilman, J. H., *op. cit.*, v. 1, p. 29.

<sup>5</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, p. 66; *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 11.

for Pickens and McRee".<sup>1</sup> At the navy-yard—seven miles distant—Captain Armstrong had pretty clearly determined to offer no resistance to aggression. "There was of course some excitement there," stated the chief engineer, a Union man. "Some would say the troops are coming. Some would say no troops are coming. The naval storekeeper, Gonzalez, knew all about it."<sup>2</sup> Armstrong, the commander, evidently did not know. A last request was sent him on January 12th by Slemmer praying that the few marines be ordered across the channel into Pickens if the yard was to be surrendered.<sup>3</sup> No reply came, for as Slemmer awaited the return of the messenger the navy-yard was passing out of the Federal government's control.

The first Alabama militia to arrive in Pensacola reached there late on the evening of January 11th.<sup>4</sup> The companies were led by Colonel Lomax. They were sent by the governor of Alabama at the request of the governor of Florida. The following day, January 12th, a detachment of Florida and Alabama troops, about 500 strong, marched to the navy-yard accompanied by two "commissioners" of Florida appointed by Governor Perry.<sup>5</sup> Following the de-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 444.

<sup>2</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, pp. 32-33.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, pp. 4, 7; *H. Rpts.*, 36th C., 2nd S., no. 87, p. 65. "He [Slemmer] wanted the marines," said Armstrong, "but the marines were my only protection."

<sup>4</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, p. 55; *Off. Rcds. Rebell.*, s. i, v. 1, p. 337; v. 52, pt. 2, p. 5; s. iv, v. 1, p. 704. The troops were part of the 2nd Alabama Infantry.

<sup>5</sup> *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, pp. 4, 7; *H. Rpts.*, 36th C., 2nd S., no. 87, pp. 32, 57-60, etc. Records are not conclusive on the number of men who marched to the yard. Estimates vary from 350 to more than 500. Scharf (p. 601) says "nearly 500 men." The "commissioners" of Florida, according to Capt. Armstrong, were Rich. Campbell of Pensacola and Capt. Randolph.

tachment came a crowd of "citizens of Pensacola. Those who had a musket and owned a horse jumped on and took their guns and came down to see the fun."<sup>1</sup>

The militia, commissioners and spectators found the gates of the yard closed and sentries walking the walls. "The thick and lofty walls made them feel rather ticklish," wrote an officer who experienced the sensation.<sup>2</sup> A company was sent immediately to take possession of the magazines and the abandoned forts.<sup>3</sup> Colonel Lomax, Colonel Chase, and the commissioners were admitted to the yard under flag of truce and proceeded to the headquarters of Captain Armstrong.<sup>4</sup>

"We are commissioners appointed by Florida to demand the surrender of this yard," announced the affable Captain Randolph of Alabama, one of the commissioners. The dazed Armstrong looked helplessly at the speaker. The yard's garrison was less than fifty effective men. Colonel Lomax was sent for. He quickly entered the room. "Commodore, I will read you my instructions," said Lomax. "He read his instructions to me and was almost as much distressed and embarrassed as I was," stated Armstrong later.

He had to stop very frequently. I concluded that he felt my position, for which I felt very grateful to him; . . . I stated to him that I had not the force to resist him; that my whole force consisted of a couple of dozen marines; that the place was not fortified; and that I had no alternative but surrender. . . . To my great surprise the first lieutenant of the yard,

<sup>1</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, p. 32.

<sup>2</sup> Randolph (a "commissioner" at the time) in *Phila. Weekly Times*, May 20, 1882.

<sup>3</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, p. 15.

<sup>4</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, pp. 8, 57, etc. Scharf, *op. cit.*, pp. 602-3, acct. by Lieut. Renshaw in letter to *N. Y. Herald*, Jan. 29, 1861.

who was sitting back of me spoke out in a very audible voice, "Commodore, shall I haul down the flag?" I looked at the man astonished. It appeared to rouse me from a dream. I bowed and turned my head away.<sup>1</sup>

A few minutes later a man rushed up to the chief engineer and asked if the yard was given up. "I told him," said the officer, "that judging from the looks of the flag staff I should think it was."<sup>2</sup> At half-past twelve the flag of the Union had been replaced by "a flag of 13 alternate stripes of red, white and blue with a large white star announcing" the change which had come to pass in the political condition of the state.<sup>3</sup> Comparative tranquillity accompanied the transfer of authority. "The bell rang for the workmen at the yard about the usual hour that it had done under the Government of the United States," affirmed Armstrong.

I saw the smoke going up from the tall chimneys of the machine shop and blacksmith shop, just as usual—as though nothing had transpired; the mechanics and those employed by the Government had just transferred their allegiance to Florida and were going on with their work.<sup>4</sup>

As the anxious watchers at Fort Pickens saw the national flag lowered they knew well what it meant. It was the culminating incident in the episode of dispossessing the Federal government on Pensacola bay. That power had lost its most important naval base on the Gulf, a "million-dollar" dry-dock, extensive and valuable marine work-shops, warehouses, barracks, a well-equipped "marine hospital", two

<sup>1</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, pp. 57-59; testimony of Capt. Armstrong before the Select Committee of the House on Naval Affairs, 1861.

<sup>2</sup> *Ibid.*, p. 29.

<sup>3</sup> Scharf, *op. cit.*, p. 602.

<sup>4</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, p. 61.



powerful forts, 175 cannon, more than 12,000 projectiles,<sup>1</sup> and ordnance stores at the navy-yard variously estimated in value from \$117,000 to \$500,000.

The command of the Georgia, Alabama, Mississippi, Louisiana, and Florida militia which after January 10th rapidly concentrated at Pensacola devolved upon Colonel Chase of Florida. He held his commission as military commander from the governor of Florida. Cautious by nature and probably more astute as a politician than bold as a military man, he was fearful of provoking armed conflict. His policy was consistently conservative—and wisely so—in spite of pressure toward radicalism brought to bear upon him by those at Pensacola and leaders in Washington. Colonel Lomax, commander of the Alabama troops, was eager to attack Fort Pickens.<sup>2</sup> Senator Mallory and Senator Yulee advised Chase by telegraph to move on Pickens.<sup>3</sup> But the colonel hesitated.

The night of January 12th came dark and rainy. Across the channel from Pickens Alabama and Florida militia were now encamped about the abandoned Forts McRee and Barrancas and the captured navy-yard. Sometime near midnight four men presented themselves to the guard before the main entrance to Pickens. They demanded admittance

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, pp. 349-350. The ordnance at Ft. Barrancas consisted of 44 "sea-coast and garrison cannon," which included 13 8-in. columbiads and howitzers, 2 10-in. mortars, 11 32-pounders, 10 24's, 5 18's, 3 19's.

The ordnance at Barrancas barracks: 4 6's field guns and 2 12's howitzers.

The ordnance at Ft. McRee: 125 "sea-coast and garrison cannon," including 3 10-in. and 12 8-in. columbiads, 20 42's, 24 32's, 64 24's, etc.

See Rpt. Capt. Maynadier, Jan. 3, 1861.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 11; Randolph in *Philadelphia Weekly Times*, May 20, 1882.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 444.

as commissioners of Florida and Alabama. This was refused. Thereupon Captain Randolph, the leader, demanded the surrender of the fort to the governors of Florida and Alabama.<sup>1</sup> Lieutenant Slemmer, who had been summoned by the guard, replied that the fort was held under orders from the President of the United States; that he recognized no rights of any governors to demand the surrender of United States property; and that he would defend the place against attack. After this explicit and positive reply the representatives of the states withdrew.

During the weeks of cold and rainy weather which followed, the few men at Pickens were kept hard at work putting the dilapidated fortification in shape for defense. Twice during the period Chase demanded that Slemmer surrender. "I have full power," he informed Slemmer, January 18th,

from the Governor of Florida to take possession of the forts and the Navy Yard in the harbor. I desire to perform this duty without the effusion of blood. . . . I would not counsel you to do aught that is dishonorable. . . . Listen to me, then, I beg of you, and act with me in preventing the shedding of the blood of brethren. Surrender the fort.<sup>2</sup>

Slemmer replied:

We deprecate as much as you or any individual can the present state of affairs, or the shedding of the blood of our brethren. In regard to this matter, however, we must consider you the aggressors and if blood is shed, you are responsible therefor.<sup>3</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, p. 337; Gilman, J. H., in *Battles and Leaders of the Civil War*, v. 1, pp. 29-30.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 1, pp. 337-338.

<sup>3</sup> *Ibid.*, p. 338.

The position of the Federal force at Fort Pickens was perilous. Colonel Lomax and his Alabama troops wished to storm the work.<sup>1</sup> Mississippians and Floridians would have eagerly gone with such a storming party. The Federal warship Wyandotte was ordered to Cuba and the Supply sailed for Vera Cruz, Mexico, soon after Slemmer's transfer.<sup>2</sup> The administration in Washington failed to support the little group of men doggedly facing odds in Florida. Until the firing on Sumter, fairly amicable relations existed between Slemmer's force in Pickens and the Southern troops across the channel. Intercourse between the merchants of Pensacola and the Federal garrison continued unrestricted for several weeks. Meat and vegetables came to the island almost daily. The garrison mail was allowed to go through after undergoing examination.<sup>3</sup> United States officers from Pickens with militia officers from the opposing forces were entertained occasionally at the same banquet tables on the Federal warships anchored off the harbor.<sup>4</sup>

The seizure of Federal property in Florida was the logical concomitant of secession. It threw in high relief the real situation. Directed by executive order solely and accomplished by force, it clearly indicated the arrival of the crisis in Florida. Governor Perry's designs had been executed, not gently by civil agents with the conventional respect for diplomatic usage, but abruptly by armed militia

<sup>1</sup> Randolph in *Phila. Weekly Times*, May 20, 1882. *Off. Rclds. Rebell.*, s. i, v. 52, pt. 2, p. 11; indirect reference to the intention of Lomax to occupy Pickens.

<sup>2</sup> *H. Rpts.*, 36th C., 2nd S., no. 87, p. 15; *Off. Rclds. Rebell.*, s. i, v. 1, p. 336.

<sup>3</sup> *Off. Rclds. Rebell.*, s. i, v. 1, p. 340.

<sup>4</sup> Scharf, *op. cit.*, p. 607. Gen. Bragg, of the Confed. army on Pensacola bay, dined several times with Capt. Adams of the U. S. ship Sabine.

with the usual reliance upon physical force. It is doubtful if the state could have acquired Federal property by any other means. The governor acted with powerful backing. Senators Mallory and Yulee very probably expressed to him approval of his policy before it was put into execution. The secession leaders in the convention were his political friends and advisors. The governors of Alabama and Mississippi were with him—gave him assurances of aid in December and followed the assurances with troops in January. Finally, what is of fundamental importance, Perry had acted in substantial accord with public opinion in Florida. The desire there to quit the Union was strong. The average citizen South had little patience with “kid-glove”, doctrinaire, or conservative methods of opposing the North. The governor had guessed correctly the temper of his people. As one man put it: “He would have been a damn fool if he had guessed anything else.”

Yet the breakdown of Federal administration in Florida was not as immediate as might be inferred from the existence of such sentiment. Within the state many of the postmasters, several Federal internal revenue officials, public-land officials, marshals, deputy marshals, light-house keepers, customs officials, naval and army officers as well as a Federal district judge, all resigned formally or informally gave up their positions either a few days before or a few days after Florida seceded.<sup>1</sup> Some continued nominally at their posts until Sumter was fired on. Remittances from some Florida post-offices reached the postal department in Washington until April, 1861.<sup>2</sup> Of the 174 postmasters in the state at the beginning of the year only 35 had for-

<sup>1</sup> *U. S. Offic. Directory*, 1861, pp. 67, 78, 79, 191, 198, 204-206; *Sen. Docs.*, 37th C., 2nd S., no. 1, pp. 286, 479, 646; no. 2, pp. 183, 204. *H. Repts.*, 36th C., 2nd S., pp. 7, 8, 9, 24, 25.

<sup>2</sup> *Sen. Ex. Docs.*, 37th C., 2nd S., no. 1, p. 646.

mally resigned by June.<sup>1</sup> Federal customs officials made no remittances to Washington after January, 1861.<sup>2</sup> They turned over their receipts to the state treasury—most of them continuing for some time at their posts as state customs officials. This situation—*viz.*, the general resignation or desertion of Federal employees in compliance with state law and public opinion—quickly paralyzed the operation of Federal law in Florida.

Yulee and Mallory publicly gave up their seats in the United States Senate on January 21st<sup>3</sup>—eleven days after their state had seceded. "I trust, Sir, that when we next confront each other," said Mallory on taking leave of his fellow senators, "whether at this bar or that of the just God, who knows the hearts of all, our lips shall not have uttered a word, our hands shall not have committed an act against the blood of our people." He concluded: "One by one we have seen the representatives of the true and fearless friends of the Constitution fall at our sides until hardly a forlorn hope remains; and whatever be our destiny the future with all of life's darker memories will be brightened by their devotion to the true principles of our government."<sup>4</sup>

As already pointed out, the people of Florida since the autumn of 1860 had been in process of forming many minor military organizations hostile to the Union. These companies within a few months became part of the state militia or part of the Confederate army. The popular rising in the South and the rapid organization of Confederate

<sup>1</sup> *Sen. Ex. Docs.*, 37th C., 2nd S., no. 1, p. 286. <sup>2</sup> *Ibid.*, no. 2, p. 183.

<sup>3</sup> *Cong. Globe*, 36th C., 2nd S., pp. 484, 486. On January 15th Yulee and Mallory informed Gov. Perry that they had "ceased participating in the proceedings of the Senate and only await receipt of authoritative ordinance to retire formally."—*Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 8.

<sup>4</sup> *Cong. Globe*, 36th C., 2nd S., p. 486.

armies constitute proof that radical Southern governors had judged well the times.

In 1860 the condition of the Florida militia was inefficient. Population was spread thinly over the land,<sup>1</sup> and citizens for one reason or another had failed to show much interest in local military affairs. They would have seemed to the casual observer a most unmilitary folk, interested in their farms, plantations, and homes, to the exclusion of other things. The militia existed principally on the statute books. But when the slave-holding states, "obeying the same swell of public sentiment", began to move toward disunion and possible war, then men began to group themselves into military companies. The crisis brought to pass what previous militia laws had failed to accomplish.

In 1858, '59, '60 Governor Perry had referred in his messages to the inefficiency of the state military organization and the necessity of a military capable of meeting the difficulties which he believed impending.<sup>2</sup> The legislature followed his advice in 1859 by passing a law which provided for the reorganization of the militia.<sup>3</sup> State-wide elections by county for commissions in the militia were held during the spring of 1860. Slight interest was manifested. The voting was light. From seven counties no returns at all were received.<sup>4</sup> The election was probably not devoid of importance. It turned people's attention at a critical time to the local military question and thus helped prepare the state for the unusual stress and strain and confusion of 1861.

During the latter half of 1860 vigilant committees

<sup>1</sup> *Census, 1860*. White population was 77,747; black, 62,677. This meant less than 2 persons to the square mile. Massachusetts at the time had more than 75 per square mile and New York more than 50.

<sup>2</sup> Governor's Messages, *Floridian*.

<sup>3</sup> *Laws of Florida, 1859*.

<sup>4</sup> *Floridian*, June 16, 1860.

and companies of "Minute Men"—semi-military in character—had been organized in Florida. During the late autumn some of these companies began to proffer their services to the state. When the governor accepted them (and he did so with alacrity) they became part of the militia. It was after the formation of a Southern confederacy in February that the increasing multitude of independent military bodies springing into existence throughout Florida began to coalesce under the governor's direction into regiments for the Confederate service.

The first troops were mobilized, organized, and equipped principally from private means directly.<sup>1</sup> Local leaders and their friends bore most of the expense which was shifted to the state or the Confederacy later by reimbursements.<sup>2</sup> The governor, co-operating with his adjutant-general, received the companies and regiments into service.<sup>3</sup> Perry, in a message to the legislature on February 2nd, 1861, advised that practical steps be taken at once to increase and more effectively organize the state militia. On February 14th a law was enacted which really created Florida's Civil War militia.<sup>4</sup> The adjutant-general was by the statute directed to distribute blank lists of enrollment to every captain and lieutenant then holding a commission from the state. These officers were to canvass for the signatures of volunteers. The muster-roll of each company formed in this manner was to be published in the newspapers of the geographical district from which the company hailed. The governor was authorized to raise at once two regiments of

<sup>1</sup> *Off. Rcds. Rebell.*, s. iv, v. 1, p. 333. Conversation with those who lived in Florida at the time.

<sup>2</sup> Treasurer's Report to Convention, Jan., 1862, *Proceedings of Conven.*, p. 71.

<sup>3</sup> *Proceedings of Conven.*, 1862, *passim*.

<sup>4</sup> *Laws of Florida*, 1861, 10th Sess., chap. 1095.

infantry and one of cavalry. Elaborate rules were formulated for the government of the state's army, which during the first year of war existed as an organization distinct from the Confederate army.

The formal organization of the Confederate army was begun on March 1st, 1861. On that day the secretary of war notified the governors of the states in the Confederacy that by the act of February 28th the president of the Confederate States was authorized to receive volunteers for twelve months and was directed to assume command of all military in matters "concerning outside powers".<sup>1</sup> Rapidly from this date (March 1st) the Confederate war department shaped the course of military organization in the states. On March 6th the "Confederate States Army" was created by act of Congress.<sup>2</sup> The president was authorized therein to employ the militia of the states to repel invasion and to call out as national troops 100,000 volunteers for twelve months. Volunteers were to furnish their own clothes and if mounted their own horses. When the volunteer entered "active service" he was to be reimbursed by the Confederate government for the clothing furnished by himself.

On March 9th the first requisitions for troops were addressed to the governors by the Confederate war department. "If you can supply this requisition immediately without publication of your order," wrote Secretary Walker to the governors, "it would be better to do so, as it is advisable as far as practicable to keep our movements concealed from the Government of the United States." 5,000 troops were requisitioned for "duty at Pensacola". Georgia, Alabama, and Louisiana were asked to furnish

<sup>1</sup> *Off. Rcds. Rebell.*, s. iv, v. 1, pp. 117-119.

<sup>2</sup> *Ibid.*, p. 126.



1,000 soldiers each to this army; Mississippi, 1,500; and Florida, 500.<sup>1</sup>

By the middle of March the mobilization of Florida troops—both militia and Confederate—was well under way. Companies were assembling with clatter and confusion at Tallahassee, Chattahoochee, Jacksonville, Fernandina, St. Augustine, Gainesville, Apalachicola, Quincy, Marianna, Monticello, Pensacola, *etc.*<sup>2</sup> Regiments soon began to take shape and the state government rapidly assumed the expense of equipment, travel and maintenance for all troops raised in Florida. The Confederate government from time to time paid to the state sums in liquidation of this debt incurred for Confederate troops.<sup>3</sup> During the year 1861, \$478,253 were expended by the state government for the Confederacy, according to the state adjutant-general. Of this amount \$267,755 went for arms, ammunition, and general equipment.<sup>4</sup> The direction and supervision of expenditure were divided between the governor and the state quartermaster-general. The state accounts are so badly muddled that it is probably impossible to estimate with accuracy how much was really expended and for what.

Arms, ammunition, accoutrements, tents, and even clothing for Florida troops were purchased in Charleston, Savannah, Columbus (Georgia), Mobile, and New Orleans.<sup>5</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. iv, v. 1, p. 135.

<sup>2</sup> Robertson, *Soldiers of Florida*, with regimental histories and company rolls with date of mustering into service, *passim*.

<sup>3</sup> For the question of reimbursing Florida, see Confederate Congress Journal, *H. Docs.*, 58th C., 2nd S., v. 1, pp. 377, 427, 448, 449, 463. The first act to reimburse Florida was passed Aug. 31, 1861.

<sup>4</sup> Adj.-Gen.'s Report, *Proceedings of Conven.*, 1862, pp. 25, 31.

<sup>5</sup> Bezenet to Long, Apr. 11, 1865; Milton to Seddon, Aug. 26, 1864; Secretary of Gov. to Puleston, Apr. 22, 1865. *Milton Papers*.

Such supplies began to come into the state as early as January, 1861. The *New York Herald* stated in February that since December, 1860, the Florida government had received from outside its limits 1,000 Manard rifles, 4,000 percussion muskets, 50,000 ball cartridges, and 180,000 primers.<sup>1</sup> The muskets came probably from South Carolina—for early in January, L. W. Spratt, the one-time commissioner to Florida, shipped from Charleston to Governor Perry 4,000 “United States percussion muskets”.<sup>2</sup>

Supplies from Mobile for Florida were brought by boat into Perdido bay, landed west of Pensacola, and carted about fifteen miles to the troops encamped at the navy-yard and Fort Barrancas. Supplies from eastern Alabama and central Georgia came by boat down the Chattahoochee river or overland by wagon into Central Florida.<sup>3</sup> Supplies from Charleston and Savannah came into the state by water and rail to Fernandina and Jacksonville, and from these points were distributed.<sup>4</sup> Rifles, muskets, pistols, sabres, field-guns, saddles, accoutrements, ammunition, and tents came from other states. Wagons, horses, forage, food, and some clothing came from within the state.

Before the end of the war many counties, towns, villages, and families were contributing directly to the support of soldiers in the field. The women at first embroidered flags and banners for the companies and regiments. Grim realities soon put them desperately to work on socks, mufflers, bandages, coats, sand sacks, *etc.* They wove or purchased cloth which they made into clothing for the soldiers.<sup>5</sup> The

<sup>1</sup> *New York Herald*, Feb. —, 1861. (Townsend Library, Columbia University.)

<sup>2</sup> *Off. Rclds. Rebell.*, s. i, v. 52, pt. 2, pp. 12, 29.

<sup>3</sup> *Ibid.*, s. iv, v. 1, p. 779.

<sup>4</sup> *Ibid.*, s. i, v. 1, p. 408.

<sup>5</sup> Governor's Messages, Nov. 17, 1862; Nov. 21, 1864, *Milton Papers*.

state purchased cloth and delivered it to patriotic organizations of women to be fashioned into soldiers' garments.<sup>1</sup>

The companies composing the first few regiments were possessed of considerable *esprit-de-corps* and local pride. War was new to the rank and file. Traditions of glory and prowess in combat are handed down from one generation to the other, and each generation secretly yearns to tread the paths of glory. Traditions of misery and unburied dead whose festering blood-clotted bodies pathetically attest the reality of the combat seem to each new generation unnatural and hideous facts to be recollected in a crisis with a dimmed memory and labeled by the practical man as bugaboos. In Florida, company colors were presented by enthusiastic friends amid cheering, speech-making, tears, singing, stately oaths, and martial music. The war was glorious then—clothed in a sort of tinsel glory. It became hideous later, and from the stench and gloom of the grave a new and different glory sprang—more lasting, sadder, more beautiful perhaps. "I well remember the presentation of our company colors by the sister of our captain," remarked a member of the First Florida Infantry many years later. "I have seen many flags since, but that was the most beautiful to me."

The First Infantry was mustered regularly into Confederate service on April 5th, 1861, for twelve months' service, and it embarked at once on river boats at Chattahoochee, Florida, *en route via* Columbus, Georgia, for Pensacola<sup>2</sup>—a round-about way. "Along the way we were told

<sup>1</sup> *Laws of Florida*, chap. 1288, 11th Sess., and resolutions 4 and 5; chap. 1427, 12th Sess.; chap. 1454, 13th Sess. Finley to Milton, Dec. 16, 1863; Apr. 16, 1864. *Milton Papers*. Rpt. Q.-M. Gen., Oct. 21, 1864, *Sen. Journal* (Fla.).

<sup>2</sup> *Off. Rcds. Rebell.*, s. iv, v. 1, p. 188.

that Sumter had been fired on," said a veteran. "There was cheering."<sup>1</sup>

Before the First Regiment reached Pensacola the Confederate government made a new call (April 8th) for volunteers. The requisition to Florida this time was for 1,500 men.<sup>2</sup> On April 16th, 2,000 more troops from Florida were called for. "If you cannot raise the amount I will revoke the order," telegraphed the secretary to Governor Perry. "Will raise the 2,000 as soon as possible," replied Perry.<sup>3</sup> By June the governor was prepared to fill the requisition,<sup>4</sup> but the regiments then organized were not mustered in till July and August.<sup>5</sup> The requisitions for the Confederate "Reserve Corps" were sent out on June 30th. Florida was asked for 1,000 men.<sup>6</sup> The reserves were maintained by the state in camps of instruction until absorbed in the active army of the Confederacy.

During 1861 the Confederate war department called on Florida for 5,000 troops. The muster rolls of those military organizations entering state and Confederate service during this first year of hostilities present a sum total of 6,772—of whom 5,491 were infantry, 1,150 cavalry, and 331 artillery. They were grouped in four infantry regiments; one cavalry regiment; nine unattached companies of infantry; four of artillery, and three of cavalry.<sup>7</sup> Most

<sup>1</sup> Mr. Wm. Trimmer, Molino, Fla., who was mustered in at Apalachicola, Company B.

<sup>2</sup> *Off. Rcds. Rebell.*, s. iv, v. 1, pp. 211, 213.

<sup>3</sup> *Ibid.*,

<sup>4</sup> *Ibid.*, p. 333.

<sup>5</sup> Robertson, *Soldiers of Florida*, pp. 77, 99, 118, 247.

<sup>6</sup> *Off. Rcds. Rebell.*, s. iv, v. 1, p. 412.

Robertson, *op. cit.*, pp. 35-135, 246-260, 296-304. I am much indebted to the industry and scholarship of the late Col. Fred L. Robertson, of Tallahassee. His short regimental and company histories and extended compilation of muster rolls with notes are of sound value to the student of the Civil War in Florida.

of the unattached companies were in the state militia, which numbered less than 1,000 men.<sup>1</sup> Men sought enrollment in the Confederate army in preference to the militia, and cavalry was the popular branch of the service. "There is much derangement of military affairs in this State owing chiefly to the desire to enter Confederate service for short periods and certain pay," stated the governor of Florida in October, 1861. "Almost every man that has a pony wishes to mount him at the expense of the Confederate government."<sup>2</sup>

A committee of the legislature estimated the current rate of military expenditures by the state at the close of 1861 to be \$750,000 per annum—an exaggerated estimate computed upon a depreciating currency.<sup>3</sup> Yet the militia was a heavy drain upon the credit of the state, and therefore many people (including the committee) wished to have the Confederate Government take over entirely the maintenance of all troops.

The question of recruitment, mobilization, and regimental organization became in a few months a matter for Confederate officials primarily. After June 30th, 1861, no more requisitions were sent by the war department directly to the governor of Florida. The state was divided into military districts, and the officers in charge presented requisitions to the governor and were aided by him in raising troops. The Conscrip Act was passed in April, 1862. The Confederate congress therein declared all able-bodied men of specified age liable for duty in the Confederate army.<sup>4</sup>

<sup>1</sup> Rpt. Adj.-Gen., *Proceedings of Conven.*, 1862, p. 28. In Jan., 1862, the number of state troops was 762.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 290.

<sup>3</sup> *Proceedings of Conven.*, 1862.

<sup>4</sup> The Convention of 1862 at Tallahassee abolished the state militia. In Dec., 1864, the state legislature passed a law for the reorganiza-

This practically abolished the state militia. The single, homogeneous military system of the new central government thus superseded the eleven systems of the commonwealths.

tion of the militia to include males under 16 and over 55 years of age. See *Laws of Florida*, 13th S., chap. 1433.

## CHAPTER V

### THE FORT PICKENS TRUCE

PRESIDENT BUCHANAN'S policy in the secession crisis was not aggressive. "Defense and not aggression has been the policy of the administration from the beginning,"<sup>1</sup> he stated late in January, 1861. With this principle he was consistent to the end, and for this course he has been bitterly criticised. If Mr. Buchanan had been more combative, less regardful of the constitution, and less logical in law he might have acquired a reputation for executive efficiency equal to that of Andrew Jackson and not to be surpassed by the later fame of Abraham Lincoln.

The President realized that a serious breach existed between North and South,<sup>2</sup> but he blindly hoped that a program of *laissez faire* would bring about somehow a peaceful adjustment of sectional difficulties. "I still hope the storm will blow over," he wrote George Wharton in December, 1860.<sup>3</sup> "Time is a great conservative power," he declared three weeks later as secession conventions were assembling in the far South, already aflame in revolution. "Let us pause at this momentous point and afford the people both North and South an opportunity for reflection."<sup>4</sup>

There is something almost ludicrous in this, probably,

<sup>1</sup> Moore, *Works of Buchanan*, v. xi, p. 118 (Jan. 28, Mess. on Va. Peace Resolutions).

<sup>2</sup> *Ibid.*, pp. 7-43 (4th An. Mess.), 66, v. xii, pp. 45-116, etc.

<sup>3</sup> *Ibid.*, p. 66, Dec. 16th.

<sup>4</sup> *Ibid.*, p. 97, Sp. Mess. to Cong., Jan. 8, 1861.

to the headstrong man of action. Buchanan was in truth not a headstrong man of action, but a passive lover of peace, who sought for and respected constitutional rights and authority.<sup>1</sup>

"The worst feature in the aspect of affairs," he stated in commenting on the Southern states, "is that they are rapidly losing their respect and attachment for the Constitution."<sup>2</sup>

In the national situation party politics and legal subtleties confused at that time the thinking of men whose mental processes were usually clear. The problem of preserving the Union was difficult; and of preserving it without bloodshed and lawlessness, well-nigh impossible. Buchanan sought consistently to perform the latter task. He believed that the coercion of a state by the Federal government would be not only bad politics but a procedure totally unsupported by the public law of the nation.<sup>3</sup> He believed with equal firmness that constitutionally it was his duty to enforce the laws of the Union and to resist by force if necessary any efforts to seize Federal property;<sup>4</sup> but he realized that the performance in seceded states of such a duty then would be politically inexpedient and probably disastrous to the cause of peace.<sup>5</sup> The President ex-

<sup>1</sup> Moore, *Works of Buchanan*, v. xi, pp. 7-43 (4th Annual Message); pp. 44-48 (G. T. Curtis's letter); pp. 116-117 (Message on Va. Peace Resolutions, Jan. 28); pp. 152-154 (Message on Troops in Washington); v. xii. "Mr. Buchanan's Administration," by Mr. Buchanan, pp. 1-210.

<sup>2</sup> *Ibid.*, p. 66, to Geo. Wharton, Dec. 16th, marked "private and confidential".

<sup>3</sup> *Ibid.*, pp. 18-19, 60 (to Gen. Cass, Dec. 15th).

<sup>4</sup> *Ibid.*, p. 72 (letter to Gov. Pickens, Dec. 20); p. 96 (Sp. Mess., Jan. 8); pp. 109-111 (Memorandum of a Conversation, Jan. 16); p. 118 (Mess., Jan. 18).

<sup>5</sup> *Ibid.*, pp. 96-99, 111, 118.



pressed the opinion early in January that the situation had assumed "such vast and alarming proportions" as to be "above and beyond executive control. . . ."

"The fact cannot be disguised," he said, "that we are in the midst of a great revolution."<sup>1</sup> The theories of the administration were put to immediate test in the retention of Federal property south.

The peculiar situation in Pensacola and Charleston harbors during December and January, 1860-61, attracted public attention sharply and persistently to these two hitherto inconspicuous points. Any determined attempt by the Federal government to reinforce its garrison at either place threatened to precipitate civil war. In even the retention of the forts by the Union some leaders professed to see the certainty of a popular civil war; yet to give them up supinely would involve the recognition of demands made by the secessionists. President Buchanan was confronted with the problem of curbing a vast revolution with a few thousand scattered regulars, or of certainly exciting a vaster revolution by calling for volunteers.<sup>2</sup> Honest man, experienced diplomat, and old statesman that he was, the President was not equal to the task of preserving both peace and the Union. He sought to shift the responsibility to Congress.<sup>3</sup> "It is for Congress to decide the question," he said,<sup>4</sup> and Congress in session at the time took a less positive position than the President—although some of its

<sup>1</sup> Moore, *Works of Buchanan*, v. xi, p. 96.

<sup>2</sup> *H. Ex. Docs.*, 36th C., 2nd S., No. 26, pp. 8-12. See also *Works of Buchanan*, v. xi, pp. 51-52, 279-293 (Reply to Scott); v. xii, pp. 84-91 (Buchanan's defense).

<sup>3</sup> *Ibid.*, pp. 17, 18 (Mess., Dec. 3); 79 (Dec. 31); 117-118 (Jan. 28), etc.

<sup>4</sup> *Ibid.*, p. 72 (letter to Gov. Pickens, Dec. 20).

members at a later date bitterly condemned him.<sup>1</sup> In regard to Florida, Buchanan decided to reinforce Pickens and then changed his mind. He awaited peace by compromise and while such a peace was pending a truce existed on Pensacola bay.

The senators from Florida, Mississippi and Alabama withdrew from Congress on January 21st.<sup>2</sup> Mr. Mallory left two days later for his home in Pensacola.<sup>3</sup> Mr. Yulee remained for the moment in Washington.<sup>4</sup> Before this withdrawal a sharp change had taken place in the opinions of Southern leaders at Washington concerning the situation in West Florida. Both Mallory and Yulee while in the United States Senate had urged Colonel Chase to take possession of Pickens regardless of resistance.<sup>5</sup> On January 16th, telegrams from both senators went from Washington into Florida and Alabama urging that nothing radical be done. "No blood must be shed before a Southern Confederacy is organized," wired Mallory to Governor Perry. "Jefferson Davis tells me to say that in the present state of affairs the Pensacola forts are not worth one drop of blood."<sup>6</sup> Similar messages were sent to the governor of Alabama and prominent citizens of Pensacola. "Jefferson Davis says Fort Pickens is not worth one drop of blood," stated each message.<sup>7</sup> Reluctantly Florida, Alabama, and

<sup>1</sup> Moore, *Works of Buchanan*, v. xi, pp. 48-51 (letter of G. T. Curtis); v. xii, pp. 116-141 (Buchanan's Defense); 276-278 (Paper of W. U. Hensel).

<sup>2</sup> *Cong. Globe*, 36th C., 2nd S., pp. 480-490.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 13.

<sup>4</sup> *Ibid.*, pp. 14, 15.

<sup>5</sup> *Ibid.*, v. 1, p. 444.

<sup>6</sup> *Ibid.*, s. i, v. 52, pt. 2, p. 8.

<sup>7</sup> *Ibid.*, pp. 9-10. Messages were sent by Mallory to the following citizens of Pensacola: Col. Chase, A. E. Maxwell, R. C. Campbell and C. C. Yonge.

Mississippi militia put aside plans for attacking Pickens.<sup>1</sup> Such an attack then would have meant that more than 1,000 secessionists assault 81 Federal soldiers in an unrepai red fort. Thus the formation of the Confederacy involving political questions of unusual moment for the South delayed the attack on Fort Pickens, began a long truce in West Florida and ultimately saved Pensacola harbor for the Union.

When Mr. Mallory reached Pensacola he continued his efforts to delay any attack on Fort Pickens, and he found in Colonel Chase a willing fellow advocate of peace. The ex-senator assumed charge of the state's interests in West Florida. On January 28th, Mr. Yulee, still in Washington, telegraphed Mallory and Chase in Pensacola that the warship Brooklyn was "bound for Pensacola with two companies aboard".<sup>2</sup> President Buchanan was preparing to prevent by force the threatened occupation of the fort by state militia.<sup>3</sup> Mr. Mallory, upon receipt of this startling information, telegraphed three fellow Democrats in Washington that no attack would be made on Pickens as long as existing conditions were maintained.<sup>4</sup> He requested that his dispatch be laid before President Buchanan—which was done.<sup>5</sup>

<sup>1</sup> Col. Lomax was disappointed that he and his men were not given an opportunity to occupy Pickens. He considered his expedition a failure. See *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 11. Gilman in *Battles and Leaders*, v. i, pp. 29-30, gives impression that attack was planned by state forces.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 15. The troops were two companies of 1st Artill. led by Capt. Vogdes.

<sup>3</sup> Moore, *Works of Buchanan*, v. xi, pp. 13 (Buchanan to Tyler, Jan. 25); 256 (Buchanan to Stanton).

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 354. Senators Slidell and Hunter and Gov. Bigler.

<sup>5</sup> Moore, *Works of Buchanan*, v. xi, pp. 285-286. *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 15.

The President the day before had formally refused to give any pledge to the representatives of the seceded states;<sup>1</sup> yet, induced by the hope of avoiding bloodshed, he did in the case of Florida substantially what he had done for South Carolina<sup>2</sup>—he receded somewhat from his position. On January 29th, he directed the Secretary of War and the Secretary of the Navy to issue jointly the following order to the commander of the Federal forces on shipboard off Pensacola bay:<sup>3</sup> "Upon receiving satisfactory assurances from Mr. Mallory and Colonel Chase that Fort Pickens will not be attacked, you are instructed not to land the company on board the Brooklyn unless said fort shall be attacked or preparations made for the attack."<sup>4</sup> This was the beginning of what has been aptly termed by Nicolay and Hay the "Fort Pickens Truce".<sup>5</sup>

The garrison at Fort Pickens was at the mercy of political circumstances and the opposing state forces across the channel. The Federal troops were out-numbered twenty to one by the end of January.<sup>6</sup> The aid to be rendered by the Federal warships lying outside in the Gulf could not be counted on as very effective. In rough weather the ships might be as much as fifty miles off shore, and even in calm weather it was no easy task to land troops through the surf while under fire from superior numbers.<sup>7</sup> Lieutenant

<sup>1</sup> Moore, *Works of Buchanan*, v. xi, p. 118, Mess. on Va. Peace resolutions, Jan. 28.

<sup>2</sup> *Ibid.*, pp. 70-71 (Letter to Gov. Pickens, memorandum of conversation).

<sup>3</sup> *Ibid.*, v. xii, pp. 195-197. Gen. Scott approved of this order, although he afterwards sought to deny it.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 355.

<sup>5</sup> Nicolay and Hay, *Lincoln*, v. iii, p. 168.

<sup>6</sup> *Off. Rcds. Rebell.*, s. i, v. 1, pp. 354, 358, 455. Reports by Mallory and Vogdes.

<sup>7</sup> See discussion of question in Gen. Scott's *Autobiography*, v. ii, p. 525.

Slemmer's men were hard-worked. "On my arrival I found that there was not a single embrasure shutter in the Fort," he reported.

I caused some to be constructed and others to be taken from Fort McRee to supply the deficiency. At 12 o'clock at night the men were paraded and told off to the different batteries in anticipation of an attack. Slow-match lighted and lanyard and port fires in hand ready to fire. No signs of an attack—night very dark and rainy. We still labored on the 13th strengthening our position, and at night threw out sentinels beyond the glacis. Men stood at the guns as on the night previous. Night very dark and rainy. On the night of 13th a body of some ten men were discovered evidently reconnoitering. A shot was fired by them which was returned by the sergeant. They then retreated. Nothing more could be seen of the party that night. On the 14th nothing of interest transpired. Men by this time worn out with labor.<sup>1</sup>

By the 1st of February, 1,500 troops from Florida, Mississippi, and Alabama were encamped on Pensacola bay. Batteries were being perfected by the state forces. Their guns converged on Fort Pickens. Forts McRee and Barrancas were undergoing repairs. Their guns converged on Pickens less than two miles away. On March 7th, General Braxton Bragg was placed in command of the "Provisional Army of the Confederate States," on Pensacola bay.<sup>2</sup> General Bragg was a West-Pointer. He had served with distinction in the Mexican War, and after his service in Mexico had retired from the regular army. In 1861 he left his plantation and business in Louisiana to head the provisional army of the Confederacy at Pensacola. "I know every inch of Pickens," he said to W. H. Russell, an

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. I, p. 337.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. I, p. 448; v. 52, pt. 2, p. 24

English war correspondent, "for I happened to be stationed there as soon as I left West Point, and I don't think there is a stone in it that I am not as well acquainted with as Harvey Brown."<sup>1</sup> Colonel Brown was the Federal commander at Fort Pickens who succeeded Lieutenant Slemmer in April.<sup>2</sup> Colonel Chase, who commanded the secessionist forces till Bragg arrived, had aided in planning and building Pickens many years before.<sup>3</sup>

When Mr. Lincoln came into office, March 4th, he soon turned his attention officially to Florida. The new President considered himself not bound by the pledges of the former administration. He intended that Fort Pickens should be reinforced at once. On March 5th, and again on March 11th, he directed the war department to dispatch troops to Pickens.<sup>4</sup> On March 1th, the man-of-war *Mohawk* steamed out of New York harbor with orders from General Scott to Captain Vogdes, 1st United States Artillery, directing him to transfer immediately his two companies from the ship *Brooklyn* to Pickens.<sup>5</sup> The *Brooklyn* was lying off Pensacola harbor.

And now General Scott, who, up to this time, had counseled that Fort Pickens be held, began to see things in another light. The first state dinner given by Lincoln occurred on the evening of March 28th. The members of the cabinet were present, and after dinner, Mr. Lincoln called them into an adjoining room for consultation on matters of state. There the President informed them with evident emotion that General Scott had on that day advised

<sup>1</sup> Russell, W. H., *My Diary North and South*, p. 208.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. I, p. 365.

<sup>3</sup> Gilman in *Battles and Leaders*, v. i, p. 30. Scharf, J. T., *Confed. States Navy*, p. 603.

<sup>4</sup> Nicolay and Hay, *Lincoln*, v. iii, p. 393.

<sup>5</sup> *Off. Rcds. Rebell.*, s. i, v. I, p. 360.

the evacuation of both Fort Sumter and Fort Pickens. The general believed that the evacuation of Sumter alone, then under consideration, would not have a decisive effect on the border states then wavering between the Union and secession. The evacuation of both forts, he thought, would soothe and give confidence to the eight slave-holding states still in the Union, and would make them loyal to the Federal government in the crisis.<sup>1</sup> The holding of Forts Jefferson and Taylor on the islands off the Florida coast depended, he thought, on an entirely different principle and these fortifications, therefore, should not be given up.<sup>2</sup>

"A long pause of blank amazement followed the president's recital, broken at length by Blair in strong denunciation not only of this advice, but of Scott's general course regarding Sumter." With his characteristic fervor Mr. Blair charged General Scott with transcending his professional duties and "playing politician". Blair's gestures and remarks "were understood by those present as being aimed specially at Seward, whose peace policy he had with his usual impulsiveness freely criticised."<sup>3</sup>

Mr. Lincoln trusted General Scott and no doubt had large confidence in his judgment. Scott was an old and tried politician, although never a very canny one. He had been a national figure when Lincoln was still splitting rails in the backwoods of Illinois. Seward had served in high public office long and faithfully. He was fully convinced of his ability to run the administration, and convinced that a policy of non-resistance would serve the Union by allaying excitement South. The question before the cabinet was one which would affect fundamentally the administra-

<sup>1</sup> Nicolay and Hay, *Lincoln*, v. iii, p. 344.

<sup>2</sup> See Scott's memorandum to Seddon. *Off. Recds. Rebell.*, s. i, v. I, p. 200.

<sup>3</sup> Nicolay and Hay, *Lincoln*, v. iii, p. 345.

tion's policy and the history of the entire country. The native political sagacity of the new President probably surpassed that of any one among his advisors. At any rate Lincoln was President with a program of his own. That night, after the inharmonious conference at the White House, an important decision in the crisis rested directly and heavily upon Lincoln. "Only imagination may picture the intense and weary vigil" of this crude man called to decide against worthy advice so momentous a question.<sup>1</sup> By morning he had definitely decided to hold both forts. He never deviated from his decision.

Orders were issued by the President that the expeditions already in preparation at the Brooklyn navy-yard, for the relief of Pickens and Sumter, should sail as soon as possible. That for Pickens was ordered to set out on April 2nd; that for Sumter, April 6th.<sup>2</sup> The yard was astir with preparation. Rumors circulated abroad concerning the destination of the fleets. Some said Sumter; some, Pickens; some, the Texas coast; some, the Mississippi river; and some persistently asserted that it was Santo Domingo.<sup>3</sup>

Southern sympathizers took notes and sent messages South. "A formidable armament is preparing at New York," wrote one man in Washington to the Confederate secretary of war in Montgomery.

They have 2,600 men ready to start and nearly every available ship in the Navy Yard has been ordered to prepare for service . . . although it is rumored that the expedition is for Santo Domingo to repel Ampudia's invasion, Key West, etc., yet the opinion of the best informed men here is that *Pensacola* is the point menaced.<sup>4</sup>

<sup>1</sup> Nicolay and Hay, *Lincoln*, v. iii, p. 394.

<sup>2</sup> *Off. Rclds. Rebell.*, s. i, v. 1, pp. 226, 441.

<sup>3</sup> Nicolay and Hay, *Lincoln*, v. iv, p. 4.

<sup>4</sup> *Off. Rclds. Rebell.*, s. i, v. 52, pt. 2, p. 36. (Letter of L. Q. Washington, Apr. 6.)



Meanwhile the "truce" continued on Pensacola bay. The Confederate war department on March 9th issued a call for 5,000 men to defend Pensacola.<sup>1</sup> The mobilization of troops from Florida, Mississippi, Alabama, Georgia, and Louisiana, the concentration of supplies and munitions of war; the mounting of guns in sand fortifications and at Forts Barrancas and McRee; the drilling and instruction of the green volunteers; the manufacture of shot and shell in the navy-yard shops,—all this went steadily forward regardless of the *status quo* clause of the Fort Pickens truce.<sup>2</sup> Colonel Brown, the Federal commander, remarked, as he pointed out to a visitor the tall chimneys of the Pensacola navy-yard from which rose great columns of black smoke: "There is the whole reason for Bragg's forbearance, as it is called. Do you see? They are casting shot and shell there as fast as they can."<sup>3</sup> The Confederate government was wisely utilizing the time allowed in preparing for conflict. Lieutenant Slemmer reported on March 30th that "Colonel Chase had stopped the work [the erection of batteries], but his successors have continued them on the plea of being for defensive purposes."<sup>4</sup>

During the first fifteen days of April a rapid concentration of Confederate troops took place on Pensacola bay. By the last day of March the total number of soldiers there was 1,116.<sup>5</sup> By the end of the second week of April, General Bragg reported 5,000 men in ranks.<sup>6</sup> "The arrival of

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 135.

<sup>2</sup> *Mobile Advertiser*, Apr. 3, 1861; *Montgomery Advertiser*, Mch. 3, 1861; *N. Y. Herald*, Apr. 3, 6, 9, 10, 24, 1861. Russell, *op. cit.*, p. 218. *Off. Rcds. Rebell.*, s. i, v. 1, pp. 457, 458. (Bragg's report), v. 52, pt. 2, pp. 1-150.

<sup>3</sup> Russell, *op. cit.*, p. 218.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 365.

<sup>5</sup> *Ibid.*, p. 455.

<sup>6</sup> *Ibid.*, p. 461.

so many troops in our midst looks squally," stated the *Pensacola Gazette* of April 2nd.

The relief expedition for Pickens was at that hour sailing from New York. Ten days later Sumter was fired on and Pickens reinforced.

It will be remembered that Mr. Lincoln had ordered through General Scott, the general-in-chief of the army, that Captain Vogdes's artillerymen be transferred at once from the ship Brooklyn to Fort Pickens. The order from Scott was issued March 12th, and sent by sea to the fleet off Pensacola. There it arrived on March 31st, after delay due to storms.<sup>1</sup> The order was sent by Scott and not the President. Captain Adams, commanding the Brooklyn, was acting under orders from the Secretary of the Navy. These orders forbade him to land troops unless Fort Pickens was attacked. He refused to obey the orders of Scott, who as an army officer had no authority in the navy. "Such a step is too important to be taken without the clearest orders from proper authority," stated Captain Adams in a letter to the Secretary of the Navy. "It would be viewed as a hostile act and would be resisted to the utmost. No one acquainted with the military assembled under General Bragg can doubt that it would be considered not only a declaration, but an act of war."<sup>2</sup>

Adams was acting in accord with the Fort Pickens truce of the Buchanan administration.

Lincoln, in the meantime, was without news from Florida.<sup>3</sup> Telegraph and mail service were controlled by the secessionists. Expeditions were preparing to sail from New York harbor for Charleston and Pensacola. When

<sup>1</sup> Scharf, J. T., *op. cit.*, p. 605. Letter of Capt. Vogdes.

<sup>2</sup> *Ibid.*, pp. 604-605.

<sup>3</sup> Nicolay and Hay, *Lincoln*, v. iv, p. 7.

news should reach the South that the administration intended suddenly to break the Fort Pickens truce to its own advantage, war would quickly follow; and Lincoln had no reason to believe that Fort Pickens could withstand a sudden assault by more than ten times its garrison.

On April 6th, the day that the Fort Pickens relief expedition sailed and three days before the one for Sumter was ordered to set out, a special messenger, from Pensacola, reached the navy department. "On being ushered into the Secretary's presence while yet dusty and travel-worn he unstrapped a belt from his garments and took out an official dispatch from the fleet off Pensacola, which by journeying day and night he had brought over Southern railroads from Florida to Washington."<sup>1</sup> Pickens was not reinforced. The relief fleet had sailed for Florida. Should the Confederate authorities learn that the truce was broken, the Federal work on Pensacola bay would be taken by storm. The blunder of sending orders for a naval officer from the war department was apparent. The problem before the Washington government was to get authoritative orders to Adams before Bragg should learn of the change in policy.

"Prompt action was all-important," wrote Secretary Welles,

for the rebellion was rapidly culminating and the hesitancy of Captain Adams had caused a delay which had endangered the possession of Santa Rosa Island and the safety of Fort Pickens. But in the general demoralization and suspicion which pervaded Washington, who was to be trusted with this important mission? It was then half past three o'clock in the afternoon, and the messenger must depart by the mail train which left that evening.<sup>2</sup>

<sup>1</sup> *Ibid.* See also account of Scharf, *op. cit.*, pp. 604-7. The officer was Lieut. Gwatney, of Va., who afterwards resigned to serve the Confederacy.

*Gwatney*  
<sup>2</sup> Diary of Gideon Welles, v. i, p. 30.

Lieutenant John L. Worden was entrusted by Welles with this delicate task which to be effective must be performed swiftly.

Worden was given written instructions from the President for the immediate landing of troops. He committed his instructions to memory, destroyed the original,<sup>1</sup> and taking the first train South (April 7th) arrived in Pensacola on the morning of the 11th.<sup>2</sup> There, after a personal interview with General Bragg, he obtained from him a written passport to go aboard the United States ship Sabine lying in the harbor. He stated to Bragg that he had no orders from Washington.

A heavy sea was running, and therefore the Sabine rode at anchor until next day, April 12th, when she put out to sea and near midday Lieutenant Worden was aboard Captain Adams's flagship, the Wyandotte. He delivered his orders orally, put them in writing, signed them, and then returned to shore. A few hours later, about dark, a telegram came to Bragg from the Confederate war department at Montgomery, as follows: "Lieut. Worden of the U. S. Navy has gone to Pensacola with dispatches. Intercept them."<sup>4</sup> Bragg replied by telegraph:

Mr. Worden had communicated with the fleet before your dispatches received. Alarm guns have just been fired at Fort Pickens. I fear the news is received and it will be re-inforced before morning. It cannot be prevented. Mr. Worden got off in the cars before I knew of his landing. Major Chambers is in the cars. He will watch Mr. Worden's movements. If you deem it advisable, Mr. Worden can be stopped at Montgomery.<sup>5</sup>

<sup>1</sup> Diary of Gideon Welles, v. i, p. 30.

<sup>2</sup> Nicolay and Hay, *Lincoln*, v. iv, p. 7; Scharf, *op. cit.*, pp. 606-609.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 462; Scharf, *op. cit.*, p. 607.

<sup>4</sup> *Ibid.*, p. 459.

<sup>5</sup> *Ibid.*, p. 459.

The following day he telegraphed: "Reinforcements thrown into Fort Pickens last night by small boats from the outside."<sup>1</sup>

Sumter was attacked the day on which Worden delivered his dispatch. The Fort Pickens truce was broken. The margin of time for the messenger had been narrow. The messenger himself was arrested in Montgomery on his return journey from Pensacola. "He was among the first, if not the very first, prisoners of war captured by the rebels," states Welles. Worden was exchanged and became the commander of the ironclad Monitor.<sup>2</sup>

General Bragg stated with some feeling that Worden had lied to him to obtain his passport and that the reinforcement of Pickens was a violation of the truce formally entered upon by Federal government and seceded states.<sup>3</sup> Bragg's statements were substantially true, but the episodes to which he referred were only culminating incidents in the process of breaking the truce. The Confederate war department three weeks earlier knew that Lincoln had decided to disregard under cover the Buchanan pledges. Thereupon the Confederate administration sought to adjust itself to the situation by also secretly disregarding the truce. A spy in Washington informed Secretary Walker in a letter of March 20th that

several gentlemen connected with the Government and who are in the way of getting reliable intelligence and whom I have always found better informed than any one of my acquaintance, tell me to-day that they have information which satisfied them the Government here [Washington] means to

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 460.

<sup>2</sup> *Diary of Gideon Welles*, v. i, p. 31. Worden commanded the Monitor in her memorable battle at Hampton Roads with the Merrimac.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 1, pp. 461-463.

reinforce Fort Pickens. These gentlemen have not confided to me their sources of information, but I have the highest confidence in their facilities of getting information and I attach great weight to what they tell me. Their belief is that the reinforcement will take place soon. I am aware that there is an engagement to the contrary on the part of the Government, but I do not place any reliance on their promises. They will find some excuse for a violation of the stipulation. One of the possible steps of this Government may be to direct vessels at sea with troops to make the harbor of Pensacola by a given night and land men and munitions at Fort Pickens.<sup>1</sup>

General Bragg stated to Secretary Walker a few days later:

Believing, myself, that the United States Government and some of its agents are acting in bad faith toward us, I do not hesitate to believe that we are entirely absolved from all obligations under the agreement of the 29th of January.<sup>2</sup>

The messages throw light upon the enigmatical tele-Montgomery, on April 9th. It ran: "Captain Boggs left gram which Bragg received from Secretary Walker at this morning to join you. \$40,000 are at your disposal to be used in the way he suggested to me as coming from you. Although he received no instructions on the point, as it escaped me in the hurry of departure, you will however understand."<sup>3</sup> The commander at Pensacola replied to this immediately as follows: "Shall try the use of money but great vigilance is exercised. They fear their own men."<sup>4</sup>

A few days later Lieutenant Slemmer in Fort Pickens learned that many letters were passing between the fort and

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 27 (L. Q. Washington, the spy).

<sup>2</sup> *Ibid.*, s. i, v. 1, pp. 456-457.

<sup>3</sup> *Ibid.*, p. 459.

<sup>4</sup> *Ibid.*

the village of Warrenton across the channel. His suspicions were aroused, and he intercepted and opened the mail. One letter was as follows:

If you will help us along to save bloodshed, I can offer any private in the company \$500 and any non-commissioned officer \$1,000 too, with a guarantee of future promotion as high or higher, as he now stands. Every man who will take upon themselves to give us the fort without bloodshed and save the lives of your garrison will be well paid—all back pay, \$500 for privates, \$1,000 for non-commissioned officers, and a commission in the Confederate Army. This Broady I offer you from high authority—don't be a damn fool. When and where can I see you? <sup>1</sup>

On the morning of April 13th, a private, McGarr, of the 1st Artillery, stated to Lieutenant Slemmer that during the night four men crossed the channel and engaged him in conversation. They said that they would give any man plenty of money if he would only spike the flank defense guns. "How are you off for money in the forts?" they asked. McGarr claimed that he replied: "We have not been paid for six months." Thereupon one of them thrust a roll of bills into the sentry's hands and told him: "Give that to them." <sup>2</sup>

These facts speak for themselves and clearly indicate the policy and intentions of the Confederate war department before the Worden episode. Duplicity on the part of the Lincoln administration induced counter duplicity South.<sup>3</sup> Bragg should not have let Worden pass him.

The delivery of Worden's message from Washington caused Captain Adams to send ashore promptly the 200

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 388.

<sup>2</sup> *Ibid.*, pp. 388-389.

<sup>3</sup> *Ibid.*, pp. 395-399.

artillerymen under Captain Vogdes. Four days later (April 16th), the relief expedition from the Brooklyn navy-yard arrived. A thousand men were soon in Fort Pickens. The crews of the Federal war-ships Sabine, Brooklyn, Powhatan, and Wyandotte, raised the total force to 2,017 men. The opportunity to take Pickens by storm had passed.<sup>1</sup>

Sumter was attacked on April 12th. The Virginia convention passed its ordinance of secession April 17th. Colonel Brown, the new commander at Fort Pickens, following closely the development of national troubles, sent a message of warning to the commander at Fort Jefferson on Tortugas keys to prepare for assault.<sup>2</sup> Brown feared that the seizure of the Gosport navy-yard in Virginia would involve the capture of Federal war-ships there, and that the Confederacy would promptly utilize this fleet in Southern waters. General Scott had stated to Brown that "the fortresses on the Florida reefs are deemed of greater importance than even Fort Pickens."<sup>3</sup> Fortunately for the Union no ships ready for service were included in the Gosport navy-yard seizure.<sup>4</sup>

During these weeks of early spring, a Confederate army was in process of mobilization on Pensacola bay. Alabama had been the first state to send troops into Florida—early in January.<sup>5</sup> Then followed militia from Mississippi, Louisiana, and Georgia, in the order named. These state

<sup>1</sup> Scharf (*op. cit.*, pp. 606-607) states that "Gen. Bragg was to have made an attack upon Pickens the night following that on which the fort was reinforced." He does not give his authority for this statement.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 392.

<sup>3</sup> *Ibid.*, p. 366.

<sup>4</sup> Rhodes, U. S., v. iii, p. 364.

<sup>5</sup> *H. Rpts.*, 36th C., 2nd S., No. 87, p. 55, Jan. 11th.



troops were mustered into Confederate service soon after the creation by law of the Confederate army. They and the Florida levies constituted the "Army of Pensacola". By May 1st, this army was more than 5,000 strong,<sup>1</sup> a rather heterogeneous mass of healthy, bearded, optimistic and active volunteers from the interior, mostly.

Their tents dotted the groves and open spaces between the navy-yard and Barrancas. At night, their camp fires of pine made a band of light along the western edge of the harbor's mouth. "The Mississippians are encamped in a very pretty location in the pine woods, within a quarter of a mile of the bay, and with a fine stream of fresh water flowing through the camp," stated a Southern correspondent. "Their encampment presents a very picturesque aspect and is quite *en regle* in all its arrangements."<sup>2</sup>

The regiments included French-American creole troops, arrayed as zouaves, chasseurs, *etc.*, with gorgeous, easy uniforms of Gallic temperament; Black-Belt planter militia with plainer clothing and company names fiercely picturesque, as "De Soto Irrepressibles", "Southern Avengers", "Senatobie Invincibles"; and lastly, riflemen from the piney woods, who were termed "kasions" and "crackers", who supplied a tradition at least of sharp-shooting, and who expressed themselves as frank haters of the "damn-Yankee".<sup>3</sup>

This army was being licked into shape by officers who

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 461. By the last of April the Southern regiments on Pensacola bay were 1st and 2nd Ala. Infy.; 1st and 2nd Miss. Infy.; 1st Ga. Infy.; 1st Fla. Infy., and several battalions and unattached companies from La., Miss., Ga., Ala., and Fla. *New Orleans Delta* (Apr. 27), put the total number of troops at 6,708 (1,826 Mississippians, 1,400 Alabamians, 1,100 Georgians, 1,134 Louisianians, 620 Floridians, and misc. forces, organized in three divisions).

<sup>2</sup> Moore, *Rebell. Rcd.*, v. ii, p. 187. Apr. 27, 1861.

<sup>3</sup> See letters in *N. Y. Herald*, Apr. 7, 9, 1861.

had seen active service in the Mexican War, or in European wars.<sup>1</sup> "The companies were industriously drilled upon the deep sand of the shore, almost blinding in its glittering whiteness, and the men feasted on fish and oysters. . . . There was regimental dress parade in the evenings, guard mountings in the mornings, and reveille became a familiar early morning call to the unwilling ears of the drowsy soldiers."<sup>2</sup>

A portion of the supplies for this army came at first by boat into Pensacola bay, and later by wagon across country, from Blakely, Alabama, or by wagon along a shorter route from Perdido bay.<sup>3</sup> Hospital facilities were excellent. The well-equipped Federal marine hospital was utilized. After the first few weeks of camp life the raw recruit was apt to sicken. Catholic sisters of charity did good work in nursing the sick. The death-rate was low. Eggs, vegetables, poultry, butter, and milk for the convalescent came in sufficient quantities from the neighboring country.<sup>4</sup>

Highly-colored reports of disorder, of insubordination, and of drunkenness in the Confederate camp were spread abroad by the enterprising Northern press and nearby Union soldiers in letters home.<sup>5</sup> Liquor was consumed in some quantities, and toughs might have enlivened life until

<sup>1</sup> Russell, *Diary; Confed. Mil. Hist.*, *passim*.

<sup>2</sup> McFarland, B., "A Forgotten Expedition," *Miss. Hist. Soc.*, v. ix, p. 20. Judge McFarland was with his regiment from Mississippi on Pensacola bay.

<sup>3</sup> *Pensacola Observer*, Aug. 8, 1861. *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, pp. 11, 44-45.

<sup>4</sup> *N. Y. Herald*, Aug. 31, 1861, letter of Gen. Bragg.

<sup>5</sup> For instance, *N. Y. Herald*, Apr. 10, May 6, May 13, Nov. 26, 1861. Moore, *Rebell Rcd.*, v. iii, p. 70. Two men executed for insubordination and murder.

restrained—which was soon. For a short time there seems to have been practiced an indiscriminate firing of guns by those off duty. These violators of military regulations were “practicing for the damn-Yankees”. They claimed that they were accustomed to such “target practice at home”. In October, peremptory orders forbade target-practice and patrols gathered up offenders.<sup>1</sup> At the same time an order was issued by General Bragg restricting the number of camp servants. The slave-holding planter-soldier found it difficult at first to get on without his black body-servant. One man on Pensacola bay is reported by the *New York Herald* to have summed-up the situation thus: “The very thing we are fighting for is the privilege of doing what we please with our niggers, and if we are denied that right here at home we are deprived of one of the strongest inducements to fight.”<sup>2</sup>

Some observers have left more favorable estimates of the Southern volunteers composing the Army of Pensacola. “I do not believe that a better and more efficient body of fighting men could be assembled in any part of the world,” stated the enthusiastic correspondent of the *New Orleans Delta*. “They compose the very best class of our Southern people—ardent, earnest, and resolute young men. They can never be conquered or even defeated; they may be destroyed or annihilated.”<sup>3</sup>

An English newspaper correspondent has left in his diary a description of the Confederate and Federal fortifications and forces facing each other at this time on Pensacola bay. He spent two days there in May, and was allowed by the

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 751. See reference to discipline in Long, *Florida Breezes*, p. 332.

<sup>2</sup> *N. Y. Herald*, Nov. 26, 1861.

<sup>3</sup> Moore, *Rebell. Rcd.*, v. ii, p. 187.

commanders of each army great freedom in examining camps and forts. He writes:

As we got abreast of Fort Pickens, I ordered table-cloth No. 1 to be hoisted to the peak, and through the glass I saw that our appearance attracted no ordinary attention from the garrison of Pickens, close at hand on our right, and the more distant Confederates at Fort McRee and the sand hills on the left. The latter fort (McRee) is weak and badly built, quite under the command of Pickens, but is supported by the old Spanish fort of Barrancas upon high ground further inland, and by numerous batteries at the water-line. . . . The wind was light but the tide bore us toward the Confederate works. Arms glanced in the blazing sun where regiments were engaged in drill; clouds of dust rose from the sandy roads; horsemen riding along the beach; groups of men in uniform gave a martial appearance to the place in unison with the black muzzles of the guns which peeped from the white sand batteries from the entrance of the harbor to the Navy Yard, now close at hand. . . . At last the Captain let go his anchor off the end of a wooden jetty which was crowded with ammunition, shot, shell, cases of provisions, and commissary stores. . . . The Navy Yard is surrounded by a high wall, the gates closely guarded by sentries. . . . Inside there was the greatest activity and life—Zouaves, Chasseurs, and all kinds of military eccentricities were drilling, parading, exercising, sitting in the shade, loading tumbrils, playing cards, or sleeping on the grass. Tents were pitched under the trees and on the little lawns and grass-covered quadrangles. . . . From the naval arsenal quantities of shot and shell are constantly pouring to the batteries. Piles of cannon balls dot the ground, but the only ordnance I saw were two old mortars placed as ornaments in the avenue, one dated 1776.

The Quartermaster conducted me through shady walks into one of the houses, then into a long room, and presented me, *en masse*, to a body of officers, mostly belonging to a Zouave regiment, from New Orleans, who were seated at a

very comfortable dinner, with an abundance of champagne, claret, beer, and ice. They were all young and full of life, and spirits, except three or four grave and older men who were Europeans. One, a Dane, had fought against the Prussians and Schleswig-Holsteiners, at Idstadt, and Fredrickstadt; and another, an Italian, seemed to have engaged indifferently in fighting all over the South American continent; a third, a Pole, had been at Comoru, and had participated in the Revolution of 1848. From these officers I learned that Mr. Jefferson Davis, his wife, Mr. Wigfall, and Mr. Mallory, Secretary of the Navy, had come down from Montgomery and had been visiting the works all day. Everyone here believes the attack so long threatened is to come off at last and at once.

. . . (The next day.) From headquarters we started on our tour of inspection of the batteries. Certainly anything more calculated to shake the confidence in American journalism could not be seen, for I had been led to believe that the works were of the most formidable description, mounting hundreds of guns. Where hundreds were written, tens would have been nearer the truth. I visited ten out of the thirteen batteries which General Bragg had erected against Fort Pickens. I saw but 5 heavy siege guns in the whole of the works among the 50 or 55 pieces with which they were armed. There might be about 80 altogether on the lines which describe an arc of 135 degrees for about three miles around Pickens, at an average distance of one and one-third miles.

. . . The working parties as they were called—volunteers from Mississippi and Alabama, great long-bearded fellows in flannel shirts and slouched hats, uniformless in all save brightly burnished arms and resolute purpose—were lying about among the works.

Altogether, I was quite satisfied that General Bragg was perfectly correct in refusing to open fire on Fort Pickens and on the fleet, which ought certainly to have wrecked his work about his ears.

I had heard during my sojourn in the North, that the Southern people were exceedingly illiterate and ignorant. It may

be so, but I am bound to say that I observed a large proportion of the soldiers on their way to the Navy Yard engaged in reading newspapers, though they did not neglect the various drinking bars and exchanges, which were only too numerous in the vicinity of the camps.<sup>1</sup>

From the Confederate encampment on the mainland, Mr. Russell crossed to Fort Pickens (on Santa Rosa Island), and there he was allowed to inspect troops and fortifications. "The outer gate was closed," he writes,

but at a talismanic knock from Captain Barry we passed through a vaulted gallery into the parade ground, which was full of men engaged in strengthening the place and digging deep pits in the center as shell-traps. The men were United States regulars, and not comparable in physique to the Southern volunteers, but infinitely superior in cleanliness and soldierly smartness.

Fort Pickens is an oblique and somewhat narrow parallelogram. The guns were what is considered small calibre in these days—32 and 42 pounders, with 4 or 5 heavy columbiads. An immense amount of work has been done within the last three weeks, but as yet the preparations are by no means complete.

On the whole, I should prefer to be inside than outside Pickens, in case of bombardment, and there can be no doubt that the entire destruction of the Navy Yard and station by the Federals can be accomplished whenever they please.<sup>2</sup>

This estimate of Federal superiority was not the popular one in the vicinity. People traveled long distances to Pensacola "to watch the fun"—as on a holiday. "140 guns converging on any one point for 60 hours would drive the Devil from his hole," stated the *Mobile Advertiser*, in commenting on the situation, May 12th.

<sup>1</sup> Russell, *op. cit.*

<sup>2</sup> Russell, *op. cit.*

Although the battle between the forts was expected daily, General Bragg is credited by Russell with the statement on May 14th that he had no intention of attacking Pickens. Subsequent history bears out the truth of this assertion. The fort, however, continued to be a cause of concern for many months. Mr. John Jacob Astor, of New York, as chairman of a "Citizens' Committee" for the purchase of arms and ammunition, advised Secretary of War Cameron to forward more arms and ammunition at once to Pickens. The Secretary replied that the war department could attend to its own affairs.<sup>1</sup>

Spring passed and the terrific heat of a far-southern summer enveloped the Florida coast. The conflict had begun in earnest elsewhere, but on Pensacola bay there was no firing. Sickness increased in Federal ranks. In June (24th) the transport Vanderbilt arrived with the first volunteers for the Federal force on Santa Rosa island. The troops were the 6th New York Zouave Infantry. They were commanded by Colonel "Billy" Wilson, bald-headed, sharp-eyed, self-assertive, and generally vigorous, with a heavy black mustache and a cigar usually stuck at an up-turned angle in the corner of his mouth. His command became known as the "Pet Lambs". They were reputed to be in large part toughs and touts recruited from the east side of New York City. They were more given at first to fighting among themselves than fighting the enemy.<sup>2</sup>

By midsummer the blockade had effectually stopped all shipping from Pensacola and other Florida ports.<sup>3</sup> Many of the white inhabitants of Pensacola had moved into the

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 414.

<sup>2</sup> *N. Y. Herald*, July 26, Aug. 17, 1861. *N. Y. Times*, Jan. 28, 1862.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 1, pp. 409, 413. *N. Y. Herald*, May 27, June 23, 1861. *Naval Records*, s. i, v. 6, p. 90.

interior, taking their slaves with them.<sup>1</sup> The majority of the younger men were in the Confederate army. The hamlets of Woolsey and Warrenton near the navy-yard were likewise deserted.<sup>2</sup>

Summer gave way to autumn, and still no combat had taken place in West Florida. The "Sebastopol of America"<sup>3</sup> was almost as quiet as a country grave-yard. Tropical storms, with thunder and lightning and rain, occasionally swept over the crouching armies, and the up-country recruit became sick of fish and hardened to the sad monotone of the Gulf surf. The tide of conflict had drifted far North.

But the mobilization of troops on Pensacola bay was not devoid of effect, probably important effect. "It was regarded at the time as of significant importance, aroused great interest and enthusiasm, and was the subject of wide and excited comment at home and abroad," writes a veteran who entered upon the War in the Army of Pensacola.<sup>4</sup>

It strengthened the determination and increased the confidence of the people all over the South, and was everywhere regarded as a test of the spirit, devotion and purpose of her people. It was the first aggressive movement in which the Southern States acted in concert, and dispelled all doubt as to their future co-operation. The moral effect greatly exceeded in value and importance all other resulting physical advantages.

<sup>1</sup> *N. Y. Herald*, Apr. 6, Sep. 30, 1861.

<sup>2</sup> *N. Y. Herald*, Apr. 6, 1861.

<sup>3</sup> *N. Y. World*, Apr. 6, 1861. This term was frequently employed by the journals in referring to Pensacola bay.

<sup>4</sup> McFarland, B., *Miss. Hist. Soc.*, v. ix, pp. 21-23.



## BOOK II

### THE CIVIL WAR

"What is all this for? Why this array of armies? Why this fierce meeting in mortal combat? What is all this carnage and slaughter for? Why the prolongation of this conflict? Why this lamentation and mourning going up from almost every house and family from Maine to the Rio Grande, and from the Atlantic and Gulf to the Lakes, for friends and dear ones who have fallen by disease and violence in this unparalleled struggle? The question if replied to by the North can have but one answer."—Alexander H. Stephens, 1863, *Mess. and Papers of the Confed.*, v. 1, p. 175.



## CHAPTER VI

### THE BEGINNING OF HOSTILITIES IN FLORIDA

ACROSS the channel from Pickens the batteries of the Confederate army stretched in a majestic curve for more than two miles.<sup>1</sup> The western rim of the lower bay sparkled at night with the myriad lights of camp fires. The rank and file of both armies awaited with grim impatience the opening of hostilities. "In our camp there is an unusual degree of excitement," wrote a Union correspondent from the Federal encampment on Santa Rosa island. "Although we could not take a very active part while the bombardment lasted, yet we longed for the fray to commence."<sup>2</sup>

Near the navy-yard was anchored the huge "million dollar dry dock". It had been acquired by the secessionists on the surrender of the yard. The first offensive movement of the Federal military was directed against this very valuable piece of property. It lay with an insufficient guard under the guns of both Pickens and the Confederate batteries. Preparations were completed on September 1st for its destruction, but the "night came cloudless", records a Federal soldier—

the heavens lit up by a host of stars looked beautiful beyond description. The shore opposite was plainly visible and the entire enterprise seemed too hazardous, as in the planning of it a darker night had been looked for. Upon consultation it was thought best to wait till the following night [September

<sup>1</sup> *Off. Rclds. Rebell.*, s. i, v. 6.

<sup>2</sup> Moore, *Rebell. Rcd.*, v. 3, p. 117.

2nd]. All day Monday a strong wind blew from off the Gulf; rain was expected but none fell. Night came and the sky was cloudy. A few minutes after "tattoo" Lieut. Shipley left the beach in front of the fort in a boat with eleven picked men, rowing noiselessly for the dry dock.<sup>1</sup>

They clambered aboard and found no one there to oppose them. Combustibles and inflammable material were put into the hold of the dock; the torch was applied; and the boat's crew withdrew. "As the first streak of flame mounted upward the long roll sounded at the navy-yard, the soldiers stationed there turned out in haste, and everything was wild confusion—but not a shot was fired", stated a recording witness on Santa Rosa island. "Meanwhile the whole sky was illumined by the tall spires of flame which sprang upward from the burning dock."<sup>2</sup> This stroke under Confederate guns was soon followed by a bolder one.

At three-thirty o'clock on the morning of September 14th, three launches from the Federal warship Colorado succeeded in reaching, undetected, the side of the armed Confederate schooner Judah, which was moored at the docks under the guns of the navy-yard batteries.<sup>3</sup> The attacking party was almost aboard before discovered. A savage hand-to-hand fight with the Confederate crew gave them possession of the craft. The rumble of the long roll soon awoke the Confederate encampment, but those on shore could not distinguish friend from foe on the dark and smoking deck of the Judah. The ship was set afire, and while the Southern drums were beating lustily the Federal blue-jackets quickly withdrew in their cutters to the protecting gloom of the Gulf beyond the circle of light made by

<sup>1</sup> Moore, *Rebell. Rcd.*, v. 3, p. 117.

<sup>2</sup> *Ibid.*, v. 3, pp. 117-118 and 77.

<sup>3</sup> *Naval War Rcds.*, s. i, v. 16, p. 671.

the blazing ship. They left behind three of their number dead and fourteen wounded. The *Judah* burned to the water's edge.<sup>1</sup> The first blood of the war in Florida had been shed in savage fashion.

These daring efforts provoked reprisal. General Bragg was determined to pay back in kind. On the eighth of October preparations were completed for a night attack on the Federal encampment in the rear of Fort Pickens on Santa Rosa island.<sup>2</sup> Part of the troops destined for this work were moved by water from the navy-yard to Pensacola on the steamer *Time*. Darkness veiled the manoeuver from those on Santa Rosa island. As the craft passed up the bay toward the town, Brigadier-General Richard H. Anderson, in command, issued final orders for the division of the troops into three battalions. The first, 350 strong, was composed of the 9th Mississippi Infantry, 10th Mississippi Infantry, and the 1st Alabama Infantry; the second, 400 strong, of detachments from the 7th Alabama Infantry, the 1st Florida Infantry, and two independent companies of Infantry from Louisiana; the third, 200 strong, of the 3rd and 5th independent Georgia Battalions. In addition, a company of 53 picked men was taken to spike cannon and set fire to the Federal camp. The whole command numbered about 1,090 men.<sup>3</sup>

Shortly after ten o'clock in the evening these troops already collected in Pensacola, were transferred to barges and to the small bay steamers *Ewing* and *Neaffle*. With lights out the flotilla moved across the bay to Santa Rosa island. Some time after midnight a landing was made on the beach at a point more than four miles east of

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 437. *Naval War Rcds.*, s. i, v. 16, pp. 670-674.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 460.

<sup>3</sup> *Ibid.*

Fort Pickens.<sup>1</sup> Between the Confederate force and the fort lay the sleeping Federal camp. Rumor had gotten abroad there and at Pickens early in the evening that the enemy had landed on the island. As the night progressed in peace the rumor was discredited and apparently forgotten.<sup>2</sup>

The attacking expedition formed in three columns. One took the south or Gulf side of the island; one, the center; and the third, the north or Bay side.<sup>3</sup> Santa Rosa island varies in width from 250 yards to more than half a mile. The men of the central column struggled in the darkness over the shifting sand and through snake-haunted palmetto jungles.<sup>4</sup> "I had rather attempt to scale the ruggedest peak of the Rocky Mountains than to make a forced march on Santa Rosa island," stated one man. "It is impossible for the best-trained troops in the world to keep in line in such a place." The monotone of the Gulf surf dulled the noise of the advancing columns. Occasionally someone, pricked by cactus or sand spur, believed for a moment that he had been bitten by a rattle snake and expressed his belief aloud. "Jump, pardner, jump, Good God, there's a rattler big enough to swallow yer foot! Don't you see him?" "Silence in ranks. Close up, boys," was the response from the company officers.

They passed the dunes which rose up like pale, strange mountains in the darkness. They passed beneath the

<sup>1</sup> Moore, *Rebell. Rcd.*, v. 3, pp. 83, 90, 91. The accounts coincide in saying "about 2 o'clock".

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 439. Moore, *Rebell. Rcd.*, v. 3, pp. 83, 90. Reports of Col. Brown and the testimony of negroes. "Having little confidence in the correctness of the report I directed that no alarm should be given," stated Col. Brown.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 460-61.

<sup>4</sup> See accounts in Moore, *Rebell. Rcd.*, v. 3, pp. 90-93.

dwarfed and gnarled pines, that facing for a century the winds of the sea, made even on a moonless night grotesquely beautiful silhouettes against the sky. They passed silently within the confines of the sleeping Federal camp—and at half past three, about three miles east of Pickens, the first pickets were encountered. “The night was dark and lowering so that a man could scarcely be distinguished twenty yards ahead,” stated a Federal officer in the camp. “Not a sound was heard save the regular tramp of the pickets and the voice of command as it rang through the silent night air. The Zouaves little imagined so incensed and blood-thirsty a foe was so near them and panting for their blood.”<sup>1</sup> The luckless sentinels were promptly shot down,<sup>2</sup> and the Southern columns, moving swiftly through the darkness and over the stricken outposts, burst into the camp of the 6th New York Zouaves with the cry “Death to Wilson! No quarter to Wilson’s Zouaves!”—or such was the cry that the frightened Zouave Colonel thought he heard.<sup>3</sup>

The firing was an abrupt alarm. Colonel Wilson attempted to rouse his men, several hundred strong, to withstand the attack. The sound of “heavy musketry” accompanied by the patting of bullets came from the direction of the field hospital. A lieutenant rushed up to the colonel and reported 2,000 men advancing in two columns.<sup>4</sup> A warning was immediately sent to Colonel Brown in Fort Pickens. Hardly had the message departed when volleys were poured into the half-formed 6th New York from both

<sup>1</sup> Moore, *Rebell. Rcd.*, v. 3, p. 87. Capt. Norman’s (6th N. Y.) statement.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 461. Moore, *Rebell. Rcd.*, v. 3, pp. 87-98, statements of Capt. Norman, 6th N. Y., and Lieut. D’Orville, 6th N. Y.

<sup>3</sup> Moore, *Rebell. Rcd.*, v. 3, p. 86. *Off. Rpt. of Col. Wilson.*

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 446.

flanks and the front. "We were fired into from three sides," stated Wilson.<sup>1</sup> The Zouaves wavered and then fled without heavy loss to the protection of batteries Totten and Lincoln, in the rear of Pickens. The camp burst into flames ere its occupants reached the protection of the Batteries.<sup>2</sup> "My men did well," boasted the Zouave Colonel a few days later. "They have smelt gunpowder; now they are all right. The enemy lost in killed and wounded 500 men,"<sup>3</sup> he affirmed. Yet one of the enemy who survived reported that "the gallant Colonel took to his heels with nothing but a brief skirted nether garment to cover his nakedness, and the race between him and his valiant braves presented a struggle for precedence more closely contested than any ever witnessed on the race course. Bull's Run was nothing in comparison to it."<sup>4</sup>

The burning camp was rifled of available property by the more thrifty Southerners.<sup>5</sup> "One man got \$340 in cash," stated a Southern volunteer. "Another took the Zouave Major's hat; others took coats, hats, caps, swords, a fine pair of navy pistols—one man captured a fine German silver horn." "Every one in Pensacola has my sword and uniform," reported Colonel Wilson a few days later. "I must have had a large quantity of hair, plenty of swords, and uniforms. They say if I was to be taken alive, I would be put in a cage and exhibited."<sup>6</sup>

Soon after the outbreak of the general firing, "the light of the burning camp" being seen at Pickens, Colonel Brown

<sup>1</sup> Moore, *Rebell. Rcd.*, v. 3, p. 86.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 446.

<sup>3</sup> Moore, *Rebell. Rcd.*, v. 3. Wilson's Report, *passim*.

<sup>4</sup> Moore, *Rebell. Rcd.*, v. 3, p. 91.

<sup>5</sup> *Ibid.*, pp. 83-93. Southern and Northern testimony.

<sup>6</sup> Moore, *Rebell. Rcd.*, v. 3, pp. 86, 91, 92.



ordered Major Vogdes to move forward with two companies of regular troops.<sup>1</sup> Vogdes and command were flanked by the Confederates and after a sharp fight the regulars retreated to the batteries, leaving behind eleven killed and wounded, and their commander, Vogdes, in the hands of the enemy.<sup>2</sup> And now the good sense or good fortune of the Southern troops deserted them. Two Confederate detachments fired upon each other and several companies became disorganized in looting the Federal camp.<sup>3</sup> One report from a Southern source states that the "wildest disorder reigned".<sup>4</sup> The Federal regulars and Zouaves came back cautiously into the conflict with their long-range Enfield rifles. In their rear was the stimulating refuge of heavily-entrenched and walled batteries.

The approach of daylight decided General Anderson to withdraw his force from the island.<sup>5</sup> The Confederate troops began at the break of day to march back to the boats, leaving behind the smoldering Federal camp and a small detachment at the field hospital. Federal troops followed at a safe distance, promptly capturing the hospital corps and cutting off some stragglers. The Confederates suffered serious reverses in embarkation. The propeller chain of the steamer Ewing became entangled in a cable. The steamer drifted about helplessly for some time with her crowded barges in tow. The Federal soldiers quickly took advantage of the situation with their Enfield rifles. From behind

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 439, 448. Col. Brown also called upon the warship Potomac to move east and join in the engagement. She arrived too late.

<sup>2</sup> Moore, *Rebell. Rcd.*, v. 3, p. 85. Report of Col. Brown.

<sup>3</sup> *Ibid.*, pp. 91-92.

<sup>4</sup> *Ibid.*, p. 92. From Letter to *Atlanta Intelligencer*.

<sup>5</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 461.

sand dunes they opened an effective fire upon the exposed Southern troops.<sup>1</sup> "Their large Enfield rifles carry a ball a great distance," stated a Southern correspondent with the expedition—"and elevate my musket as I would the bullet fell short of the beach, while their balls fell among us or passed just over our heads."<sup>2</sup>

The outcome of this night conflict on Santa Rosa island had been a questionable success from the Confederate standpoint. The camp of the 6th New York was destroyed; some cannon were spiked; both Federal regulars and volunteers were driven into the entrenchments; and fourteen of the enemy were killed, twenty-nine wounded, and twenty-four captured and missing.<sup>3</sup> But the Confederate loss was seventeen killed, thirty-seven wounded, and thirty captured or missing.<sup>4</sup> In the actual fighting, the Federal troops were heavily outnumbered—probably two to one, but they had the advantage of weapons and position. All Federal troops on Santa Rosa island would have more than equalled the number of the attacking force. The Confederate attack was well planned and remarkably well executed through the repulse of Vogdes' regulars. The green Southern troops were not steady in the excitement of partial victory, stopped to plunder, and failed to follow up their earlier advantages, as they might have, to the very walls of Pickens—one mile distant.

Both sides claimed victory. General Lorenzo Thomas, Ad-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 440, 462.

<sup>2</sup> Moore, *Rebell. Rcd.*, v. 3, p. 92.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 442. Moore, *Rebell. Rcd.*, v. 3, pp. 85-86. Report of Colonel Brown.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 458, 459, 462. Bragg stated that eleven of the dead bodies recovered had a bullet wound in the head and each a fatal wound in the body which led him to the conclusion that they had been murdered on the field.

jutant-General of McClellan's army, stated in his congratulatory announcement: "On the night of October 9th an attempt was made by a large body of rebels to burn the camp of Wilson's Zouaves, spike the guns of the outer batteries, and take Fort Pickens by assault. The enemy was signally repulsed from Santa Rosa Island with heavy loss on their side, after firing a few of our tents."<sup>1</sup> Colonel Wilson, of the Zouaves, reported, "We have had our first fight. It was a terrible one for the enemy," yet further on in the same report he states: "Our new clothes are all destroyed. I have lost everything I had; my men also. They burned us out completely. Our papers and books are burned. My commission is safe. I sent it to the post office before the fight."<sup>2</sup>

On the other hand, General Bragg announced: "We chastised the enemy on Santa Rosa Island last night for his annoyances, drove him from his camp, burned his tents, spiked some of his guns, and retired in good order. Our loss was 30 or 40 killed or wounded."<sup>3</sup> One member of the expedition stated, "I scarcely know whether we achieved a victory or suffered a defeat. Night skirmishing is a dangerous business—especially in an unknown country, as is the island of Santa Rosa."<sup>4</sup>

Fort Pickens was beleaguered by Confederate forces nine months before the long-expected artillery battle occurred. The press North and South generally consigned Pickens to the fate of Sumter. Since February the Confederate troops had been engaged in erecting and improving a powerful line of batteries on the mainland opposite Pickens. These works stretched along the coast in a great crescent for more

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 457.

<sup>2</sup> Moore, *Rebell. Rcd.*, v. 3, p. 86.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 458.

<sup>4</sup> Moore, *Rebell. Rcd.*, v. 3, p. 92.

than two miles with Fort McRee at one horn of the crescent, the navy-yard at the other horn, and Fort Barrancas between. The Confederate armament included probably fifty effective pieces of rather light artillery and twenty ten-inch Columbiads.<sup>1</sup>

The Federal stronghold opposite was a more powerful work than the combined batteries on the mainland. The armament of Pickens by November, 1861, consisted of seven separate batteries mounting thirty-five heavy guns—twelve of them being eight- and ten-inch Columbiads. In addition were five batteries near the fort mounting twenty-two pieces, including four ten-inch Columbiads, two forty-two pounders, eight ten-inch sea-coast mortars, one twelve-inch mortar, and one thirteen-inch mortar.

On the morning of November 22nd, at ten o'clock, the batteries of Fort Pickens suddenly opened fire. The first shots were directed against two Confederate steamers lying at the navy-yard wharf.<sup>2</sup> Both boats escaped with slight injury, and soon the Confederate batteries all along the line were engaged in the artillery duel. The Federal men-of-war Richmond and Niagara moved nearer the shore and opened fire.<sup>3</sup> Their attack was directed mainly against Fort McRee. The big guns of Pickens soon played havoc with this fortification. Three times during the afternoon the fort was afire. This threatened to expel the garrison. The magazines were laid bare to the Federal shells which constantly exploded near them. A burning building to the left of the fort sent showers of cinders and sparks through the open magazine.<sup>4</sup> The flag staffs of both McRee and

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 443; *N. Y. Herald*, Nov. 27, 1861.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 473, 477.

<sup>3</sup> *Ibid.*, pp. 469, 490. *Naval War Rcds.*, s. i, v. 16, pp. 775-781.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 490.

Barrancas were shot away.<sup>1</sup> The men-of-war circling east and west like hawks poured into the devoted Confederate fort tremendous broadsides.

The Confederate gunners worked desperately and not entirely without effect on the ships. A seaman on board the Richmond wrote home,

I had been complimenting the captain of one of our guns for the accuracy of his aim when a shell from Fort McRee bounded through our bulwarks and took the poor fellow's head square off. His brains and blood were scattered all over my face, blinding my eyes and making my brain reel. We had thirteen men serving that gun. Of these six were wounded and one killed outright.<sup>2</sup>

The loss in Fort Pickens during the first day's bombardment was insignificant—one killed, six wounded, and no fires.<sup>3</sup>

Darkness closed the first day's duel. For more than eight hours the roar of artillery had been almost continuous. It was a magnificent and spectacular waste of ammunition. "It was grand and sublime," wrote Gen. Bragg. "The houses in Pensacola, ten miles off, trembled from the effect; and immense quantities of dead fish floated on the surface of the lagoon, stunned by the concussion."<sup>4</sup>

Wind and rain came with the darkness. The Confederate loss was one killed by a shell, twenty-one wounded, and six smothered to death by the caving-in of a magazine.<sup>5</sup> The abandonment of McRee was seriously discussed during the

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 475.

<sup>2</sup> *N. Y. Times*, Dec. 12, 1861. Compare account in *Naval War Rcds.*, s. i, v. 16, pp. 777-9.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 475.

<sup>4</sup> *Ibid.*, p. 490.

<sup>5</sup> Bragg's Report, *Naval War Rcds.*, s. i, v. 16, pp. 783, 784.

night. Half of its armament was disabled and its magazines exposed to fire. "Upon reflection as to the effect this would have on the morale of my troops," stated General Bragg, "I determined to hold it to the last extremity."<sup>1</sup> In the midst of a midnight gale, accompanied by thunder and lightning, efforts were made to put the work in repair.<sup>2</sup>

The next day, at 10:30 A. M., Pickens opened again. The firing was more deliberate now and better directed. At three o'clock in the afternoon the villages of Warrenton and Woolsey were afire from the hot shots of the Federal batteries.<sup>3</sup> Two churches, the Confederate hospital, and some score of private dwellings were consumed. The sand batteries between Barrancas and McRee continued to be worked furiously throughout the day.

At two o'clock in the morning, November 24th, firing ceased. "Quiet reigned," wrote General Bragg.<sup>4</sup> Sunday morning dawned in profound peace. By contrast a death-like stillness seemed to pervade everything.

In this first duel of the forts more than 5,000 cannon shots had been fired, and all told, eight men had been killed. The firing was at comparatively short range—from 2,000 to 3,000 yards.<sup>5</sup> The Confederate works had suffered the greater damage. The result of the bombardment demonstrated the strength of Pickens when matched against the improvised works across the channel; and showed that the Union could with ease continue to hold Pensacola bay and could ultimately, by greater effort, completely destroy the Southern fortifications. General Bragg, however, found

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 491.

<sup>2</sup> *Ibid.*, pp. 478, 491.

<sup>3</sup> *N. Y. Herald*, Dec. 12, 1861. *Off. Rcds. Rebell.*, s. i, v. 6, pp. 475, 491.

<sup>4</sup> *Ibid.*, p. 489.

<sup>5</sup> *Ibid.*, pp. 469, 489, 491.

something to be thankful for. In closing his report of the engagement, he chanted like David, "The missiles of death, showered upon us by an infuriated enemy, respecting neither women, children, nor the sick, have been so directed as to cause us to laugh at their impotent rage. ' Verily, except the Lord keepeth the city, the watchman walketh but in vain.' " <sup>1</sup>

The Federal commander at Pickens, Colonel Brown, was denounced bitterly by General Bragg for firing upon the Confederate hospital. The hospital building was in the rear of the batteries, and Brown had notified Bragg to move either his batteries or his hospital. Bragg had replied,

It seems from your communication that you claim the right to violate the hospital flag because it may be abused. Admit that principle and we must be in a state of barbarism. The sick, the women, the children, and the prisoners must become the object of vengeance; the white flag must be abolished; booty and beauty, rape and rapine must follow in the traces of a victorious command.<sup>2</sup>

To this Brown replied,

You have knowingly and willingly misconstrued my letter for the evident purpose of having your Christian answer published. You knew that in calling to your notice that these buildings would necessarily be exposed to my fire I was influenced by a desire to save the sick, women, and children from danger.<sup>3</sup>

The bombardment followed this controversy. The women, children, and sick—if there were any—were removed beyond the danger zone.

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 493. Report of Bragg

<sup>2</sup> *Ibid.*, p. 470.

<sup>3</sup> *Ibid.*, p. 471.

A second artillery duel of less consequence took place on New Year's afternoon, 1862. Again the engagement was begun by Federal cannon opening on a steamer stationed near the navy-yard. Almost immediately the whole western rim of the bay's mouth was aflame in a superb and useless waste of valuable ammunition.<sup>1</sup> General Bragg was away when the engagement began. His timely arrival put a stop to the Confederate firing. This induced the enemy to cease. A large store-house at the navy-yard was burned by the Federal hot shot. Brigadier-General Anderson, who in Bragg's absence had given the order to return the fire, was arrested by his superior on a charge of intoxication. The charge was not substantiated, but it created a bitter controversy in the Confederate army on Pensacola bay.<sup>2</sup>

These artillery duels, so long awaited by both armies and the entire country, clearly indicated that without tremendous effort Pensacola bay could never be controlled by the Confederacy. That power was thereby deprived of a valuable port of entry for blockade-runners and the greatest naval base on the Gulf. Fort Pickens on Santa Rosa island never passed out of the hands of the Union.

Early in 1862 the development of the conflict in Kentucky and Tennessee seriously threatened the safety of the lower South. While the army of McClellan was preparing to move forward in Virginia, the western army was actively engaged in a far-flung and stubborn campaign which has been termed by one critic "a flanking movement on a vast scale".<sup>3</sup> If the Confederate line in the West had been broken, a few days' march southward would have put the

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 497, 671.

<sup>2</sup> *N. Y. Herald*, Jan. 30, 1862. *N. Y. Times*, Jan. 16, 18, 1862. *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, pp. 323, 324.

<sup>3</sup> Hosmer, *Appeal to Arms*, p. 84.



invaders in the most populous portions of Mississippi and Alabama. They would have swept before them a comparatively dense slave population whose work was vital to the success of distant Southern armies. Plantations, warehouses, homes, and recruiting grounds would have fallen into Federal hands—for the heart of the productive lower South was here—in striking distance of the Western army. The rivers which penetrated this region complicated the military problem of defense and produced a new factor to be seriously reckoned with in interior warfare—namely, the river gunboat.

President Lincoln was anxious for a general advance of Federal forces. He was consistently aggressive in his military policy and sometimes in advice to his army commanders showed irascibility when confronted with probably undue cautiousness. He issued orders for a general advance to begin not later than February 22nd, 1862.<sup>1</sup> Before that date his western army was actively engaged. Fort Henry fell on February 6th. Grant at once moved against the more formidable Fort Donelson. On February 16th it capitulated.<sup>2</sup> In March, McClellan's army in the East moved slowly and majestically forward to ultimate defeat in the Peninsula campaign.

Military events during the first weeks of the spring of 1862 possess a certain panoramic largeness and dramatic quality which partly hides the true hideousness of war. From Virginia to Missouri the conflict was developing on an immense scale. The entire frontier between the two republics was distraught in the hurry and thunder of hostile armies, except where mountain solitudes shut out the clamor of the warring nation. Grant was moving forward

<sup>1</sup> Nicolay and Hay, *Complete Wks.*, v. ii, p. 119.

<sup>2</sup> Hosmer, *op. cit.*, p. 95.

with persistence and good fortune toward his star. McClellan had done his best work ere he led his army into Virginia. His star had reached the zenith, but he and others did not realize it. Lee, laboring over coast defenses and recruitment in South Carolina, Georgia, and Florida, had not yet given evidence of that genius which within a few months made him as leader of the Army of Northern Virginia the most remarkable figure of the war. Albert Sidney Johnston was striving with the Confederate war department to collect a great army for the decisive shock that most wise Southerners then knew must come in the West. It came with swiftness. Shiloh was fought in early April. The Federal advance was checked but Johnston, the great leader, was lost to the South. Hardly had the bells ceased their tolling for the dead when Farragut with a powerful fleet swept past the forts below New Orleans and was literally swept into fame by his victory in Louisiana, the scene of his childhood.<sup>1</sup> This aggressive movement in the West toward the South drew from all the cotton states troops to repel the Federal invasion,<sup>2</sup> and what is important in this narrative of Florida, greatly reduced Confederate military strength within that state.

The withdrawal of soldiers was not the only weakness which threatened to prostrate Florida before invading armies. Local conditions almost destroyed military efficiency. Arms, ammunition, and supplies were scarce and difficult to procure even when military funds were plentiful.<sup>3</sup> "As sure as the sun rises, unless cannon, powder, *etc.*,

<sup>1</sup> Rhodes, *U. S.*, v. 3, pp. 580-630. Hosmer, *op. cit.*, chap. 6.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6, particularly pp. 400, 406, 409, 411, 418.

<sup>3</sup> *Ibid.*, pp. 276, 287, 288, 299, 319, 325, 399, etc. On October 29th Milton to Mallory: "Florida wants arms. She has not received a musket from the Confederate states"; on Nov. 14, "We need arms and munitions of war"; on Nov. 19, to Pres. Davis, "We need troops and munitions of war and military officers of education."

be sent to Florida in the next thirty days, she will fall into the hands of the North," reported Brigadier-General Grayson, who commanded in East Florida. "Florida will become a Yankee province," he concluded. "Our state is in a most deplorable condition," stated Governor Milton to Secretary Mallory in October, 1861. A few days later he informed President Davis that there was "much derangement of military affairs in this state owing chiefly to the desire to enter Confederate service for short periods and certain pay. The large majority who were willing to serve as soldiers as infantry are now in favor of riding into service."

Great sections of Florida were entirely without railways. Pikes were poor; towns were few; bridges and fords were many, and Florida rivers were given to sudden rising and falling. Such conditions hampered the mobilization of troops, and when they were mobilized, disputes and wrangling took place between the officers of state and Confederate troops concerning authority.<sup>1</sup> The governor reported in December, 1861, to the secretary of war that such disputing at Apalachicola "frightened and alarmed the citizens and threatened most serious and disreputable disturbances."<sup>2</sup>

Intemperance in the use of liquor and ignorance of the essentials of military organization and management were not uncommon short-comings among both the militia and the Confederate troops recruited in Florida.<sup>3</sup> Experience

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 288, 298, 355, etc. *Milton Papers*, Nov.-Dec., 1861.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 14, pp. 303, 325, 477, etc.; v. 6, pp. 287, 301. Milton stated that the Confederate Lieut.-Col. in command at Cedar Keys "drank to excess", while the garrison at Fernandina was in his opinion "demoralized by the habitual intemperance of its Colonel and Lieut.-Col." On April 10, 1862, Gen. Finegan, stationed at Tallahassee, issued orders (No. 17) calling "upon officers of all grades to aid him in suppressing the vice of intemperance in the army." Also Richardson, *Lights and Shadows of Itinerant Life*, p. 173, etc.

in the field eradicated most short-comings of this character and made of the Florida troops seasoned, canny, fighting veterans in some of the most effective armies in history. It took time to produce such fighting organizations. The remarkable thing is that in so short a time and with such poor equipment the Southern rank and file learned to practice warfare so successfully. General Bragg, commanding in West Florida, reported in the autumn of 1861 that his army—more than 5,000 strong—was “raw and insufficiently organized”.<sup>1</sup> The greater part of it was composed of troops from neighboring states.

General Grayson, commanding troops in Eastern and Middle Florida until the autumn of 1861, was dying of tuberculosis, and was often abed. He was physically unfit to cope with his strenuous task.<sup>2</sup> Petty politics in regimental elections had developed bitter feuds between officers.<sup>3</sup> State politics in some insidious way aggravated the trouble. When Governor Milton entered upon the duties of his office in November, 1861, he found the friends of ex-Governor Perry directing military organization. Milton was personally opposed to Perry and his followers. Both were Democrats and radicals. “Governor Perry,” he wrote confidentially to Mallory, “is, I reckon, as you have perceived, a man of strong prejudices, without very strong intellectual abilities.”<sup>4</sup> The new governor at once attempted to supplant as best he could the Perry men by his own friends. To accomplish this he

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 757, 762.

<sup>2</sup> *Ibid.*, pp. 288, 289, 341.

<sup>3</sup> *Ibid.*, s. i, v. 6, *passim*. Correspondence of Milton, Benjamin, Davis, Trapier, Floyd, Finegan, Anderson, and Finley in this vol., and *Milton Papers*, MSS.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 287, Letter of Oct. 2, 1862, and p. 290, to J. Davis.

sought to influence the Confederate war department in many of its appointments, removals, and orders concerning Florida and Florida troops for the Confederacy.<sup>1</sup>

To cap the climax of misfortunes for the immediate military welfare of the state, the constitutional convention which reassembled in Tallahassee during January, 1862, voted out of existence the *militia* after March 10th of that year.<sup>2</sup> Most troops in Florida—state militia and Confederate—were “twelve-month volunteers”. Their terms of enlistment dated mostly from the spring and summer of 1861.<sup>3</sup> Both the Confederate government and the state government were face to face in the spring of 1862 with the possibility of a considerable part of their military being temporarily disbanded. Thousands of soldiers were induced to re-enlist before their terms expired by the reward of furloughs, which enabled them to return home for a little while. They found themselves heroes in the eyes of the homefolks—the women particularly. To keep alive the impression, they promptly returned and re-enlisted.<sup>4</sup> The Confederate government finally settled the question of hold-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 93, 292, 298, 300, 355, 390, 404, 412, 427, 429; v. 14, p. 474; v. 53, pt. 2, pp. 203-206, 211, 230, 236, 237, 290. Conven. proceedings, 1862, pp. 57, 95; *Milton Papers*, 1862-4.

<sup>2</sup> Gov.'s message, November 17, 1862, Ordinance of Convention, in part as follows: “That the Governor be and is hereby required on or before March 10 next to transfer into Confederate service all troops now in the service of the state; and if they fail or refuse to go into Confederate service, said troops shall be disbanded.”

<sup>3</sup> Muster rolls in Robertson, *Soldiers of Florida*.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 376, 768, 770, 778, 806, 810. On Dec. 11, 1861, Gen. Bragg at Pensacola wrote to Sec. Benjamin: “Great difficulty is being experienced in organizing our old men for the war—our fight (on Santa Rosa Island) has injured our prospects. Men wish to go home and talk over their deeds with their friends and families. I shall try now by liberal use of furloughs. As they are to go anyhow it will be as well to let them go on furlough, and then they will not stay. The women will not tolerate it.”

ing together its volunteers by the passage of the Conscrip-  
t Act on April 16th.<sup>1</sup>

More than a month before this date the Florida militia had been disbanded. The convention ordered that the governor transfer to Confederate service those troops who wished to be transferred. If a soldier did not wish to go from the state service to the Confederate service he was to be mustered out on March 10th. Brigadier-General Floyd of Florida expressed the opinion that "the militia will not enlist in Confederate service until they have enjoyed the privilege of going home." This proved to be the case.<sup>2</sup> On March 10th less than 1,000 Florida militia were mustered out and for a time the Confederacy was none the better off for soldiers in Florida.<sup>3</sup> The men returned home before entering the service again.

In the Confederate war department the defense of Florida resolved itself primarily into defending the approaches to Apalachicola at the mouth of the Apalachicola river; Fernandina, the Atlantic terminus of Florida's railway system; Jacksonville, near the mouth of the St. Johns river; and Pensacola, the chief town of West Florida.<sup>4</sup> The evi-

<sup>1</sup> Act C. S. Congress, *Off. Rcds. Rebell.*, s. iv, v. 1, pp. 1095-1099.

<sup>2</sup> *Ibid.*, s. i, v. 6, pp. 412, 768, 770-8. Gov.'s message, Nov. 17, 1862, *Milton Papers*.

<sup>3</sup> *Rpt. State Adj.-Gen.*, Jan., 1862. Gov.'s message, Nov. 17, 1862. "The effect of this order," wrote Gov. Milton, "was, in spite of every effort I could make, to disband the state forces and thus create the necessity of abandoning Apalachicola and other important positions to the mercy of the enemy." Also *An. Cyclo.*, 1862, for résumé of conditions.

<sup>4</sup> The principal coast towns in Florida were Pensacola, Apalachicola, Cedar Keys, Tampa, and Key West on the Gulf; and St. Augustine, Jacksonville, and Fernandina on the Atlantic. Key West never passed out of Federal hands. Pensacola was held jointly by the Confederates and Federals. None of these towns had a population of more than 3,500. Regarding their condition at this time see *U. S. Census*, 1860;

dent intention of the Confederate government during the autumn and early winter of 1861-2 was to defend the Florida seaboard.<sup>1</sup> Cannon, ammunition, and supplies as well as troops were sent to Fernandina, Apalachicola, St. Johns Bluff (below Jacksonville), and Pensacola.<sup>2</sup> Cedar Keys, the Gulf terminus of the Florida railway, was neglected.

By the end of February, 1862, thirty guns had been mounted in works about Fernandina—some in Fort Clinch and some behind sand barriers. A few pieces were eight- and ten-inch Columbiads. Brigadier-General Trapier, in command at Fernandina, stated that it would take 7,000 men to man adequately the works and trenches about the town. Never more than 3,500 men were stationed there.<sup>3</sup>

At Apalachicola on the Gulf the defenses were ridiculously feeble. By October, 1861, they consisted of six light and old thirty-two-pound smooth-bores, mounted on St. Vincent's island, twelve miles away toward the Gulf. The land approaches to the town were unguarded, as well as an approach by water from the sea through East Pass. By the

*N. Y. Herald*, Jan. 12, Feb. 14, Mch. 2, 14, 15, 18, 20, Apr. 2, 1862; *N. Y. Times*, Mch. 13, 1862; *Off. Rcds. Rebell.*, s. i, v. 6, pp. 291, 298, 301, 303, 316, 355, 757, 762; v. 14, pp. 488, 512, 630.

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 294, 307, 334, etc.; v. 53, *supra*, pp. 64, 73. Correspondence of Milton, Yulee, Grayson, Finegan, Trapier, Benjamin, Davis. Also *Milton Papers*, 1862. On Nov. 29, 1861, Benjamin (Secy. of War) wrote to Milton, "No effort shall be intermitted by the Confederate Government to insure the safety of your state." On Oct. 22, Benjamin had written to Gen. Trapier in Florida, "Your instructions are brief and simple. Do everything that your means and energy will permit to place the coast of Florida in a state of defense."

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 276-7, 286-7, 303, 332, 334, 367-8, 386.

<sup>3</sup> *Ibid.*, p. 371. In Jan., 1862, Gen. Trapier reported 2,127 Confederate infantry, 1,126 cavalry, and 95 artillery in East and Middle Florida. These troops included one Georgia regiment, one Mississippi regiment, and the rest Florida troops.

end of the year shallow entrenchments more than three miles long had been thrown up to protect the town, but to man these trenches at least 5,000 men were needed and never more than 1,000 men could be counted on for service there. The place was no stronger in guns, the heaviest being a 32-pound smooth-bore. The supply of ammunition was very limited.<sup>1</sup> Apalachicola was the entrepot by sea to rich sections of Georgia, Alabama, and Florida. It was important therefore that it be protected. "Insecurity and apprehension is the predominant feeling at Apalachicola," wrote a citizen of the town.<sup>2</sup> Governor Milton and ex-Senator Yulee desperately sought help from the Confederate war department for both Fernandina and Apalachicola, but with little result. The pressure was becoming terrible elsewhere and Florida was almost forgotten.<sup>3</sup>

Early in February, 1862, Mr. Benjamin, Confederate secretary of war, directed General Bragg at Pensacola to send immediately to Johnston's army in Tennessee all troops which he could spare.<sup>4</sup> By this order was first officially transmitted to Florida that increasing pressure for men and supplies felt along the northwest border of the Confederacy. The entire lower South responded. The shifting of military forces west and north was a vast movement.<sup>5</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 286, 304, 319, 355-6.

<sup>2</sup> *Ibid.*, pp. 286-7.

<sup>3</sup> For Milton's attitude and efforts, see Message, Nov. 17, 1862, *Milton Papers*; *Off. Rcds. Rebell.*, s. i, v. 6, pp. 288, 319, 325, 354-5, 402, 404. Milton's home was in Apalachicola valley, which sharpened his interest in that section. For Yulee's attitude and efforts see *Off. Rcds. Rebell.*, s. i, v. 6, pp. 292-5. Letter to R. E. Lee in *N. Y. Herald*, March 18, 1868; *N. Y. Herald*, Jan. 27, 1862. Yulee's beautiful plantation was near Fernandina, which sharpened his interest in East Florida. See *Phil. Bulletin*, Jan. 24, 1862.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 823.

<sup>5</sup> See *An. Cyclo.*, 1861-2. *Off. Rcds. Rebell.*, s. i, v. 6, pp. 725-894.



The resulting withdrawal of troops from Florida was a small part of this movement, but it wrought an important change for the state.

Fort Donelson fell on February 16th. One week later the Confederate war department announced a complete change of policy regarding the east or Atlantic coast of Florida. It was to be abandoned. Mr. Benjamin, secretary of war, informed Robert E. Lee, then commanding the military department including East and Central Florida, that the recent disaster to Confederate arms in Tennessee would force the government to withdraw its lines within more defensible limits; that the railroad between Memphis and Richmond must be held at all hazards; that this could be done only by the withdrawal of troops from the seaboard; and that accordingly the troops along the Florida coast must be sent to General Johnston's army in Tennessee.<sup>1</sup> The only Confederate troops to be retained would be for the defense of the Apalachicola river.

When General Lee heard of the fall of Fort Donelson, he warned General Trapier, his lieutenant in East Florida, to be prepared to move toward Tennessee on short notice.<sup>2</sup> Mr. Benjamin informed General Bragg, commanding in West Florida, that "it is proposed not to leave any force at all at Pensacola. The heavy blow which has been inflicted on us in Kentucky and Tennessee renders necessary a complete change in our whole program."<sup>3</sup> Some hopes were expressed by General Lee and the Confederate war department that troops might be spared for the protection of the Apalachicola and St. Johns rivers.<sup>4</sup> It will be remembered that on March 10th by law the state militia would cease to

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 398.

<sup>2</sup> *Ibid.*, p. 393.

<sup>3</sup> *Ibid.*, p. 286.

<sup>4</sup> *Ibid.*, s. i, v. 6, pp. 398, 406, 410, 884.

exist. The withdrawal of Confederate troops threatened therefore complete abandonment by the military. Governor Milton believed that with seaports, rivers, railways, and interior towns unguarded Florida would soon be the scene of disastrous invasion. "The effect of this order," he wrote, "is to abandon Middle, East and Southern Florida to the mercy and abuse of the Lincoln Government."<sup>1</sup>

Troops moved out of the state slowly. Cannon, military equipment, and supplies were withdrawn with some difficulty because transportation facilities were poor.<sup>2</sup> Public opinion in Florida called for every possible delay. In Middle and East Florida many of the troops were natives of the state. General Pemberton wrote from Florida in March, 1862: "I find the citizens of Tallahassee much excited over the subject of the withdrawal of the troops, and I am informed by Governor Milton and others that the feeling in many cases amounts almost to disaffection."<sup>3</sup> In East Florida some people declared that the Confederate Government had "deserted them and has no claims to their fealty."<sup>4</sup> General Bragg stated that "the people of Pensacola, Mobile, and all Alabama and West Florida are greatly alarmed at the report that this place [Pensacola] is to be abandoned to the enemy." The Confederacy with no navy except a few commerce destroyers could not hold its seaboard and its northern frontier at the same time.

By the middle of April, 1862, 5,000 of the 6,500 troops on Pensacola bay were withdrawn beyond the state.<sup>5</sup> By

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 402, 403, 408.

<sup>2</sup> *Ibid.*, pp. 398, 404-412, 417, 835, 838, 857, 858, 862, 869.

<sup>3</sup> *Ibid.*, pp. 841, 838.

<sup>4</sup> Special Florida correspondent of *N. Y. Tribune*, Mar. 24, 1862.

<sup>5</sup> *Ibid.*, pp. 371, 409; v. 14, pp. 485, 488, 512, 530, 577. See also regimental histories in Robertson, *Soldiers of Florida*.

the end of May probably 3,000 of the 4,000 troops in East and Central Florida had left.<sup>1</sup> The defenses along the coast were partially or totally dismantled. The ordnance was removed into the interior. While Confederate forces were leaving the state for the West a Federal army was preparing to invade.

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, *passim*.

## CHAPTER VII

### FEDERAL INVASION

FEDERAL invasion quickly followed Confederate abandonment of Florida coast defenses. The invasion was a component part of an extended movement down the Atlantic seaboard from Fortress Monroe, Virginia. The Federal navy department elaborated plans early in July, 1861, for this proposed advance southward. Fernandina, Florida, was then prominently mentioned as an objective point. "Fernandina is by its position obviously the most suitable point for a place of deposit," reported the House Committee on Naval Affairs, "answering at *one end* of the line to Hampton Roads at the other."<sup>1</sup> This town is in extreme northeastern Florida, built on an island, and near the Georgia-Florida state line.

Late in August, 1861, Forts Hatteras and Clark on the North Carolina coast were taken by the Federal expedition from Fortress Monroe. On November 7th, General T. W. Sherman took Port Royal, S. C.<sup>2</sup> Logically the occupation of

<sup>1</sup> *Rpt. Naval Com., Off. Rcds. Rebl.*, s. i, v. 53, *supra*, pp. 64-73. On July 5, 1861, the Du Pont Comit. reported to Secy. Welles on the necessity of occupying Fernandina. Its population was estimated by the committee at 1,000; depth at bar, 14 feet; property: valuable wharves and warehouses of the Fla. R. R.; defense: isolation on Amelia Island made it easy to defend. Fernandina was compared with Port Royal, S. C., and Jacksonville, Fla., and pronounced the best place for a naval and military station.

<sup>2</sup> Rhodes, *U. S.*, v. 3, pp. 489-90. Hosmer, *Appeal to Arms*, pp. 74, 112.

Fernandina was soon to be attempted.<sup>1</sup> General Horatio Wright on the last day of January, 1862, formally proposed that an expedition set out from Port Royal for Fernandina. His chief, General McClellan, approved the plan, and late in February a combined naval and military force was ready to proceed to Florida.<sup>2</sup> The people of the lower South had reason to fear this steady advance by sea from the North. It bade fair to sweep along the entire southern coast, Gulf as well as Atlantic.<sup>3</sup> It meant invasion with the attendant destruction of life and property. During 1862 extended operations did not occur on the Gulf coast of Florida. In this quarter, however, the state experienced two naval raids on its unprotected entrepôts. The first of these was the descent on Cedar Keys in January.

During the Civil War, Key West was an important distributing center for war news—particularly news concerning the lower South. Both Confederate and Federal authorities obtained information in the town. White Union men and escaped negroes from time to time carried there news about the interior. Confederate sympathizers in the town forwarded information to the mainland.<sup>4</sup> News that the Confederate coast guard at Cedar Keys had been greatly

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 207-9. On Dec. 19, 1861, Sherman (T. W.) wrote McClellan: "Du Pont thinks he will be ready for Fernandina in a week or two"; and on Dec. 21, to Cameron, "I have for a long time been ready for Fernandina, but the Navy is not".

<sup>2</sup> *Ibid.*, pp. 220, 225, 235. Feb. 14th, McClellan wrote Sherman: "The expedition to Fernandina is well and I shall be glad to hear that it is ours."

<sup>3</sup> *N. Y. Times*, Mch. 19, 28, 1862. *N. Y. Herald*, Mch. 18, 1862, letter of Yulee. Correspondence of Governor Milton in *Milton Papers* and *Off. Rcds. Rebell.*; several letters of Gov. Shorter in *Off. Rcds. Rebell.*

<sup>4</sup> *N. Y. Herald*, Mch. 2, Oct. 26, 1862. *N. Y. Times*, Feb. 28, 1862; Mch. 18, 26, 1863. *N. Y. Tribune*, Mch. 9, 1863. *N. Y. World*, Mch. 15, 1863; *Off. Rcds. Rebell.*; and *Navy*; and *Milton Papers*, *passim*.

reduced and that several ships were loading there preparatory to running the blockade reached Key West in December, 1861. At best it was only a rumor, but being a very plausible one, it might have sent there a Federal man-of-war engaged in the blockading.<sup>1</sup>

On January 15th, the United States ship Hatteras from Key West entered the harbor of Cedar Keys. Few inhabitants were left in the village. The remnant of the Coast Guard, twenty-two strong—stationed on Sea Horse Key to protect property from thieves and "Union Men"—quickly decided on flight.<sup>2</sup> They ran for their boat, which was a flat-bottomed scow. They attempted frantically to "pole" the boat to the mainland. On reaching deep water their poles were found to be too short to touch bottom. In their hurry they had forgotten their sweeps. The wind and tide caught them and bore them out toward the waiting Hatteras, where they were taken aboard as prisoners of war.<sup>3</sup>

Marines and sailors from the Hatteras were sent ashore. They spiked the three cannon found on Sea Horse Key, set afire five schooners and three sloops loaded with cotton and turpentine preparatory to running the blockade; burned the railway depot, seven freight cars and a warehouse filled with turpentine; and pulled down all telegraph wires.<sup>4</sup> No one in the village was molested because no one was found there, probably, who was not professedly a Union sympathizer. Union men in the neighborhood were given an opportunity to subscribe regularly to the Federal oath

<sup>1</sup> Rpt Gen. Trapier, *Off. Rcds. Rebell.*, s. i, v. 6, pp. 74-77; *N. Y. Herald*, Jan. 3, 1862.

<sup>2</sup> *Naval War Rcds.*, s. i, v. 17, p. 51. Rpt. Gen. Trapier (C. S. A.).

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 76-77. *Naval War Rcds.*, s. i, v. 17, pp. 48-51.

<sup>4</sup> *Naval War Rcds.*, s. i, v. 17, pp. 48-50. Report of Emmons.

of allegiance. Several negroes ran off to the warship in the harbor, but not being desired by those on board they were promptly sent back to land. The Hatteras soon "withdrew to sea."<sup>1</sup>

This was the first naval raid on an unprotected Florida seaport. Military strength at Cedar Keys had been depleted to strengthen Fernandina, which was the Atlantic terminus of the Florida railroad, and as a result the Gulf terminus of this road had been almost wiped out by one small gunboat.<sup>2</sup> Mr. Yulee, ex-United States Senator and president of the road, arrived there several days after the catastrophe.<sup>3</sup>

A few weeks later (February 28th) the Federal expedition for the occupation of East Florida sailed from Port Royal, South Carolina.<sup>4</sup> The fleet comprised some twenty-four or twenty-five steamships and eight sailing craft. Eighteen of the steamers were gun-boats or armed transports.<sup>5</sup> A brigade of infantry was aboard under the command of General Horatio Wright.<sup>6</sup> The fleet was commanded by Commodore Du Pont. "It was a clear, star-lit night when the fleet weighed anchor and proceeded southward."<sup>7</sup> The distance from Port Royal to Fernandina is less than

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 74-77. *N. Y. Herald*, Jan. 25, 30; Feb. 14, 1862.

<sup>2</sup> *Naval War Rcds.*, s. i, v. 17, p. 51. Statement of Gen. Trapier (C. S. A.).

<sup>3</sup> Letter of Yulee to Lee. *N. Y. Herald*, Mch. 18, 1862.

<sup>4</sup> Du Pont's Report. Moore, *Rebell. Rcd.*, v. iv, p. 229.

<sup>5</sup> See Moore, *Rebell. Rcd.*, v. 4, p. 229; *N. Y. Times*, Mch. 15, 1862; *N. Y. Herald*, Mch. 11, 1862; *Naval War Rcds.*, s. i, v. 12, pp. 571-575.

<sup>6</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 244; Moore, *Rebell. Rcd.*, v. 4. Drayton Report; *N. Y. Times*, Mch. 15, 1862. The troops were the 97th Penn. and 4th New Hamp. Infantry.

<sup>7</sup> Correspondent of *N. Y. Times* with expedition Mch. 15, 1862.

150 miles. The flotilla wound its way slowly along the Georgia coast, which is washed by a semi-tropical ocean and fringed by the Sea Islands, that lift a waving cloud of green above the azure of the sea. The shore of the mainland is sunk almost to the level of the ocean in great, desolate, wind-swept marshes which stretch down from the North and touch the sea in "beach lines that linger and curl as a silver-wrought garment that clings to and follows the firm, sweet limbs of a girl." Here are the marshes of Glynn. Beyond them is Florida.

Near the southeastern edge of Georgia, Cumberland island forms with the mainland St. Andrews sound. This sound afforded a way by water to Fernandina in the rear of the heavy guns of Fort Clinch, which guarded the seaward approach to the harbor.<sup>1</sup> On the morning of March 2nd, the fleet cast anchor in St. Andrews sound. Information was obtained from a negro that Fernandina was being evacuated by its Confederate garrison and deserted by its inhabitants.<sup>2</sup> After some delay several gunboats were sent ahead to Fernandina.<sup>3</sup> The negro had reported correctly. The town was being abandoned. Word that the Federal fleet had sailed from Port Royal quickly reached Fernandina by telegraph. The Confederate garrison at Fort Clinch began the removal of guns and ammunition. The inhabitants of the neighborhood began to pack their personal effects and collect their negroes for flight into the interior. They were slow to turn their backs on their homes. Many lingered, hoping that the news might prove untrue. But

<sup>1</sup> See map *Naval War Rcds.*, s. i, v. 12, p. 620; also pp. 568-72.

<sup>2</sup> *Naval War Rcds.*, s. i, v. 12, p. 572 (memorandum). Moore, *Rebell. Rcd.*, v. 4, pp. 57, 229. *N. Y. Herald*, Mch. 18, 1862; *N. Y. Times*, Mch. 15, 1862.

<sup>3</sup> *Naval War Rcds.*, s. i, v. 12, p. 573. Du Pont to Commodore Drayton of the Pawnee.



alarming dispatches continued to arrive. The first report was confirmed, and during Sunday while church bells were ringing, women, children, old men—black, white, slave, and free—were reluctantly crossing with the soldiers to the mainland, and moving on into the interior away from “Yankee” invaders.<sup>1</sup>

On Monday afternoon, March 3rd, the advance squadron came into the bay. As the gun-boats approached, the last railway train pulled out from the station at Fernandina. The cars were crowded with fugitives and piled high with household goods. Confederate outposts appeared here and there on the seashore, and, firing random shots at the boats, retreated into the woods. A small river steamer heavily laden and working her machinery to the utmost was attempting to escape in the direction of the St. Marys river. Smoke poured from her funnels. The forsaken hamlet on the edge of the sea was serene in the bright sunshine of this winter afternoon. A white flag somewhere—perhaps on the most prominent pier—was waving. The locomotive and cars began the passage of the long trestle which connected the island with the mainland. The leading Federal gun-boat opened fire. A solid shot struck the last car, and tearing through tables, chairs, and bedsteads, killed two boys seated on a sofa. The wrecked car with its dead was detached and the train, amid the cannon shots of pursuers, went on into safety.<sup>2</sup> The flying river steamer was captured after a long chase. Some forty women and children

<sup>1</sup> *Naval War Rcds.*, s. i, v. 12, pp. pp. 573-75. Moore, *Rebell. Rcds.*, v. 4, p. 229. “At eight o’clock the night previous a telegram was received that the Federal fleet was coming,” reported Du Pont. “This news seems to have produced a perfect panic, as by twelve o’clock the next day the garrison which consisted of 1,500 men and almost all the inhabitants had gone off.”

<sup>2</sup> *Naval War Rcds.*, s. i, v. 12, pp. 576-77.

were aboard. Most of them were on their knees engaged in prayer for deliverance from the Yankees, "battle, murder, and sudden death". The skipper who directed their flight till caught by the Federal gunboat was a stout New-Englander.<sup>1</sup>

Early the next morning troops were landed. The twenty-five or thirty families remaining in and about Fernandina were peacefully disposed. Several natives "made money off the soldiers" by sale and barter. We therefore conclude that the policy of the invaders was not unduly severe. General Wright posted notices that the persons and property of the "Loyal" would not be molested. There were soon evidences of reviving loyalty under such stimulating announcements. The property of those who had fled the town and of those known to be disloyal was appropriated by the Federal commissary department. This mode of acquiring forfeited property had its difficulties. "Loyal" individuals in Fernandina claimed the property of friends who had fled, which reduced the amount to be confiscated by the army. A quantity of rice, cotton, whiskey, molasses, and turpentine was seized; and also a locomotive, several railway cars, and two blockade-runners in cargo. General Wright expressed the opinion that, with few exceptions, those remaining in Fernandina were Confederate sympathizers.<sup>2</sup>

On March 8th, in the afternoon, a Federal squadron of four gunboats, two armed launches and a transport with the 4th New Hampshire Infantry sailed from Fernandina for Jacksonville and St. Augustine.<sup>3</sup> When the ships ar-

<sup>1</sup> *N. Y. Times*, Mch. 15, 1862. *Off. Rcds. Rebell.*, s. i, v. 6, p. 244. Moore, *Rebell. Rcd.*, v. 4, pp. 57, 229.

<sup>2</sup> Moore, *Rebell. Rcd.*, v. 4, pp. 57, 229. *N. Y. Times*, Mch. 15, 1862. *N. Y. Herald*, Mch. 18, 1862. *Naval Rcds.*, s. i, v. 12, pp. 573-585.

<sup>3</sup> *Naval War Rcds.*, s. i, v. 12, pp. 586-588.

rived at the mouth of the St. Johns anchors were cast and a boat sent ashore. Negroes reported that Jacksonville was being abandoned and that the fortifications along the lower St. Johns had been dismantled.

The portion of the squadron ordered to Jacksonville crossed the bar of the St. Johns on the afternoon of the 11th.<sup>1</sup> Near nightfall of this day, while the Federal ships were at anchor twenty miles away, several hundred irregular Confederate troops arrived in Jacksonville on the railway train with orders from General Trapier to burn that property which might be of use to the enemy.<sup>2</sup> Consternation quickly spread among the remaining inhabitants of Jacksonville. Much of the property in and about the town was owned by Union sympathizers. The Confederate soldiers who came with orders to destroy came with the intention of intimidating Union men. At dusk the torch was applied to saw-mills along the St. Johns and the warehouses attached; in Jacksonville, to a foundry, machine shops, hotels, warehouses, the railway station, a business block, and a few dwelling-houses. The loss amounted to more than a half million dollars. Rowdyism by the irregular troops accompanied the destruction. Stores were broken open and plundered. The most offensive of the Union sympathizers fled across the river and found safety in hiding till picked up by Federal troops. Those on board the ships near the mouth of the river saw in the sky the eerie reflection of the burning property.<sup>3</sup>

The next day dawned damp and cold. Seabirds were

<sup>1</sup> Moore, *Rebell. Rcd.*, v. 4, pp. 283, 293. *N. Y. Tribune*, Mch. 24, 1862. *N. Y. Herald*, Mch. 20, 1862.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 414.

<sup>3</sup> *Rebell. Rcd.*, v. 4, p. 293. *N. Y. Tribune*, Mch. 24, 1862. *N. Y. Times*, Mch. 20, Apr. 2, 1862. *N. Y. Express*, Apr. 7, 1862. *N. Y. Herald*, Mch. 20 (containing itemized list of property destroyed), Mch. 31, 1862.

flying low and no wind blew from the ocean. Through a foggy atmosphere the squadron proceeded up the river. The charred ruins left by the Confederate "regulators" were still smouldering when the boats cast anchor off Jacksonville.<sup>1</sup> A deputation from Jacksonville headed by a Mr. Burritt—called "a Northern man"—came aboard the flagship to surrender the town, pledge the good behavior of its citizens, and pray for protection against further vandalism.<sup>2</sup> Mr. Burritt stated to Captain Stevens, the fleet commander, that the past night had been one of terror and that the opinion of the people of Jacksonville was singularly unanimous on the subject of the war. "It is believed to be unwise, unprovoked, and unjust," he said. He frankly represented the people as not being in sympathy with the Union.<sup>3</sup> "There was no enthusiasm or feeling of any kind shown by the people on the arrival of the Union troops," writes one observer. "Captain Stevens is confident of a strong Union sentiment among the people and that a considerable portion of the State is weary of the rebellion and will return to its duty," he continued.

No such inference could be drawn from anything that I have heard publicly or privately. I talked with many persons, and nowhere was expressed love for the Union. If any sentiment predominates, it is loyalty to the State. The Confederate Government, they say, has deserted them and has no claim to their fealty.<sup>4</sup>

<sup>1</sup> Account from *Philadelphia Press*, Moore, *Rebell. Rcd.*, v. 4.

<sup>2</sup> *Naval War Rcds.*, s. i, v. 12, p. 599.

<sup>3</sup> The mayor of Jacksonville issued a proclamation on Mch. 7, 1862, stating that the city council after deliberation with the Confederate military authorities had decided to make no effort to defend Jacksonville. He counseled the people to remain in their homes and pursue their usual vocations. *Naval War Rcds.*, s. i, v. 12, p. 500.

<sup>4</sup> *N. Y. Tribune*, Mch. 24, 1862, special correspondent with expedition.

Captain Stevens reported: "From conversation with intelligent citizens I find that inhabitants are seeking and waiting for the protection of our flag; that they do not fear us but their own people,"<sup>1</sup> while another person stated: "Our (Federal) reception was not enthusiastic. They looked as if they could not help it."<sup>2</sup>

The truth was that many of the inhabitants of Jacksonville had departed ere the invaders arrived. Those who departed were hostile to the Union and those who remained were divided in sentiment. The Union sympathizers were mostly prosperous town merchants, lumbermen, and real-estate dealers who had recently come into Florida from the North and who being "unwilling to relinquish so much valuable property, remained to protect it". They vehemently urged the retention of the town by Federal troops. Within a week General T. W. Sherman arrived and following his arrival were inaugurated some rather premature measures to reconstruct Florida politically.<sup>3</sup> There was little worth holding in Jacksonville and the Union men were desperately trying to make their case as plausible as possible. This case will be considered further on.

It will be remembered that part of the squadron which set out from Fernandina on March 8th was ordered to St. Augustine. A Federal gun-boat anchored off the town on the 11th, and in the early afternoon Commander Rodgers and a Mr. Dennis, of the coast survey, unescorted by troops, entered the harbor in a small boat. They were met at the principal pier by Mayor Bravo and a curiosity-stricken crowd who amicably, though without cheering, escorted the

<sup>1</sup> *Naval War Rcds.*, s. i, v. 12, p. 600.

<sup>2</sup> Moore, *Rebell. Rcd.*, v. 4, account from *Phila. Press*.

<sup>3</sup> *N. Y. Times*, Apr. 2, 1862. *N. Y. Herald*, Mch. 20, Apr. 11, 1862. Moore, *Rebell. Rcd.*, v. 4, pp. 325, 349.

Federal officers to the town-hall. There, in the presence of mayor and council and the two Federal officials, the town was formally surrendered.<sup>1</sup>

The people of St. Augustine seemed less perturbed than those of Fernandina and Jacksonville. About one-fifth of the 2,000 inhabitants had left the town on the approach of the Federal warship. The small Confederate garrison had retired into the interior the night before.<sup>2</sup> Rodgers visited the clergymen of St. Augustine, talked peace and good-will to them, and directed that they use their best efforts to reassure the people concerning the kind intentions of the Federal government. "I believe many citizens are earnestly attached to the Union," wrote Rodgers from St. Augustine, "a large number silently opposed to it, and a still larger number who care very little about the matter. I think that nearly all the men acquiesce in the condition of affairs."<sup>3</sup>

The only bellicose spirits in this rather peaceful war-time episode were some patriotic ladies. "They seem to mistake treason for courage," angrily reported the Federal commander, "and have a theatrical desire to figure as heroines."<sup>4</sup> He had found the flag-pole at Fort Marion cut down when he arrived. The men said the women did it, and one woman, a widow, informed Rodgers to his face, "that the men had behaved like cowards, but that there were stout hearts in other bosoms (striking her own)." This accounts probably for Rodger's outburst.<sup>5</sup>

To recapitulate the military situation in East Florida by

<sup>1</sup> *Naval War Rcds.*, s. i, v. 12, pp. 595-596. Moore, *Rebell. Rcd.*, v. 4, *passim*.

<sup>2</sup> *Naval War Rcds.*, s. i, v. 12, p. 596.

<sup>3</sup> Moore, *Rebell. Rcd.*, v. 4, p. 326.

<sup>4</sup> *Naval War Rcds.*, s. i, v. 12, p. 596.

<sup>5</sup> *Ibid.*, p. 601.

the middle of March, 1862: the coast from St. Augustine north was in the hands of the Federal military or under the guns of the fleet; the Confederate troops remaining had fallen back twenty or thirty miles to Sanderson and Baldwin;<sup>1</sup> bodies of "bushwhackers" and irregular cavalry moved here and there through the scrub and along the lonely, sandy trails of East Florida seeking to hang the disloyal; a large portion of the native population had retired into the interior to avoid the Federal invasion; a half-million dollars worth of property had been burned at Jacksonville by Confederate orders; the Confederate military in Florida was steadily moving out of the state for Tennessee and Virginia; Governor Milton and others were vigorously petitioning the Confederate war department to have the troops retained in Florida;<sup>2</sup> and as the white dogwood of early spring festooned the borders of the spacious fields of the interior the wiser ones among the elders who directed the planting and herding which was the life of the state must have entertained grave fears that enemies would share the harvest there.

The Gulf coast was still held by the Confederacy. A veteran Baptist preacher recalling memories of Apalachicola at that time wrote:

Our battalion was increased to about 1,200 men. We guarded Apalachicola and adjacent islands. The general and all the field officers drank. We had fine bands and they frequently serenaded us. . . . One day the Lieut.-Col. came to me and said that I loved music and that the band had to be treated.

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 276, 287, 288, 298, 301, 355. The troops in East Florida were the 3rd and 4th Fla. Infy. (Confed. Army), several companies of 1st Fla. Battalion, Infy., and irregular bodies of horse and artillery.

<sup>2</sup> Letters of Milton to Lee and Benjamin, *Off. Rcds. Rebell.*, s. i, v. 6, pp. 400, 404.

I told him that I would not treat my father if he were to rise from the dead; but to show him that it was not money but principle with me, I said that if he would serenade me as a Christian I would treat them as Christians. . . . About nine o'clock the band and singers came. They opened up at my room at full blast on that grand hymn, "Before Jehovah's Awful Throne Ye Nations Bow with Sacred Awe." The moon was bright. Our headquarters were on the Bay. The sound of the many instruments and fine voices swept over the Bay, and all the air seemed alive with music. The old general came to my door and knocked, exclaiming that he had never heard anything like that. And I never have—before or since. . . . There are no songs like the songs of Zion.

The chaplain had promised to treat the singers as Christians. He accordingly treated them to oysters.<sup>1</sup>

The tragic march of events abruptly ended garrison duty and oyster-suppers at Apalachicola.<sup>2</sup> The disbanding of the state militia by order of the Florida convention and the steady withdrawal of Confederate troops for service in Tennessee forced the abandonment of the town by the military. The Federal blockading squadron hovered off the coast. People expected Apalachicola sooner or later to experience the fate of Cedar Keys, Jacksonville, St. Augustine, and Fernandina; therefore many inhabitants followed the retiring troops into the interior. The blockaders demanded in March that the town be surrendered and that the people forthwith take the oath of allegiance to the Union. Whereupon a committee of citizens—among them the Roman Catholic priest—responded: "The city is defenseless. There are no soldiers or any arms; but there is no one having authority to surrender it." The answer

<sup>1</sup> Richardson, *Lights and Shadows of Itinerant Life*, p. 173.

<sup>2</sup> Governor's Message, Nov. 17, 1862. *Milton Papers*, MSS.



closed with the opinion that there was "no one who would take the oath of allegiance except some — foreigners."<sup>1</sup>

The expected visitation from the Federals soon followed this candid reply. On the night of April 2nd, a boat expedition put off from the two Federal warships blockading the harbor and the next day Apalachicola was occupied by a small force of marines and sailors—called a "large and well-armed force" by its enthusiastic commander.<sup>2</sup> The town presented a desolate appearance. The batteries were dismantled; the warehouses and shops were closed; the streets and wharves were deserted; the harbor was empty of ships. Perhaps 500 people out of a population of 2,500 remained. Those left behind were mostly poor whites and free negroes. Destitution was apparent—no flour, no sugar, no meat, and very little corn. The people were dependent on fish and oysters for subsistence.<sup>3</sup>

They gathered silently and respectfully about the group of Federal soldiers and listened to the words of the commander, Stellwagen. "It was really affecting," he reported, "to see the crowd, principally women and children."<sup>4</sup> He magnanimously granted them permission to fish in what they had been wont to consider their own bay, and he followed this with permission to use their own fishing boats as long as they did not aid blockade-runners. A man in the crowd called out: "Captain, some of our boys [meaning negroes] have gone to your ship. Will they be given up?" "No," replied the commander. "They have been used to transport soldiers and arms, in building fortifications and a gunboat to be used against the United States. You will never get relief for their loss."<sup>5</sup> The marines

<sup>1</sup> *Naval War Rcds.*, s. i, v. 17, p. 203.

<sup>2</sup> *Ibid.*, pp. 201-205.

<sup>3</sup> *N. Y. Herald*, Apr. 21, 1862; *Moore, Rebell. Rcd.*, v. 4, p. 76.

<sup>4</sup> *Naval War Rcds.*, s. i, v. 17, p. 203.

<sup>5</sup> *N. Y. Herald*, Apr. 21, 1862; *Naval War Rcds.*, s. i, v. 17, pp. 203-4.

moved up the river, capturing a schooner loaded with cotton and a sloop loaded with coffee from Havana. The pilot boats in the harbor were burned and the Federal force withdrew to their ships at sea.<sup>1</sup>

This comparatively unimportant affair at Apalachicola alarmed the people of the lower Chattahoochee valley. The town of Columbus, Georgia, reluctantly made common cause with the governor of Florida in preparations to defend the valley. The Columbus city council voted funds for obstructing navigation above Apalachicola.<sup>2</sup> More than 50,000 bales of cotton were stored at Columbus; 20,000 at the town of Eufaula, Alabama (on the Chattahoochee); and probably 10,000 bales at other points along the river.<sup>3</sup> Herds of cattle and cribs of corn in the valley of the Chattahoochee made that section important as a source of food supply.

A powerful submerged boom was constructed across the Apalachicola river a few miles north of the town; ten cannon were mounted behind earthworks at Ricco's Bluffs; and the 6th Florida Infantry and Holland's Independent Florida Battalion were stationed there.<sup>4</sup> The valley of the Chattahoochee was in fact effectually barricaded for any but a formidable force.

The next point to be abandoned by the Confederates was Pensacola. Governor Shorter, of Alabama, advised the war department to retain this port; and for its defense he had sent there from time to time more than 2,000 Alabama troops. The outlook for Pensacola in 1862 was gloomy. The saw-mills in the vicinity were closed. Logging oper-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 286-288, 412. *Naval War Rcds.*, s. i, v. 17, pp. 201-205.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 14, pp. 553, 686-7, 731, 735-6.

<sup>3</sup> *Ibid.*, s. i, v. 53, sup., p. 237, estimate of Gen. Finegan (C. S. A.).

<sup>4</sup> *Ibid.*, s. i, v. 6, pp. 848, 853, 862, 870, 871.

ations had ceased. Here as in the other coast towns many people had moved away. "There is much anxiety among our citizens," reported one inhabitant. "Merchants are packing up and families are leaving."<sup>1</sup> Bad characters took advantage of the absence of men from home to steal or bully a living from unprotected families. Late in March, 1862, Colonel Jones, commanding at Barrancas, declared by proclamation that

there are certain hungry, worthless people, white as well as colored, who frequent Pensacola and vicinity and who have no observable occupation. Their intentions may be honest, but the colonel commanding does not believe it, and as he has no use for their presence they are warned to leave or the consequences must be on their own heads. The gallows is erected at Pensacola and will be in constant use after the 3d of April, 1862. The town is under complete martial law.<sup>2</sup>

Preparations to abandon Pensacola included the destruction of much private property. On March 7th, 1862, Colonel John Beard, of the Confederate army at Pensacola, was ordered to "destroy every foot of lumber, all saw-mills, boats, etc.," in the vicinity of Pensacola. "Everything which might be of service to the enemy," ran his instructions, "in order that if we are forced to abandon this place nothing of value will fall into the hands of the enemy."<sup>3</sup>

On March 11th, before daybreak, Colonel Beard and a company of infantry set out from Pensacola for the work of destruction. By daylight the mills of Wm. Miller on East

<sup>1</sup> *Mobile Register*, quoted in *N. Y. Times*, Mch. 28, 1862. See also correspondence of Bragg and Jones, *Off. Rcds. Rebell.*, s. i, v. 6. pp. 835, 838, 841, 846, 857. *N. Y. Herald*, Mch. 12, Apr. 21, 1862.

<sup>2</sup> Moore, *Rebell. Rcd.*, v. 4, p. 72.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 846.

bay were afire. At Milton, Bluff Springs, Bagdad and many other places along the Blackwater and Escambia rivers property was burned—saw-mills, lumber, warehouses, naval stores, boats, two Confederate gun-boats, and forage, clothing and food supplies not absolutely necessary for the life of the inhabitants. Booms were cut and rafts of timber set adrift. Beard reported a "loyal spirit" among the people. Certainly this was a terrible ordeal for some. They saw their worldly wealth disappear in smoke and ashes—a sacrifice to the Confederacy. Whatever were the true sentiments of the unfortunates, they failed to leave record of such decidedly anti-Confederate sentiments as did the property holders in East Florida.<sup>1</sup>

Two months passed before the Confederate troops finally evacuated Pensacola. When Colonel Thomas Jones took command at Barrancas on March 9th, his instructions were to remove as rapidly as possible all machinery and other movable property from the navy-yard.<sup>2</sup> For two months this removal slowly proceeded. On receipt of news that a Federal fleet had passed the batteries below New Orleans, Jones at once began the removal of his heaviest artillery.<sup>3</sup> General Robert E. Lee, commanding the department including Florida, ordered him to shift his entire force to Mobile if that point was threatened by the Federal fleet.<sup>4</sup> Late in the afternoon of May 7th a dispatch reached Jones that the fleet had appeared off Mobile and that the forts had been fired on. The moment for quitting Pensacola had arrived.<sup>5</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 849, 856, 859-60; *N. Y. Times*, Apr. 19, 1862. *Milton Papers*, memorandum of property destroyed.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 660, 841, 848, 856.

<sup>3</sup> *Naval War Rcds.*, s. i, v. 18, pp. 482-486 (Report of Jones)

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 824

<sup>5</sup> *Ibid.*, p. 660.

The 8th Mississippi Infantry set out for Mobile early the next morning, and the three companies of cavalry and two companies of infantry remaining began the removal of the sick and the camp baggage to Oak Field—six miles north of Pensacola. After nightfall on May 9th the infantry began its march to Oak Field and the cavalry prepared to begin the destruction of the property about their abandoned fortifications.

“Precisely at 11:30 o’clock, when everything was perfectly quiet, both on the enemy’s side and ours, the most painful office it was ever my duty to perform fell to my lot; namely, the signalling for the destruction of the beautiful place which I had labored so hard night and day to defend,” reported Colonel Jones.<sup>1</sup> Two rockets were set off at the Marine Hospital (situated between the navy-yard and Barrancas). Scarcely had the thin blue flame of the rockets disappeared ere the public buildings, camp tents and every combustible thing from the navy-yard to McRee were enveloped in flames. Oil and grease and gunpowder had been spread about. “The scene was grand and sublime,” wrote one correspondent. “The Bay was as light as mid-day while the murky clouds overhead reflected back an apparently liquid sea of fire.”<sup>2</sup> The reflection of the conflagration was seen by the blockading squadron out at sea. “At two A. M.,” wrote Admiral Porter, “a brilliant light illumined the sky.”<sup>3</sup>

A few minutes later and those at the yard saw the flames of burning property at Pensacola. The Federal batteries on Santa Rosa island opened on the burning barracks and forts opposite—the object being, probably, to prevent the spread of the flames. At Pensacola the destruction was

<sup>1</sup> *Naval War Rcds.*, s. i, v. 18, pp. 482-486.

<sup>2</sup> Moore, *Rebell. Rcd.*, v. 5, p. 48, from *Mobile Register*.

<sup>3</sup> *Naval War Rcds.*, s. i, v. 18, p. 479.

confined to the quarter-master's storehouses, an oil factory, and two steamers. All telegraph wires and poles were pulled down. A river steamer loaded with machinery and stores was sent up the Escambia river and her captain was ordered to obstruct the river with timber and debris to prevent pursuit.<sup>1</sup>

Next morning, May 10th, acting-Mayor Brosenham surrendered the town to the Federal authorities.<sup>2</sup> An officer with a small guard had been sent there from Fort Pickens soon after daybreak. "The town appeared to be deserted. Grass was growing in the street and everything was wearing a sad and forlorn appearance."<sup>3</sup> A few hours later the warship *Harriet Lane*, with Commander David Porter aboard, steamed into the harbor. Mr. Brosenham went aboard and assured the commander that the people of Pensacola would respect Federal authority.<sup>4</sup> There was no other reasonable course left open.

Formal military possession of the town was taken next day (May 11th) by Brigadier-General Arnold and several companies of Federal troops. The soldiers stood in hollow square about the flag-staff in the center of the Plaza as the United States flag went up. General Arnold settled himself comfortably in the home of Colonel Chase, who had fled from Pensacola, and Colonel Wilson, of the New York Zouaves, made his headquarters in the home of Secretary Mallory of the Confederate navy.<sup>5</sup> Proclamations were

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 660-665; *N. Y. Herald*, May 19, 1862; *N. Y. Tribune*, May 22, 1862.

<sup>2</sup> *Naval War Rcds.*, s. i, v. 18, p. 480; *Off. Rcds. Rebell.*, s. i, v. 6, p. 658.

<sup>3</sup> *N. Y. Herald*, May 19, 1862; *N. Y. Tribune*, May 22, 1862; Moore, *Rebell. Rcd.*, v. 5, *passim*.

<sup>4</sup> *Naval War Rcds.*, s. i, v. 18, p. 480.

<sup>5</sup> *N. Y. Times*, May ?, 1862 (Townsend Lib., Columbia University).

posted about the town setting forth the duty of "good and loyal" citizens.<sup>1</sup> Most of the Southern sympathizers here as in East Florida had departed with their negroes and other movable property before the Federal troops arrived.<sup>2</sup>

Pensacola, Fernandina, and St. Augustine passed permanently into Union hands in 1862. They were occupied by Union troops for the rest of the war. Jacksonville, however, was abandoned a week after its capture in April.<sup>3</sup> General Sherman stated that the sole object in occupying the town was political.<sup>4</sup> When the Federal house of representatives requested Secretary Stanton to give an explanation of the sudden abandonment of Jacksonville, that official refused for reasons "not compatible with the public interest."<sup>5</sup> The withdrawal of the military was a serious reverse for the Union men of the town. They departed with the troops. Some fifty or sixty went to New York City and the public press took up their case so piteously that the city council voted \$1,000 for their immediate relief.<sup>6</sup>

Six months after its abandonment by the Union army, Jacksonville was re-occupied, but only for a short time.<sup>7</sup> The expedition left Hilton Head, South Carolina, on September 30th, 1862.<sup>8</sup> It consisted of the 47th Pennsylvania and 7th Connecticut Infantry, one section of the 1st Connecticut Light Artillery, and a detachment of the 1st Massachusetts Cavalry—in all 1,573 men. They were aboard

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 6, p. 659; *N. Y. Herald*, June 1, 1862.

<sup>2</sup> *N. Y. Times*, Mch. 22, June 2, 1862.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 6, pp. 124-127.

<sup>4</sup> Letter to Phil. Frazer, *N. Y. Ev. Express*, July, 1862 (Townsend Library).

<sup>5</sup> Rpt. of Stanton, *N. Y. Herald*, Apr. 30, 1862.

<sup>6</sup> *N. Y. Herald*, Apr. 22, 1862; *Off. Rcds. Rebell.*, s. i, v. 6, p. 125.

<sup>7</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 127.

<sup>8</sup> *Naval War Rcds.*, s. i, v. 13, p. 357.

four transports and convoyed by six gunboats.<sup>1</sup> The fleet entered the St. Johns river on the afternoon of October 1st.<sup>2</sup>

A Confederate force was stoutly entrenched at St. Johns Bluff on the south side of the river between Jacksonville and the sea. Under the direction of General Finegan ten guns—taken probably from Fort Clinch—had been mounted on the bluffs early in September.<sup>3</sup> The Federal gunboats engaged the batteries on the afternoon of October 1st. At night troops were put ashore between the batteries and the sea. The next day (October 2nd) the Union forces advanced upon the Confederate works by flank and rear. The country was swampy, overgrown with brush, and interlaced with small creeks and bayous. This made a rapid movement impossible and prevented the effective use of field artillery. But the attacking land force had the help of war-ships and the Confederates were only about 500 strong and poorly equipped.<sup>4</sup> After some sharp skirmishing with the Federal advance guard the garrison hastily withdrew from its position on St. Johns Bluff, already under bombardment by the gunboats.<sup>5</sup> The retiring troops were threatened in rear by the Federal army and in front by the navy. They left their batteries and magazines practically intact. "I am utterly at a loss to account for the sudden evacuation," reported the Federal commander.<sup>6</sup> General Finegan of the Confederate army himself ex-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 129. Commander Chas. Steedman led this expedition.

<sup>2</sup> *Naval War Rcds.*, s. i, v. 13, p. 362.

<sup>3</sup> *Ibid.*, pp. 326, 357.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 14, pp. 129, 138, 139.

<sup>5</sup> *Naval War Rcds.*, s. i, v. 13, pp. 356, 362. St. Johns Bluff was occupied October 3rd, p. 363.

<sup>6</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 127.



pressed the opinion that the garrison at St. Johns Bluff was sufficiently strong to have held the place.

After the Confederate evacuation of the bluff, Federal troops moved cautiously toward Jacksonville. The gunboats advanced up the river shelling the shore at intervals. The invaders met with no opposition. One detachment came upon a hastily evacuated camp with "a sumptuous meal already prepared for eating." In the center of the table was a meat pie, still warm. Another detachment entered a small camp as its occupants sought the woods, leaving behind them fifty stands of arms. The few Confederate troops seemed demoralized and surprised.<sup>1</sup>

On October 3rd, a detachment of Union troops entered Jacksonville.<sup>2</sup> Many of its inhabitants had left. Its business was dead. The people in the St. Johns valley already were "living in a most destitute condition."<sup>3</sup>

As long as St. Johns Bluff and the river were held by Federal forces, Jacksonville could be re-occupied at pleasure. Therefore, after ruthless raiding and burning by troops on gunboats for 200 miles up the St. Johns river,<sup>4</sup> the town was again deserted by Federal troops, who carried away with them a few negroes and a few white refugees.<sup>5</sup> A small garrison was left at St. Johns Bluff and the Federal war-ships patrolled the mouth of the river.

The following spring (March, 1863), Jacksonville was a third time occupied by Federal troops. They came to collect negro recruits, to plunder, and probably to inaugurate

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 133.

<sup>2</sup> *Naval War Rcds.*, s. i, v. 13, p. 363.

<sup>3</sup> *Ibid.*, p. 369.

<sup>4</sup> *Ibid.*, pp. 361, 366-371.

<sup>5</sup> *N. Y. Herald*, Oct. 19, 1862; *Naval War Rcds.*, s. i, v. 13, pp. 368, etc.

some vague plans of "loyal" political reconstruction.<sup>1</sup> "It was urged that it was worth while to risk something in the effort to hold Florida," stated Colonel Higginson, commanding the expedition—"and perhaps bring it back into the Union," he added.<sup>2</sup> The invading military consisted of two regiments of negro troops.<sup>3</sup> Two weeks later this force was reinforced by the 6th Connecticut and 8th Maine.<sup>4</sup>

"At two the next morning we steamed up the river" (St. Johns), writes Higginson of this expedition.

Again there was the dreamy delight of ascending an unknown stream beneath a sinking moon into a region where peril made fascination. . . . We aimed to reach Jacksonville at daybreak, . . . but we had several hours of fresh early sunshine lighting up the green shores of that lovely river. . . . Here and there we glided by the ruins of some saw-mill burned by the Confederates on General Wright's approach; but nothing else spoke of war except perhaps the silence. It was a delicious day and a scene of fascination. Our Florida men were wild with delight, and when we rounded the point below the town and saw from afar its long streets, its brick warehouses, its white cottages, and its over-shadowing trees—all peaceful and undisturbed by flames—it seemed in the men's phrase "too much good," and all discipline was merged for a moment in a buzz of ecstasy. . . . There were children playing on the wharves; careless men, here and there, lounging down to look at us, hands in pockets; a few women came to their doors and gazed listlessly upon us, shading their eyes with their hands.<sup>5</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 14, pp. 191, 195; *Civil War Papers*, v. 2, p. 468, Higginson. *N. Y. Times*, Mch. 22, 1862.

<sup>2</sup> Higginson, *Army Life in a Black Regiment*, p. 134.

<sup>3</sup> The 1st and 2nd S. C. Colored Infantry, partly recruited in Florida, see *Civil War Papers*, v. 2; Higginson, *Army Life in a Black Regiment*.

<sup>4</sup> Moore, *Rebell. Rcd.*, v. 6, pp. 482-5.

<sup>5</sup> Higginson, *Army Life in a Black Regiment*, pp. 139-142.

The country adjacent to Jacksonville was raided by the negro troops. Private dwellings were sacked and the inmates abused. Sharp skirmishes were fought at several points with Confederate cavalry, aroused to a high pitch of desperation at the raiding of the blacks.<sup>1</sup> But as neither plunder nor negroes were found in sufficient quantity, and as Union sentiment was practically non-existent outside of Union lines and deserters' camps, for a third time Federal troops prepared to abandon Jacksonville.

March 31st. A "fine south wind was blowing," as the first troops prepared to embark.<sup>2</sup> Suddenly flames burst from several points in the town, and immediately the hoodlums among the Federal soldiers began sacking private dwellings, dilapidated stores, and churches. A mob of drunken soldiers burst into the Catholic church which was aflame and several reeled out with the pipes of the demolished organ. Down the street swept the mob, some good-naturedly cursing, some hurraing, and some blowing through the organ pipes. By the end of the second day's looting at least a third of the town was in ashes.<sup>3</sup> The guilt for beginning this vandalism—this example of what Vattel terms "savage and monstrous excess"<sup>4</sup>—rests mostly with the soldiers of the 6th Connecticut and 8th Maine—white troops, and not with the negroes. The whites led in plundering. "When evacuating Jacksonville in East

<sup>1</sup> See Mrs. Dickison's *Dickison and His Men*, *passim*. Capt. Dickison was one of the most remarkable guerilla leaders of the Civil War. *Off. Rcds. Rebell.*, s. i, v. 14, pp. 232, 238, 239, 860, 861. *N. Y. Times*, Mch. 22, 1863.

<sup>2</sup> Moore, *Rebell. Rcd.*, v. 6, p. 483.

<sup>3</sup> Moore, *Rebell. Rcd.*, v. 6, p. 483; *N. Y. Herald*, Apr. 27, 1863, containing an excerpt from *Lake City Columbian* with inventory of property destroyed. *N. Y. Herald*, Apr. 8, 1863; *N. Y. Tribune*, Apr. 8, 1863; *N. Y. World*, Apr. 9, 1863.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 28, pt. 2, p. 12.

Florida your troops set on fire and destroyed the larger part of that town, including several churches," wrote Beauregard to Gillmore, "not assuredly to cover their embarkation but merely as a measure of vindictive and illegitimate hostility."<sup>1</sup> This burning was probably induced by a desire to "pay back" the Confederate sympathizers for the burnings perpetrated by the Confederate irregular cavalry during the previous spring. Union men had suffered then.

The Federal force quit Jacksonville on the 2nd of April, while a part of the town was still blazing. "It made our sorrow at departure no less," wrote Thomas Wentworth Higginson, colonel of the First South Carolina Blacks, "though it infinitely enhanced the impressiveness of the scene. . . . The sight and roar of the flames and the rolling clouds of smoke, brought home to the impressible minds of the black soldiers all their favorite imagery of the Judgment Day."<sup>2</sup> As the ships bearing the departing military passed out of the St. Johns, they were rocked in a heavy northeaster which brought a cloud of rain. It was the south wind that had spread the flames and aided the would-be destroyers of Jacksonville, and a rain-storm from the North that finally extinguished the smoking cinders of burned homes.<sup>3</sup>

<sup>1</sup> *Off. Recds. Rebell.*, s. i, v. 28, pt. 2, p. 11.

<sup>2</sup> *Life in a Black Regiment*, p. 175.

<sup>3</sup> *N. Y. Herald*, Apr. 8, 27, 1863.

## CHAPTER VIII

### ECONOMIC ADJUSTMENT TO THE WAR

SECESSION did not produce remarkable change in the form of Southern state governments. Transposition from the Federal Union to the new Confederate union was accomplished simply, directly, adroitly, not only without great change in actual constitutions, but also without much experimentation and almost without blunders. Carried forward on the verge of war, it was a political performance which merits critical admiration—not so much for what was done as for what was not done. The severing of strong political bonds, the establishment of independent states, and the organization of the Confederacy demonstrated well the native political sagacity and wise conservatism of the American politician upholding a radical cause. Probably the very dangers of war made the work of leaders easier and forced them to be careful. There was oneness of aim.

The record of state and Confederate legislation after war became an accomplished fact fails to show such political wisdom or success. The American publicist is peculiarly efficient in devising and becoming content with a written constitution, probably because the making of such documents is a proud tradition, or because Americans readily agree that a certain very definite type of government is necessarily the best. Accepted *sine qua nons* thus make them rapid and smooth constitutional organizers. Now in legislation and administration the American is less apt than

in the other capacity. War-time legislation in the South was in part experimental. Some of it was clearly visionary, and much of it was unsuccessful, though well meant. Neither was there oneness of aim among legislators, jurists, and administrators. Florida was no exception to the rule. Law-making there played its part in the economic adjustment which began with the war.

Early in 1861 (Jan.-Feb.), the secession convention and the legislature by ordinance and statute provided for some of the exigencies of the moment. In this legislation a number of enactments reflect the change that had taken place. Several new financial and industrial institutions were incorporated with an expanded capitalization for Florida.<sup>1</sup> A system of state circuit courts was created and the pending cases in the disestablished Federal courts were transferred to these new courts.<sup>2</sup> All processes at law in state courts for debts were arrested until the first Monday of 1862.<sup>3</sup> Provision was made for the representation of the state in the Confederate provisional government. Money was issued by the state. Such measures logically followed the secession of Florida from the Union, and though resorted to in the face of impending war they were not strictly war measures.

<sup>1</sup> *Laws of Florida*, 10th session, chap. 1142, Planters and Merchants Bank of Pensacola, capital up to \$1,000,000.00; chap. 1144, Bank of Apalachicola, capital up to \$300,000.00; chap. 1145, Bank of Lake City, capital up to \$500,000.00; chap. 1146, Bank of Tallahassee, capital up to \$500,000.00; chap. 1147, Bank of Fernandina, capital up to \$500,000.00; chap. 1151, Lake City and Blount Ferry Railroad Co., capital \$200,000.00; chap. 1150, Alachua County R. R. Co., capital \$200,000.00; Western R. R. Co., capital \$1,000,000.00.

<sup>2</sup> *Laws of Florida*, 10th sess., chap. 1108; 12th sess., chap. 1354.

<sup>3</sup> *Laws of Florida*, 10th sess., chap. 1136, providing for stay in execution till the first Monday in 1862; 11th sess., chap. 1271, for stay in execution till 12 months after peace; chap. 1129, and 11th sess., chap. 1284, cancelling debts owed to alien enemies.

As the war progressed; as thousands of the best citizens marched out of the state to the Confederate armies on the firing line; as Federal troops invaded; as the cordon of the Federal blockade fleet became tighter; as the food supply of Florida diminished perceptibly; as rich sections were laid waste by raiders; as financial confusion in Florida and the entire Confederacy became more pronounced; as securities steadily fell in value; as private business interests tried, by fair means and foul, to adjust themselves to the abnormal conditions; as fast disappearing Confederate armies fought out stubbornly the issue which was the reason for the Confederacy's being—as these conditions developed with kaleidoscopic rapidity, the state legislature attempted to rise to the occasion with arbitrary, restrictive or paternal laws. Such legislation was a response to the conditions of actual war.

One of the immediate tasks which confronted the people of Florida in 1861 was the quick raising of money to support the government. The expansion of state credit attempted was based principally on state lands. These lands were either pledged for the redemption of notes and bonds or were purchasable with the notes. The amount of land held by the state was hugely increased on secession by the appropriation of Federal lands.<sup>1</sup>

The two forms of security issued by the government in expanding the state's credit were treasury notes and 8 per cent twenty-year bonds. On January 14th, 1861, four days

<sup>1</sup> Governor's Message, Nov. 21, 1864, *Milton Papers*. 1,300,000 acres of public land were pledged for the redemption of Treasury notes issued up to that time. Sp. Rpt. Register Public Lands, Nov. 22, 1862, *Sen. Journal*, p. 100. The public land derived on secession from the U. S. by the state of Florida amounted to 7,653,953 acres. By ordinance No. 49 of the convention of 1861 the valuation of this land ranged from \$1.00 to 10 cents per acre. Later laws changed the valuation of the land.

after secession, the governor was authorized by law to issue \$500,000 in treasury notes—to be used as money and to be received by the state for all dues, including the purchase price of public land. On the same day the legislature authorized the issue of \$500,000 in bonds as described, pledging the honor of the state for the payment of the interest.<sup>1</sup> The bonds did not have a ready sale and the state government applied to the banks for a temporary loan as a supplement to its treasury notes in order to meet the pressing needs of the moment.<sup>2</sup>

The constitutional convention which reassembled in the spring of 1861 tried to improve the character of the bonds and at the same time it debased the value of the treasury notes. It authorized the governor to substitute for the bonds already authorized, 8 per cent twenty-year coupon bonds expressly secured by the income from the sale of public land. The convention instructed the register of lands to receive only gold or silver coin for public land. Thus the acts of the legislature and the ordinances of the convention were in conflict. The convention's withholding lands from the purchaser with treasury notes lowered the value of the notes.<sup>3</sup> The following year (1862) the reassembled convention repealed this particular ordinance, and once more the state accepted treasury notes for its land.<sup>4</sup>

The government was aided in the preliminary financial operations by the banks. On the secession of Florida from the Union in 1861 there were within the state thirteen

<sup>1</sup> *Laws of Florida*, 10th sess., Feb. 14, 1861.

<sup>2</sup> Schwab, J. C., *The Confederate States of America*, p. 306.

<sup>3</sup> Governor's Message, Nov. 21, 1862, *Milton Papers*.

<sup>4</sup> Thomas, David Y., "Florida Finances in the Civil War," *Yale Review*, Nov., 1907, p. 315. Prof. Thomas' article is of considerable value.



banking houses. Only three of these—the most important—held charters from the state. The aggregate capital stock of the three was \$350,000.<sup>1</sup> The other ten banks were denominated “private banks”. Little is known of their condition or operations. Both state and private banks suspended specie payment before the outbreak of war. This step was taken without the express authority of law. The legislature at its December session in 1861 provided by statute for the suspension of specie payments by the banks during the war. The avowed object of the law was to “relieve the community” and to afford “a safe, adequate and reliable currency”.<sup>2</sup> For a year following secession bank notes constituted a considerable part of the state’s currency.

The practical working of these state financial measures was not satisfactory. The bonds could not be readily sold, which left treasury notes as the main immediate resource of the state.<sup>3</sup> To sustain the value of these notes became a matter of grave importance. With them principally the state must pay its outstanding debts, meet its current expenses, pay its soldiers in the field, support its poor at home, and contribute its part to the Confederate direct war tax of 1861. To declare nonchalantly that notes be issued and

<sup>1</sup> Report of Comptroller to House on condition of banks in Florida, *House Journal*, Jan. 21-26, 1861. The official reports of the three state banks: “Bank of Florida”, “Bank of St. Johns”, and “Bank of Fernandina”, all indicate a sound condition. Thomas, *op. cit.*

<sup>2</sup> *Laws of Florida*, 11th sess., Dec. 14, 1861. Schwab, J. C., *op. cit.*, p. 130.

<sup>3</sup> State taxes remained at the same figure during the war that they had been in times of peace—one-sixth of one per cent, yielding in the neighborhood of \$140,000 a year. Expenditures each year by the state were more than \$500,000. The state tried to shift the burden of extraordinary expenses to the future. Taxes were paid slowly. In Dec., 1861, the collection of taxes for 1860-61 was suspended. Governor’s Message, Nov. 21, 1861, *Milton Papers*.

to print them proved easy as long as the paper lasted; but to induce people to use them at their face value proved impossible.

The legislature tried to uphold the value of its notes by law. It provided that the notes of solvent banks *which received treasury notes at par* would be received for taxes, and that all state taxation on such banks would be suspended. Those banks which did not receive treasury notes at par were forbidden to issue notes smaller than \$20.00.<sup>1</sup> Florida paid its entire direct contribution to the Confederate direct war tax in December, 1861, with treasury notes—\$225,374.11.<sup>2</sup>

The appearance of Confederate treasury notes as a circulating medium had a marked effect upon state finance. Confederate notes were worth less than state notes—which were secured by land—and accordingly Confederate notes began to flow into the state treasury. People paid their taxes in the cheaper money.<sup>3</sup> The legislature tried to curb this “unpatriotic discrimination” against Confederate notes by declaring that all discrimination against these notes was “traitorous” and by providing that no one should be exempted from military service who was found guilty of such practice.<sup>4</sup> The legislature’s efforts were of little

<sup>1</sup> Thomas, *op. cit.*

<sup>2</sup> *Laws of Florida*, 11th sess., Dec. 16, 1862. Milton to Boston (Confed. Tax Collector, Savannah), July 23, 1862; Sparrish (Chief Clk. Confed. War Dept.) to Memminger (Sect. Treas.), July 18, 1862, *Milton Papers*. Final payment made July 23rd. This amount varies from that given by Prof. Schwab in his *Confederate States* (\$226,109.88), p. 288.

<sup>3</sup> Governor’s Message, Nov. 21, 1864, *Milton Papers*. The Governor stated that although the state paid out “a large amount” of notes, very few came back to the treasury except in the purchase of land. Almost all taxes and other dues were paid in Confederate currency.

<sup>4</sup> *Laws of Florida*, Dec. 3, 1863.

avail. The progress of the war showed a steady falling-off in the value of Florida securities, augmented by the continual issue of treasury notes and sympathetic decline with Confederate currency and securities.<sup>1</sup> By the close of 1862 bank notes had practically disappeared from circulation.<sup>2</sup> Each session of the legislature from 1861 to 1865 witnessed a heavy authorization of treasury notes.

The amount of treasury notes authorized by the legislature of Florida while that state was out of the Union was \$2,450,000; of bonds \$500,000.<sup>3</sup> It is impossible to-day to compute with accuracy how much of this authorized amount was actually issued. More than \$2,239,640 were put in circulation.<sup>4</sup> On the collapse of the Confederacy in 1865, \$1,800,000 notes were outstanding in circulation and \$300,000 bonds had been sold. This was the war debt of the state in 1865.<sup>5</sup>

<sup>1</sup> Governor's Message, Nov. 21, 1864, *Milton Papers*, For discussion of entire South see Schwab, *The Confederate States*, *passim*.

<sup>2</sup> Thomas, *op. cit.*

<sup>3</sup> *Laws of Florida*, 10th sess. (Feb. 14, 1861), chap. 1097: \$500,000 in treasury notes issued in denominations of 1-2-3-4-5-10-20-50- and 100 dollars. The notes were legal tender for taxes, fines, debts, public lands, *etc.* They were beautifully engraved on a good quality of paper. The work was probably done beyond the state. 11th sess. (Dec., 1861), chap. 1297, \$500,000 for payment of war tax to Confederate government (see Governor's Message, Nov., 1862), 12th sess. (Dec., 1862), chap. 1372, \$300,000 in same denominations as first issue. 12th sess. (Dec. 6, 1862), chap. 1337, \$200,000 expressly for relief of soldiers' families. 12th sess., chap. 1420, \$300,000 expressly for relief of soldiers' families. 13th sess. (Dec., 1864), \$300,000 issued expressly for soldiers' families. 13th sess. (Dec. 7, 1864), chap. 1463, \$350,000, public lands expressly pledged for the redemption of this issue. Bonds Law of Feb., 1861, chap. 1141—20-year 8 per cent interest payable semi-annually.

<sup>4</sup> Thomas, *op. cit.*

<sup>5</sup> *Governor's Message*, Nov. 21, 1862; Milton to Boston (collector), July 23, 1862; Spanish to Memminger, July 18, 1862; Memminger to

The extraordinary confusion accompanying secession and war produced a scarcity of currency, particularly fractional currency—coins and small bills. Railroads and other corporations began to issue their notes for small amounts early in 1861. Employees were paid in this “railroad money” or “change bills” which for a time passed as currency at a discount. In order to furnish much-needed small change, towns began to issue by the second year of war fractional paper currency in small amounts, termed “shin plasters”.<sup>1</sup> Pensacola was empowered by law in December, 1861, to issue \$25,000 in small bills, which when issued passed as currency and for the redemption of which the faith and resources of the city were pledged.<sup>2</sup>

To recapitulate the war-time currency situation in Florida: secession and war produced really four new sorts of currency, namely, state treasury notes, Confederate treasury notes, corporation notes, and fractional paper notes of municipalities. Bank notes circulating before 1861 constituted another form of money. Specie was very scarce. The legislature attempted to force up the value of state notes by penalizing banks discriminating against them; to force up the value of Confederate notes by penalizing individuals who discriminated against them; and in December, 1861, by a drastic law to force out of circulation corporation currency bills of denominations less than \$5.<sup>3</sup> Be-

Milton, Apr. 17, 1862, *Milton Papers*. State Treas. and Comptr.'s Rpts. for 1862 and 1864, *N. Y. World*, Nov. 17, 1865. Report of Finance Committee in the state convention. This body reported the outstanding bonds to be \$300,000, in addition to which \$70,000 in bonds of an issue prior to the war was outstanding; see *Treas. and Comptr.'s Rpt.*, 1864.

<sup>1</sup> Thomas, *op. cit.*

<sup>2</sup> *Laws of Florida*, 11th sess., Dec. 17, 1861. Schwab, *op. cit.*, pp. 154-155.

<sup>3</sup> *Laws of Florida*, 10th sess., Feb. 14, 1861; 11th sess., Dec. 13, 1861.

fore the end of the war state and Confederate treasury notes were practically the only circulating media—both at an enormous discount under gold.

The decline in the value of state securities encouraged some people to speculate heavily in public lands. With depreciated currency they purchased at the monetary rate fixed by law and then sold or hypothecated at a higher figure.<sup>1</sup> This was by no means the only form of speculation flagrant during the war. The drain of supplies from the state for the Confederate army, the interruption in planting due to the war, and the success of the Federal blockade produced a steady decrease in the necessities of life, and this increasing scarcity made it more easy than it would have been otherwise for speculators to realize big profits.<sup>2</sup>

The legislature and the governor tried to combat speculation. They believed its ramifications touched evilly agriculture at home and commerce abroad, and before the war was half over they declared that it made difficult the purchase or impressment of supplies for the army; and that it sometimes prevented absolutely the purchase of supplies for the support of soldiers' families within the state.

In November, 1861, a law was enacted that forbade the export from the state of any beef cattle, dried or pickled beef, hogs, pork, bacon, corn, corn-meal, salt, or provisions of any kind. The legal maximum price for all articles and commodities was fixed at 33 per cent over cost and charges. Speculation was declared unlawful beyond the 33 per cent

<sup>1</sup> Governor's Message, Nov. 21, 1864, *Milton Papers*. *Laws of Florida*, 12th sess., Dec., 1862, chap. 1367.

<sup>2</sup> Milton to Seddon, Jan. 11, 1864, for instance, *Milton Papers*. Many references to speculation in sources of this period. Milton spoke of the "widespread desire for speculation. . . . Notwithstanding alleged depreciation of currency people of all ages and conditions seem wild in its accumulation."

mark. The governor was authorized to appropriate provisions and supplies for the state at a just price, when he should consider it necessary. A \$1,000 fine was fixed for those found guilty of violating the act. For conviction of having conspired to form a monopoly of any commodity the punishment was to be \$1,000 fine and one year's imprisonment. The judges of the circuit courts were directed to charge the grand jurors to take into consideration such offenses.<sup>1</sup>

The convention of 1862 repealed the act of the legislature attempting to restrain monopoly. "Immediately the flood-gates of villainy were opened," wrote Governor Milton. The legislature again stepped into the breach. A law of December, 1862, declared that

if any person shall purchase any article of clothing, shoes, leather, cloth, provisions, wheat, flour, meat, salt, bagging, rope, *etc.*, and shall falsely represent that he is purchasing such for the soldiers of the government, he shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not less than one or more than three years; that all persons who shall monopolize any of the above articles with intent to produce a scarcity in the market or of raising the price shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$500 or more than \$5,000; that if any of the above things be done by a corporation, then the president and directors of the corporation shall be liable to be severally indicted and punished.

Circuit judges were again directed to call the attention of grand juries to this act.<sup>2</sup> Legislation such as this was obviously difficult to enforce. Unlawful speculation and dis-

<sup>1</sup> *Laws of Florida*, 11th sess., Nov. and Dec., 1861, chaps. 1258 and 1283.

<sup>2</sup> *Laws of Florida*, 12th sess., Dec. 10, 1862.

honest practice in trade continued to be prevalent because it yielded a round profit. Statutes cannot change human nature, and at that time they could neither raise the blockade nor stop the war.

During the four years of war the expenditures of the Florida government increased enormously. The budget of 1860 was less than \$150,000. The yearly budgets while Florida was out of the Union averaged more than \$500,000. The principal objects of this extraordinary or war-time expenditure were: 1st, supplies for state troops; 2nd, the payment of Florida's quota to the Confederate direct tax of 1861; 3rd, supplies for soldiers' families and indigent within the state; 4th, the maintenance of hospitals at home and abroad for Florida troops.

To meet this increased expense the state government did not raise its tax rate, but issued treasury notes. It tried to shift to the future the burden of the present.<sup>1</sup> The property tax rate of the state remained the same for the war—one-sixth of one per cent—and yielded less than in time of peace, because, 1st, people were slower in paying their taxes than in times of peace; 2nd, the state legislature in December, 1861, suspended until the following year the payment of taxes for 1860-61.<sup>2</sup> However, many of the county and town rates throughout the state increased. Communities more than ever found themselves forced to help the poverty-stricken and indigent at home; and their soldiers in distant armies needed aid.

But the people of Florida felt in another way the new burden which the war created. The Confederacy's financial system soon directly touched the wealth of the Confederacy's citizens. Taxation by the central government

<sup>1</sup> This was the policy of government throughout the South. See Schwab, *op. cit.*, pp. 285-90, and elsewhere.

<sup>2</sup> *Laws of Florida*, 11th sess., Dec. 13, 1861.

rested fundamentally upon three statutes: namely, 1st, the Direct Tax Act of 1861; 2nd, the Impressment Act of March 26th, 1863; 3rd, the General Tax Act of April 24th, 1863.

The first measure, amounting to a tax of one-half of one per cent upon all real and personal property within the various states, was shifted in Florida from the individual to the state government by an issue of state treasury notes.

The second measure, the Impressment Act, was not technically a tax law, but in reality its character was then and is now patent. It proved a very effective and heavy form of taxation. Under it Confederate agents were authorized to impress food products and other forms of property useful to the army at prices arbitrarily fixed by "boards" created by the Confederate war department and the state governors. These boards published from time to time in the newspapers schedules of maximum prices which an impressing agent might pay. The scheduled prices were considerably less than the market prices. Commissary impressing agents used large discretion in applying the law in Florida. Their orders came from their state chief, and this chief tried to get out of the country what was necessary—which meant, toward the end of the war, all that he could. Corn, beef, pork, rice, potatoes, peas, molasses, sugar, forage, *etc.*, were "impressed", paid for in Confederate notes, and either sent at once from the state or collected in "commissary warehouse depots" at various points in the state—Milton, Marianna, Quincy, Tallahassee, Monticello, Baldwin, Starke, Gainesville, Tampa. How much was "impressed" in Florida during the war? This leading question cannot be answered satisfactorily through lack of recorded evidence.

The third Confederate tax to be noted—that levied by the law of April 24th, 1863—was comprehensive



in its scope. It authorized a yearly levy of eight per cent on the value of all naval stores, salt, wines, liquors, tobacco, cotton, wool, sugar, molasses, syrup or other agricultural products produced within the state, and on money in hand; a license tax of from \$50 to \$500 on various occupations, trades and professions— butchers, bakers, bankers, innkeepers, lawyers, doctors, *etc.*; an income tax of one per cent to fifteen per cent on all incomes; a sales tax of ten per cent on all profits from the sale of provisions, iron, shoes, blankets, and cotton cloth; and last but not least a tax in kind of one-tenth of all agricultural products. This last tax was known as the “Confederate Tithe”. It yielded the Confederacy an immense amount of foodstuffs and cotton.<sup>1</sup>

The collection of Confederate taxes was entrusted to state tax collectors, Confederate commissary agents, and special impressing agents. The “Tithe” in cotton and tobacco was turned over to the Confederate treasury department. The foodstuffs were collected in commissary depots for the army—where were stored also the “impressed” supplies.

How much did Florida contribute in direct taxes to the Confederacy? Here too any answer must be unsatisfactorily vague. Up to April 1st, 1864, the approximate yield in Florida of the tax law of April 24th, 1863, was \$1,000,000 in Confederate currency. This did not include the “Tithe”.<sup>2</sup> Both the “Tithe” and the Confederate Impressment Act were pretty stringently enforced in Florida.

<sup>1</sup> Schwab, J. C., *op. cit.*, pp. 297-8. “The amount of produce collected by the tax in kind cannot be determined,” says Prof. Schwab. N. C., Ga., and Ala. were the largest contributors. Considerably more than \$12,000,000 worth of produce (estimated in gold at normal prices) was collected.

<sup>2</sup> *Ibid.*, p. 293.

If the tithe law was thoroughly enforced and the productivity of the state did not decrease, the yield to the Confederate tax gatherers in Florida should have been agricultural produce valued at more than \$1,000,000 in gold in normal times—about 300,000 bushels of corn annually, 35,000 bushels of peas, 120,000 bushels of potatoes, 40,000 gallons of molasses, 5,000 bales of cotton and one-tenth of the annual increase from 275,000 hogs, 400,000 head of cattle, 30,000 sheep, and 25,000 horses and mules.<sup>1</sup> But we know that agriculture changed greatly in character after 1862 and steadily decreased in productiveness, and we know that the tithe was not perfectly enforced and that incomplete records were kept of what was taken by the Confederate Government. Invading armies destroyed crops and private storehouses. Unpatriotic persons in the South dodged taxes when possible. These facts materially amend any *a priori* estimate based upon what the state ought to have yielded according to the census of 1860.

A considerable part of the state government's resources was expended for the care of soldiers' families that were in need of aid. The pathetic poverty of the poor white soon became painfully evident. The justices of the peace were required by law in 1862 to make lists of the families of Confederate soldiers and to forward these lists to the judges of probate, who in turn forwarded them to the comptroller of the state. The governor directed expenditure for the needy through either the boards of county commissioners or the judges of probate.<sup>2</sup> The money went for clothing, food, salt, wool-cards, spinning wheels and other necessities. In 1862 the legislature put \$20,000 in the hands of the governor to be expended for wool-cards

<sup>1</sup> See *U. S. Census, 1860, passim*.

<sup>2</sup> *Laws of Florida, 12th sess., 1862, chap. 1337*.

alone.<sup>1</sup> During 1862-63-64, \$1,200,000 were appropriated in treasury notes by the legislature for soldiers' families.<sup>2</sup> Only a fraction of this amount was actually expended.

During 1862-1863, Florida's soldiers' families receiving state aid numbered 3,431—composed of 11,744 persons. Only \$186,639 were expended for this purpose by the state during this year. During 1863-64 there were 3,633 families receiving aid, numbering 13,248 persons. \$291,443 were expended.<sup>3</sup> Florida had sent 12,000 or 13,000 soldiers to the war. From these figures it is seen that the state government was contributing to the support of approximately one non-combatant for every soldier in the field.

1863-64 witnessed a great increase in destitution over the record of the preceding year. But for the fact that the eastern portion of the state was in the hands of the enemy the amount expended would have been much larger. In practically every county receiving aid the increase was from 75 per cent to 200 per cent in currency. Depreciation had much to do, however, with this increase in the number of dollars expended. In Alachua county, for instance, \$8,000 were expended in 1862-63; and \$17,000 in 1863-64; in Jackson county, \$9,000 in 1862-63, and \$22,000 in 1863-64; in Leon county, \$6,000 in 1862-63, and \$12,000 in 1863-64; in Gadsden county, \$7,000 in 1862-63, and \$21,000 in 1863-1864.<sup>4</sup>

<sup>1</sup> *Laws of Florida*, 12th sess., Dec. 8, 1862, resolution No. 6, Quartermaster General's (state) Rpt., Oct. 3, 1864. During this year (1864) 2,500 wool-cards were distributed over the state by the government to aid the poor in spinning and weaving.

<sup>2</sup> *Laws of Florida*, chaps. 1337, 1420, 1461.

<sup>3</sup> *Florida Senate Journal*, 1864, pp. 31, etc. It is not clear as to what currency this estimate of expenditure is computed in.

<sup>4</sup> *Florida Senate Journal*, 1864, pp. 31, etc.

The enforcement of the Confederate Impressment Act and the collection of the Confederate "Tithe" developed rascality, and was accompanied by friction between local and Confederate officials, and by more serious conflict between civil authority and military authority. The civil proved unable to have its will generally when in conflict with the military.<sup>1</sup>

Merchants traveled through Florida dishonestly claiming to be Confederate commissary agents with authority to "impress" supplies or to collect the "Tithe". This was plain rascality and is mentioned here because for a time it was prevalent in parts of the state.

Commodities were seized on their way to market. The Florida legislature tried to remedy the situation by a law forbidding the impressment of goods *en route*, and providing for a speedy method of redress before state courts when property had been thus seized.<sup>2</sup>

County commissioners and judges of probate who were directed to purchase food for the destitute in their locali-

<sup>1</sup> Milton to Seddon, January 11, 1864. The county commissioners had no authority to impress supplies, as did the Confederate agents. Florida was divided into five commissary districts. In each district were several agents accountable to the commissary in chief for the state. The legal form served on those from whom supplies were desired was as follows: "Sir: The —— heads of beeves [or pounds of bacon, *etc.*] which you have on hand is needed for use in the armies of the Confederate States. For this purpose I will pay you at the rate of —— schedule price per —— . If this price is not satisfactory to you, compensation will be made according to the Act of Congress passed for the regulation of impressment, *etc.*" See *Milton Papers*, Nov., 1863. Laws of Florida required the Confederate commissary for the state to notify the governor of all appointments of sub-agents, and the governor was directed to publish the names of such agents. It proved hard to comply with this law. See White to Milton, Dec. 9, 1863; Beauregard to Milton, Nov. 30, 1862, *Milton Papers*.

<sup>2</sup> *Laws of Florida*, 12th sess., chaps. 1414, 1415.

ties came into conflict with Confederate commissary agents collecting the "Tithe", with impressment agents buying at an arbitrary figure, and with merchants trading for a profit.<sup>1</sup> People suffered for want of food in 1864-65. There was usually enough corn, peas, meat, salt, and molasses to supply the immediate needs of the inhabitants, but the necessary surplus was held by Confederate agents. By the spring of 1864 the scarcity of food in some localities had become acute. Major C. C. Yonge, chief Confederate quartermaster for the state, ordered on March 30th, 1864, that where "tithing corn" was needed for the indigent families, it could be purchased from the Confederate commissary. This wise measure relieved temporarily the want that was driving some families perilously near starvation.<sup>2</sup>

Governor Milton was hostile to the practice of impressment. He informed the legislature in the autumn of 1863 that "the press of this and other states, for the protection of creditors and worthy citizens, have made known the most shameless frauds practiced by impostors claiming to be officers or agents in Confederate service." As for the rulings of regular agents, he declared them to be "incompatible with the rights of citizens and insulting to freemen who know their rights and have proven their loyalty to the government. Why should any citizen," he added, "be

<sup>1</sup> The efforts of the Confederate commissary to obtain control of Wm. Bailey's cloth mill at Monticello furnishes a good example of competition between state and Confederacy. The mill was producing for the state government. The Confederate government withdrew finally in favor of the state. See Milton to Cunningham, Jan. 13, 1864; Milton to Seddon, Jan. 17, 1864; Seddon to Milton, July 30, 1864; Beauregard to Milton, Nov. 30, 1863, *Milton Papers*. Gov. Milton often encouraged and aided Confederate officials in obtaining supplies—see Milton to White (Chief Commissioner), Dec. 12, 1863, *Milton Papers*.

<sup>2</sup> Yonge to Milton, Mch. 30, 1864; Milton to Seddon, Jan. 11, 1864, *Milton Papers*.

clothed with military authority which would enable him to intrude himself into the sacred precincts of the family circle and when reproved or repulsed for this intrusion, then with an armed force at his back to return and make unlawful searches and seizures?"<sup>1</sup>

But the Confederate government did not recede from its position on impressment. Supplies were absolutely essential for the continuation of the war, and this system put the government into possession of supplies. One of the last acts of Congress (March, 1865) was the enactment of a more stringent impressment law, including milch cows, breeding hogs, and other stock vitally necessary for the very life of the farm.<sup>2</sup> "If we have arrived at that point where it has become actually necessary to impress all the cows in the country," stated Judge Wall of Hernando County to Governor Milton ere the foregoing law was enacted, "then I say God help us, for starvation must be inevitable".<sup>3</sup>

A prominent case in Florida of conflict between private owner and Confederate impressment agent originated in the efforts of the Confederate commissary to obtain control of 50,000 pounds of sugar from ex-Senator Yulee's plantation. The sugar was seized while *en route* to Savannah, Georgia, where the government of that city had made a tentative agreement to purchase it at \$1 per pound.<sup>4</sup> The

<sup>1</sup> *Off. Rcds. Rebell.*, s. iv, v. 2, pp. 372-6. Milton to the legislature, Nov. 23, 1863.

<sup>2</sup> *Ibid.*, v. 3, pp. 1170-72.      <sup>3</sup> *Off. Rcds. Rebell.*, s. iv, v. 3, pp. 47-48.

<sup>4</sup> *Yulee vs. Conova, Fla. Rpts.*, v. xi, pp. 11-13. Conova was a major in the Confed. Commissary Dept. in Florida. By his orders the sugar was seized. Yulee disclaimed ownership and held therefore that he could not negotiate with the government. Conova had difficulty in fixing on the owner. He declared, "It matters not to whom the sugar belongs; it is necessary for the subsistence of the armies of the Confederate states in the field and it is my duty to obtain it," p. 15.

impressment agent held the sugar and offered the owner 45 cents per pound. The offer was refused. The state impressment commissioners, in accordance with the Confederate law, fixed the compensation at 75 cents per pound. This was refused, and suit for damages was brought by the agent for the city of Savannah in the state circuit court of Florida. The Confederate agents held the sugar under military guard.<sup>1</sup> The damage suit was thrown out of court, but in equity proceedings the court awarded the owners of the sugar \$54,204.19 damages.<sup>2</sup> The case was appealed to the state supreme court. That tribunal fixed a rule for estimating a "just compensation" for the sugar, reversed the decision of the lower court, and directed it to increase the amount to be paid by the Confederate government.<sup>3</sup> In this case state courts assumed and exercised very definitely the right of fixing the price under the Confederate Impressment Act.

The most serious conflict over impressment was that arising from the seizure of property belonging to the Florida Railroad. In the spring of 1864 the Confederate war department determined to complete railway connections between Central Florida and the Chattahoochee river. To accomplish this purpose railroad iron, spikes, and bolts were "impressed" in East Florida.<sup>4</sup> Such material was then very scarce in the South. Track was torn up in order to extend the railway west.

Lieutenant Fairbanks, of the Confederate engineering bureau, was entrusted with this work. He acted under

<sup>1</sup> Yulee *vs.* Conova, *Fla. Rpts.*, v. xi, p. 17.

<sup>2</sup> *Ibid.*, pp. 40-41.

<sup>3</sup> *Ibid.*, pp. 61-62.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 53, pp. 350-63, Executive Correspondence, 1864.

formal permit from the major-general commanding the district. The permit called upon all officers to aid Fairbanks because "the work he is engaged in is a military necessity."<sup>1</sup>

The railroad owners and their friends, led by ex-Senator Yulee, filed a bill in the court of Alachua County against Lieutenant Fairbanks, Major Minor Merriweather (of the Confederate engineering bureau—Fairbanks's chief), James A. Seddon, Confederate secretary of war, J. H. Burns, and S. P. Mallory, Confederate secretary of the navy. In response to the petition the court awarded an injunction against the defendants restraining them or their agents from removing the iron.<sup>2</sup>

The writ of injunction was served on Lieutenant Fairbanks, April 27th. He disregarded it and continued to remove the iron. He so acted after consultation with his chief, Major Merriweather of the engineering bureau. General Anderson furnished Lieutenant Fairbanks and workers a military guard and impressed a locomotive and cars for hauling the iron.<sup>3</sup> Some two or three miles of track were removed, when on May 28th the lieutenant was summoned to answer for contempt of court. He again disregarded the court's order, refused to seek the advice of counsel, and continued to tear up track.<sup>4</sup>

The case was beginning to excite bitter feeling, locally, and general popular dissatisfaction. The asseveration was spread abroad that the interests of East Florida were being sacrificed in order that another section might prosper, and that the military was acting without authority from Richmond. All attorneys in the Eastern portion of the state

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 53, p. 359.

<sup>2</sup> *Ibid.*, pp. 353-4.

<sup>3</sup> *Ibid.*, p. 362.

<sup>4</sup> *Ibid.*, p. 353.



were engaged by the railroad in order to embarrass the government. Popular sympathy seemed to be with the railroad in its conflict with the Confederate military. General Anderson, commanding the district, said: "I do not believe the people could be induced to take sides with any party, class or corporation who openly refused to acquiesce in any demand which the government might make upon them. But in this case they are made to believe that it is not the government but interested officers who are seeking to obtain iron, as they say, by despoiling a weak state of her resources to enrich other more prosperous communities."<sup>1</sup>

The Alachua county court directed the sheriff to arrest Lieutenant Fairbanks for contempt. The sheriff and posse attempted to arrest him, but the lieutenant resisted, reading aloud his instructions from his military superior and calling upon his provost guard for protection. With fixed bayonets the soldiers ranged themselves between the Confederate military official and the state's posse. Whereupon the sheriff and his men withdrew.<sup>2</sup> This occurred on June 8th. It seemed clearly and only a case of conflict between the Confederate military, private citizens and county civil officials. It soon proved more complicated. On June 14th the Confederate States' attorney at Tallahassee, James Banks, notified Governor Milton that as Confederate States' attorney his duty in the pending case of Lieutenant Fairbanks and the Florida Railroad, was to protect the Sequestration fund of the Confederate government. Under the Confederate Sequestration Act of August 30th, 1861,<sup>3</sup> the central government had confiscated, as belonging to an alien enemy, \$2,000,000 in stock and \$800,000 in land and mortgages of the Florida Railroad. As the protector of this

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 53. p. 362.

<sup>2</sup> *Ibid.*, p. 355.

<sup>3</sup> *Ibid.*, s. iv, v. 1, pp. 586-92.

land in Florida, Attorney Banks had united with others in asking the county court to call Lieutenant Fairbanks before it for contempt.<sup>1</sup>

This meant that civil officials of both the Confederacy and the county of Alachua were united in opposing impressment by the military of the Confederate government. It was clearly a case of conflict between civil authority and military authority. After the failure of the sheriff to execute the order for the arrest of Fairbanks, that officer sought the advice of Colonel C. C. Yonge, Confederate attorney at Tallahassee. He was advised not to appear in court to answer for contempt and to continue to remove the iron.<sup>2</sup> He did so, and the court, unable to enforce its decrees, dropped the case.

Judge Dawkins, who presided in the Alachua county court, and Governor Milton both deplored the conflict, both expressed their approval of the military's object in tearing up the track, but both stood stiffly in desiring the object to be obtained by very regular legal process.<sup>3</sup> The Alachua county court failed to force the military to comply with the details of the Confederate Impressment Act.

The opportunities to speculate which came with the closing of southern ports by the Federal blockading fleet and the consequent rising market not only affected trading in the domestic food supply, but became a factor in the busi-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 53, p. 350.

<sup>2</sup> *Ibid.*, p. 363.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 53, pp. 349-354. Milton,—“Nothing can justify a conflict between the state and Confed. Govts. but an absolute necessity for the protection of civil liberty . . . with regard to the propriety and necessity of the removal and appropriation of iron from the Florida R. R., my opinions have undergone no change—that as a military necessity for the defense of the state the iron should be removed.” Judge Dawkins: “A conflict between the civil and military is at all times to be lamented, but at this time especially.”

nesses of "blockade-running" and "salt making". These two occupations—blockade trade and salt manufacturing—were peculiarly war-time activities.<sup>1</sup>

Blockade-running enabled the people of the South to obtain some necessities and many luxuries not produced at home. It also gave an opportunity for extortion in trading which was taken advantage of. The harbors of the Florida coast became points of destination for steamers and small sailing craft laden with supplies from beyond the Confederacy. These vessels sailed usually from West Indian ports—particularly the Bahamas—with goods from the United States or England. Merchants in Southern towns co-operated with merchants in the North or in Europe in the exchange of commodities. The exchange was effected usually in West Indian ports. The trade was sometimes referred to as "the three-cornered trade"—meaning the South, the West Indies, and Europe or the North.<sup>2</sup>

From the many bays and inlets of Florida the small, fast craft of the blockade traders slipped out to sea on dark nights laden with cotton, tobacco, or turpentine; and slipped into cover with coffee, tea, medicines, cloth, fine provisions, miscellaneous assortments of manufactured articles (cologne, hair-brushes, cheap jewelry, cheap hardware, *etc.*), arms and munitions of war.<sup>3</sup>

Choctawhatchee bay, St. Andrews bay, Deadman's bay,

<sup>1</sup> See Schwab, *op. cit.*, chaps. 11 and 12, *passim*.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 28, pt. 2, p. 511. Letter of Nov. 17, 1863, on blockade-running. See also *Naval War Rcds.*, s. i, *passim*.

<sup>3</sup> See bills of cargoes in following letters: Jenkins to Milton, Jan. 13, 1862; Malvernness to Milton, Apr. 12, 1862; Milton to Benjamin, Mch. 14, 1862; Walker to Milton, Mch., 1862; Noyes to Milton, April 16, 1862; Finegan to Milton, May 8, 1863—*Milton Papers*. Also *Naval War Rcds.*, s. i, v. 17, p. 52. *N. Y. Herald*, Feb. 21, 1864; *N. Y. Times*, March 29, 1862.

Apalachicola, St. Marks, Cedar Keys, and Tampa were the principal points of operation on the west Florida coast; on the east coast—the Indian river, Fernandina, the St. Johns, St. Augustine, Mosquito Inlet and Jupiter inlet.<sup>1</sup>

Law-respecting blockade-runners obtained from the governor, the Confederate customs officials or the local Confederate military authorities permission to sail—clearance papers. The projectors of the enterprise in this case often bonded themselves to bring back to Florida for the cotton, tobacco or turpentine taken away, a certain amount of necessary supplies for the Confederate or state governments.<sup>2</sup> Occasionally the incoming cargo was entirely for the Confederate war department or some commonwealth government. Usually, however, the cargoes were private property and were retailed at exorbitant figures to the people of the interior, in Florida, Georgia and Alabama.

Some Confederate officials in Florida were guilty of speculation in the handling of government supplies through the blockade, selling the supplies, or a portion, and pocket-

<sup>1</sup> St. Andrews Bay and St. Georges Sound (on which was Apalachicola Bay) on the west coast and Mosquito Inlet on the east were the most important points. Particularly important was Mosquito Inlet for traffic from the Bahamas. The goods brought through the blockade on the east coast reached the interior by a rather intricate system of transshipments. From the important point of New Smyrna (on Mosquito Inlet), for instance, the goods were hauled in wagons overland to the St. Johns river. Thence they were shipped in small steamers or flats to Ft. Brock on the Ocklawaha river. The next stage was to Waldo by wagon, on the Fernandina and Cedar Keys Railroad. Cotton, turpentine, and tobacco from the interior and sometimes from beyond Florida came by this route to the coast. *N. Y. Herald*, Sept. 12, 1862. Report from Florida "Loyalist".

<sup>2</sup> Milton to Montgomery, Oct. 2, 1863; Beauregard to Milton, Oct. 13, 1863; Milton to Florida Congressional Delegation, Aug. 18, 1862; Milton to Randolph, June 25, 1862; Proclamation by the governor, Aug. 14, 1862—*Milton Papers*.

ing some or all of the proceeds. Confederate officials engaged in blockade trade, and then sold stuff thus imported at high rates to the government which employed them.<sup>1</sup>

Governor Milton condemned blockade-running. He was in touch with the practice. He received frequent communications from Confederate custom officials at Florida ports. He tried to investigate the traffic, and he pronounced it bad. He believed that it substantially relieved the pressure felt by the loss of southern cotton; that it tended to lower the value of Confederate securities; that it took from the South much wealth of primary importance to exchange for articles of luxury; that it encouraged speculation in trading detrimental to social welfare; that it put into the hands of the enemy information concerning the condition of the Confederacy; and that it invited invasion in retaliation by the Federal government.<sup>2</sup> The governor was a patriotic man and his

<sup>1</sup> Hernando to Milton, Oct. 15, 1862, *Milton Papers*. "Salt was selling at \$10.00 per sack on first arrival of blockade runners, but as soon as Confederate Quartermaster Sumner arrived things changed and salt was sold at \$30 per sack and at even \$50 in other localities." Gov. Milton stated that complaints such as the foregoing were of frequent occurrence. See also Taylor to Milton, Nov. 11, 1862; papers concerning the purchase of goods by Confederate officials and sale to Confederate Govt., 1862-3; Simpkins to Meyers, Apr. 14, 1862; Noyes to Milton, Apr. 22, 1862; Taylor to Floyd, Apr. 3, 1862; Milton to Randolph, Apr. 11, 1862—*Milton Papers*.

<sup>2</sup> Milton to Randolph, June 25, 1862. "Citizens charged exorbitant prices for return cargoes," wrote Milton. "I made inquiry and found that co-partnership existed, formed by merchants in New Orleans, Havana, and New York for blockade trade, where it is exchanged for cotton from southern ports. The exchange is made by partners at Havana or Nassau. This traffic is not unknown to those in command of the blockading fleet. By such base means not only is cotton obtained at New York and other Northern cities, but information prejudicial to our best interests is obtained, our slaves enticed away, and ignorant citizens corrupted by southern partners—men of northern birth or vile Jews professing to supply the people of the South with

views are given at length because they represent the interpretation of the traffic given by no inconsiderable number in Florida and adjoining states. When we are told in the official report on the capture of the big steam blockade-runner "Emma" that her cargo (about to slip into Florida) consisted in large part of barrels of oranges, bananas, ladies' shoes, fans, hats, parasols, cloaks, children's dolls and picture books, *etc.*,"<sup>1</sup> we are apt to conclude that the necessities of life and the munitions of war were not the only things traded in. But admitting the fact that many unnecessary things came through the blockade, the truth remains that through the blockade came some of the prime, vital necessities of war not easily obtainable elsewhere; namely, ammunition, arms, and medicines. These things the Confederacy could not then produce in either sufficient quantity or necessary quality, and it could not do without them. The governor realized this when in the spring of 1863 he suggested to Jefferson Davis "An Act of Congress prohibiting under severe penalties all commercial intercourse with foreign nations, except such as should be au-

salt, coffee, *etc.*" Also Milton to McClellan, Aug. 31, 1864, "Fruitful of villainy and corruption, tends to depreciate currency and to encourage the continuation of the war, *etc.*" Also Griffin to Milton, Oct. 5, 1862, *Milton Papers*. "I am assured by captains of blockading vessels that nine out of ten bales of cotton going to Nassau are shipped to New York City, *etc.*" Also Oman to Milton, Oct. 17, 1862; Milton to Seddon, May 10, 1863; Milton to Montgomery, Oct. 12, 1862; Milton to the Florida Delegation, Aug. 18, 1862; Governor's Messages, Nov. 17, 1862; Nov. 21, 1864—*Milton Papers*. Also *Laws of Florida*, 12th sess., 1863, resolution 8: "Whereas the export of cotton, of tobacco and other products from the Confederate States by private enterprise and private emolument tends to depreciate the currency, corrupt public morals, and to lessen the production of food, *etc.*" See also for entire South, Schwab, *Confederate States*, chap. 11—a discussion by an authority.

<sup>1</sup> *Naval War Rcds.*, s. i, v. 17, p. 52.

thorized by the Government through special agents and exclusively for the purposes of Government.”<sup>1</sup>

Much of the cotton and turpentine which was exported found its way to the Northern states; and some of the goods which came in return had “English stamps over the Yankee trade-marks”.<sup>2</sup> Horses and wagons often sorely needed for military purposes were in the hands of merchants interested in the blockade traffic.<sup>3</sup> The attitude of the Confederate government was favorable to the trade in Florida, in spite of Governor Milton’s protests.<sup>4</sup>

Scant record is left of blockade-running on the Florida coast.<sup>5</sup> It is impossible to know definitely the extent of the commerce. Perhaps a few hundred cargoes of small vessels were all that passed into Florida. From May, 1861, to May, 1865, the federal fleet captured either just off the Florida coast or in Florida seaports 160 craft engaged in the blockade trade—88 schooners, 49 sloops, 16 steamers,

<sup>1</sup> *Off. Rcds. Rebell.*, s. iv, v. 2, pp. 487-9. Apr. 15, 1863.

<sup>2</sup> Milton to Seddon, May 10, 1862; Milton to Florida Congressional Delegation, August 18, 1862; Governor’s message, Nov. 17, 1862, *Milton Papers*, all refer to trade relations with the North. “Some of the goods were manufactured in the United States, and over the manufacturer’s stamps upon these goods the name of English manufacturers were stamped, which upon being removed showed the cunning device of Yankee villainy.”

<sup>3</sup> Milton to Seddon, May 16, 1863, “In South Florida families of soldiers in Virginia are threatened with starvation. The state has purchased supplies for them but cannot get teams to haul. The speculators interested in the blockade are using these teams,” etc. Also Taylor to Floyd, April 3, 1862, *Milton Papers*.

<sup>4</sup> Milton to Randolph, Jan. 25, 1862, and reply, *Milton Papers*. “The Department” (Confederate war department), wrote the secretary, “has no legal authority to stop the export of cotton except to prevent it from falling into the hands of the enemy.” Also Milton to Seddon, May 10, 1863; Milton to Florida Delegation, August 18, 1862, *Milton Papers*.

<sup>5</sup> *Naval War Rcds.*, s. i, *passim*.

2 yachts, 2 pilot boats, 1 bark, 1 brig, and 1 ship.<sup>1</sup> The average career of the blockade-runner was popularly put at three or four successful trips before capture. Judged by the record of captured blockade-runners Florida was abreast of the other Southern seaboard states in the traffic. Of the approximately 1,100 craft captured in Southern waters, about one-seventh were taken along the Florida coast. The great majority of these were out-bound when taken.<sup>2</sup>

With the tightening of the cordon of Federal war-ships during '63-'65 and the occupation of the seaports—Fernandina, Jacksonville, St. Augustine, Apalachicola, Cedar Keys, Tampa—the number of craft which succeeded in getting through decreased.

Did the trade pay those engaged in it for profit? It probably did, or it would not have continued so persistently in the face of enormous difficulties. The United States consul at Nassau, which was a favorite point of departure for the east coast of Florida, estimated four voyages to a craft as an average before capture by the blockading fleet.<sup>3</sup> He took for an example a certain blockade-runner from Nassau—the “Ella and Annie” (steamer). On the voyages to the South her cargoes were valued at approximately \$100,000 gold, outside the Confederacy. On return trips she brought cargoes averaging 1,300 bales of cotton of 400

<sup>1</sup> Estimate made up from *Rpt. Sect. of War (U. S.)*, 1865-66, pp. 457-489. Three or four of the steamers and about a dozen of the sailing crafts were denominated “English” or “British”.

<sup>2</sup> *Rpt. Sect. of War*, 1865-66, pp. 457-489. 1,271 craft are recorded as captured by the blockading fleet. 175 of these were in foreign waters or “at sea”.

<sup>3</sup> Four successful voyages per ship might be a bit too high. Six vessels, for instance, cleared from Apalachicola during the first six months of 1862. Five of these were captured on the outward trip or return. See Memoranda, 1862, *Milton Papers*.



pounds per bale, which at 45 cents per pound amounted to \$234,000 gold. Deducting the cost of the voyage to Florida and back—estimated at \$15,000, and the value of the cargo, \$100,000, there is left a net profit of \$119,000 per voyage. If this craft could accomplish the average four voyages and was lost on the fifth with her entire cargo, the loss would amount to \$100,000 value of the steamer, and \$100,000 value of the cargo and \$15,000 expense of voyage; in all, \$215,000 loss, while the profits would have amounted to \$476,000; deducting the \$215,000 you have \$261,000 in net profits on the transaction for such a blockade-runner as the "Ella and Annie"—more than 200 per cent in probably a few months' time.<sup>1</sup>

Blockade-running induced the Federal army and navy to seek actively the land control of all points of entry along the Florida coast. Salt-making, the other war-time business of the seacoast, had ultimately a similar effect. During the first year of war, works for the making of salt by boiling sea-water in great kettles and sheet-iron boilers were established along the bays and sequestered inlets of the Florida coast, particularly on the western coast between Choctawhatchee bay and Tampa.<sup>2</sup> The industry grew so rapidly that by the autumn of 1862 thousands of bushels of salt were being manufactured daily and scores of teams were hauling it into the more populous interior—most of it, out of the state. Several thousand men were employed in the work.

By Confederate law salt-makers were exempted from military service. One sickening result of this exemption

<sup>1</sup> *Naval War Rcds.*, s. i, v. 9, pp. 80-81. Rpt. of S. C. Hawley, U. S. Consul at Nassau. See also Schwab, *Confederate States*, chap. 11; and Rhodes, *U. S.*, vol. v, chap. 28.

<sup>2</sup> Everett to Milton, Dec. 10, 1862, *Milton Papers*.

was the extreme eagerness of many people to be enrolled among the salt-makers. It was less dangerous boiling seawater in kettles than running the risk of Federal bullets and even more dreadful disease in the army. The Florida legislature encouraged the industry thus springing up on its usually lonely seacoast. The privilege of making salt in Florida was cordially extended in resolutions of the legislature to the government and the citizens of neighboring states.<sup>1</sup> The Florida state government organized the salt-makers in companies and furnished them with arms and ammunition.<sup>2</sup> The officers of this semi-military organization were appointed by the governor of Florida.

Although an abundance of salt was made within the state, the price of the commodity did not go down. It went steadily up. The people of Florida were in actual want of salt.<sup>3</sup> This want caused the governor to propose that the state tax the industry by appropriating one-tenth of the salt made. The most shameful cases of local "cornering the market" developed in connection with the salt trade.

The industry in West Florida became an appreciable

<sup>1</sup> *Laws of Florida*, 12th sess., Dec., 1862, resolution 13. The resolutions were a response to requests from neighboring states. For example, in April, 1862, Gov. Shorter, of Alabama, requested of Gov. Milton that the state of Alabama be allowed to manufacture salt in Florida, as the saline deposits in Alabama were not sufficient. The request was granted, *Milton Papers*.

<sup>2</sup> *Laws of Florida*, 12th sess., Dec., 1862, resolution 30.

<sup>3</sup> Governor's message, Nov. 17, 1862; Nov. 21, 1864; Hunter to Milton, Apr. 27th, 1862—*Milton Papers*. There was great want of salt in East Florida. One man was reputed to be in control of all available salt in that portion of the state and to be holding it for very high prices. Some people to get the salt forged orders from the Confederate Government for it. See also correspondence between Floyd, Dancey, Simmons, Milton and Gregory over the salt question at Apalachicola, West Florida, where a genuine local "salt corner" developed. *Milton Papers*, Nov. 1861 to Jan. 1862.

factor in the general economic situation there. The food consumed by the salt-makers and the forage consumed by the horses and mules used in hauling the salt from the state helped rapidly to exhaust the already dwindling supply of forage, bread, and meat in Florida. Many of the laborers employed came from other states. Considerable commissaries were operated to support them. Wagons, horses, and teamsters needed sometimes by the state and counties for the indigent or by the military for its purposes were in the hands of salt-makers.

The industry was not entirely a matter of private enterprise. Large works were operated by the subsistence bureau of the Confederate government for the army. By the advent of 1863 the value of salt-works in Florida amounted to more than three million dollars.<sup>1</sup> Florida had become one of the most important states in the Confederacy in the manufacture of this commodity. Probably 5,000 men and boys labored in the salt-works.<sup>2</sup> Her very isolation, poverty, and uncleared forests near the sea proved assets of value. Fuel and sea-water were cheap. Labor was not wanting as long as salt-making exempted men from fighting.

The production of salt for the people of the Confederacy was an important service—far too important to be overlooked by the Federal Government. In October, 1862, salt-works on St. Josephs bay and near

<sup>1</sup> Before the end of 1864 more than \$6,000,000 of such property (kettles, boilers, furnaces, warehouses, wagons, sacks, *etc.*) had been destroyed by the Federal fleet. This estimate is based on Northern sources. See Moore, *Rebell. Rcd.*, v. 8, p. 419; *N. Y. Herald*, Jan. 5th, 1864. *Naval War Rcds.*, s. i, v. 17, pp. 593-601.

<sup>2</sup> Estimate based upon reports in *Naval War Rcds.*, see particularly s. i, v. 19, pp. 375-377, reports of Lt. Comd. Hart and Acting-Master Browne, who took prominent part in destroying works.

Cedar Keys were destroyed by the blockading fleet.<sup>1</sup> Some private dwellings were burned in the general destruction—accomplished practically without opposition. These incidents inaugurated the extensive raiding of salt-works in Florida. On November 24th a Federal expedition from Pensacola entered St. Andrews bay. It was night. “The sky was lit up to east and west away inland for a long distance,” reported the Federal commander. “Fog hung over the water” next morning as the Federal boats approached the usually lonely shores of St. Andrews bay. “As we came nearer we not only heard voices but we heard dogs barking, and horses neighing, and we felt quite sure we had stumbled upon a company of cavalry,” stated Lieutenant Commander Hart, of the “Albatross”. “I thought I would startle them,” he continued, “and ordered a shell to be sent over their heads, and in a minute there was heard such shouting and confusion. They seemed not to know which way to run.”<sup>2</sup> Again without opposition the sailors and marines went about their work of destruction. By December 8th, 466 salt pans, kettles or cauldrons, each over a crude bricked furnace, had been destroyed. The capacity of these 466 pans was given at 37,730 gallons of sea-water. About a thousand bushels of salt were destroyed, as well as some fifty wagons and several score shacks, cabins, and rough store-houses.<sup>3</sup> “To render everything completely unfit for future use,” reported Hart, “we had to knock down all the brick work, to destroy the salt already made, to knock in the heads and set fire to barrels, boxes and everything that would hold salt, and to disable and burn up the wagons that we found loaded with it.”

<sup>1</sup> *Naval War Rcds.*, s. i, v. 17, pp. 316-319. *N. Y. Herald*, Oct. 30, 1862.

<sup>2</sup> *Ibid.*, s. i, v. 19, p. 373.

<sup>3</sup> *Ibid.*, s. i, v. 19, pp. 373-378. Reports of Browne and Hart. *N. Y. Herald*, Jan. 20th, 1864—account.

This expedition learned of great works farther up the bay belonging to the Confederate government. Acting-Master Browne, of the ship *Bohio*, one of the destroying fleet, estimated that 2,500 men were engaged in salt-making on St. Andrews bay.<sup>1</sup> At this time—1862—salt was selling in the interior of Florida for \$1 per pound, yet the Federal commander reported “the whole coast lined with” salt-works.<sup>2</sup>

The following June (1863), four establishments on St. Georges sound (West Florida) were attacked, 65 furnaces destroyed, 30 houses burned, and several hundred bushels of salt thrown into the sea or mixed with sand.<sup>3</sup> On December 2nd of this year the Kent salt-works on Lake Ocala near St. Andrews bay were demolished. These works consisted of 13 boilers of 300 gallons capacity each and could produce 130 bushels of salt per day.<sup>4</sup> On December 10th and 18th more formidable operations took place on St. Andrews bay. There the Confederate government had established extensive works with a capacity of 400 bushels of salt per day. The Federal expedition consisting of 92 sailors fired the 27 buildings housing the workmen and stores, knocked to pieces 222 furnaces and kettles, and rendered useless 2,000 bushels of salt ready for shipment. The raiders then turned their attention to the private works that lined the bay shore for seven miles. They destroyed 198 such establishments employing 507 furnaces and 300 buildings. Before they had completed their work they had burned 32 homes in the little village of St. Andrews. The total destruction of private property was estimated by the

<sup>1</sup> *Naval War Rcds.*, s. i, v. 19, p. 377.

<sup>2</sup> Rpt. of Acting-Master Browne.

<sup>3</sup> *Naval War Rcds.*, s. i, v. 17, pp. 467-472.

<sup>4</sup> *Rpt. Sect. Navy*, 1864-5, pp. 372-3. *N. Y. Times*, Jan. 7, 1864. *Naval War Rcds.*, s. i, v. 17, p. 593.

Federal commander at \$2,500,000; of Confederate property, \$500,000.<sup>1</sup> There is no evidence materially to impugn the accuracy of this estimate. Several companies of irregular Confederate cavalry stood in the woods and watched what went on, unable to render assistance because of the guns of the war-ships.

Salt-making was profitable and necessary. Therefore it died hard in Florida. Within a few weeks the smoke of industry was again rising from the shores of St. Andrews bay, and scarcely two months later (during February, 1864), boat expeditions from the blockading fleet began over again the work of destruction. The new Confederate works had been in operation only ten days. They covered a clearing one-half mile square.<sup>2</sup> The loss amounted to probably several hundred thousand dollars.

One week before this destruction on St. Andrews bay, St. Marks bay had been visited by the salt-destroyers (February 17-19). The Federal expedition landed some distance from the salt-works, marched forty miles through the woods, attacked the workmen from the rear while the ships appeared in front, and all there—the guard included—either fled or surrendered. Hundreds of furnaces—50 of them under sheet-iron boilers of near 1,000 gallons capacity each

<sup>1</sup> *Naval War Rcds.*, s. i, v. 17, pp. 593-601. *Rpt. Sect. Navy*, 1864-5, pp. 372-3. Moore, *Rebell. Rcd.*, v. 8, pp. 280-281. *N. Y. Herald*, Jan. 7th and 19th, 1864. The *Herald's* estimate of property destroyed on St. Andrew's Bay is as follows: 500 boilers and kettles, averaging 150 gallons each, at \$5.00 per gallon = \$375,000; value of manf. salt, \$120,000; Con. Govt. works,  $\frac{3}{4}$  mile square, with buildings, \$500,000; 199 small salt works of private companies, \$1,990,000—total, \$2,985,000.

<sup>2</sup> *Naval War Rcds.*, s. i, v. 17, pp. 467-472. *Rpt. Sect. Navy*, 1864-5, p. 379. Moore, *Rebell. Rcd.*, v. 8, pp. 280-281. A partial list of the property destroyed included 165 kettles and pans of an average capacity of 100 gallons each; 53 large boilers of 800 gallons each; 98 "brick furnaces"; and 100 buildings—the total valued at \$250,000.

—were broken up. 250 houses and a quantity of provisions were burned. The estimated value of the property lost here was \$3,000,000. Most of the works were said to be Confederate property.<sup>1</sup>

A Federal warship entered St. Andrews bay again on October 25th, 1864. "We arrived at the entrance of the bay at 8 P. M.," stated the commander. "The fires of the salt-works were seen for miles along the beach." Before daylight a small body of marines went ashore and destroyed the works of the Confederate government.<sup>2</sup> The process was repeated in February, 1865.<sup>3</sup> In December, 1864, the works on Old Tampa bay were swept away by the blockading fleet.<sup>4</sup>

Certainly these raids on a war-time industry were among the most easily accomplished and disastrous blows struck the Confederacy in Florida. The government lost several million dollars' worth of valuable property, private owners lost about as much as the government, and the people lost the salt which they needed very much. The blockading squadron did the work. Never more than 250 sailors and marines took part in the destruction—aided sometimes by runaway negroes and white "Union men". The Federal navy thus not only kept out of the South necessary supplies from abroad but it almost put a stop to the production in Florida of a very necessary commodity—salt.<sup>5</sup> It seems

<sup>1</sup> Rpt. Ad. Bailey, Moore, *Rebell. Rcd.*, v. 8, pp. 414-420; *Rpt. Sect. Navy*, 1864-5, pp. 377-8.

<sup>2</sup> *N. Y. Herald*, Nov. 8, 1864.

<sup>3</sup> *Rpt. Sect. Navy*, 1865-6, p. 351.

<sup>4</sup> *Rpt. Sect. Navy*, 1864-5. In July, 1864, extensive works in Tampa Bay had been destroyed by the Federal fleet. *N. Y. Herald*, Dec. 17, 1864.

<sup>5</sup> *N. Y. Herald*, Jan. 20, 1864, contains an interesting and suggestive article on the importance of Florida's salt works by Acting-Master Browne, who commanded several expeditions along the Florida coast.

passing strange that the Confederate government did so little to protect its works in Florida.

Cotton and tobacco paid for most stuff which came through the blockade. In this way agriculture in Florida was related to blockade-trading. The people of the South at this time had more need of native food products than of cotton and tobacco for exchange. The big profits possible in blockade-trading constituted for some planters and merchants a real temptation to continue or even to expand the cultivation of cotton and tobacco.

Early in 1863 an attempt was made in the legislature to check somehow by law the planting of cotton and tobacco. The attempt failed. "Many of our planters," said Governor Milton, "had commenced to plant and the crops generally would have been planted before it was possible to secure legislation to prohibit or limit the right to plant cotton. Moreover, the intelligence and patriotism of the planters of Florida induced them last year to plant cereals to the exclusion of cotton."<sup>1</sup> The governor was optimistic over patriotic agriculturalists. The legislature was not. By statute of December 3rd, 1863, that body tried by law to regulate planting.

It was enacted that no more than one acre of cotton per laborer employed or one-quarter of an acre of tobacco, should be planted. A fine of \$3,000 was fixed for the breaking of this law—one-half of which was to go to the informer and the other half to the indigent within the county. The law exempted from its operations those who would manufacture all the cotton which they raised and would sell the cloth to the people of the state at a rate fixed by the commissioners of the Confederate government.<sup>2</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. iv, v. II, pp. 487-9. Milton to Pres. Davis, Apr. 15, 1863.

<sup>2</sup> *Laws of Florida*, 12th sess., 1862, chap. 1422.



The southern states were isolated and thrown upon their own resources during the civil war. Except for the blockade trade, Florida was pretty much cut off from the world market. The neighboring Confederate states were almost as poor as she. More than ever before in its history each locality found it necessary to get its living, without exchange, from within its bounds. The country store-keeper and the town jobber either closed out or were forced to reduce their stocks. The state's slender factory equipment was worked to the utmost. General William Bailey's small cloth factory at Monticello, a shoe factory, and a wool-card factory at the same place were guarded jealously by the state government, which bought regularly about two-thirds of the output. Monticello was the chief manufacturing point in the state—in fact the Bailey mill was the only cloth mill in Florida.<sup>1</sup>

Neighborhood grist mills loomed into great importance. Back-yard tanneries tried to supply the demand for leather. Country blacksmiths and crude foundries mended worn-out tools. Ingenious housewives made coffee from parched potatoes or corn, tea from blackberry leaves, soap from ashes and grease, dyes from the various herbs of the woods, and spun and wove with an industry born of patriotism and necessity.<sup>2</sup> The war entailed, in fact, a temporary industrial revolution.

Productive industry was checked. Not only were many small farmers away in the army—almost ten thousand of them—but also many overseers from the plantations. The absence of overseers left some plantations without directors

<sup>1</sup> Milton to Cunningham (Maj. and Confed. Q.-M. at Atlanta, Ga.), June 13, 1864; Cunningham to Milton, June 21, 1864; Seddon to Milton, July 30, 1864—*Milton Papers*.

<sup>2</sup> I obtain such facts from conversation with people who experienced this.

for the slave labor and seriously interfered with production. The negro slave was in need of direction and control. Some of the overseers went as substitutes for those men who did not wish to go into the army and who had means to buy off. An overseer received a salary of from \$300 to \$1,000 per annum. As a substitute he received two or three thousand dollars or more.<sup>1</sup>

While the war thus drew away from Florida those needed at home, it also induced many to make desperate efforts to stay at home in order to avoid the terrible danger and hardship of actual campaigning. Like Monsieur Bompart, of Tarascon, they were apt to be out of danger's way and yet wield positive opinions about defense. Governor Milton inferred that some "stayed at home and bragged on states rights".<sup>2</sup> There was a scramble among such persons to hunt substitutes or to be appointed commissary agents or civil employees of the state, county, or Confederate government; or to prove that they were in certain industrial, managerial, or intellectual professions exempted from the operations of the Confederate Conscript Act. Millers, salt-makers, tanners, various other skilled laborers and preachers sought to find relief from the army behind their professions.<sup>3</sup>

<sup>1</sup> Milton to Davis, Feb. 17, and May 23, 1863; Davis to Milton, Sept. 1, 1863; Milton to the Florida Delegation, Mar. 23, 1863—*Milton Papers*. Milton wrote to Pres. Davis: "Overseers should be exempted from conscription, not owners of slaves. The safety of the Confederate states depends on the exemption to overseers." To Florida's representatives in Congress he wrote: "Overseers are readily going into service as substitutes. The amount they receive is sufficient permanent support for themselves and families, etc." Later to Davis he wrote: "Prices paid overseers range from \$300 to \$700 per annum. The price paid substitutes ranges from \$1,000 to \$5,000, etc."

<sup>2</sup> Milton to Florida Delegation, Sept. 11, 1862, *Milton Papers*.

<sup>3</sup> Milton to Davis, Feb. 17, May 23, 1863; to Fla. delegation, Sept. 11, 1862; to Seddon, Jan. 11, 1864; to White, Dec. 12, 1863; to Seddon,

The state government sought exemption from service in the Confederate army for its civil officials, for plantation overseers, and for the operatives in the little state factories of Monticello.<sup>1</sup> Citizens of Florida and citizens of neighboring states established themselves with kettles on the seacoast because salt-makers were exempted. Governor Milton stated that "many able-bodied men from adjoining and this state have repaired to the Florida seacoast and under pretense of making salt have been holding intercourse with the enemy; others have been lazy loungers. I know ten men associated in salt-making on the coast for the past six weeks. They have not made a bushel."<sup>2</sup>

Preachers, physicians, county officials multiplied and claimed exemption under Confederate law. Recruiting officers, much plagued by subterfuge, learned to interpret the law to suit themselves, and thereby reduced by conscription the ranks of the exempted. The conscripted appealed to the state courts if they had any case at all. Three of these exemption cases reached the state supreme court. That tribunal was lenient toward the individuals seeking to avoid serving in the army.<sup>3</sup>

The number of men in Florida enjoying exemption from

Oct. 29, 1863; Daniels to Milton, Feb. 14, 1864; Gen. Ords. no. 69 (Aug. 27, 1864) from Confed. Adj. and Insp. Gen.—*Milton Papers*. The Confed. bureau of conscription furnished the Confed. commis. bureau in each state the names of those exempted from military service. The commissary bureau sought its sub-agents from this class. See Milton to Seddon, May 14, 1864 (*Milton Papers*), giving state and local officials exempted from service in the Confed. army, about 600 in all.

<sup>1</sup> *Laws of Florida*, 12th sess., Dec., 1863, resolution no. 14, praying for exemption of workmen in Jeff. Co. fact. Cunningham to Milton, June 13, 1864; Seddon to Milton, July 30, 1864—*Milton Papers*.

<sup>2</sup> Milton to Fla. delegation, Sept. 11, 1862, *Milton Papers*.

<sup>3</sup> *Fla. Rpts.*, v. ix; King *vs.* Daniel, pp. 91-99 (conscription of a preacher); Cook *vs.* Fernandez, pp. 100-104 (conscription of a physician); Hunt *vs.* Finegan, pp. 105-111 (conscription of a county official).

military service was never relatively large. A statement of Governor Milton in May, 1864, shows that the number of state and local officials exempted from service was about 600.<sup>1</sup> In February, 1865, those officially exempted in Florida numbered only 748, of whom 237 were men physically disabled; 153, plantation overseers; 152, railway employees; 120, state officials; and only 20, ministers of the gospel.<sup>2</sup>

Certain farmers throughout the state gave bond to the Confederate government to deliver a specified amount of supplies to the Confederate commissary, and for this were exempted from military service.<sup>3</sup> Yet the Confederate subsistence bureau declared that the

bonded agriculturalists are as much in the service as they would have been if not conditionally exempted. Whenever one of them is found bartering any of his surplus or selling any to others than the Government or families of officers and soldiers, or at rates other than those prescribed, evidence of the fact must be at once furnished to the appropriate enrolling officer and the name of the party and the enrolling officer sent to the Bureau of Conscription. The District Attorney shall be furnished with the information preliminary to a prosecution of the offender on his bond.<sup>4</sup>

Thus the bonded farmer was held to his contract by the double menace of conscription and loss of his bond. In

<sup>1</sup> Milton to Seddon, May 14, 1864, *Milton Papers*.

<sup>2</sup> *Off. Rcds. Rebell.*, s. iv, v. 3, pp. 1102-3. The exemptions were as follows: ministers 20, editors 3, newspaper employees 8, apothecaries 7, teachers 5, physicians 27, mail contractors 8, overseers 153, railroad employees 152, Confed. officials 6, foreigners 1, coach-drivers 1.

<sup>3</sup> See, for examples, contract of Confed. Govt. with Win. Johnston (Madison Co.), Oct. 20, 1863; Proclams. of Gov., Dec. 14, 1864, and Jan. 19, 1865—*Milton Papers*.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 46, pt. 2, pp. 1214-16. Circular of Confed. subsist. bureau, Sept. 5, 1864.

Florida the smaller farms were the most productive during the war. The principal food-stuffs produced were corn, peas, potatoes, molasses, sugar, pork, and beef.<sup>1</sup>

To preserve the supply of corn the state suppressed early in the war the distilleries of corn whiskey. Those distilleries under contract with the Confederate government were allowed to continue operations upon giving to the state a bond of \$20,000—to be forfeited if the distillery engaged in private trade.<sup>2</sup>

The ultimate object here in examining Florida's economic condition during the civil war is to arrive at some correlation of those facts which historical analysis presents, and which all together and with the larger body of unknown facts mark the effect of war upon the state of Florida. What, in synthesis, was the character of economic adjustment to war? We have a state with little wealth and small population going out of a strong union, facing revolution, plunging at once into heavy debt, and becoming a member of a new union. We have its land holdings enormously increased and used to sustain its credit. We have banks suspending specie payment and business men curtailing their operations for the threatened storm. We have the state government attempting to adjust society to the new régime by the passage of legislation arresting legal processes for debt, forbidding the payment of debts to an alien enemy, instituting new legal tribunals, legalizing the suspension of specie payment, and putting an arbitrary premium upon the notes and securities which it issued. We

<sup>1</sup> Maj. White (Chf. Confed. Commiss. for Fla.) to Gen. Miller, Nov. 12, 1864; Miller to Seddon, Nov. 14, 1864—*Milton Papers*. Maj. White stated that agriculture in Fla. was on the decline.

<sup>2</sup> *Laws of Fla.*, 12th sess., 1862, chap. 1382; 1863, chap. 1463. Messages of Gov. Milton, Nov. 17, 1862; Nov. 21, 1864; contract for delivery of whiskey to Confed. officials, Nov. 1, 1863—*Milton Papers*.

have the beginning of military operations and the blockade, respectively draining the state of men and supplies and cutting off supplies from abroad. We have the confiscation and destruction of considerable property by both the Union and the Confederacy as the war progressed. We have the upspringing of certain industries and commerce born of the war. We find that some citizens of Florida took advantage of the distraught condition of society to buy up and hold food for high prices and otherwise to speculate unpatriotically. We have the state government attempting to curb speculation by law. We have a steady increase in the price of food and clothing and a steady decrease in the amount. We find Florida undergoing the inevitable consequences of civil war. We find Kropotkin's description of France in the Revolution strangely not unfitted to Florida. "The circulation of produce was checked," he said. "Want knocked at the door, famine was abroad in the land—such famine as had hardly been seen under the Old Régime."<sup>1</sup> We have the state and the county governments contributing directly to the support of as many non-combatants by the end of the war as there were soldiers from Florida in the field. We have the state government attempting to regulate production and to some extent distribution. We find experience here demonstrating the generalization of Kropotkin that "if a society, a citizen, or a territory were to guarantee the necessities of life to its inhabitants it would be compelled to take possession of what is absolutely needed for production—land, machinery, factories, means of transportation, *etc.*" We find friction, confusion, and no little conflict existing between Confederate officials, local officials, and private owners over the impressment of property—with the victory usually for the Confederacy. We find that

<sup>1</sup> *Conquest of Bread*, p. 62.

by 1865 business activity was dead or degenerated into unhealthy speculation. We observe that the people of Florida found increased difficulty in making a living while cut off from the outside world and subject to a share in the support of the Confederate armies.

Among any conclusions reached in regard to Florida it must be admitted that the state's experience was essentially the same as the others in the lower South; and, also, that it was the blockade more than battles which steadily exhausted the economic strength of the commonwealth. In civilized society, particularly in a one-staple agricultural society, it is difficult for men to live successfully unto themselves. Exchange is a fundamental law of life and the modern marketplace is the wide world.

## CHAPTER IX

### THE NEGRO AND THE WAR

FOR the South, the Civil War—sweeping over it from end to end like a devastating fire—was a test of the strength of those unwritten laws that hold a civilized society together. Among the Civil War phenomena which have evoked favorable comment from the critical, was the apparent faithfulness and gentleness—even high-minded humanity—of the black slave during the hideous turmoil of that period. Certainly the social discipline of Southern slavery did not break down when subjected to the test of war. To the investigator of Southern history, however, the after-war verdicts concerning the negro are hard to reconcile with the evident preparedness among the whites before and during the war to suppress servile insurrection. The sinister phantom of Santo Domingo hung over the South as a brooding shadow.

Afterwards many ex-slaveholders spoke kindly of the slave in the war, and such well-meant commendation has had no little influence in shaping the generalizations of historians as to what went on during the conflict. Governor Walker, of Florida, an ex-slaveholder, declared in 1865 to the assembled legislature, that “the world had never seen such a body of slaves, for not only in peace but in war they had been faithful to us. During much of the time of the late unhappy difficulties Florida had a greater number of men in her army than constituted her entire voting population.”<sup>1</sup> This, of course, stripped many districts of their

<sup>1</sup> For verification of this conclusion, see Robertson, *Soldiers of Flor-*



arms-bearing inhabitants and left our females and infant children almost exclusively to the protection of our slaves. They proved true to their trust. Not one instance of insult, outrage, or indignity has ever come to my knowledge. They remained at home and made provisions for our Army.”<sup>1</sup>

The fact is that the Southern slave was well-fed, well-housed, well-treated, and lastly, well-watched and controlled; hence the peace about the slave quarters on isolated plantations when war was raging at no great distance. Many slaves in the white households loved “their white people” and in return were loved with a sincerity proven by experience. They needed no watching and controlling. It was to them that the “master” confided his women and little children when he went away to fight. It was of them the governor was thinking when he said, “the world had never seen such a body of slaves”. These family servants earned well the praise for faithfulness—and yet they but proved true to their rearing in the family circles of the South’s aristocracy. They were in fact the black part of that aristocracy. They stand as historical examples of the truth that the negro character may successfully adjust itself to the sturdiest and best conditions of Western civilization. They, the small minority among the slaves, were the powerful exemplars of one good aspect in a system despised and condemned as a pariah among social systems by the meddlesome, conscience-stricken people of another section.

The field hands were normally passive under the stress of war because they were semi-barbarous people held in watchful and firm restraint, and well-treated. They were

*ida*, muster rolls; *Off. Rcds. Rebell.*, s. iv, v. 2, pp. 49-50. The highest number of votes cast in any election in Florida before the war was 12,988, according to Gov. Milton.

<sup>1</sup> Address of the Governor, Dec. 18, 1865, Wallace, *Carpet-bag Rule*, p. 23.

not consciously faithful and humane in the face of oppression and opportunity to rise in a body, for neither of these two conditions existed except in sporadic cases. If they had existed, the result would have been massacre and devastation to vast sections of the South, sufficient to have pleased even John Brown. The murder, rape, and rapine there would have equalled what had transpired in Santo Domingo. The slaves did not rise. The South was not made a shambles—at least not by revolting blacks—but it must be remembered that the Southern white consciously strove to prevent it from becoming this. Confederate armies had their backs to a veritable powder magazine, and thousands of soldiers in the ranks knew it. This is what invasion forced upon the South. A memorable phenomenon of the war is the steadiness with which Southern society stood the impact of disaster upon disaster in its very midst without becoming hopelessly demoralized and giving way under the test of war.

At the outbreak of the conflict an evidence of the apprehension in the South over the negro question was the passage of laws to restrain the too free movements of the black. In Florida during the autumn of 1861 the state legislature amended and consolidated the various enactments concerning citizen patrols. The counties were divided into beats, and state officials announced certain periods of patrol duty for certain citizens in each beat. The patrols moved at night in parties—usually on horseback. They were supposed to keep informed on the condition and the opinion of the negroes in their districts; to ride over the country one or more nights each week; to arrest and examine negroes found out at night; to apprehend thieves (black and white) engaged in trading plantation products and fixtures under cover of darkness; to seize all disorderly vessels harboring or dealing with negroes; to prevent

or disperse any unlawful assembly of negroes—free or slave—and to take from the hands of slaves all firearms.

Four or more negroes together in a confined or secret place was termed an "unlawful assembly". The patrol had authority to enter by force if necessary all negro cabins and to inflict a punishment by whipping, not to exceed twenty lashes, on all slaves found off the premises of their owners without a written permit from the master. If while arresting or whipping a slave the black should act "insolently", the patrol was authorized by law to inflict additional punishment, not to exceed thirty-nine lashes.<sup>1</sup>

There was nothing new in principle for Florida in this patrol law of 1861, nor was its application a departure from past practice.<sup>2</sup> The patrols were designed to be rural police. How effectively Florida's patrol system was carried out during the war can be only a matter of conjecture. It seems reasonable to conclude that in times so abnormal, with so many of the active men away in the army, a rigid enforcement of the patrol law was impossible.<sup>3</sup>

The material well-being—if not the very existence—of the state depended upon the labor of the slave. Invasion was

<sup>1</sup> *Laws of Florida*, 11th Session, 1861, chapter 1291.

<sup>2</sup> For a summary of legislation in Florida on this subject, see Hurd's (J. C.) *The Law of Freedom and Bondage in the U. S.* (1862), v. 2, pp. 190-195. A patrol law was enacted by the territorial legislature in 1825. Additional provisions were added in 1832-33-36. In 1827 a law was enacted "to prevent trading with negroes." In 1828 the death penalty was imposed for inciting insurrection among slaves. In 1840 an act "prohibited the use of firearms to negroes." Laws of 1836 and 1842 restricted the immigration of free negroes. In 1846 a new patrol law was enacted. Also see *Off. Rcds. Rebell.*, s. iv, v. 2, p. 402, for citing of Fla. statute, 1851, chap. 388, in reference to blacks on plantations.

<sup>3</sup> Before the end of 1863 more than half of the able-bodied white, male population in Florida of military age was in the Confederate army. A year later, four-fifths. See Robertson, *Soldiers of Florida*.

disastrous not only in the immediate loss which it brought but in the consequent demoralization in labor which it caused. "It is of the last importance," wrote General Ward from Florida to the Confederate secretary of war,

that the crops now planted should not be disturbed nor the negroes withdrawn. Money is the sinews of war. If the plantations belonging to our Gulf coast are ravaged, to avoid the plunder of the negroes (not to speak of insurrection) the capacity of the county to contribute to the war is at an end. If the corn crop should fail, a large mass of starving population will be thrown back upon the higher country, itself a buyer of the Northwest that refuses to sell its food.<sup>1</sup>

The slave population of Florida at the outbreak of the war was approximately 60,000. Of this number fully 40,000 were in the seven great planting counties of Middle Florida.<sup>2</sup> According to the war-time memoranda of Governor Milton there were 16,000 slaves in "East and South Florida" and 8,000 in "West Florida". In the large planting counties were segregated not only the majority of the slaves but the greater part of all real and personal property, except cattle, "in which the East and the South exceed", stated Governor Milton.<sup>3</sup>

Florida was greatly exposed to invasion. Its 1,500 miles of seacoast, its navigable and unprotected rivers, its sparse population, its small home guard, all invited invasion. The presence of Federal troops in East Florida during 1862, resulting in the destruction of property and the loss of slaves,

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 1, p. 467; letter of May 10, 1861.

<sup>2</sup> *U. S. Census*, 1860. The exact number given is 61,745, of whom 5,253 are denominated "mulattoes." Gov. Milton's papers indicate that the census estimate is too large.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 53, pp. 260-261; Milton to Davis, October 10, 1862

was followed by the passage of resolutions in the state legislature praying that the Confederate Conscript Law be suspended in Florida till March 15th, 1863, and that those who volunteered for Confederate service before March 15th be required to serve within the state.<sup>1</sup> White men were needed at home not only to act as guards and to work in the fields, but to direct the work of the slave, and to withdraw the black population from before invading armies. "The safety of the Confederacy depends on the exemption of overseers for two reasons," declared Governor Milton. "1. because without them the slaves will not labor in a manner to secure subsistence for the armies in the field. 2. because if left without control of overseers the result will be insubordination and insurrection."<sup>2</sup>

At the December session of the legislature, 1862, authority was conferred upon the governor to impress slaves for military work if so authorized by the Confederate government. Just compensation for the labor performed was to be made to owners of the slaves impressed. From time to time slaves were impressed to labor on fortifications at different points in the state.<sup>3</sup> The Confederate congress provided by law in February, 1864, for the impressment by states of 20,000 slaves for menial service in the Confederate army. Florida's quota was fixed by the war department at 500.<sup>4</sup> In December, 1864, orders were issued for the impressment to begin. Owners of slaves were required to furnish "one good suit" of clothes for each of their slaves im-

<sup>1</sup> *Laws of Florida*, 12th Session, 1862. Resolution no. 20.

<sup>2</sup> Milton to Davis, Feb. 17, 1863. See also letter of May 23, 1863; and Davis to Milton, Sept. 1, 1863; and Milton to Florida delegation in Congress (C. S.), Mar. 23, 1863—*Milton Papers*, MSS.

<sup>3</sup> *Laws of Florida*, 12th Session, 1862, chapter 1378.

<sup>4</sup> *Off. Rcds. Rebell.*, s. iv, v. 3, p. 933; Confederate War Department, Bureau of Conscription, Richmond, Va. Circular no. 36, Dec. 12, 1864.

pressed. In each congressional district of each state a board appointed by the secretary of war regulated impressments. The wages to be paid these slaves in Confederate service were not to exceed \$25 per month. The Florida legislature enacted a law to enable the governor to carry out this order of the Confederate government. According to this state law impressments were to be made by the sheriffs "pro rata" in the name of the governor.<sup>1</sup>

Beyond thus enacting law for stricter patrolling and for the regulation and apportionment of slave labor in the army, the Florida legislature found itself singularly free of the negro question during the war. Nor were the courts burdened with new theories or with more than the normal amount of litigation involving slaves or slavery.<sup>2</sup> But the negro was not eliminated from public attention. The stupidest man realized the essential point in the great social issue of the war. Owners shifted their slaves from place to place to prevent capture, the military patrolled threatened districts to intercept runaway slaves and to prevent insurrection, and black regiments of ex-slaves invaded the state.

The Federal government reports 1,044 Florida negroes enrolled as soldiers in the Union army during the war.<sup>3</sup> This was about one-tenth of the adult negro male population of military age.<sup>4</sup> Most of the recruits were from East Florida. General Asboth, the American-Hungarian commander in Pensacola, West Florida, began to organize sev-

<sup>1</sup> *Laws of Florida*, Dec. 7, 1864.

<sup>2</sup> The available court records show practically no change in the interpretation of law on the slavery question. The escape or capture of negro slaves occasionally upset contracts. See case of *Russ vs. Mitchell*, *Fla. Rpts.*, v. 11, pp. 80-91.

<sup>3</sup> *Off. Rcds. Rebell.*, s. iii, v. 4, pp. 1269-72, regiments of infantry.

<sup>4</sup> Slave population of Florida in 1860 was slightly in excess of 60,000.

eral companies of negro troops for his "Corps d'Afrique" in the autumn of 1862.<sup>1</sup>

The negro as a soldier within the state was confined exclusively to the Northern side. However, the Confederate congress, the Confederate war department, and military and civil leaders in Florida and out of Florida discussed the advisability of using the black as a soldier. Most Southern whites who expressed opinions declared the slave to be unfit for the career of a soldier. Fighting was the white man's part, they said; acting as a camp follower, teamster, or laborer on fortifications was the only right sphere for the black in the Southern army. The work of a soldier with its responsibilities belonged to the superior race.<sup>2</sup> The recent dictum of Jack London that "no man can fall lower than a soldier"<sup>3</sup> would not have been subscribed to by the rank and file of the Confederate armies.

General Howell Cobb, who commanded in Central Florida, set forth a point of view common to many Southerners when he said:

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 26, pt. 1, pp. 818, 834 (Nov. 23, 1862); *N. Y. Herald*, Dec. 7, 1863; *Off. Rcds. Rebell.*, s. iii, v. 3, p. 925. On Oct. 26, 1863, Adj.-Gen. Lorenzo Thomas wrote Col. E. D. Townsend: "I have directed Brig-Gen. Asboth, recently assigned to command in western Florida, to gather in the negroes and organize them."

<sup>2</sup> See Report J. A. Seddon, C. S. sec'y war, *Off. Rcds. Rebell.*, s. iv, v. 3, p. 756; also opinion of Jeff. Davis, p. 790, and Southern correspondence throughout *Off. Rcds.* Also Jones, *A Rebel War Clerk's Diary*, v. 2, pp. 21, 24, 44, 413-14, containing references to policy of C. S. Congress on question of negro troops. Sen. Brown of Miss., in Feb. 1865, introduced a resolution for raising 200,000 negro troops for the Confederate army—the negroes to have their freedom for fighting. It was voted down, but on Mar. 8th the Senate passed the negro-troops bill. See Moore, *Rebell. Rcd.*, v. 8, pp. 135, 199, 433-434—protest to North against arming the blacks.

<sup>3</sup> *Chicago Daily Socialist*, Mar. 31, 1911, from London's pamphlet issued in California condemning the army.

I think that the proposition to make soldiers of our slaves is the most pernicious idea that has been suggested since the war began. . . . You cannot make soldiers of slaves or slaves of soldiers. The moment you resort to negro soldiers your white soldiers will be lost to you, and one secret of the favor with which the proposition is received in portions of the army is the hope when negroes go into the army they (the whites) will be permitted to retire. It is simply a proposition to fight the balance of the war with negro troops. You can't keep white and black troops together and you can't trust negroes by themselves. . . . Use all the negroes you can get for all purposes for which you need them, but don't arm them. The day you make soldiers of them is the beginning of the end of the Revolution. If slaves make good soldiers our whole theory of slavery is wrong.<sup>1</sup>

General Patton Anderson, of Florida, declared that the proposal to arm the slaves was "a monstrous proposition, revolting to Southern sentiment, Southern pride, and Southern honor".<sup>2</sup> General Beauregard, commanding the department of Georgia, South Carolina, and Florida, believed that the arming of the negroes would lead inevitably to the "atrocious consequences which have ever resulted from the employment of a merciless servile race as soldiers".<sup>3</sup>

But the pressure for troops in the Confederate armies by the end of 1864 was awful. The South was being bled of

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 3, p. 1009—Cobb to Seddon, Jan. 8, 1865. Some Southern leaders disagreed radically with the popular view. Gen. J. E. Johnston was petitioned by several Confederate military officers in Jan. 1864 to arm the blacks. Their spokesman was gallant Gen. Pat Cleburne. "Will the slaves fight?" wrote Cleburne. ". . . The experience of this war has been, so far, that half-trained negroes have fought as bravely as many half-trained Yankees."

<sup>2</sup> *Ibid.*, s. i, v. 52, pt. 2, p. 598.

<sup>3</sup> *Ibid.*, s. i, v. 28, pt. 2, p. 13—Beauregard to Gillmore, July 4, 1863.



its able-bodied whites. The shambles of each new battlefield lent intensity to the frantic call for more men. "Congress and the state legislatures have put in service all white men between the ages of 16 and 60 years," wrote Sam. Clayton, of Georgia, in January, 1865.

We can't get them from the Old World or from any other country. We are thrown upon our own resources. The recruits should come from our negroes, nowhere else. We should away with pride of opinion, away with false pride, and promptly take hold of all the means God has placed within our reach to help us through this struggle—a bloody war for the right of self-government. Some people say negroes will not fight. I say they will fight. They fought at Ocean Pond (Olustee, Fla.), Honey Hill, and other places. The enemy fights us with negroes, and they will do very well to fight the Yankees.<sup>1</sup>

The foregoing was the other point of view fairly stated, in accord with which the Confederacy was surely moving when its end came. The Confederate congress authorized on March 3rd, 1865, the raising of 300,000 blacks as soldiers.<sup>2</sup> On April the 28th, the major-general commanding in Florida directed ten prominent citizens of Florida each "to pro-

<sup>1</sup> *Off. Rcds. Rebell.*, s. iv, v. 3, pp. 1010-11. Judah P. Benjamin stated at this time: "It appears to me enough to say that the negroes will certainly be made to fight us if not armed for our defense. . . . I further agree with you that if they are to fight for our freedom, they are entitled to their own. Public opinion is fast ripening on the subject." Jeff. Davis in a letter to John Forsythe in Feb., 1865: "It is now becoming daily more evident to all reflecting persons that we are reduced to choosing whether the negroes shall fight for us or against us, and that all arguments as to the positive advantage or disadvantage of employing them are beside the question, which is simply one of relative advantage between having their fighting element in our ranks or in those of the enemy" (p. 1110). See also his message to Congress, Mar. 15, 1865.

<sup>2</sup> *Ibid.*, s. iii, v. 5, pp. 711-12.

ceed at once to raise a company of negroes to be mustered into the service of the Confederate States for the War".<sup>1</sup> But Lee and Johnston had already surrendered. The dissolution of the Confederacy defeated this last desperate measure to recruit the decimated ranks of the Southern army.

The black recruit was sought in Florida assiduously for the Union army after the first year of the war. In the spring and again in the autumn of 1862, Jacksonville was occupied and abandoned by Federal troops.<sup>2</sup> When the Federal forces quit the town in the autumn they carried some negroes away with them.<sup>3</sup> Invasion of East Florida by negro troops under Colonel Higginson quickly followed. "The object of this expedition," reported General Saxton, Higginson's chief, "was to occupy Jacksonville and make it the base of operations for arming the negroes and securing in this way possession of the entire State of Florida"<sup>4</sup>—in other words, inciting servile insurrection. The Federal army failed to obtain many black recruits, but Higginson concluded that black troops "were the key to the successful prosecution of the war for the Union".<sup>5</sup>

The slaveholders of East Florida drew away into the interior before these negro-hunting raids. Confederate light cavalry patrolled the plantations. The invaders not only carried away slave property but they left behind seeds of a possible servile insurrection. "When it shall be ascertained

<sup>1</sup> *Off. Rcds. Rebell.*, s. iv, v. 3, p. 1194. The notices to enlist negro troops were sent to the following Floridians: O. F. Jones, E. H. Bryan, M. Yonge, J. J. Jilks, B. F. Davis, G. W. Kennedy, W. S. Dupont, S. Parkhill, J. Linton, H. A. Ramsey.

<sup>2</sup> *Cf. supra*, chap. 7.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 633—Finegan to Cooper, Oct. 9, 1862. *N. Y. Herald*, Oct. 19, 1862.

<sup>4</sup> Saxton to Stanton, Mar. 14, 1863; Moore, *Rebell. Rcds.*, v. 6, p. 444.

<sup>5</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 198.

satisfactorily by the slaves that the blacks are in actual warfare for their liberties, sustained by bodies of white men," wrote Governor Milton in August, 1862, "is there not much reason to apprehend that insurrections and massacres will occur where they have a great excess of population over the white population?"<sup>1</sup> It was this possibility that haunted the slaveholder who lived in the region threatened with invasion.<sup>2</sup> Colonel Brevard, of the Confederate army before Jacksonville, sent Captain Chambers in April, 1862, into Putnam county to ferret out the revelations of the negro Toby at "Econiah Scrub". He was to arrest all concerned in the reported "conspiracy" but was admonished to act "cooly".<sup>3</sup> Here and there negro renegades in touch with the enemy were caught and hung by the patrolling cavalry.<sup>4</sup>

On October 30th, 1862, Captain Dickison, a locally-re-nowned leader of light cavalry in East Florida, was ordered by the Confederate military authorities to remove into the interior all negro slaves apparently without owners and all free negroes.<sup>5</sup> When a black negro-hunting army invaded East Florida during 1862, General Finegan, Confederate commander in East Florida, realized the situation and reported that

the object is to hold the town of Jacksonville and to advance up the St. Johns and establish another position higher up the river, whence they may entice away the slaves. That the entire negro population of East Florida will be lost and the

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 337—Milton's Letter, Aug. 5, 1862.

<sup>2</sup> Scores of references to this dread in the hundreds of letters, orders, and reports scattered throughout the *Off. Rcds. Rebell.* See, for instance, s. i, v. 52, pt. 2, p. 373; v. 53, pp. 258, 261; v. 1, p. 467; s. iv, v. 2, pp. 56-58, 838—particularly letter of Davis, Nov. 26, 1862, p. 211.

<sup>3</sup> *Ibid.*, s. i, v. 14, p. 863.

<sup>4</sup> *Ibid.*, s. i, v. 53, p. 233.

<sup>5</sup> *Ibid.*, s. i, v. 14, p. 661.

country ruined there cannot be a doubt unless the means of holding the St. Johns are immediately supplied. . . . The entire planting interests of East Florida lie within easy connection of the river; . . . intercourse will immediately commence between negroes on the plantation and those in the enemy's service; . . . and this intercourse will be conducted through swamps and under cover of night, and cannot be prevented. A few weeks will suffice to corrupt the entire slave population of East Florida.<sup>1</sup>

The first black troops used in Florida were the First and Second South Carolina Volunteers—regiments organized at Beaufort, South Carolina, in response to orders issued by General David Hunter in May, 1862.<sup>2</sup> The recruits came from South Carolina, Georgia, and Florida.<sup>3</sup> Colonel Thomas Wentworth Higginson commanded the First Regiment, and Colonel James Montgomery, the Second. "There appeared in various New York newspapers early in 1863," wrote Higginson, many years afterwards,

a report that there was in Florida a "great volcano about bursting whose lava will burn and destroy," and this was further defined as being the sudden appearance in arms of 5,000 negroes, a "liberating host, not the phantom but the reality of a servile insurrection." The fact which lay behind these preposterous exaggerations was simply an expedition up the St. Johns River of two black regiments under my command.<sup>4</sup>

These two negro regiments from South Carolina, led by Higginson and Montgomery, were sent by General Hunter

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 226.

<sup>2</sup> *Ibid.*, s. i, v. 14, p. 1. See article by Higginson in *Freedmen's Record*, Aug. 1865. Higginson shows that the 1st S. C. was the first black regiment mustered into the service of the United States, Nov. 7, 1862. One company of this regiment was organized in May, 1862.

<sup>3</sup> Higginson, *Army Life in a Black Regiment*, *passim*.

<sup>4</sup> *Civil War Papers*, v. 2, p. 467.

to occupy Jacksonville; . . . to carry the Proclamation of Freedom to the enslaved; to call all loyal men into the service of the United States; to occupy as much of the State of Florida as possible; and to neglect no means consistent with the usages of civilized warfare to weaken, harass, and annoy those who are in rebellion against the United States.<sup>1</sup>

As the expedition was primarily a recruiting expedition a double supply of arms and ammunition was carried. News of the arrival of these black troops spread with sinister rapidity over East Florida. A "loyal white woman" reported to Higginson that 1,600 negroes were in the woods about Jacksonville awaiting a chance to enter Federal lines.<sup>2</sup> General Joseph Finegan, Confederate commander in East Florida, reported 4,000 blacks in Jacksonville with one company of white troops.<sup>3</sup> These reports were gross exaggerations. Slave owners and the Confederate military were making desperate efforts to keep the blacks at home, and were succeeding. General Saxton, in notifying the Federal war department of this occupation of Jacksonville (March, 1863), declared that "large bodies of able-bodied negroes in Florida were waiting for an opportunity to join the Federal forces."

"The negroes of Florida," he affirmed,

are far more intelligent than any I have yet seen, and fully understand their position and the intention of the Government toward them. They will fight with as much desperation as any people in the World. I have many of these Florida men in the First South Carolina Regiment and no one who knows anything about the regiment now doubts its efficiency. . . . I feel great hopes that we shall strike a heavy blow in Florida. There is at present a great scarcity of muskets in this Depart-

<sup>1</sup> *Civil War Papers*, v. 2, p. 468.

<sup>2</sup> *Ibid.*, p. 471.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 226.

ment. If this want is supplied, it is my opinion that the entire State of Florida can be rescued from the enemy and an asylum established for persons from other States who are freed from bondage by the Proclamation.<sup>1</sup>

Six months before this, Governor Milton had expressed very emphatically his opinion of the Federal policy toward Florida, *viz.*, to make of the state "a waste, a howling wilderness, or to colonize it with negroes."<sup>2</sup>

After the occupation of Jacksonville detachments of the First and Second South Carolina Volunteers proceeded up the St. Johns river as far as Palatka, collecting negro recruits, stealing, and plundering. A Federal gunboat with supplies and reserve troops accompanied the raiders. The plantation homes of Messrs. Baza, Dupont, Sanchez, Dancy, Mays, Ballings, Simkins, Cole, and others were plundered by the marauders. Poultry was appropriated. Hogs, horses, and beeves were stolen or slaughtered; smoke-houses and corn-cribs, stripped; feasts eaten in spacious dining-rooms by the one-time slaves. Household furniture broken up. Trunks and chests were rifled. Women were insulted and abused. The torch was applied to out-houses and barns. At the Du Pont place the soldiers threatened to burn the family home if the hiding place of the family slaves was not revealed.<sup>3</sup> Federal tax commissioners and treasury agents seeking property to confiscate<sup>4</sup> accompanied expeditions and exercised a restraining influence on the destructive proclivities of the raiders. At Palatka the Federal force was ambushed by Dickison's cavalry, and with some

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 423—letter of Mar. 6, 1863.

<sup>2</sup> *Ibid.*, s. i, v. 53, p. 258—Milton to Seddon, Oct. 5, 1862.

<sup>3</sup> *Ibid.*, s. i, v. 14, pp. 232, 238-9, 860-61.

<sup>4</sup> *Ibid.*, s. i, v. 35, pt. 1, pp. 388-89—for an instance, Report Gen. Birney, May 6, 1864. Disposition of schooners taken at Smyrna.

loss in killed and wounded—among the latter Lieutenant-Colonel Liberty Billings of the First South Carolina—it embarked on the gunboat for Jacksonville. When that town was evacuated, March 31st, 1863, houses were burned and plundering was indulged in by both black and white troops.<sup>1</sup>

Negro soldiers operated as raiders with numerous expeditions in East Florida from 1863 until the end of the war.<sup>2</sup> In West Florida they aided white troops in sacking the villages of Eucheanna and Marianna.<sup>3</sup> At Tampa they obeyed the orders of white leaders in shooting defenseless people.<sup>4</sup> Negro troops traversed the country adjacent to Cedar Keys, St. Andrews bay, and Pensacola, destroying and stealing.<sup>5</sup> They fought in the skirmishes of Marianna and Natural Bridge and played a prominent part in the battle of Olustee.

It seemed to be the settled policy of the Federal government to use black troops in Florida. A dozen different

<sup>1</sup> *Cf. supra*, chap. 7.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 397, 435. In May, 1864, Capt. Dickison defeated a small raiding expedition on the St. John's, v. 35, pt. 2, p. 363. See also v. 35, pt. 1, pp. 32, 37 (Sept. 28, 1864, in Volusia Co.), 38 (Oct. 4, 1864, in Volusia Co.; Oct. 24, 1864, west of Magnolia), 393-98 (along St. John river, May 19-24, 1864), 401-3 (near Jacksonville, June 2-3, 1864), *etc.*

<sup>3</sup> *Ibid.*, pp. 443-445—Sept. 18 to Oct. 4, 1864 (82nd U. S. Colored Infy.); Brevard and Bennett, *History of Florida*, pp. 168-170.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 389-391 (2nd U. S. Colored Infy. and 2nd Fla. Cavalry). Several citizens "arrested at the hotel." Some tried to escape; 1 shot dead and 2 wounded.

<sup>5</sup> Raiding by negroes in West Florida (Florida west of the Apalachicola river) occurred during the last year of the war. In July, 1864, black raiders came into Washington County from St. Andrews Bay, taking horses, mules, cattle, corn, meat, and slaves. See letter of Col. Montgomery (C. S. A.) to Capt. Call, July 24, 1864, from Marianna; also letter of Gov. Milton to Gen. Jackson, Aug. 7, 1864—*Milton Papers*; and *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 405-408, 413-419.

negro regiments recruited in various parts of the Union saw service in Florida before the end of the war.<sup>1</sup>

Some Northern military men were enthusiastic over the soldierly qualities of the negro. Colonel Beard of the 48th New York Infantry, who commanded negro troops in Florida, reported that the "colored men fought with astonishing bravery and coolness".<sup>2</sup> General Saxton, in referring to Florida, declared that "negroes fought with coolness and bravery, fighting as if to vindicate manhood and did it well".

"The blacks are better than white soldiers in this part of the country," he said.<sup>3</sup>

Thomas Wentworth Higginson, who gained notoriety by leading negro soldiers in Florida, stated that "nobody knows about blacks who has not seen them in battle. Their fiery courage is above anything I have ever seen or read—except French Zouaves."<sup>4</sup> A Northern war-correspondent present at Fort Meyers, South Florida, when it was attacked by Confederate cavalry stated that "the colored soldiers were in the thickest of the fight and could hardly be restrained; they seemed totally unconcerned of danger and the constant cry was 'to get at them'."<sup>5</sup>

The actual efficiency of black troops was far under these enthusiastic estimates. The blacks usually gave way under determined attack. They were swept off the field at Olus-

<sup>1</sup> The following were the negro regiments, all infantry: 3rd, 7th, 8th, 34th, 82nd, 102nd U. S. Colored Troops; the 1st, 2nd and 3rd S. C. Volunteers; the 1st N. C. Volunteers; the 54th and 55th Mass. Colored Infantry. See *Off. Rcds. Rebell.*, *passim*.

<sup>2</sup> *Ibid.*, s. i, v. 14, p. 191.

<sup>3</sup> *Ibid.*, p. 189.

<sup>4</sup> *Ibid.*, p. 195. See also Higginson, *Army Life in a Black Regiment*, *passim*.

<sup>5</sup> *N. Y. Times*, March 18, 1865.



tee, Jacksonville, Palatka, and Natural Bridge. Their most valuable services to the Union were as guide, spy,<sup>1</sup> and plunderer. Their presence in Florida as soldiers caused terror to the unprotected white families and hurt sentiment for the Union. Southerners were nerved to greater effort because they realized that a servile race was being employed to subdue them. "It is my belief," declared General Saxton, "that scarcely an incident in this war has caused greater panic throughout the whole South coast than this raid of colored troops in Florida."<sup>2</sup>

The black soldier did not prove to be any more barbarous than the white. President Lincoln encouraged the use of negro soldiers in Florida. "I am glad to see the accounts of your colored force at Jacksonville, Florida," he wrote privately to General Hunter. "I see the enemy are driving at them fiercely, as is to be expected. It is important to the enemy that such a force shall not take shape and grow and thrive in the South, and in precisely the same proportion it is important to us that it shall."<sup>3</sup>

Within Federal lines the negro furnished the newcomer from the North opportunity for charitable experimentation. Military leaders wanted the able-bodied men, but were burdened and worried by the women, children, and infirm. By the beginning of 1864 the Freedman's Aid Society had with the help of the Federal military established common schools for negro children at St. Augustine, Fernandina, and Jacksonville.<sup>4</sup> The Rev. Dr. Barrows was superintendent of

<sup>1</sup> Moore, *Rebell. Rcd.*, v. 4, pp. 57, 229, 283, 293. *N. Y. Herald*, Mar. 18, 20, 1862; *N. Y. Times*, Mar. 15, 1862; *N. Y. Tribune*, Mar. 24, 1862.

<sup>2</sup> Moore, *Rebell. Rcd.*, v. 6, p. 444.

<sup>3</sup> Nicolay and Hay, *Lincoln, Complete Wks.*, v. 2, p. 321—letter of Apr. 1, 1863.

<sup>4</sup> *N. Y. Tribune*, Aug. 17, 1864. *N. Y. Times*, Jan. 23, 1864. Schools were established in Fernandina in Dec., 1862—Moore, *Rebell. Rcd.*, v. 6, p. 61.

these schools which were taught by a half-dozen women from the North. In Jacksonville the Odd Fellows hall was seized by the United States provost marshal and turned over to the Rev. Barrows for a school building. There a school was opened for blacks and whites. It is reported that when the white children of the town remonstrated against attending school in company with blacks, Mrs. Hawks, the lady principal, said, "Very well, the colored children will be educated even if you are not."

"This argument," continues the account, "proved effective, and the two classes are pursuing studies harmoniously."<sup>1</sup> Thus was a first step taken in the social revolution.

Only about one hundred pupils (black and white) were enrolled in the Jacksonville school. This war-time experiment in education in East Florida did not prove successful, partly because small-pox became epidemic among the few negroes available for scholars. By the end of 1864 the negro schools of East Florida, established under the bayonets of an army of occupation, were closed.<sup>2</sup>

But education did not cease for the black with the closing of the schools. Federal military camps were the places where the negroes received their first instruction in popular ideals from the North, in "loyalty" to the Union, and in "politics". The ex-slave took part in patriotic demonstrations. The promulgation of the Emancipation Procla-

<sup>1</sup> *N. Y. Tribune*, Apr. 1, 1864. See also Moore, *Rebell. Rcd.*, v. 6, p. 61, quotation from letter from Fernandina, Fla., published in *Wisconsin State Journal*: "The progress made by the pupils more than equals the expectation of the most sanguine friends of the race. The children (blacks) have evinced an aptitude to learn fully equal to the children of the North, and in all the better characteristics they are in no way behind us," etc.

<sup>2</sup> *N. Y. Tribune*, Aug. 17, 1864.

mation was the occasion of a "negro celebration" at Key West. 250 blacks with waving flags and military music paraded the streets and went for dinner to the "Barra-coons". The procession was stoned by whites and the flag taken from the leader and the flag staff broken over his head.<sup>1</sup>

The anniversaries of the proclamation (1864-65) were again the occasion for negro parades in Jacksonville, Key West, and St. Augustine.<sup>2</sup> The Federal military co-operated. At St. Augustine, in 1864, the regimental bands of the 24th Massachusetts and 10th Connecticut united in rendering national airs—marching about town followed by a mob of elated negroes—men, women, and children. At the "picnic grounds" Lincoln's Emancipation Proclamation was read. Federal Tax-Commissioner Stickney and officers of the Federal military in garrison spoke to the assembled crowd on patriotism and citizenship. Stickney was at the time engaged in swindling his government and his friends.<sup>3</sup> Negro school children sang "Thrice Happy Days" and Whittier's "Negro Boatman's Song".<sup>4</sup>

To the one-time slave inured to the simple and monotonous life of the plantation, this marching and counter-marching to sweet music; this flash of color, waving of flags, and donning of soldier suits with brass buttons; this deep interest expressed by his white friends in his mental well-being, which, in fact, he little understood; this feasting, this resting, and this singing—all combined to produce mental exhilaration which spelled demoralization for the old régime of work. He was moving too fast toward re-

<sup>1</sup> *N. Y. Herald*, Feb. 11, 1863—letter from Key West correspondent.

<sup>2</sup> *N. Y. Times*, Jan. 23, 1864, and Jan. 15, 1865. *N. Y. Tribune*, Jan. 23, 1864.

<sup>3</sup> *H. Ex. Docs.*, 38 C., 2 S., no. 18—papers of Fla. Tax Commissioners.

<sup>4</sup> *N. Y. Times*, Jan. 23, 1864; *N. Y. Tribune*, Jan. 23, 1864.

generation. Once within the Federal lines he seldom returned as slave to his former haunts. For him the old régime was at an end. "Thank Gawd," he said, "Der juberlee have come. Glory be to Jesus and Marse Linkum."

The legal status of the negro in Florida during the first eighteen months of war perplexed the few conscientious and careful Federal commanders stationed there.<sup>1</sup> The first Federal Confiscation Act, August 6th, 1861, made it the duty of the President to confiscate all property used in "aiding, abetting or promoting" the war against the Union.<sup>2</sup> Slaves were considered contraband of war when employed in any military or naval service against the Union, and were accordingly forfeited. Where the negro was owned by a "loyal" white and had not been used to oppose the government of the United States, he was clearly a slave of unchanged position in the law of the United States; but where the owner was known to be or suspected of being "disloyal" to the Union, then to some the black's position seemed in doubt. What was the condition, in law, of fugitive slaves, and what of slaves belonging to the "disloyal" and *not* used in "aiding, abetting," *etc.*, the "insurrection" against the Union?

Lieutenant-Colonel Bell, for example, wrote from St. Augustine on April 5th, 1862, to department headquarters asking for definite instructions regarding the status of slaves of the disloyal. "I have retained such slaves, furnishing them with food and compelling them to work, and simply exclud-

<sup>1</sup> Both the Federal army and navy had taken away negro slaves before the summer of 1862—claiming the act under the Federal Confiscation Act of Aug. 6, 1861. For instances, see the case of Stellwagen at Apalachicola in April, 1862—*Rebell. Rcd.*, v. 4, p. 76; *N. Y. Herald*, Apr. 21, 1862; raid on St. Andrews bay—*Off. Rcd. Rebell.*, s. i, v. 53, p. 230—Apr. 7, 1862.

<sup>2</sup> *U. S. Stats. at Large*, v. 12, p. 319.

ing other slaves from the fort".<sup>1</sup> Department headquarters seemed as much at sea on this question as the commanders asking for instruction. At some points in Florida slaves were kept, fed, clothed, and presumably made to work by the Federal military. "In other cases," said General Saxton, "slaves reputed to belong to rebel masters have been employed at high rates, whose wages were paid to agents of those masters (among these cases are the slaves of ex-Senator Mallory)." <sup>2</sup>

General Hunter attempted logically to simplify the situation by issuing an order on May 9th, 1862, which declared that as "slavery and martial law are incompatible," therefore within the department of the South, which he commanded (Georgia, South Carolina, and Florida), all persons held as slaves were free.<sup>3</sup> President Lincoln read in the public press, one week after its promulgation, the astounding conclusion reached by Hunter in South Carolina.<sup>4</sup> Forthwith the President firmly revoked the general's order, May 19th, 1862,<sup>5</sup> and the condition of slaves in Florida was for the time as anomalous as ever, beyond the patent fact that they were not legally free men.

On July 17th, 1862, the second Federal Confiscation Act was enacted, which very definitely settled the status of the slaves of the "disloyal" when those slaves came within Federal lines.<sup>6</sup> They were to be deemed "captives of war" and "forever free of their servitude". The slave was declared free in this case as a penalty for the master's participation in the "rebellion".<sup>7</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 333.

<sup>2</sup> *Ibid.*, p. 375.

<sup>3</sup> *Ibid.*, p. 341. Gen. Order no. 11.

<sup>4</sup> Rhodes, J. F., *Hist. of U. S.*, v. 4, p. 65.

<sup>5</sup> Nicolay and Hay, *Lincoln, Complete Wks.*, v. 2, pp. 155-56, 205-6.

<sup>6</sup> *Statutes at Large*, v. 12, pp. 590-592.

<sup>7</sup> Dunning, *Essays on the Civil War and Reconstruction*, p. 36.

Five days later, July 22nd, the President ordered the Federal military commanders to employ at wages as many negroes as they should see fit.<sup>1</sup> Blacks belonging to the "loyal" were slaves. Blacks belonging to the "disloyal" were "free captives of war" when within Federal lines.

These various statutes and orders respecting slaves did not very immediately affect the mass of Florida's black population because so small a portion of it was within Federal lines; but at Key West a troublesome situation developed. Here a number of white men loyal to the Union held slaves. Colonel Morgan, of the 48th New York Infantry, who succeeded Colonel Brannan as commandant at Key West, was hostile to slavery and slaveholders. Lincoln's revocation of Hunter's emancipation order did not deter the Key West commandant from attempting abolition locally.

It was supposed that Morgan's mouthpiece at Key West was the *New Era*, an abolition journal whose editor was spoken of as "Morgan's Man Friday".<sup>2</sup> On August 9th, an editorial in this journal declared that "slavery cannot exist here and does not at this moment; there is not a negro lawfully held to service in Key West". Three weeks later, August 30th, a leading editorial stated that "An uprising of slaves would not be permitted, but a slave can declare himself free, refuse to work, and still be protected by martial law; for it does not recognize slavery any more than it does secession. . . . The master cannot punish a slave without committing an offense against martial law".<sup>3</sup>

Already the few hundred negro slaves in Key West, inspired probably by the military, were "sassy" and insub-

<sup>1</sup> Nicolay and Hay, *Lincoln, Complete Wks.*, v. 2, p. 212.

<sup>2</sup> *N. Y. Herald*, Oct. 26, 1862.

<sup>3</sup> *Ibid.*

ordinate to their "loyal" owners.<sup>1</sup> The *New Era* was in substantial accord with instructions given Colonel Morgan, of Key West, by his superior, General Terry, on August 14th. These instructions—a sort of code of Federal procedure toward slavery—declared that no aid would be given by the military to any master to compel his slave to obey him; that masters found guilty by the military of cruel treatment of slaves would be duly punished; that slaves of the "disloyal" would be protected by the military from any control by agents of their former masters; and that violence publicly offered by one person to another for the enforcement of obedience or labor would be punished by the military.<sup>2</sup>

There was no advance in principle from these instructions to the revolutionary order of Colonel Morgan, issued September 5th. "A necessity having occurred," he announced on that day,

by the prevailing epidemic for the employment of persons of African descent, including those held to service or labor under state laws in the various parts of this command, the Provost Marshal is authorized to employ such persons seeking employment and send them to the headquarters of the quartermaster; and it shall be the duty of the quartermaster to cause accurate lists to be made sufficient in detail to show from whom such persons shall have come. Persons so subject and so employed have always understood that after being received into the military service of the United States in any capacity they could not be reclaimed by their former owners. . . . The Colonel commanding, therefore, from precedents already established, feels authorized to declare that all persons so employed as

<sup>1</sup> *N. Y. Herald*, Oct. 5, 1862—letter from Key West, Sept. 29: "Negroes in Key West, with all mistaken notions of freedom, refuse to work except at exorbitant wages," etc.

<sup>2</sup> "Terry's Code," *N. Y. Times*, Oct. 4, 1862—dated "Key West, Aug. 14."

above shall receive permanent military protection against any compulsory return to a condition of servitude. . . . No force or undue persuasion will be permitted to be used to recover such fugitive property.<sup>1</sup>

<sup>1</sup> Thus by subterfuge were the slaves of Key West practically emancipated more than two weeks before Lincoln issued his preliminary Emancipation Proclamation.<sup>2</sup> With the beginning of 1863 the legal aspect of the negro question in Florida was much simplified for Federal military commanders because the emancipation of the slaves within the "rebellious states" became by executive proclamation the supreme law of the Union, certainly so long as the war lasted.

<sup>1</sup> *N. Y. Herald*, Oct. 26, 1862.

<sup>2</sup> For a defense of Col. Morgan's action at Key West, see *N. Y. Sunday Mercury*, Nov. 2, 1862. Union sentiment at Key West discussed in *N. Y. Tribune*, Nov. 7, 1862, in letter of Chaplain Bass of 90th N. Y.—Oct. 20, 1862. See also editorial, *N. Y. Tribune*, Mar. 30, 1863.



## CHAPTER X

### INTERNAL OPPOSITION TO THE CONFEDERACY: UNIONISTS AND DESERTERS

THE term, "Union man", was applied rather indiscriminately during the Civil War to those men who were known to have consciously aided, abetted, or furthered in some fashion by word or deed the cause of the Union in its conflict with the Confederacy. From a Confederate sympathizer the term was generally an unfavorable epithet, associated with the darkest side of war, with cowardice, traitorous action, raiding, and plundering. Yet some eminently good and honored men in Florida sympathized with the Union, such men, for instance, as ex-Governor Call, of Tallahassee, and Judge Marvin, of Key West. Their characters, however, did not materially affect public opinion. "On our burning homesteads ye may write, 'we found no Union Man'," wrote some long-since forgotten Southerner of those times,<sup>1</sup> and he gave but an inkling of the passionate resentment of the Southern secessionists toward neighbors who aided and abetted the enemy.

With the enlightened Unionists, the "Union man" was more or less a hero who suffered loss and bore persecution for the Union's sake—or even better, for high principle's sake. One confused rhymester, raised to a high pitch of enthusiastic perplexity by the terrible events of the hour, began his poem:

<sup>1</sup> Moore, *Rebell. Rcd.*, v. 7, p. 59.

" 'O Mother!' exclaimed a bright boy as he ran,  
' Our God whom we serve is a Union Man,  
And the Union can never cease.'  
' My patriot Boy! Why, why think you so?  
The Rebels all boast that Jehovah doth know  
Their cause is the right and the true,' " *etc.*,

which way of looking at the matter calls up an aspiring Southern ode which in all Byronic seriousness began, " Rebels! 'Tis a holy name ".<sup>2</sup>

Any attempt to estimate the number and influence of Union sympathizers in Florida is apt to prove difficult and to yield meagre results in exact figures or conclusive statements. In the aggregate, their number was never proportionally large, but their influence in parts of Florida was considerable enough to merit some attention in an account of the war.

The class included several varieties, but sub-classification cannot go very far and must depend upon opinions held. Knowledge of opinion is in reality difficult to obtain, and opinions themselves shift continually with those inevitable changes that take place in objective conditions. Union men may be grouped in two broad classes: first, men of Northern and foreign birth lately come to Florida; second, poor native southern-whites who deserted from the Confederate army or who sought to avoid conscription.

The Northern-born men were in most cases holders of considerable property or were large traders for their communities—usually seaport towns. They were merchants, lumbermen, real-estate dealers, small bankers, physicians, and even planters. Many had come into Florida since 1850. Their traditions were anti-slavery. Their more distant home ties were still strongly Northern. They were sectionalized on the slavery question before they reached Florida.

<sup>1</sup> Moore, *Rebell. Rcd.*, v. 5, p. 36.

<sup>2</sup> *Ibid.*, v. 4, p. 4.

All Northern-born people within the state in 1860 numbered but 1,908.<sup>1</sup> They came principally from New York, Connecticut, Maine, Massachusetts, and Pennsylvania—688 of the number hailing from New York and 908 from the New England states. Some Northern-born citizens proved staunch and valiant upholders of the Confederacy,<sup>2</sup> but probably a majority of the "Yankees" in Florida were out-and-out Union sympathizers. There were 3,309 persons of foreign birth in Florida, according to the census of 1860. A large number of them were Germans. The foreign-born population divided on the questions of secession and slavery. From these figures it is seen that, at most, the relative number of non-Southern Unionists among Florida's 75,000 free inhabitants could not be large.

In regard to Southern white Unionists, the secession crisis showed the existence of such a class. This crisis, with its complex abstractions on constitutional questions, its bitterness in practical politics, its economic appeal to the slave-holder and Southern debtor, its demand for ready obedience and unusual sacrifice to the state, appealed differently to different classes. The fairly enlightened Southern planter and merchant possessed a comfortable home, broad acres, some slaves to do his manual work, and usually a positive rôle in local politics. The illiterate back-woodsman—"kasion", "cracker", "poor white" or "red-neck" of to-day—almost cut off from the mass of his fellow men, knowing little about the subtler issues of the war, caring little for "civic" obedience or "national patriotism", and interested not one whit in

<sup>1</sup> *Census of 1860.*

<sup>2</sup> As for instance Brig.-Gen. Wm. Miller, a native of Mass., who led the Confederates in the desperate defense of Tallahassee, 1865. *Off. Rcds. Rebell.*, s. i, v. 49, pt. 1, *passim*.

the purely economic question of preserving slavery, could see little for him in the war. His family was dependent immediately on his crude muscular effort for a meagre living at best, and the muscular effort was as meagre as the living. The margin of supplies ahead with such a family was small. The failure of a five-acre crop, the death of a few cows, the burning of a barn, meant their temporary ruin. The poor white of the South was often disloyal to the Southern republic, because economic and class conditions left his family destitute and isolated when the "men folks" were in the army. The wonder is that the vast majority of the poor whites supported the war, with heroic firmness, to the bitter end. Barbarous raiding by Northern armies brought the war home to them. A small minority of the poor whites proved to be Unionists or deserters. The size of this class hostile to the Confederacy increased decidedly toward the end of the war. Florida furnished about 1,300 white recruits to the Northern armies.<sup>1</sup> Some of them were Northern-born and foreign-born. The enforcement of the Conscript Act in Florida furnished the Confederate army 2,362 men.<sup>2</sup> A large number of these "conscripts" were passive Union sympathizers.

In 1861, probably not more than 4,000 men and women in Florida were Union sympathizers. By 1865, the number had doubled. The proportion, therefore, of Unionists among the approximately 75,000 white inhabitants varied

<sup>1</sup> *Off. Recds. Rebell.*, s. iii, v. 4, p. 1269. The actual number is put at 1,290 three-year volunteers. 1,044 black recruits came from Florida. Alabama, with more than three times the population, furnished to the Union army 2,576 whites and 4,969 blacks.

<sup>2</sup> *Ibid.*, s. iii, v. 5, p. 701. This conclusion is based on a report by the Chf. of Confed. Confis. Bu., Feb., 1865. His report covers from the date of enactment of Conscript Law, Apr. 16, 1862, to Feb., 1865. Only 362 of the number came from "conscript camps."

between 5 per cent and 10 per cent—made-up of Northern-born, foreign-born and native Southerners.<sup>1</sup>

Practically all parts of the state were at first dominated by the secessionists. Only as Federal military lines were extended to include restricted sections along the coast did the Unionists assert themselves, and such assertion was as a rule very feeble. The history of Key West furnishes an exception to this general condition. For the first few months after secession the town was divided between the secessionists and the Unionists.<sup>2</sup> When Florida left the Union all Federal civil officials at Key West, except District Judge Marvin and the collector of customs, resigned their offices.<sup>3</sup> For several weeks the judge had no marshal to execute his orders, and in some instances he was prevented from deciding salvage cases.<sup>4</sup> Key West is built on an island, then remote from the settled mainland of Florida and watched over by Federal regulars and gunboats.

The secession cause in Key West was voiced by an aggressive journal entitled *Key of the Gulf*. It savagely attacked Judge Marvin and other Unionists. Marvin's friends in his defense claimed that the attacks were inspired by certain business men engaged in the "wrecking and salvage" business. The decisions of Marvin as admiralty judge were distasteful to them, and therefore they wished to get rid of him.<sup>5</sup> Early in May, 1861, Mr. McQueen Mc-

<sup>1</sup> *Off. Rclds. Rebell.*, s. iv, v. 3, pp. 1101, 1109; s. i, v. 35, pt. 2, pp. 12, 63, 215; v. 2, pt. 1, p. 817. *N. Y. Times*, Apr. 2, 1862; Jan. 23, 1864; Mar. 18, 1865. *N. Y. Herald*, May 20, 1864; Mar. 25, 1865. *Milton Papers*, 1863-4—letters of Milton to Mallory and Beauregard.

<sup>2</sup> See *N. Y. Herald*, June 6, 1861; *N. Y. Times*, Feb. 28, 1862; *N. Y. Tribune*, Nov. 7, 1862, etc.

<sup>3</sup> *U. S. Off. Directory*, 1861; *N. Y. Times*, Mar. 13, 1862.

<sup>4</sup> *N. Y. Herald*, Apr. 12, 1861.

<sup>5</sup> *N. Y. Times*, Mar. 13, 1861.

Intosh arrived at Key West as the new appointee of the state of Florida to the bench occupied by Marvin. The claimant had been a prominent member of the secession convention. With him came a district attorney. McIntosh demanded of Marvin the surrender of all records and papers pertaining to the office of district judge. Marvin refused to comply. Popular opinion of the whites in Key West might have been with McIntosh, but Federal guns were back of Marvin, and therefore the state appointee, seeing that assistance was useless, left for the mainland.<sup>1</sup>

During the spring of 1861 two military companies were organized among the Union sympathizers of Key West, for "upholding the laws of the United States". Major French, the Federal commander, issued orders that no civil or military official of the state of Florida or of the Confederate government, was to be recognized or obeyed.<sup>2</sup> On authority from President Lincoln,<sup>3</sup> he put the town under martial law, suspended the writ of *habeas corpus*, and suppressed by force the journal *Key of the Gulf*. A Methodist preacher-militant invoked Heaven against the Federal government, and was promptly arrested by order of Major French.<sup>4</sup> "Key West has a thoroughly Union-loving population, largely owing to Major French's exertions," stated the local correspondent of the *New York*

<sup>1</sup> *N. Y. Herald*, May 24, 1861; *N. Y. Times*, Mar. 13, 1862; *N. Y. Sunday Mercury*, Nov. 2, 1862. Marvin held his office till the summer of 1863, when he voluntarily resigned. *N. Y. Herald*, July 21, 1863.

<sup>2</sup> *N. Y. Herald*, May 18, 24, 1861; *N. Y. Times*, Mar. 13, 1862.

<sup>3</sup> *Off. Rcds. Rebell.*, s. iii, v. 1, pp. 184-5, Proclam. of Lincoln, May 10, 1861, allowing suspension of writ of *habeas corpus* in Key West.

<sup>4</sup> *N. Y. Herald*, July 7, 1861 (?) (Townsend Library, Columbia Univ.). See also Marvin's charge to the grand jury at Key West for a discussion of what was treason. *N. Y. Herald*, Nov. 26, 1861.

*Herald*.<sup>1</sup> Eight months later we hear of "a deep and abiding hatred of the Federal government in the breasts of a large portion of the community."<sup>2</sup>

The town during the entire war was without the sphere of operation of Florida laws—a local government under military jurisdiction.<sup>3</sup> As late as the autumn of 1862 a disgruntled regimental chaplain in Key West stated: "I believe that three-quarters of the people here would at least be perfectly reconciled and resigned to the will of God would it please Him to lay the whole regiment, yea, every other regiment, in the dust."<sup>4</sup> He no doubt told the truth.

As the war progressed, the manifestations of Union sentiment in Florida underwent some change. The enforcement of the Confederate Sequestration Act after September 13th, 1861, confiscating the property of alien enemies,<sup>5</sup> forced many persons in Florida to go on record as Southern or Northern sympathizers. Hundreds, who found themselves in embarrassing positions, hid for the time not only record of any property North, but the truth concerning their sympathies as well, in order to pro-

<sup>1</sup> *N. Y. Herald*, June 6, 1861.

<sup>2</sup> *N. Y. Times*, Feb. 28, 1862.

<sup>3</sup> Local civil rule was restored in Key West by order of the Mil. Commander, Dec. 29, 1862. These orders directed "civil officers, legally elected and who had taken the oath to the U. S., to resume their functions," in conformity with the constitution of the U. S. and the order of the President and war dept. "Military authority will reserve to itself the control over all arrivals and departures from the island and the sale of spirituous liquors. The provost marshal will take charge of all property in Key West owned by persons known to be engaged in the Rebellion." *N. Y. Herald*, Jan. 10, 1863.

<sup>4</sup> *N. Y. Tribune*, Nov. 7, 1862.

<sup>5</sup> *Off. Rclds. Rebell.*, s. iv, v. 1, pp. 586-92 (passed Aug. 30, 1861), 932-9 (amendment Feb. 15, 1862). McPherson, *Rebell.*, p. 203 (order of enforcement of Act by Atty. Gen. Benjamin, Sept. 12, 1861).

tect their property South. With Federal invasion which began in 1862, came the enforcement of the Federal Confiscation Act.<sup>1</sup> The property of those who had taken up arms against the Union was seized. Northern civil officials and benevolent speculators came with the armies of invasion.<sup>2</sup> Such individuals, interested in the moral uplift of the negro and the sale of abandoned and confiscated property, slightly augmented the ranks of the nominal Union men.

In East Florida, the Unionists, stimulated by the presence of a friendly army, attempted political organization. Their political principles were set forth in numerous resolutions which were spread abroad in Northern newspapers, thereby giving an exaggerated and formal importance in the eyes of outsiders (among them President Lincoln<sup>3</sup>) to those in Florida who opposed the Confederacy.

The first political demonstration of Union men in Florida followed by a few days the first occupation of Jacksonville by Union troops in the spring of 1862. When General Sherman reached that town he was at once waited on by Union sympathizers. They represented how bright the cause of the Union would be as long as Federal soldiers were present and how perilous their position would be if troops were withdrawn.<sup>4</sup> Only a few days before—ere the invading army had reached Jacksonville—much property had been burned by Confederate troops in and about Jacksonville; and the owners seem to have been mostly among

<sup>1</sup> *U. S. Statutes at Large*, v. 12 (Confiscation Acts); McPherson, *Rebell.*, p. 208 (Pres.'s Proclam., July 5, 1862, under Confisc. Law).

<sup>2</sup> *N. Y. Times*, Oct. 16, 1862, the appointment of tax-commissioners for Florida. *N. Y. Herald*, Feb. 13, 1863, Gen. Hunter delayed the forced sale of property in Fla. for non-payment of direct taxes.

<sup>3</sup> Nicolay and Hay, *Lincoln, Complete Wks.*, v. 2, p. 470.

<sup>4</sup> *N. Y. Times*, Apr. 2, 1862.



Union sympathizers.<sup>1</sup> The day after the first interview with General Sherman a meeting was held in the public square of Jacksonville. About 100 Unionists were present.<sup>2</sup> Resolutions were adopted which protested against the abrogation of United States authority and proclaimed the ordinance of secession "null and void" because it had never been submitted to the votes of the people.

"We protest against the exactions which have been imposed upon us," ran the resolutions.

forced contributions of money, property and labor, and enlistments for military service, procured by threats and misrepresentations. We protest against the tyranny which demands of us as a measure of revolutionary policy the abandonment of our homes and property and the exposure of our wives and children to sickness, destitution, gaunt famine, and innumerable and untold miseries and sorrows. We protest against the mad and barbarous policy which has punished us for remaining in our homes by sending a brutal and unrestrained soldiery to pillage and burn our property and threaten and destroy our lives.<sup>3</sup>

The man who drew up these resolutions was Philip Fraser, a one-time citizen of New Jersey. The chairman of the meeting was C. L. Robinson, who had come into Florida from Vermont in 1857.<sup>4</sup>

The foregoing political manifesto, which set forth with some vividness the position of the Union man, was no doubt issued with the tacit approval of General Sherman, although the correspondent of the *New York Times*, in Jacksonville, stated that there was "no sort of collusion".

<sup>1</sup> Cf. *supra*, chap. 7.

<sup>2</sup> *N. Y. Times*, Apr. 2, 1862; *N. Y. Herald*, Mar. 20, 1862.

<sup>3</sup> Moore, *Rebell. Rcd.*, v. 4, p. 325.

<sup>4</sup> *N. Y. Times*, Jan. 23, 1864.

Sherman himself admitted that "the real object in occupying Jacksonville was a political one".<sup>1</sup> On the morning of the mass meeting in the public square the General issued a proclamation to the "People in Florida" calling them to loyal political reorganization.<sup>2</sup>

Four days later (March 24th), a second mass meeting of Unionists in Jacksonville called for an election of all state officers on the first Monday in the following month, April, 1862.<sup>3</sup> A few score men within the straitened limit of Federal lines were preparing on paper to reconstruct Florida. Said one observer:

At Jacksonville, then in Federal possession, a half-dozen shrewd heads got together and agreed to take the lead in a reactionary movement. Not being among the original Jacobs of secession, their standing had never been satisfactory. They had all along really preferred the Union. Now Union had won, their property was safe, their opportunity was safe to make a ten-strike; and the political power of the State and the patronage of the Government were prizes worth seizing and working for.<sup>4</sup>

During the six weeks of Federal occupation these men in the protecting shadow of the Northern army remained pronounced and at times loud advocates of the Union. Then, rather unexpectedly, Jacksonville was ordered abandoned. There was consternation among the Union men. They had accepted Confederate authority to save their property and had recanted for the same honest reason when the Federal expedition arrived. Flight was the only safe course left to them. They could expect little forbearance

<sup>1</sup> Letter to Phil. Fraser, *N. Y. Ev. Express*, July 23, 1862.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 2, p. 301.

<sup>3</sup> *N. Y. Herald*, Apr. 11, 1862; Moore, *Rebell. Rcd.*, v. 4, p. 349.

<sup>4</sup> *N. Y. World*, Mar. 11, 1864 (Townsend Library).

under the interpretation of Confederate law by "their exasperated old associates", whom they had repudiated. So some of them embarked on Federal transports with what personal property they could carry along.

"Thirty or forty families managed to escape," stated a press correspondent.

None of these had more than ten hours in which to make preparations for leaving homes they had occupied for years. It was sad to see them hurrying down to the wharf, each carrying some article too precious to forsake. Books, boxes, valises, portraits, pictures, packages of clothes, pet canaries and mocking-birds are most frequently seen. Stout-hearted and stylish officers relieving Dinahs of their little charges and leading two-, three-, and four-year-olds added a humane and praiseworthy ludicrousness to the melancholy scene.<sup>1</sup>

Thus the first essay in political reorganization by Florida Unionists ended in flight; yet the withdrawal of troops from Jacksonville did not end political experimentation in East Florida by enemies of the Confederacy. In the spring of 1863, there was a feeble repetition of the same farce, when Jacksonville was a second time occupied and abandoned.<sup>2</sup> Colonel Higginson felt the "wrongfulness" of leaving these people "to the mercy of the Confederates once more". Again Union sympathizers flocked on board Union ships and "at once developed," says Higginson, "that insane mania for aged and valueless trumpery which always seizes upon the human race, I believe, in moments of danger."<sup>3</sup>

<sup>1</sup> Moore, *Rebell. Rcd.*, v. 4, p. 82. These people seem to have gone to New York City. See report in *N. Y. Herald*, Apr. 22, 1862, inscribed "Mayor's Office," which stated that 50 loyalists had arrived from Fla. in N. Y. City, and that the mayor and council had voted them \$1,000.00.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 14, p. 232. Rpt. Col. Rust.

<sup>3</sup> Higginson, *Army Life in a Black Regiment*, p. 173.

Late in the year 1863 several Unionist political rallies took place in St. Augustine and Fernandina under the guiding influence of the Federal military.<sup>1</sup> The cause of the Union seemed to be reviving. Tax commissioners for Florida had been appointed the year previous by the Federal treasury department,<sup>2</sup> and a Federal district court for "Northern Florida" was about to begin its sessions in January, 1864, at St. Augustine. The judge in this court had come lately from Pennsylvania; the district attorney, from New York; the clerk, from Vermont; and the marshal, from Rhode Island.<sup>3</sup>

Major John Hay arrived at Jacksonville in February, 1864, with the Union army of invasion. He came as the personal representative of President Lincoln to inaugurate measures for loyal political reconstruction.<sup>4</sup> Hay failed to find men enough to put into operation the administration's project. In fact, the few Union men of East Florida showed that they were by no means all in accord. One group sent to Lincoln a formal condemnation of those whom Hay had seen fit to call about him as advisers.

The serious disaster at Olustee in February, 1864, forced the Union army to confine itself to the immediate vicinities of Jacksonville, St. Augustine and Fernandina.<sup>5</sup> Politicians continued to be active, however. A Unionist "con-

<sup>1</sup> *N. Y. Tribune*, Dec. 29, 1863; resolutions of St. Augustine meeting. *N. Y. Times*, Jan. 2, Jan. 23, 1864. *N. Y. Tribune*, May 24, 1864. Col. Osborn (U. S. A.), at St. Augustine, was active in local politics.

<sup>2</sup> *N. Y. Times*, Oct. 16, 1862.

<sup>3</sup> *N. Y. Times*, Jan. 23, 1864.

<sup>4</sup> Nicolay and Hay, *Lincoln, Complete Wks.*, v. 11, p. 470; *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 276.

<sup>5</sup> See account in *Florida Union*, Dec. 31, 1864. This sheet was published by nominal Union men, Morrill and Stickney, the latter a Federal tax commissioner.

vention" was held in Jacksonville during May, 1864, with representations from four or five eastern counties.<sup>1</sup> This body chose delegates for the Republican national convention and adopted resolutions which closed with the following sentiment: "On the eve of a coming election and in view of the vast difficulties which surround the Nation, we feel like a horse-trader struggling in the waters of the Mississippi—that it is a mighty poor time to swap horses; 5, that Abraham Lincoln is the choice of this convention for next President of the United States."<sup>2</sup> To the end of the war Florida Union men kept up the pretense of being both in the Union and engaged in reconstructing their state.

With their ideas of political reconstruction, Eli Thayer, a New-England abolitionist who had already won local fame in Kansas,<sup>3</sup> attempted to associate his own peculiar theories of what he termed "economic reconstruction". He was a vigorous champion of free labor. He promised recklessly that if the national government would furnish funds for equipping, arming, and transporting to Florida and supporting there, for one year, several thousand farmers, he would win back the state for the Union. His aim was to "crowd out slavery" in Florida by turning into that state a stream of free-soil immigrants. His army of farmer-soldiers would be the advance guard of such an invasion. In the accomplishment of this project he would have the Federal Government confiscate all property of Southern sympathizers, appropriate the lands of the state, and turn

<sup>1</sup> *N. Y. Tribune*, May 26, 1864. The proclamation calling together this convention was approved by Gen. Gordon, the Fed. commander of the District of Florida.

<sup>2</sup> *N. Y. Herald*, June 3, 1864; *N. Y. Tribune*, June 6, 1864.

<sup>3</sup> See Thayer, *History of the Kansas Crusade*, for a discussion of his colonizing work in the west.

over lands and other property to the white and black colonists from other states.

His plan actually received some public attention in the North, probably because Thayer was already well-known to a circle of prominent men. In December, 1862, a delegation of politicians laid the scheme before Mr. Lincoln.<sup>1</sup> The matter was discussed in cabinet meeting,<sup>2</sup> brought up in the national House of Representatives, referred to a committee, and then lost sight of.<sup>3</sup> During January and February, 1863, Thayer and his friends engineered two public meetings in New York City for the conquest of Florida. It was a strange cause—this proposed crusade to the back counties of Florida. One meeting was held at the Fifth Avenue Hotel, on January 5th, and the other, at the Cooper Union, February 6th.<sup>4</sup>

In the Cooper Union meeting, Wm. Cullen Bryant presented resolutions which declared this plan to be "the most economic, the most speedy, the most certain method of ending the Rebellion, and of restoring National prosperity and repairing the damages of the war". The conquest of Florida was to be followed by the conquest of other states. Thayer claimed that thousands of men were ready to follow him to Florida and that in the state to be invaded 7,000 negro slaves could be counted on as recruits. If this plan had been put into operation, servile war would have resulted. Among those who endorsed the project and participated prominently in the meetings were several Florida Union men in exile. Thayer's proposals furnished the New York dailies with subject-matter when war news proved

<sup>1</sup> *N. Y. Herald*, Dec. 18, 1862—"a delegation with Vice-President Hamlin at its head."

<sup>2</sup> *Diary of Gideon Welles*, v. 1, p. 206, Dec. 26, 1862.

<sup>3</sup> *N. Y. Times*, Jan. 13, 1863. Rep. Bingham of Ohio was interested.

<sup>4</sup> *N. Y. Times*, Jan. 25, Feb. 7, 1863.

dull or the winter season too silly. Florida was never invaded by armed farmer colonists.<sup>1</sup>

To suppress positive Union sympathizers and to keep faint-hearted Southerners in line, drastic measures were employed by the "irregular" or "independent" companies of Confederate cavalry, which scoured great sections of Florida.<sup>2</sup> In East Florida the operations of such bodies became particularly active and violent. "Union people of late have been obliged to conceal their feelings," wrote the Florida correspondent of the *New York Times*. "Their lives and property have been threatened by bodies of armed guerillas who infest this part of Florida, murdering inhabitants and destroying property. They call themselves regulators."<sup>3</sup> By another press correspondent, the regulators were termed "a band of scoundrels who have for weeks threatened the lives and property of all suspected citizens and who have succeeded in creating a reign of terror."<sup>4</sup>

From St. Augustine came the lurid report that "the inhabitants are not privileged to go out because of bands of guerillas who are everywhere organizing. This has produced a reign of terror in the neighborhood. Guerillas do not hesitate to kill those who differ from them."<sup>5</sup> In West Florida, General Asboth, the Federal commander at Fort Barrancas, reported: "In Walton county seven citizens were hung last week for Union sentiments, and one woman, re-

<sup>1</sup> For references to Thayer's Florida scheme, see *N. Y. Tribune*, Oct. 1, 1862; Feb. 7, 9, 19, 1863; *N. Y. Herald*, Feb. 10, 1863; *N. Y. World*, Feb. 10, 1863; *N. Y. Ev. Post*, Jan. 30, 1863; *N. Y. Times*, Feb. 7, 1863; Moore, *Rebell. Rcd.*, v. 6, p. 44; *Am. Cyclo.*, 1862-3.

<sup>2</sup> Gov. Milton's correspondence in *Off. Rcds. Rebell.* and in *Milton Papers* (MSS.).

<sup>3</sup> *N. Y. Times*, Apr. 2, 1862.

<sup>4</sup> *N. Y. Tribune*, Mar. 24, 1862.

<sup>5</sup> *N. Y. Herald*, Sept. 12, 1862.

fusing to give information, was killed by hounds."<sup>1</sup> A Florida guerilla captain stated to his chief, General Floyd:

I am now a Guerilla in every sense of the word. We neither tell where we stay or where we are going or when we shall return. We assemble the company at the sound of a cow's horn. We have made some arrests, both black and white, and hung one negro belonging to Mr. Mays last week. We have scouts out. We have three men spotted that ought to be hung. Three-fourths of the people on the St. Johns River are aiding and abetting the enemy.<sup>2</sup>

On the return of a Federal naval raid up the St. Johns river, in the autumn of 1862, a Federal officer reported: "Mr. Blood (a Union man) informed me that his life was threatened and he was in fear momentarily of being seized and made to ornament a pine tree for his well-known Union views."<sup>3</sup> Allowing for evident exaggeration in the evidence, we may conclude that suspected Unionists were watched and often severely harried by guerilla bands, which were usually not irresponsible bodies, but nominally under the control of the Confederate authorities, and in some cases recognized by the laws of Florida.<sup>4</sup>

These irregular bodies of Southern soldiery sought not only the passive Union sympathizers whose offense was generally giving information and comfort to the enemy,<sup>5</sup> but

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 2, p. 63—Asboth to Stone, Apr. 22, 1864.

<sup>2</sup> *Ibid.*, v. 53, p. 233—letter of J. W. Pearson, "Oakland Rangers," to Gen. Floyd.

<sup>3</sup> *Naval War Rcds.*, s. i, v. 13, p. 368.

<sup>4</sup> For instance, see Laws of Fla., 11th Sess., "Joint resolution" providing for organization of the Amelia Guerillas Co., Dec. 31; Moore, *Rebell. Rcd.*, v. 8, p. 422, Act. Confed. Cong. authorizing Partizan Rangers. The leaders of the bands reported to Confed. officers.

<sup>5</sup> *Off. Rcds. Rebell.*, s. i, v. 53, p. 235.



they sought as well the deserters from Confederate ranks and "conscripts". After the passage of the Confederate Conscript Act in April, 1862,<sup>1</sup> opposition encountered by Confederate enrolling officers increased.<sup>2</sup> Many who had not yet volunteered preferred to "lay out"—that is, secrete themselves in the woods near their homes in order to escape conscription. The controlling motive with these men was hardly love for the Union. They seem to have been actuated by a strong desire to avoid service in the army. They wished to be at home more ardently than they wished to support their country or win the commendation of neighbors. They lacked patriotism. They were usually poor and illiterate.

By the beginning of the third year of war (1864) the deserters, "conscripts" and "Union men" in certain sections of Florida—notably Taylor and Lafayette counties—regularly organized themselves into armed bands.<sup>3</sup> One such band drew up a constitution and signed it. They called themselves "The Independent Union Rangers". Among the provisions of the constitution were: "True allegiance to the United States"; absolute obedience to the officers of the company; absolute secrecy concerning operations; death by shooting for anyone found guilty of being a spy; equal distribution by officers of all plunder taken; and (strangest of all among deserters) the death penalty for any member who deserted the band.<sup>4</sup>

Deserter bands became aggressively hostile. They held

<sup>1</sup> *Off. Rcds. Rebell.*, s. iii, v. 5, pp. 693-4, passed Apr. 16.

<sup>2</sup> *Ibid.*, s. i, v. 52, pt. 2, p. 372.

<sup>3</sup> These two counties and the country south of the Withlacoochee river were the sections most frequented as places of retreat by deserters. See accounts in *N. Y. Herald*, Apr. 30, 1864; *N. Y. Tribune*, Sept. 6, 1864.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 53, p. 319. The document, signed by 33 members, was captured by Col. Capers.

some of the swamps, kept in communication with Federal forces, received food and ammunition from Federal camps and blockading vessels, occasionally raided isolated plantations, drove off and slaughtered cattle and hogs, enticed negro slaves away from their plantations, put arms in the hands of these runaway blacks—in a word seriously interfered with the peace and safety of many communities.<sup>1</sup> At the close of the year 1863 Governor Milton represented West Florida as being in a “bad condition” for “our cause”. “The disloyal,” he said, “were in touch with the enemy.” “The Sheriff of Washington County and others are now in the service of the enemy,”<sup>2</sup> and he stated further that a “large proportion, if not a majority, of the citizens of West Florida are represented to be disloyal; at all events advocate reconstruction and have threatened to raise the

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 2, pp. 5, 215, 368; v. 28, pt. 2, pp. 273; v. 53, pp. 309, 319-20, 337. Gen. Anderson (C. S. A.) reported: “In March last (1864) I assumed command of the Dist. of Fla. At that time there was considerable alarm felt by many citizens of Middle Fla. on account of recent depredations of bands of Deserters, disloyal persons, and bandits gathered in semi-organization along the coast in Taylor and Lafayette Counties. South Fla. was infested by the same kind of bands. . . . Several planters of Jefferson and Madison Counties have lost a number of slaves,” *etc.*

The Confederate sympathizers of Levy Co. assembled in meeting and drew up a formal request for protection. To their chairman, Rev. J. M. Nichols, Gen. Anderson wrote: “Hope at an early date to accede to your request for protection . . . to clear your locality of Yankees, deserters and outlaws,” *etc.*

The Gov. of Ala., in a letter to Gen. Cobb at Quincy, Fla., referred to “a band of deserters in the lower part of Henry Co. (Ala.) and on the Chipola river, Fla. They threaten the loyal population. I have ordered Capt. Armstrong with a command to make arrests. Six or seven men liable to Confed. service [were captured?], but recaptured by friends from ambush,” *etc.* Col. Hatch (U. S. A.) referred in Aug., 1864, to “500 Union men, deserters, and negroes . . . now raiding toward Gainsville,” *etc.*

<sup>2</sup> Milton to Beauregard, Jan. 29, Feb. 4, 1864, *Milton Papers*.

United States flag, even in Marianna.”<sup>1</sup> The counties of West Florida “bordering the coast” were in the hands of deserters. “A short time ago,” stated the governor to Secretary Mallory in May, 1864, “10,000 blankets and 6,000 pairs of shoes intended to supply troops in this State were captured.”<sup>2</sup> The deserters and conscripts of West and Middle Florida even planned the capture of the governor himself. He was warned of the plot in time by telegraph.<sup>3</sup>

Aroused to the danger of this insidious form of invasion (for Union bushwhackers acted in concert with the Union soldiers on the borders of the state) the Confederacy began a systematic and often merciless campaign against deserters and conscripts—particularly against the bands in Taylor and Lafayette Counties. Bloodhounds were sometimes used to track them in the dense swamps and hummocks, where they took refuge. It was cruel business, but, as Colonel Capers of the Confederate army observed when he took charge in Middle Florida, “the only practical way of hunting deserters will be with dogs under experienced woodsmen.”<sup>4</sup>

The places of retreat were difficult of access and the disloyal bands shifted their camps from point to point. The camps were often destroyed by the pursuing military and a few men made prisoners, but the bands were never completely dispersed during the war. The military in some cases destroyed their homes and sent the women and children either into Federal lines or to refugee camps within Confederate lines.<sup>5</sup> This was more barbarous than occa-

<sup>1</sup> Milton to Beauregard, Oct. 15, 1863, *Milton Papers*.

<sup>2</sup> Milton to Mallory, May 23, 1864, *ibid*.

<sup>3</sup> Telegrams between Luke Lott and Milton, Feb. 3-4, 1864, *ibid*.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 53, p. 319.

<sup>5</sup> *Off. Rcds. Rebell.*, s. i, v. 53, pp. 252, 319, etc. Reports of Col. H. D. Capers (C. S. A.).

sionally hunting the men with hounds and did not yield advantage to the Confederate cause. The care of destitute families of Confederate soldiers was already a tax on the slender resources of the state.<sup>1</sup> The destruction of property owned by Union men and the seizing of their cattle and crops for the Confederate commissary increased destitution. The refugee or conscription camps became an additional burden to the tottering state.<sup>2</sup>

The leader of one of the most notorious deserter and "conscript" bands sent the following characteristic epistle—in the writing of which he had evidently labored for a long time—to Colonel Capers, commanding the Confederate force in pursuit.

Got your letter left for me. Anxious to hear from you and you from me, but cannot control my men any longer, since they saw you fire our house. Cannot control them any longer. I ain't accountable for what they do now. As for myself, I will do anything that any half-white man ever done, only to go into the Confederate War any more; though when I was in it I done my duty, I reckon. Ask Col. Smith if I was not a good soldier as long as he was captain, but now I have went on the other side and tried what we call the United States of Taylor, but I find it like Confederate men, more wind than work. As for me, I ain't a-going in for any order, only to stay with Mr. Johnston and help him tend his stock, and I will help him pen and drive cattle, but my oath will not permit me to fight any more. If you will send and get me an exemption and my men who have taken the oath to stay in

<sup>1</sup> *Fla. Senate Journal*, 1864, p. 31. During 1862-3 the state government was contributing to the support of more than 11,000 destitute persons in soldier's families and during the following year more than 13,000.

<sup>2</sup> *An. Cyclo.*, 1863, "Florida," quoting Gov. Milton; Governor's Message, Nov. 17, 1862—*Milton Papers; Off. Rcds. Rebell.*, s. i, v. 53, p. 251.

Taylor County, and raise stock for you, they will do so, but they will not go into the war if you had as many men as dogs, for our title is Florida Royals, and if we cannot get a furlough from Mr. Jeff Davis during the war you will find our title right for awhile, so I remain a flea until I get a furlough from headquarters, and when you put your thumb on me, and then raise it up, I will be gone. I give you my respects for the good attention you paid my wife, for it was not her notion for me to do as I have been doing. Just set me and my men free from the war, and we will try, with leave, to get corn till ours can make. So here is my love for the good attention for my wife and child. If the war lasts long enough, and you will raise him to be a good soldier, he will show the spunk of his daddy.

W. W. STRICKLAND,  
Fla. Royals.<sup>1</sup>

In dealing with these people of Florida, the Confederate war department was temporizing. Opportunity was given such refugees to retract and come back to the support of the Confederacy. General Beauregard issued a proclamation on March 4th, 1864, promising amnesty and employment in a non-military capacity to all conscripts and deserters who would come into his lines within forty days.<sup>2</sup> General Gordon (C. S. A.), commanding in West Florida, issued a very similar proclamation on March 18th, promising amnesty to the disloyal if they would report to conscript camps before April 5th. "Severe punishment to all deserters deaf to this clemency," he concluded. "All such persons found with arms in their hands will be shot without mercy. The families of deserters and the disloyal will be sent into the interior and their property destroyed, and all cattle, horses, and hogs will be driven away or shot."<sup>3</sup> By February 1st,

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 53, p. 319.

<sup>2</sup> *N. Y. Herald*, Apr. 30, 1864.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 53, p. 320.

1865, 220 deserters in Florida had returned to the Southern army and 2,142 conscripts were enrolled.<sup>1</sup>

Governor Milton counseled greater moderation toward deserters than was shown. He repeatedly expressed the opinion that many left the ranks for the purpose of helping their starving families. He thought that most offenders had little conception of the gravity of their offense in military law.<sup>2</sup> He condemned the destruction of deserters' property when such destruction left their families without means of subsistence. "I cannot approve of this war on women and children," he stated with feeling to General Anderson.<sup>3</sup> In a private letter he declared that "the opposition to the Conscript Act and the attempts to enforce it produced much dissatisfaction, and some men of influence who approved secession now prefer the United States Government in spite of Lincoln's Emancipation Proclamation."<sup>4</sup> This was in the autumn of 1862.

<sup>1</sup> *Off. Rcds. Rebell.*, s. iv, v. 3, pp. 1101, 1109. These figures are for all returns from the passage of the Conscript Act in the spring of 1862 to Feb., 1865. The proclamation of amnesty issued by Beauregard and Gordon had little effect. Gen. Anderson stated: "Some [deserters] availed themselves of the terms of the proclamation [Beauregard's], but no large number"; also s. i, v. 35, pt. 1, p. 368.

<sup>2</sup> Message, Nov. 1862—*Milton Papers*. *Off. Rcds. Rebell.*, s. i, v. 52, pt. 2, p. 337; v. 53, pp. 251, 252, 343.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 53, p. 251. "The destruction of property in Taylor and Lafayette counties has caused women and children to depend on the Govt., who once were able to support themselves." On June 20, 1864, he wrote: "The destruction of dwellings and property, and the arrest and continued custody of citizens of the State, women and children, by order of Gen. Gordon, has resulted as I thought. It has increased the number of deserters and excited among them a vindictive purpose to avenge wrongs and to liberate women, children and aged men who have been deprived of property on suspicion of disloyalty. Houses destroyed should be rebuilt and women supplied with cards and looms and rations for a few months."

<sup>4</sup> *Ibid.*, s. i, v. 52, pt. 2, p. 372.

The impressment of food by the Confederate commissary agents and the absence of so many of the able-bodied men from home left many families destitute, and undoubtedly caused many a man to leave the army in order that he might aid his family.<sup>1</sup> The Federal military and naval authorities were in touch with this fugitive class and eager to win its favor. Food, arms, money and safety were offered.<sup>2</sup> During the winter of 1864 and 1865, hundreds of one-time Confederate soldiers and other refugees came into the Union lines.<sup>3</sup>

This exodus to the enemy was an obvious indication of final break-down in the internal strength of the Confederacy. The bare necessities of life were running low. Corn

<sup>1</sup> *Off. Rcds. Rebell.*, s. iv, v. 3, p. 45.

<sup>2</sup> *Ibid.*, s. i, v. 14, p. 724; v. 35, pt. 1, pp. 368, 371; pt. 2, p. 94; v. 53, p. 319. Col. Capers found in a captured deserters' camp 2,000 rounds of ammunition for U. S. Army Springfield muskets and several barrels of flour from "U. S. Subsist. Dept." Gen. Anderson declared: "In each of these sections the enemy is known to be inciting bands to bloodshed and plunder, supplying arms, clothing, food, etc."

<sup>3</sup> *N. Y. Times*, Jan. 23, 1864: "Nearly enough refugees in St. Augustine and Fernandina to make a regiment."

*N. Y. Herald*, Mar. 30, 1864: "The laborers in the different departments here (Jacksonville) are crackers still attired in the dirty gray uniforms furnished them by the Confederate Govt.," May 20. "At Depot Keys some 300 men, women and children. . . . At St. Mark's there are several hundred; . . . at West Pass nearly 200; at Charlotte Harbor, 160; at Tampa, and on St. Andrew's Sound, like numbers," etc.

*N. Y. Times*, Mar. 18, 1865: "Two companies of the Second Florida Cavalry recruited from refugees and deserters," etc.

*Off. Rcds. Rebell.*, s. i, v. 35, pt. 2, p. 63:—

(Asboth), "At East Pass, 609 destitute women and children," etc., s. i, v. 2, pt. 1, p. 817. (Asboth), Nov. 13, 1863, "If I had boats, I think I could raise one white and one black regiment in West Florida." "500 Union men, deserters and negroes near Cedar Keys," etc., p. 12 (Asboth). "Nearly 200 deserters near St. Mark's, in open war with the Confederacy," etc. (Asboth). V. 35, pt. 2, p. 215 (Hatch), Aug., 1864.

was scarce, meat and salt were precious commodities. Fields were grown up with weeds. Seaports were closed. Railroad companies had ceased operating trains over exposed divisions. Boats of commerce plied the rivers at their peril. Cows and calves, mules and horses had been driven off to support the struggling armies. Grim desolation gripped the land. The intermittent post brought news of dead, dead, dead, until the very world seemed dying beneath the eyes of Florida's simple population. The stress of war was indeed awful. The armies of the powerful Union were piercing the very vitals of the proud Southern republic. People were faced by starvation. They were surrounded by misery, as in a nightmare, yet thousands were willing to fight on with the gates of hope practically closed. The women at home, sad-eyed and poverty stricken, deftly put patches on their own garments, prayed to God, sewed together precious remnants of cloth for the men in ranks, and usually saw to it that any bacon went to the firing line, and not on home tables.

In recapitulating the record of Union sentiment and desertion in Florida, we observe that Union sympathizers and deserters never exceeded one-fifth of the adult white population, even during the demoralization of the last year of conflict. Most of these people were illiterate Southern whites or persons born and reared in the North. We observe that Union sentiment manifested itself in East Florida by political meetings, political manifestos, and abortive attempts to reconstruct the state government. We observe the Federal military and finally the national administration taking part in such attempts at reconstruction. We observe Union sympathizers and deserters raiding and plundering in West Florida and Central Florida. We observe Confederate troops attempting to stamp out disaffection by warnings, whippings, and even hangings and house-burnings.



We observe the existence of guerilla warfare in Florida, which helped the cause of the Union indirectly by more quickly exhausting the strength of the state, and directly by furnishing guides, scouts, and information to invading armies. Finally, we observe that the "Union men" created for the Florida government at least two obvious problems: first, the protection of Confederate sympathizers; second, the supporting in refugee camps of thousands of destitute women and children of the despoiled and despised deserters and conscripts.

## CHAPTER XI

### THE OLUSTEE CAMPAIGN—1864

THE food supply of the Confederate armies was becoming rapidly exhausted by the autumn of 1863. The fact was probably not unconsidered by Federal military authorities. One year earlier (October, 1862), Commander Woodhull, of the Federal navy, after a raid up the St. Johns, declared that

the cattle of Georgia, Alabama, North Carolina and South Carolina have all been consumed. Texas and the rich grazing country to the westward of the Mississippi being cut off, the whole dependence of the Confederate Government to feed their Army now rests on this State [Florida]. I have it from reliable sources that its agents are all over the state buying up all the cattle obtainable, paying any price so they can get the animals. The only dependence the people of Georgia and Florida have for their sugar is that raised along the banks of this river [St. Johns]. The greatest blow at this war would be the entire destruction of the sugar crop and the small salt-works along the shore on the coast of this State.<sup>1</sup>

Such rumors were evident exaggerations in 1862, but they contained the substance of an important truth—namely, that the South's food supply was failing and that Florida's comparative isolation made it an important cattle range.

A circular of rather alarming import, which supports the foregoing generalization, was sent out from Quincy, Flor-

<sup>1</sup> *Naval War Records*, s. i, v. 13, p. 369.

ida, on November 2nd, 1863, by the chief Confederate commissary officer for the state, Major P. W. White.<sup>1</sup> It was a passionate appeal to the citizens of the Southern republic in Florida. Major White declared that the "issues" of the war had more than ever been transferred to the "people at home". If they should decrease their support of the Confederate armies those armies must fall back from the frontier. If the Federal army should break through the famished Confederate lines the "wave of desolation" would roll from the Gulf to the Atlantic—the cause would be lost. If the Southern people, he said, valued their cattle and hogs, their corn and their money more than their cause, their army must fail. To give bountifully was a fearful test of patriotism, for the "people at home" were poor—but the Confederate army needed food, and needed it badly by the autumn of '63.

The chief commissary officer for General Bragg's army had written that his troops were dependent on Florida for beef, because all other available sources were exhausted.<sup>2</sup> The chief Confederate commissary officer for Georgia had written that the Southern forces in Georgia looked to Florida because Georgia's beef supply was practically exhausted.<sup>3</sup> The chief Confederate commissary officer for South Carolina had written: "We are almost entirely dependent on Florida. . . . We now have 40,000 troops and laborers to subsist. The supply of bacon on hand in this city [Charleston] is 20,000 pounds and the cattle furnished by this state is not one-tenth of what is required".<sup>4</sup> Major Miller (C.

<sup>1</sup> Report Gen. Beauregard, *Off. Rcds. Rebell.*, s. i, v. 35, pt. 2, pp. 393-396.

<sup>2</sup> Letters of October 5, 6, and 19, 1863.

<sup>3</sup> Mr. Locke.

<sup>4</sup> Maj. Guerin, October 9, 1863.

S. A.), of Savannah, had written: "The stock of bacon and beef for the armies of the Confederate States is now exhausted. . . . Starvation stares the army in the face; the handwriting is on the wall. . . . From the best information I have the resources in food (meat) in both Tennessee and Virginia armies are exhausted. This remark now applies with equal force to South Carolina and Georgia."<sup>1</sup>

Major White included these letters in his circular addressed to Floridians. He pointed out that two large armies looked almost entirely to Florida for their supply of beef and bacon.<sup>2</sup> He called upon the people to husband their stores in order to help the Confederacy meet successfully the threatened famine. Florida was evidently economically more important to the Confederacy in 1863 than in 1861. General John K. Jackson, of the Southern army in Florida, estimated in 1864 that 25,000 head of cattle and 10,000 head of hogs went annually from the state to the armies beyond its borders.<sup>3</sup>

<sup>1</sup> Letter of October 10, 1863.

<sup>2</sup> The state comptroller in October, 1862, reported to the governor that the number of cattle in Florida was as follows: in East Florida, 383,717; in Central Florida, 174,378; in West Florida, 100,514; total, 658,609. These figures seem to be taken from returns during 1860-61, and are probably much under the number of cattle in 1863. Drovers were driven from Georgia into Florida. See *Milton Papers*, October 10, 1862—memoranda of comptroller.

<sup>3</sup> "The most valuable portion of Florida," wrote Gen. Jackson to Gen. Cooper, "is the middle counties of the Peninsula—Alachua, Marion, and other counties in that vicinity. Its productive capacity is very great and the character of its supplies of inestimable value to the Confederacy. The sugar and syrup there produced cannot, I believe, be supplied by any other portion of the Confederacy. From official and other data I learn that the product of army supplies will amount annually to 25,000 head of beeves, equal to 10,000,000 pounds; 1,000 hogsheads of sugar; 100,000 gallons of syrup, equal by exchange to 4,000,000 pounds of bacon; 10,000 hogs, equal to 1,000,000 pounds of bacon; 50,000 sides of leather; 100,000 barrels of fish (if labor af-

To have put Major White's circular in the public press would have been showing a weakness to the enemy. Accordingly it was mailed to supposedly discreet persons who were asked to read it privately and not let it pass out of their possession except to those "true and prudent" persons who could be trusted. It was soon widely distributed over the state and at some places during the late autumn of 1863 stuck up on trees at cross roads where both the prudent and the foolish pass.<sup>1</sup>

Its startling disclosures probably reached the Federal government before the end of 1863. General Beauregard stated: "The paper needs no comment. . . . I am assured it was one of the main causes of the expedition to Jacksonville and thence toward Lake City."<sup>2</sup> At Olustee occurred the battle which checked this invasion—the most serious which Florida has ever experienced. "Among many most extraordinary things brought to light by this invasion," reported the Florida correspondent of the *New York Herald*, "is a document emanating from the Commissariat Department of Quincy, Florida, in which there is startling evidence to be found of the desperate condition of

fording), equal to 20,000,000 pounds of fish. Oranges, lemons, arrow-root, salt, blockade goods, iron, etc. Counting the bacon at one-third pound and beef and fish at one pound to the ration there are of meat rations 45,000,000—enough to supply 250,000 for six months." *Off. Rcds. Rebell.*, s. i, v. 35, pt. 2, p. 606. For references to food supply in Florida see also *Off. Rcds. Rebell.*, s. i, v. 1, p. 467; s. i, v. 14, pp. 473, 703; s. i, v. 26, pt. 1, p. 873; s. i, v. 28, pt. 2, p. 450; s. i, v. 35, pp. 258, 308, 349, 366; s. i, v. 35, pt. 1, pp. 279, 388, 395. Also *Townsend Library* (Columbia University), v. 41, p. 387.

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 2, p. 294. Beauregard to Cooper: "I was informed by sundry persons that it had been widely distributed," etc. *N. Y. Herald*, February 21, 1864. A copy was obtained at Baldwin by Federal troops early in February. Early in January it was evidently at Lake City.

<sup>2</sup> *Ibid.*, s. i, v. 35, pt. 2, p. 295.

the enemy. Beef and bacon are entirely exhausted throughout the South and from all quarters cries are arising for relief from Florida." <sup>1</sup>

The explanation of the invasion of '64 is, however, not so simple as this. Before the circular was sent forth the probabilities of the movement into Florida were discussed at the North. The Northern press hostile to the Lincoln administration interpreted the invasion as a part of the President's plan to apply in Florida his own ideas concerning reconstruction. One year before, Federal politics had played a minor part in the attack on East Florida. Since 1862 the Union had retained a foothold on the east coast at Fernandina and St. Augustine. Federal direct tax commissioners had been appointed in October, 1862,<sup>2</sup> and at least one of them, Stickney, became a constant intriguer for more Federal troops in that state where his jurisdiction lay. "Union men" presented now and then to the newspapers the necessity and justice back of Florida loyalists' demand for greater Federal protection and demonstrated the advantages (illusory) to the Union which would follow if such protection were given.<sup>3</sup>

On September 7th, 1863, Tax Commissioner Stickney arrived in Washington. Forthwith it was reported in the newspapers that he came to petition Mr. Lincoln in the name

<sup>1</sup> *N. Y. Herald*, February 20, 1864.

<sup>2</sup> L. D. Stickney, Jno. S. Sammis, and Harrison Reed. Gen. Mitchell commanding the Department of the South was directed to afford them all assistance and protection that may be required "for the performance of their duty." *N. Y. Times*, October 16, 1862; also March 6, 1864. Reed and Sammis were replaced in 1864 by two "Union men" of Florida—Judge Wm. Alsop and Buckingham Smith—see *Jacksonville Union*, December 31, 1864.

<sup>3</sup> *N. Y. World*, February 17, 1864 (letter from Fernandina); March 11, 1864. *N. Y. Times*, October 16, 1862; January 25, 1863. *N. Y. Tribune*, November 6, 1862. *N. Y. Herald*, September 8, 1863.

of Florida's loyal citizens to send a large military force into the state for the purpose of relieving the people there from "Confederate rule", for the re-establishment of a "loyal" judiciary and a "loyal" legislature, and for the sending of "loyal" representations to the national Congress.<sup>1</sup>

Mr. Stickney's reputation was not of the best nor his influence in political circles very high. He was undoubtedly a person who mixed politics and private business indiscriminately and for his pecuniary advantage.<sup>2</sup> Yet he was the appointee and friend of Secretary Chase of the treasury department. He might or might not have influenced Lincoln to attempt the political reorganization of Florida. Such reorganization seemed successful or partly successful at that time in other Southern states.<sup>3</sup>

Lincoln was beginning to consider the next year's national election. He naturally wished to succeed himself, and his adverse critics said then that his Southern political program was meant primarily to obtain votes for himself in the nominating convention and the election following.<sup>4</sup> This is a rather gross interpretation of the President's motives, for, as the *Tribune* put it, "it is quite possible that the Administration may desire the return of a loyal state to the Union without reference to the next Presidential election."<sup>5</sup> At any rate, soon after the Stickney newspaper

<sup>1</sup> *N. Y. Herald*, September 8, 1863.

<sup>2</sup> *H. Ex. Docs.*, 38th Cong., 2nd Ses., No. 18.

<sup>3</sup> Hosmer, *Outcome of the Civil War*, pp. 134-36. Military governors had been appointed by the President during 1862 in the states of North Carolina, Louisiana, Tennessee and Arkansas. The loyal in Louisiana had gone so far as to elect representatives to U. S. Congress and they were admitted to seats. See also McCarthy's *Lincoln's Plan of Reconstruction*; Dunning's *Essays on the Civil War, etc.*, and Welles' *Diary*, v. 1.

<sup>4</sup> *N. Y. World*, February 13, 1864.

<sup>5</sup> *N. Y. Tribune*, February 23, 1864.

notices Lincoln showed renewed interest in Florida.<sup>1</sup> Loyal reconstruction there and military invasion were connected in discussion at the North as perfectly germane subjects before the end of October (1863). Judge Philip Fraser, a reputable Republican Federal office-holder, exiled from Florida, stated on October 8th that, "if forces are to be sent to Florida to be used as tools for political wire-pullers and speculators it were better not to send them at all. We want bold and earnest men to go down inspired by true purpose—the restoration of Florida to the Union as a free state. Political manoeuvres may come after but not before."<sup>2</sup>

Stickney was known personally and well to General Gillmore, who commanded the military district nominally including Florida. Evidently he had urged invasion upon this officer.<sup>3</sup> On December 8th, Lincoln issued his Amnesty Proclamation announcing his plan of reconstruction in the South.<sup>4</sup> A week later, General Gillmore suggested to General Halleck—then general-in-chief of the Union armies—that a Federal force might be profitably sent into Florida to recover the most valuable portion of the state, to cut off the enemy's food supplies and to increase the number of negro troops.<sup>5</sup> Nothing was said of political objects. On December 22nd, Gillmore was formally authorized by Halleck to undertake such operations in the Southern peninsula as he might think best.<sup>6</sup>

<sup>1</sup>See an interesting paper in the Battle of Olustee by Gen. Sam. Jones, C. S. A., which treats of political and economic as well as military side of this invasion. *Battles and Leaders of the Civil War*, v. 4, pp. 76-79.

<sup>2</sup>*H. Ex. Docs.*, 2nd Session, No. 18, p. 155.

<sup>3</sup>*Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 282.

<sup>4</sup>Nicolay and Hay, *Lincoln's Complete Wks.*, v. 2, p. 442.

<sup>5</sup>Report Secretary Stanton to Senate, *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 292.

<sup>6</sup>*Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 276.



On the same day a number of exiled "Union men" sailed from Port Royal, S. C., on the ship *Maple Leaf* for St. Augustine.<sup>1</sup> Among them was Stickney, who was popularly reported to have talked with the President in September.

Soon after the Florida Union men from South Carolina had reached St. Augustine, they reported to the Northern press that "a large and enthusiastic" Union meeting had taken place on the 19th, and that this gathering had passed resolutions calling for the reorganization of the state government on a basis of loyalty to the United States constitution, for the resumption at once of Federal relations, for the abolition of slavery in Florida, for the withdrawal from the "rebels" of the elective franchise, for the election of a "loyal" legislature, and for the proper amending of the state constitution. The secession ordinance was declared by the meeting to be "null and void".<sup>2</sup> The officers of the 24th Mass. Infantry at St. Augustine were active in preparing the negroes about them for loyal reconstruction.<sup>3</sup> Before the end of December a petition had gone from St. Augustine to the President, signed by "many Union men" and praying for immediate "armed occupation" of the entire state.

On January 13th, 1864, Mr. Lincoln informed General Gillmore that he understood "an effort is being made by some worthy gentlemen to reconstruct a loyal state government in Florida", and that he had sent Major John Hay with "blank books and other blanks to aid in the reconstruction". "I wish the thing to be done in the most speedy way possible," he added.<sup>4</sup>

<sup>1</sup> *N. Y. Tribune*, December 29, 1863.

<sup>2</sup> *N. Y. Tribune*, December 29, 1863; January 23, 1864; *N. Y. Times*, January 2, 1864.

<sup>3</sup> *Ibid.*, December 29, 1863; January 23, 1864; *N. Y. Times*, January 23, 1864.

<sup>4</sup> Nicolay and Hay, *op. cit.*, v. 2, p. 470.

The following day Gillmore informed General Halleck of his final decision to occupy the west shore of the St. Johns river, Florida.<sup>1</sup> This elicited the response from Halleck that Secretary of War Stanton directed that all plans be left to the discretion of Gillmore, because he, Stanton, had not been informed of the objects of the expedition to be sent into Florida.<sup>2</sup> Neither had the Secretary of the Navy been informed.<sup>3</sup> This is most strange. Stanton and Welles, heads of the two departments most seriously involved, were evidently not closely consulted by the President who was directing the movement into Florida. Gillmore in reply to Halleck stated that the objects of the expedition were to procure an outlet for cotton, lumber, timber, and naval stores; to cut off an important source of the Confederate army's food supply; to obtain recruits for negro regiments; and to inaugurate measures for the restoration of Florida to the Union according to instructions from Mr. Lincoln in the hands of Major Hay.<sup>4</sup> In December, Gillmore had not included things political among the objects of the proposed invasion. By January 14th, he had enlarged its scope.

Early in February, Gillmore ordered General Seymour to prepare to proceed with troops from Hilton Head, S. C., on board transports to Jacksonville. The force under Seymour's command numbered between five and six thousand—made up of six regiments of infantry, one regiment and one battalion of cavalry, and three batteries. Seymour and command sailed the next day for Jacksonville, where they expected to land on Sunday, February 7th.<sup>5</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 276.

<sup>2</sup> *Ibid.*, p. 276.

<sup>3</sup> *Diary of Gideon Welles*, v. 1, p. 231.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 276.

<sup>5</sup> *Ibid.*, pp. 276, 280.

The Federal forces at Fernandina received orders to watch the railway from Georgia into Florida and prevent or delay the shifting of Confederate forces into the state by tearing up a portion of the track.

On the morning of February 7th, the leading Federal transport ran alongside the Jacksonville docks amid the cracking of a few carbines from the retiring Confederate troops.<sup>1</sup> By nightfall the place was once more an armed Federal camp. The town was pathetically dilapidated—a mere skeleton of its former self—a victim of war, lying there beneath the cold light of a winter moon. Scarcely a score of families remained. Straggling winter weeds grew in the streets and vacant lots, and where the tramping military had left them erect these despised shrubs which bedeck forsaken places glowed like jewels when their delicate beads of dew were touched by the brilliance of the moon. The remains of burned houses—the poor dry-bones of departed prosperity—gave a grotesque, God-forsaken, and dreary aspect to the town. The newly-spread tents of the troops protected the skeleton as a whitened sepulchre. On one side was the St. Johns and on the other the pine woods stretched away in vast vistas of moonlight.

News of Seymour's arrival traveled rapidly. On February 8th, General Finegan, commanding Confederate forces in East Florida, notified General Beauregard at Charleston, S. C. The answer which flashed back directed him to hold the Federal troops at bay with the forces then on hand. Troops from Charleston, from Savannah, and from Central Florida would be mobilized in East Florida as rapidly as possible.<sup>2</sup>

In the meantime Federal raiders from Jacksonville began

<sup>1</sup> *N. Y. Herald*, February 20, 1864; *N. Y. Times*, February 20, 1864.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 322.

to go abroad over the land. Colonel Henry, at the head of a detachment of the 40th Mass. Mounted Infantry, left Jacksonville on the evening of the 8th, going west.<sup>1</sup> His route led through pine woods and heavy swamps. The command groped its way over now darkened now moon-flecked trails under the guidance of "Union men" who knew the country.<sup>2</sup> Near midnight Henry's raiders approached the encampment of the Milton Light Artillery. A sergeant on mounted picket duty heard the tramping of their horses. He rode through the camp shouting at the top of his voice, "Save yourself, the enemy is upon you!" "My command fled," said Capt. Dunham. His loss was eighteen men, four cannon, six wagons, and forty-five horses and mules.<sup>3</sup> Just at daybreak Henry rode into Baldwin, twenty miles west of Jacksonville.

The place had not profited by the war. Its railway station, warehouse, and score of seedy wooden buildings passed into Federal possession without a shot. Strategically the hamlet was important, being the railway junction from which radiated lines to Jacksonville, to Georgia, to Fernandina on the Atlantic, to Cedar Keys on the Gulf, and to Central Florida. Supplies belonging to the Confederacy were stored in and about the warehouse—cannon, camp equipage, accoutrements, forage, cotton, cotton thread, cotton sheeting, rice, molasses, blankets, hides, salt, flour, sugar, turpentine, *etc.* These with forty horses and mules were acquired or destroyed by Henry.

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 295.

<sup>2</sup> *N. Y. Times*, March 6, 1864. Mr. Alsop, a man of Northern origin but for twenty years a resident of Florida, acted as guide to the Union army from Jacksonville as far as Baldwin. He also guided an expedition up the Nassau river after lumber. He was an "old and experienced lumberman" active in politics.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 347. Report of Capt. Dunham (C. S. A.), of Milton Light Artillery. See also accounts in *N. Y. Herald* and *N. Y. Times*, February 20, 1864.

The people remaining in Baldwin told the invaders that the Confederate troops had retired westward. Wretched desolation was written over the face of the country.<sup>1</sup> "Yes, sir, Baldwin is a dreadful poor city with right smart poor people in it," said one citizen to a man in the Federal ranks, and the trooper had no reason to doubt the piteous truth of the remark.

At the south fork of the St. Marys a small body of Confederate cavalry contested the crossing with Henry's command; but the raiders pushed over with a loss of three killed and four wounded, and just at twilight reached the hamlet of Sanderson. The flames of burning supplies—corn and turpentine—fired by the retiring Confederate cavalry lit up the group of houses near the railway station. At the "hotel" a dozen women were gathered. "They were inclined to welcome us because they thought we would be able to prevent the spread of the destructive element," recorded one raider. "They were nervous and fidgety but managed to give us a tolerably polite reception and to assure us of their sympathy with the rebel cause. . . . Their features are sharpened and pinched as if the gaunt wolf famine had already been on the threshold of their dwellings."<sup>2</sup>

Before dawn the Federal force was again moving west. Near mid-day Confederate outposts were encountered a few miles east of Lake City. The Confederate cavalry as-

<sup>1</sup> Excellent accounts are written of this and other raids by Oscar Sawyer for the *N. Y. Herald*. Sawyer was in the field with the troops. His facts are in substantial accord with official reports. Among the supplies taken at Baldwin by Henry were two 12-pound field rifles, two smooth bores, three 3-inch English rifles with caissons, one tanning machine, 93 bales of cotton, 15 tierces of rice, 83 barrels of turpentine, four days' forage for 1,000 men, two railway cars of corn, two empty cars, etc. *N. Y. Herald*, February 20, 1864.

<sup>2</sup> *N. Y. Herald*, February 20, 1864.

sumed the aggressive and Henry was quickly forced to begin his retreat toward Jacksonville. His raid had been rapid and effective. Moving by night and day his command had penetrated fifty miles into the interior—as far indeed as the fateful field of Olustee—had practically cut itself loose from its base of supplies, had encountered the enemy at three points, had captured a score of prisoners, had seized, destroyed, or caused to be destroyed property valued at almost \$1,000,000, and had located the main body of the Confederate Army—all with a loss of five killed and ten wounded.

While the Federal cavalry was harrying the country west of Jacksonville, Federal raiding expeditions set out from Fernandina by way of bayous and swamp-paths. The raiders shelled the woods from aboard gunboats, watched the railway from Georgia, destroyed property, and located lumber, timber, and lumber mills for future confiscation and stealing.<sup>1</sup>

At Jacksonville the Federal main body was preparing to move forward into the interior. The town soon began to assume a more prosperous air. Traders came with the army and were given permission to land their merchandise. Half-starved Unionists and a few stray negroes came in from the surrounding country. As the Federal lines were extended to the west the property of the “rebels” was seized and droves of cattle and hogs were driven into town. Treasury agents were busy hunting cotton, turpentine, and

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 357-8. Maj. Pennypacker's Report. The 97th Pennsylvania was in camp at Fernandina and did most of this raiding. After a night march of five hours through swamps a small Confederate force was surprised and captured before day, February 9th. On the same day the gunboat Para went 30 miles up the Nassau river shelling the woods and taking an inventory of several lumbering plants.

timber.<sup>1</sup> Mr. Lincoln's Amnesty Proclamation of December 8th and General Gillmore's orders were posted in conspicuous places.<sup>2</sup> General Seymour, however, was not optimistic over the Florida situation. He informed his chief, Gillmore, that what had "been said of desire of Florida to come back now [into the Union] is a delusion. The backbone of the rebellion is not here, and Florida will not cast its lot with the Union till more important successes elsewhere are assured. . . . I would advise that the force be withdrawn at once from the interior [Baldwin—twenty miles west of Jacksonville], and that Jacksonville alone be held." He added significantly, "Stickney and others have misinformed you."<sup>3</sup>

The outlook in East Florida for the Confederacy was perilous.<sup>4</sup> General Finegan's army, hovering somewhere between Jacksonville and Lake City, was facing a critical situation. Composed of 1,800 infantry, 450 cavalry, and two batteries it was confronting a well-equipped and well-officered army easily twice as strong numerically and guided by men who knew the country as natives.<sup>5</sup> Under the stimu-

<sup>1</sup> *N. Y. Herald* and *N. Y. Times*, February 23, 1864.

<sup>2</sup> *N. Y. Times*, February 23, 1864; Nicolay and Hay, *Lincoln's Complete Works*, v. 2, p. 442.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 282. Also Gen. Jones' article, *Battles and Leaders of the Civil War*, v. 4, pp. 76-77.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 28, pt. 2, pp. 601-605. Total number of troops present for duty in Mil. Districts of East and Middle Florida (all of Florida east of Apalachicola river) was reported by Gen. Beauregard on December 31, 1863, to be 3,709—1,326 of whom were in East Florida. These were Georgia and Florida troops. The 64th Georgia infantry was ordered from Middle Florida to Savannah, Georgia, on December 28th. The troops were scattered over a vast stretch of country.

<sup>5</sup> Gen. Seymour was a veteran of the Mexican War and a good officer. See accounts in *N. Y. Times*, March 6, 1864, and in *Herald*, February 20, 1864.

lating influence of success partly attained the Union army had already begun its slow march west. Unless Finegan received reinforcements he could not hope to successfully check the invasion. He expected aid from Southern Georgia and South Carolina. The Georgia and Florida railroad which almost connected Florida's railway system with that of Georgia had a gap of twenty-six miles<sup>1</sup> and was guarded by Federal outposts. These facts made the moving of troops into Florida tedious—and time is the factor which counts most in campaigning.

General Beauregard narrowly watched the movements of the Federal army and fleet opposing him along the Georgia and South Carolina coast. Immediately following the sailing of the Federal expedition from Hilton Head, S. C., for Florida demonstrations were made by Union forces against Johns island, Georgia, to attract attention away from Florida. So serious seemed the situation that General Colquitt and a brigade of Georgia troops were sent by Beauregard to reinforce General Wise on the coast.<sup>2</sup> Beauregard knew well at the time that the interior of Florida was threatened. The problem before him was to reinforce Florida without hazarding Confederate occupation of Charleston and Savannah.<sup>3</sup> On February 11th, the Confederate batteries opened tremendously on Morris island as if an attack by assault was in preparation. Federal forces were thereupon shifted to Morris island from Johns island, and, the pressure evidently relieved, Colquitt's brigade slipped away for Florida.<sup>4</sup>

Meanwhile General Gillmore had come to Jacksonville and was advising a very cautious program to his subordi-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. I, p. 323.

<sup>2</sup> *Ibid.*, pp. 284, 322.

<sup>3</sup> *Ibid.*, pp. 109-111. Letters of Beauregard to Jones and Seddon.

<sup>4</sup> *Ibid.*, pp. 112, 323; also *N. Y. Herald*, February 13, 1864.



nate, General Seymour, in actual command of the expedition then piercing the interior and already beyond Baldwin. "Eight companies of the 54th Mass. ordered to Baldwin. Don't risk an advance on Lake City. Hold Sanderson," he wired on February 11th from Jacksonville to Seymour.<sup>1</sup> Later in the day he wired: "Concentrate at Sanderson and on the St. Marys if advance meets serious opposition"; and the next day: "Want your command concentrated at Baldwin at once".<sup>2</sup>

Thus the invasion which Gillmore tried to direct was certainly cautious, almost timid, and finally an out-and-out withdrawal from the neighborhood of Sanderson to Baldwin, nearer Jacksonville. He feared a surprise.<sup>3</sup>

The opposing troops of Finegan went into permanent camp on February 13th, near Olustee or Ocean Pond—a few miles east of Lake City and fifty miles west of Jacksonville. Finegan selected a position between two small lakes with each flank protected by marsh and open water. The place was in fact a gap through a swampy bit of country. Through this gap ran the pike and railway to the richer interior. Across the gap the Confederate army threw up entrenchments and awaited the advance of the invaders.<sup>4</sup>

While the main body of the Federal army was hesitating to advance deeper into the enemy's country Confederate troops were moving from Georgia into Florida, and Fed-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 282.

<sup>2</sup> *Ibid.*, pp. 283-284.

<sup>3</sup> *Battles and Leaders of the Civil War*, v. 4, pp. 76-80; articles by Gen. Jones (C. S. A.) and Gen. Hawley (U. S. A.).

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 326. Also *Battles and Leaders of the Civil War*, v. 4, p. 77. Gen. Jones' article. "The position possessed strength provided the enemy would attack it directly in front, but could be easily turned."

eral cavalry continued its raiding. On February 14th, Captain Marshall with three companies of the 4th Mass. Cavalry rode into Gainesville—more than fifty miles southwest of Jacksonville—and took possession of food, military stores and cotton valued at \$1,000,000. A portion of the food was given to the remaining inhabitants of Gainesville, no private property was destroyed, and the people were told that they would not be disturbed if they kept in-doors after dark.

Two days later a band of Confederate light cavalry arrived at Gainesville led by Captain Dickison, a remarkably bold, aggressive and successful guerilla chief. The Federal troops barricaded a portion of the town street with cotton bales and attempted with the aid of some negroes to beat off the attack. After several hours of firing the Federal raiders with some loss withdrew from the town and retreated toward Jacksonville, abandoning the captured property.<sup>1</sup>

From Fernandina raiding parties continued to harass the country for a radius of thirty or forty miles—seizing willing negroes, burning mills, and gathering “Union” refugees and Confederate deserters into Federal lines.<sup>2</sup> So far, the operations of the invading military had been highly successful in seizing and destroying property.

General Gillmore had left Jacksonville for Hilton Head, S. C., when on February 17th General Seymour—then at Baldwin—sent him the surprising intelligence that he intended to proceed at once to the Suwanee river to destroy

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 296; *N. Y. Tribune*, February 29, 1864. See also *Dickison and His Men*, by Mrs. Eliz. Dickison. Dickison's exploits in Florida are comparable to those of Marion and Sumter in South Carolina during the American Revolution.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 360.

the railroad bridge there.<sup>1</sup> The river was 100 miles west of Jacksonville. The movement was not in accord with Gillmore's policy. When he heard of it he stated that he was "very much confused", and that he "had no intention to occupy that part of the state".<sup>2</sup> He tried to stop the forward movement but the news had reached him at Hilton Head, S. C., too late.<sup>3</sup> Before his orders reached Florida the Federal army was swung out from Baldwin on its fatal march toward Lake City and the Suwanee. Between it and Lake City was Olustee where the Confederate army was entrenched.<sup>4</sup>

Colquitt's brigade from Georgia had arrived.<sup>5</sup> "We tell the people of Florida to be of good cheer," appeared in the *Tallahassee Floridian*. "Don't give up in despair. Don't lend a credulous ear to false or exaggerated rumors. Rally to the defense of your country. Every man should have his arms and equipment in readiness for immediate use.

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 284.

<sup>2</sup> *Ibid.*, pp. 285-6. Yet Gillmore on February 18th said in a letter to Seymour, "a raid to tear up the railroad west of Lake City will be of service, but I have no intention to occupy now that part of the State."

<sup>3</sup> Nicolay and Hay, *Lincoln*, v. 8, p. 284. "Gen. Gillmore received Seymour's letter concerning his intended advance after he had reached Hilton Head, S. C. Gillmore at once wrote a peremptory order restraining Seymour's advance and sent it to Florida by a special staff officer—but it came too late to prevent Olustee."

<sup>4</sup> *Battles and Leaders of the Civil War*, v. 4, p. 79. Gen. Hawley's article on Olustee. Hawley led the 7th Connecticut in that battle. He says: "At Baldwin a night or two before the battle Gen. Seymour called together six or eight of his officers for consultation. Some were cautious; others, outspoken; but it was decidedly the general opinion that it would be impossible to hold permanently out toward the center of the state. . . . Most of us thought that it would be sufficient to attempt to make the St. Johns River our main western line, but Seymour thought it was his duty to go on. He was and is a brave and honorable patriot and soldier."

<sup>5</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 331. Report Gen. Finegan.

If a Yankee army ever penetrated into the forests and swamps of Florida it would be a shame if it were allowed to escape, nor will it if our generals and people do their duty.”<sup>1</sup> The Confederate force at Olustee consisted now of 4,600 infantry, less than 600 cavalry, and three batteries of twelve guns.<sup>2</sup>

On the 19th, the head of the Federal army was at Barber’s Station on the St. Marys. Just at dusk the order was passed to those gathered around the crackling camp fires to prepare several days’ cooked rations for a rapid advance to begin on the morrow. Tough work was ahead.<sup>3</sup>

February 20th. A member of the expedition declared “the day was as beautiful as ever dawned. A clear sky above us, and the savannah that stretched out on either side of the sandy road which wound through pine woods was warm with the golden sunlight pouring through the resinous pine tops and lending to the air a balmy fragrance.”<sup>4</sup> Before the sun was well up the Federal army—5,500 strong—was moving ahead in column of companies, and soon in two columns, one along the railway, and one by the pike.<sup>5</sup>

<sup>1</sup> Quoted from the Tallahassee *Floridian* in *N. Y. Herald*, March 1, 1864.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 331. The Confederate force was organized in three brigades as follows: 1st Brigade: 19 h, 23rd, 27th, 28th Georgia Infantry and 6th Battalion Florida Infantry with Chatham Artillery (4 guns) attached; 2nd Brigade: 1st, 32nd, 64th Georgia Infantry, 1st Fla. Battalion of Infantry and Bonaud’s Battalion of Florida Infantry with Guerard’s Light Artillery and the Florida Light Artillery attached (8 guns); 3rd Brigade: 2nd Florida Cavalry.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 286, 298. Barber’s Station was 32 miles west of Jacksonville on the South Fork of the St. Marys river. P. 303—Report Col. Hawley—“We had 10 days’ supply of hard bread and three days of coffee and sugar.”

<sup>4</sup> Oscar Sawyer, *N. Y. Herald*, March 1, 1864.

<sup>5</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 288, 301, 307, 310, 311, 331, 339.

Along the roadside stood the lofty brown-red trunks of the yellow pines—which rose here and there like the jasper pillars of some vast temple with its votaries moving forward through a glowing cloud of incense in dimmed light—for the day was dry and the road was sandy and a film of sand-dust arose which caught the beams of the morning sun where the deep, scented shadows of the great dark wood let the sunlight through.

Near mid-day Sanderson was passed. For more than an hour the main body continued its march undisturbed, when it came upon the Federal advance cavalry which had halted on encountering Confederate outposts. Henry's cavalry awaited support.<sup>1</sup>

The 7th Connecticut Infantry came up slowly and threw out skirmishers. This was more than three miles in advance of the Confederate entrenchments at Olustee. The face of the country was fairly level and free from underbrush—park-like—covered by an "open" pine forest. Less than a mile to the north of both armies lay a number of small ponds and thick "bays" or swamps. To the south was the railroad—parallel with the line of march. Beyond the railroad were more stretches of swamp.<sup>2</sup>

The Federal advance guard had encountered the Confederate cavalry about mid-day. The 64th Georgia and two companies of the 32nd Georgia were sent forward by Finegan to support the cavalry, followed in a few minutes by three more regiments and a battery from Colquitt's brigade. The cavalry was spread out on each flank. Half of the Southern army had been moved forward from its entrench-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. I, pp. 303, 307, 331.

<sup>2</sup> Lt. M. B. Grant, C. S. Engineer, says, "The enemy advanced in force . . . one column by the Lake City and Jacksonville road, the other by the railroad." *Off. Rcds. Rebell.*, s. i, v. 35, pt. I, pp. 301-339. *Confederate Military History*, v. II, p. 65.

ments.<sup>1</sup> The Federal army was slowly coming up and in three columns was preparing to go into action. This was the situation about 1:30.<sup>2</sup>

In line of regiments and column of brigades the Federal troops advanced, the cavalry retired, and within thirty minutes the cracking of rifles and the chud of cannon were sufficiently a roar to indicate that the engagement had fairly begun. Finegan ordered to the front out of the trenches within the space of an hour practically his entire force. The troops came up at double-quick and deftly deployed, the men taking to the protection of the trees, logs, stumps, and unevenness of the ground as much as possible.<sup>3</sup> General Colquitt, of Georgia, led the right wing and Colonel Harrison, of Georgia, the left; and soon both wings, without much plan but under orders of General Finegan, of Florida, who commanded the army, began the work of doubling up on itself the Federal army moving forward in columns of brigades.<sup>4</sup>

The skirmish line of the 7th Connecticut was ordered to retire and uncover the 7th New Hampshire advancing on the Federal right. It did so and the 7th New Hampshire duly unmasked was ordered to form line to the front by the left on the eighth company.<sup>5</sup> A tremendous fire was now concentrated on this regiment in process of military evolution. A portion of the regiment in front went wrong,

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 332, 340, 343, 349.

<sup>2</sup> *Ibid.*, p. 343. Gen. Finegan said, "the enemy advanced in three columns"; Lt. M. B. Grant, "The enemy advanced in force . . . the 64th was soon engaged with the enemy who had advanced to this point in three columns, having formed a third column after crossing the branch where the road forks."

<sup>3</sup> *Ibid.*, pp. 332, 340, 343, 349.

<sup>4</sup> *Battles and Leaders of the Civil War*, v. 4, pp. 77-78. Gen. Jones explains the preliminary shifting of troops by both sides.

<sup>5</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 289, 290, 303, 310, 316.

those behind were thrown into confusion, and under a galling fire the 7th New Hampshire broke and ran.<sup>1</sup> For the rest of the engagement its morale was gone.<sup>2</sup>

The 8th U. S. Colored Infantry occupied the front place on the Federal left. After crushing the Federal right wing the opposing fire was deliberately turned on this body of black soldiers. It held its ground for a few minutes and then with a heavy loss in killed and wounded was swept back on the troops in the rear.<sup>3</sup> The head of the Northern army had been simply battered in.

Barton's Brigade of New York troops now moved forward through the broken and flying ranks of the 1st brigade, only to be engulfed in the same well-sustained and fairly effective fire.<sup>4</sup> The hospital corps in the rear of Seymour's army soon had its hands full. "While the roar of artillery and musketry continued without intermission our wounded men began to arrive," recorded a surgeon,

part walking, some in litters and others in open ambulance wagons, as it were, first in single drops, then trickling, and after a while in a steady stream, increasing from a single row to a double and treble, and finally into a mass. In a half-hour from the commencement stray shots passing through tall pines

<sup>1</sup> *Battles and Leaders of Civil War*, v. 4. Says Gen. Hawley, who led the Federal right wing, "Suddenly the 7th New Hampshire moving in column of companies saw the solid gray line about 250 yards ahead. A heavy fire was opened on us. Col. Abbott misunderstood my order of deployment; I undertook to correct the error, and the regiment broke."

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 289. The regiment reformed and did some service on the Federal right flank and center.

<sup>3</sup> *Ibid.*, pp. 312, 314. Also *Battles and Leaders of the Civil War*, v. 4, p. 80. Gen. Hawley says, "The black men stood to be killed or wounded—losing more than 300 out of 500."

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 299, 301.

and breaking them off at the trunk like canes admonished us to remove the depot farther to the rear.<sup>1</sup>

The Federal field artillery rendered little service after the first few minutes of fighting. The horses were shot in numbers and the gunners were picked off the caissons and killed at the guns.<sup>2</sup> In Confederate ranks unusual coolness and deliberation was evident. For fifteen or twenty minutes the 6th and 32nd Georgia stood their ground without ammunition and under fire waiting for ammunition to be brought up on railroad cars from the rear.<sup>3</sup> The Confederate battle line was steadily pushed forward, sweeping back the Federal army which in spite of reverses held its ground stubbornly.

With the approach of night—about 4:30—the firing ceased.<sup>4</sup> “It was fast growing dark in the pine woods,” says Colonel Hawley, of the 7th Connecticut. The Northern troops were in full retreat toward Jacksonville. Daybreak found them 20 miles from the scene of battle.<sup>5</sup> The Federal loss was 1,861 killed, wounded, and missing; the Confederate, 946.<sup>6</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 299. Report Surgeon Moyer.

<sup>2</sup> *Ibid.*, s. i, v. 35, pt. 1, pp. 315-19.

<sup>3</sup> *Ibid.*, s. i, v. 35, pt. 1, p. 349. Also *Battles and Leaders of the Civil War*, v. 4, pp. 76-80. General Hawley was impressed with the “daring gallantry of the young aide-de-camp”, Lieut. Hugh H. Colquitt, of Finegan’s staff, “who galloped in front of the Confederates, waving a battle flag and exhorting the men to stand fast.”

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 299, 302. “The fight terminated at night,” reported Col. Smith (C. S. A.).

<sup>5</sup> *Ibid.*, pp. 300, 305, 309.

<sup>6</sup> *Ibid.*, pp. 298, 337. The details of the casualties are as follows: Federal—Barton’s Brigade: 76 killed, 559 wounded, 189 missing; Hawley’s Brigade: 71 killed, 301 wounded, 215 missing; Montgomery’s Brigade: 35 killed, 196 wounded, 85 missing; Henry’s Brigade: 5 killed, 47 wounded, 5 missing; Hamilton’s Brigade: 16 killed, 49



The retreat was well conducted but rapid. A rear guard was thrown back. The Confederate cavalry was timid and what might have been turned into a rout by aggressive tactics became the orderly withdrawal of a shattered army. Colonel Caraway Smith commanding the Confederate cavalry claimed that the danger of ambuscade prevented a pursuit in the darkness.<sup>1</sup>

The battle of Olustee was confined entirely to the open pine woods and an old field more than two miles in advance of the Confederate entrenchments. Most of the Southern troops came from Georgia. The commander-in-chief was an old citizen of East Florida. A third of the Federal troops were negroes.<sup>2</sup> Most of the whites in the Northern army came from New England and New York.<sup>3</sup> The ar-

wounded, 12 missing—totals, 203 killed, 1,152 wounded, 506 missing. Confederate—Colquitt's Brigade: 43 killed, 441 wounded, 2 missing; Harrison's Brigade: 50 killed, 406 wounded, 4 missing—totals, 93 killed, 847 wounded, 6 missing.

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 332. "I sent orders to Col. Smith," said Gen. Finegan, "to press the enemy on his flanks and to continue in the pursuit, but through some misapprehension the orders failed to be executed by him." P. 353, Col. Smith said, "The fight terminating at night and our infantry lines not being perceptible to me through the woods and the face of the country being cut up by swamps, making it very favorable for ambushing under cover of night, I deemed it unadvisable to press forward." Col. Smith was relieved of his command after an investigation because of his action on this occasion, pp. 352-6. *Battles and Leaders of the Civil War*, v. 4, p. 80.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 289-90.

<sup>3</sup> *Ibid.*, p. 288. Report Gen. Seymour. The Federal troops were in four brigades as follows: Col. Henry's Mounted Brigade, two squadrons Independent Mass. Cavalry, 40th Mass. Mounted Infantry, and Elders' Horse Battery of 1st U. S. Artillery (4 guns); Hawley's Brigade, 7th Conn., 7th New Hampshire, 8th U. S. Colored; Col. Barton's Brigade, 47th New York, 48th New York, 115th New York—all infantry; Col. Montgomery's Brigade, 54th Mass. Colored, 1st N. C. Colored, Hamilton's Battery of 3rd U. S. Artillery (6 guns), James' R. I. Battery (6 guns)—total, 5,500 men and officers and 15 guns.

tillery fire on both sides, though heavy, did comparatively little damage, "judging from the marks on the trees" near their tops.<sup>1</sup> The Southern troops took advantage of natural cover as the Virginians under Washington in Braddock's army had done a hundred years before. The Federal army was slightly superior in numbers and very much superior in equipment.

General Gillmore's estimate of the battle given after the close of the war is probably a just summing-up. "We know since the close of the war," he said,

that there was no disparity in numbers and we knew at the time that the results were a decisive defeat upon the field of battle and the frustration—as well by the loss of men as by the loss of prestige—of a carefully-digested plan of campaign. General Finegan had only about 5,000 men in that battle. General Seymour, 5,500. Our losses were 1,800 men in killed, wounded, and missing. . . . Indeed our forces appear to have been surprised into fighting or attempting to fight an offensive battle in which the component parts of the command were beaten in detail. The enemy did not fight behind entrenchments or any kind of defenses."<sup>2</sup>

This is a reflection on Seymour. His plan of battle might have been improved on, but certainly some of his troops proved pretty poor stuff to match against an aggressive and skillful enemy.<sup>3</sup>

The Federal dead and most of the wounded were left on the field, as well as five field guns, 1,600 small arms, 400 sets of accoutrements, and 130,000 rounds of small arm ammu-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 341.

<sup>2</sup> *Ibid.*, p. 290.

<sup>3</sup> *Ibid.*, pp. 290, 304, 316, 318, 341. See also accounts in *N. Y. Herald*, February 27, 28, March 1, 1864; *N. Y. Times*, March 1, 1864; account from *Lake City Columbian* (Confederate account) in *N. Y. Times*, March 6, 1864. Sawyer's account in the *Herald* for March 1st, is the best press account. Sawyer was with the army.

nition, the latter damaged by being thrown into a nearby pond. The cannon, accoutrements, and small arms were distributed among the Confederate troops. The damaged ammunition was sent to the ordnance bureau at Savannah, Georgia, to be made over.<sup>1</sup>

Olustee was a bloody check to the Union cause in Florida. It did not result in the withdrawal of the Federal army from the East Coast, but rather in confining Federal lines to Jacksonville, Fernandina, and St. Augustine—from which points small raiding parties slipped out to desolate and harry the country.<sup>2</sup> Six days after Olustee, Confederate lines had been pushed to within a dozen miles of Jacksonville.<sup>3</sup>

This expedition to Florida had failed in both its political and military objects—not so completely in the latter as in the former. The Northern press hostile to the Lincoln administration did not let the disaster pass without unfavorable comment—in fact, some journals criticised before the disaster. “Of course no military purpose took an army into Florida,” stated the *New York World*, “as the conquest of Florida would do no more to put down the rebellion than would the occupation of Yucatan or Coney Island. The object is political. Florida has been marked out as one of the rotten borough states which are to help to make Mr. Lincoln President.”<sup>4</sup> The *New York Daily News* alluded to the “Florida Tragedy”<sup>5</sup> (Olustee) and held Mr. Lincoln “responsible”. The *Herald* stated that the Florida expedition was undertaken to bring the state back

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 342-343.

<sup>2</sup> *Ibid.*, pp. 19-23, 30-33, 35-38, 364-371, 374-376, 381-384, 393-398, 419-423, 426, 427-444, etc.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 333.

<sup>4</sup> *N. Y. World*, February 13, 1864.

<sup>5</sup> *Townsend Library* (Columbia University), v. 42, p. 115.

into the Union in order that Mr. Lincoln might have three more delegates for him in the nominating convention and Mr. Hay might go to Congress.<sup>1</sup> The *Richmond* (Va.) *Examiner* referred to the slaughter of negro troops at Olustee and stated that some of them had been promised farm lands in Florida for their services in conquering the state.<sup>2</sup>

In the Federal Congress the Joint Committee on the Conduct of the War presented an optimistic view of what happened in Florida<sup>3</sup>—for a regular part of the game of war and politics is to minimize reverses or twist them into victories. Secretary Seward with his characteristic optimism believed that "the defeat of General Seymour at Olustee in Florida was a surprise and a disaster, but it was no more than that; it drew neither serious consequences nor strategic embarrassments after it."<sup>4</sup> Secretary Gideon Welles of the navy department jotted down in his diary, February 27th:

Seward told me, in a whisper, that we had met a serious reverse in Florida. It is not mentioned in the papers. This suppressing a plump and plain fact, already accomplished, because unfortunate, is not wise. The Florida expedition has been one of the secret movements that have been projected, I know not by whom, but suspect the President has been trying a game himself. He has done such things, and, I believe, always unfortunately. I may be wrong in my conclusions, but his Secretary, John Hay, was sent off to join the forces at Port Royal and this expedition was then commenced. Admiral Dahlgren went off on it without orders from me, and had only

<sup>1</sup> *N. Y. Herald*, February 23, 1864.

<sup>2</sup> *Richmond Examiner*, March 12, 1864; also *N. Y. World*, February 18, March 1, 1864; *N. Y. Times*, February 13, 1864; February 28, 1864.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 292.

<sup>4</sup> "Diary," *Seward's Works* (Baker Ed.), v. 5, p. 120.

time to advise me he was going. Though he has general directions to coöperate with the army, he would not have done this but from high authority.<sup>1</sup>

The immediate results of this expedition to Florida were about as follows: the capture, confiscation, stealing, or destruction of cotton, lumber, timber, turpentine, forage, live stock, food, clothing, and military supplies to the amount of more than \$1,000,000; the recruitment of a few score negroes for the black regiments; the capture of a few score Confederate soldiers and eight cannon; the failure to reconstruct the state government on a basis of loyalty to the Union; the loss of about 2,000 men in a bloody battle; the hasty retreat of the invading army.<sup>2</sup> But the "Union bent" politicians of East Florida did not give up with Olustee. Nothing daunted them. Like Dickens' Mark Tapley, they found pleasure in misery, and like Mr. Micawber, they awaited for something to "turn up". A full delegation went from Florida to the Republican convention at Baltimore in the summer of 1864.<sup>3</sup>

<sup>1</sup>*Diary of Gideon Welles*, v. 1, p. 531.

<sup>2</sup>*Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 275-408.

<sup>3</sup>*N. Y. Tribune*, June 6, 1884. Delegates, all from East Florida, as follows: Buckingham Smith, St. Augustine; Jno. W. Smith, Jacksonville; C. L. Robinson, Jacksonville; J. S. Sammis, Jacksonville; Philip Fraser, Jacksonville; Paran Moody, Jacksonville.

## CHAPTER XII

### THE LAST YEAR'S FIGHTING

THE result of the fighting at Olustee forced the Federal troops in East Florida back to the three fortified towns on the northeast coast—Fernandina, Jacksonville, and St. Augustine. By the first of March, 1864, 8,000 Confederate troops from Virginia, South Carolina, Georgia, and Florida were strung out in a north-and-south line along the banks of McGirts creek,<sup>1</sup> twelve miles west of Jacksonville. General Beauregard was in Florida personally directing the construction of a line of formidable works, three miles in length, built of "huge logs firmly fastened and covered with earth". McGirts creek was a tortuous and deep moat for this barricade. The fortifications followed the course of the creek, a stone's throw to the west. The northern and southern flanks of the line were well protected by almost impassable swamps and sloughs.<sup>2</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 368. Report of Gen. Patton Anderson (C. S. A.) commanding the District of Florida.

<sup>2</sup> *Ibid.*, pp. 401-2. Gen. Gordon (U. S. A.) wrote after personally inspecting the works: "The log part was six feet wide at the bottom and three feet at the top. They were proof against field artillery. The stockades were composed of timbers from 12 to 16 inches thick with loop holes two feet apart. Their base was protected by earth thrown up from a ditch which ran along the whole line of works. There was a salient or re-entering angle at about every 150 yards. Two batteries in the rear completely commanded the railroad, and in addition to being very strong were most elaborately finished, having a sharpness of outline almost equal to masonry. This line extended one and one-half miles, when a new line began. Across the

Eight miles in the rear, powerful stockades and entrenchments stretched about the east, north, and south of Baldwin.

By the first of April, 1864, the works were complete. They were constructed under the direction of a skilful engineer (Beauregard) and seriously embarrassed Federal occupation of Northeast Florida. Two weeks after their completion a change of policy rendered most of this labor useless. Brigadier-General John P. Hatch, of the Union army, who commanded the Department of the South, began to withdraw troops from Florida. General Beauregard, informed by spies of this, was forced to withdraw Confederate troops from Florida as the immediate pressure there was relieved. The Southern forces in Florida were hurried to Savannah and into Virginia. The Confederate troops remaining in the state by the advent of the summer of 1864 were not sufficient to man these breastworks before Jacksonville and at the same time combat at other points the inroads of Federal raiders.

By the middle of May, 1864, two-thirds of all Federal and Confederate forces in East Florida a month earlier had left the state.<sup>1</sup> For the rest of the war Florida was no more the scene of extensive movements by large bodies of soldiers. The state was harassed by a dismal series of

dirt road north of the railroad the works were of the same class as those described, except that the stockades had platforms and embrasures for field pieces. The works at that point were most solidly constructed and beautifully finished."

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 371. Confederate spies reported that between April 8 and May 9 more than 9,000 troops left Jacksonville by transport. The course of the corresponding Confederate withdrawal was as follows: April 14, 11th S. C.; 16th, 59th Va.; 16-17, 18th S. C., a siege train, and 26th Va.; 19, Colquitt's Brigade of Georgia troops; 21, Gamble's Battery; 23, 4th Ga. Cavalry; 29, 64th Ga. Infantry; May 2, Naval Volunteers; 4, 5th Ga. Cavalry; 7, 1st Ga. Regulars. The destination of these troops was Savannah.

forays: night marches, surprises, captures, skirmishes, burnings, pillagings, robberies, murders, strokes and counter-strokes in active guerilla warfare, with now and then a skirmish which partook of the character of a formal battle. In East, West, and South Florida the only plan followed by the Federal army was to harry and desolate the country wherever and whenever possible. Detachments of mounted troops moved often under cover of night and usually sought cotton, cattle, and personal effects. The Confederate plan of resistance—if plan it can be called—was to dog the course of a superior force with skirmishing from cover; or to attempt by strategy and aggression to overwhelm smaller bodies.

This last phase of the war presents a hideous and hopeless spectacle. The early glory, glamor, and promise of the struggle have faded. People know now the significance of the prayer "Good Lord deliver us from battle and murder, and from sudden death". Marauders move with the shadows.

"Hark, in the crackling brushwood  
There are feet that tread this way.  
There's rapine, fire, and slaughter  
From the mountains down to the shore;  
There's blood on the trampled harvest  
And blood on the homestead floor."<sup>1</sup>

As military operations in Florida lacked the size and definite co-ordination of an organized campaign, a brief chronicle of the principal movements and engagements will furnish, probably, the clearest and fairest statement of how the war was fought to a finish in Florida.

*March 1, 1864.* A Federal column of cavalry and light artillery advances from Jacksonville toward McGirts creek.

<sup>1</sup> *De Bow's Review*, September, 1866.



After five hours of feeble skirmishing with trifling loss in wounded on each side it retires to Jacksonville.<sup>1</sup>

*March 10.* Palatka—a village on the west bank of the St. Johns fifty miles south of Jacksonville—is occupied by four Federal regiments supported by several gunboats. No opposition is encountered. The Federal troops fortify their position.<sup>2</sup>

*March 12-13.* The Federal gunboat Columbine proceeds up the St. Johns into Lake George where it captures without opposition the steamboat Sumter with passengers and crew.<sup>3</sup>

*March 13.* Confederate cavalry attack Federal outposts near Palatka, capturing two and driving in the others.<sup>4</sup>

*March 31.* A second skirmish occurs near Palatka with firing at long range. Confederate light cavalry forms a slender but fairly effective cordon about the town.<sup>5</sup>

*April 1.* The Federal steam transport, *Maple Leaf* en route from Palatka to Jacksonville, is destroyed by a Confederate torpedo. She sinks in twelve minutes with a loss of four men. The narrows of the St. Johns river are

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 33.

<sup>2</sup> *Ibid.*, p. 33; *N. Y. Herald*, March 17, 1864; *N. Y. Times*, March 17, 1864.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 374-6. Reports of Brig-Gen. T. Seymour and Col. W. H. Barton (U. S. A.), commanding expedition. *N. Y. Tribune*, Apr. 1, 1864. The *Tribune* refers to the capture of several other steamers on the Central Florida lakes on this same expedition, among them the "Hattie" with several hundred bales of cotton aboard. Official reports do not contain these details. It is possible that graft entered into the disposal of property captured on raids.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 383-384. Reports of Gen. Hatch and Col. G. V. Henry (40th Mass.), U. S. A., commanding Federal troops in engagement.

<sup>5</sup> *Ibid.*, pp. 378-9. Report of Col. W. B. Barton (48th N. Y.), commanding.

thickly planted with torpedoes by Confederate engineers working under cover of night.<sup>1</sup>

*April 2.* The 40th Massachusetts Cavalry and two regiments of negro infantry move out of Jacksonville west to Cedar creek. Colonel Guy V. Henry commands. Severe skirmishing follows. The Federal forces are driven in with eight wounded. The Confederate loss is not recorded.<sup>2</sup>

*April 1-2.* A Federal detachment moves from Palatka south to Fort Gates, skirmishing with Confederate outposts, plundering, and taking horses and cattle. A detachment of the 5th Georgia Cavalry is surprised by the Federal troops and nine men are captured without violence.

*April 1.* Late at night Confederate cavalry surprise and capture three mounted pickets of the 40th Massachusetts Cavalry.<sup>3</sup>

*April 16.* The Federal steam transport Hunter is blown up by a torpedo near the wreck of the Maple Leaf. She sinks immediately with valuable quarter-master's stores. One man is drowned.<sup>4</sup>

*April 16.* Federal troops begin to evacuate Palatka. They burn and otherwise destroy what they cannot carry away, and take up a new position at Picolata—on the east bank of the St. Johns and twenty miles nearer Jacksonville. The site of Palatka is again occupied some weeks later.<sup>5</sup>

*April 26-May 6.* A Federal expedition supported by

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 380-381. Reports of Brig-Gen. J. P. Hatch (U. S. A.) and of Capt. E. P. Bryan (C. S. A.), who placed the torpedo. *Rpt. Secy. Navy* (U. S.), 1864-5, p. 301.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 383-4. Reports of Gen. J. P. Hatch and Col. G. V. Henry (U. S. A.).

<sup>3</sup> *Ibid.*, pp. 381-383.

<sup>4</sup> *Ibid.*, pp. 387-388. Report Gen. J. P. Hatch (U. S. A.).

<sup>5</sup> *Ibid.*, pp. 387-388. *Rpt. Secy. Navy* (U. S.), 1864-5, p. 303.

gunboats moves from Jacksonville southward, along the east bank of the St. Johns to Lake Monroe. Two schooners loaded with cotton are taken at Smyrna, a few furloughed Confederate soldiers are captured in their homes, and the country traversed is plundered of its horses, mules, cattle, and cotton. No opposition is encountered. The success of the movement encourages plans for a larger expedition into South-Central Florida.<sup>1</sup>

May 6-7. A Federal expedition of negro infantry and Union Florida cavalry (white) enters Tampa bay on board Federal gunboats before daylight, May 6th. At daybreak the town is surprised. "The appearance of Tampa is desolate in the extreme," wrote the officer commanding. "There are very few men in the place—hardly one able-bodied man between eighteen and fifty years of age." The town is pillaged. Private citizens are arrested at the town "hotel". Three are shot "while trying to escape". The fortifications about Tampa are burned or broken-up. The Federal troops depart on the gunboats. Practically no opposition is made by the irregular Confederate cavalry in the vicinity.<sup>2</sup>

May 9. The Federal steam transport Harriet Weed is destroyed on the St. Johns by a torpedo. Six of the crew go down with the vessel. This is the third steamer destroyed on the St. Johns in forty days.<sup>3</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 388-389. Report of Gen. Wm. Birney, U. S. A., commanding the expedition. *N. Y. Tribune*, May 18, 1864. The *Tribune* states that the expedition captured more than 5,000 cattle, a large number of horses and mules, and more than \$1,000,000 worth of cotton. This is doubtless a heavy exaggeration. *Report Secy. Navy* (U. S.), 1864-5, pp. 310-16.

<sup>2</sup> *Ibid.*, pp. 389-391. Reports of Brig.-Gen. D. P. Woodbury and Col. Fellows (2nd U. S. Colored Infy.), U. S. A.

<sup>3</sup> *Ibid.*, p. 392. Reports of Brig.-Gen. J. P. Hatch, U. S. A., and Maj.-Gen. P. Anderson, C. S. A. Also p. 117, Rpt. Maj.-Gen. S. Jones, C. S. A. Also account in *N. Y. Tribune*, May 18, 1864.

*May 19.* Confederate cavalry under Dickison surprise and capture the Federal garrison of sixteen men at Welaka—on the east side of the St. Johns south of Palatka.<sup>1</sup>

*May 21.* Confederate cavalry under Dickison surprise and capture the Federal post at Saunders—near Welaka—with garrison of forty-one men. The more important Federal post at Volusia is threatened.<sup>2</sup>

*May 21.* A Federal relief expedition of 700 infantry on board armed transports sets out from Jacksonville at eleven o'clock in the evening. Its destination is Volusia.<sup>3</sup>

*May 22.* The Federal relief expedition is put ashore opposite Palatka and begins its march toward Volusia. The gunboats are ordered to send up rockets if menaced with serious attack. Confederate scouts concealed in the woods are watching the movements of the Federal troops. Captain Dickison picks out twenty of his best riflemen and one battery of the Milton Light Artillery. Under cover he follows the three Federal gunboats until after dark, and at a favorable point opens fire with the artillery and rifles—concentrating on the steamer *Columbine*. "After the second fire from our battery she became disabled," he records. "We continued to pour canister and solid shot while our sharp-shooters kept a constant and well-directed fire until she became unmanageable and grounded. . . . Her colors were shot away and her white flag was hoisted. The engagement lasted forty-five minutes. After the engagement several jumped overboard and swam to the opposite shore

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 393-396. Reports of Brig.-Gen. Geo. Gordon, U. S. A., and Maj.-Gen. Sam. Jones, C. S. A. There is some contradiction in the details of these reports.

<sup>2</sup> *Ibid.*, pp. 393-396; *N. Y. Herald*, June 3, 1864.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 394.

but most were drowned." The loss on the Columbine is found to be twenty killed. Sixty-five are taken prisoner—among them the wounded. Most of the killed and wounded are negro soldiers of the 35th Infantry. The other two Federal gunboats—Houghton and Ottawa—are damaged by the artillery but escape toward Jacksonville. No one is injured in the Confederate command.<sup>1</sup>

*May 25.* Long-distance skirmishing occurs between Jacksonville and Camp Finegan, to the west. No one is injured. "I have not men enough to spare any without more gain than Florida pines," records the Federal commander.<sup>2</sup>

*June 2-3.* A Federal expedition, 2,500 strong, moves in two columns by night from Jacksonville toward the fortifications along McGirts creek. Three of the eight regiments are black. The small Confederate force retires without resistance and making a detour attacks the Federal force in the rear. The latter retreats to Jacksonville. The loss is a few wounded on both sides.<sup>3</sup>

*June 15-20.* A Federal raiding expedition of blacks and whites moves from Jacksonville to Trout creek. The raiders plunder and destroy lumber and a saw-mill and collect negroes and some personal booty. They engage a small

<sup>1</sup> *Naval War Rcds.*, s. i, v. 15, pp. 440-454 (Un. and Confed. Reports). *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 393-398. Reports of Brig.-Gen. Geo. Gordon, U. S. A., Maj.-Gen. Sam. Jones, C. S. A., and Capt. J. J. Dickison, C. S. A.; and Gen. Orders no. 25 (Dist. Fla.), C. S. A. Also account in *N. Y. Herald*, June 3, 1864. Letter from Hilton Head. *Rpt. Secy. Navy*, 1864-5, pp. 326-37. Mrs. Dickison, *Dickison and His Men*, *passim*.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 399. Report of Gen. Geo. Gordon, U. S. A.

<sup>3</sup> *Ibid.*, pp. 401-403. Reports of Brig.-Gen. Geo. Gordon, U. S. A. (commanding expedition); and Maj.-Gen. P. Anderson, C. S. A.

band of Confederate cavalry and suffer a loss of one killed and one wounded. The Confederate loss is not recorded.<sup>1</sup>

*July 23-28.* The Federal army at Jacksonville makes a determined move against the Confederate fortifications on McGirts creek. It drives the Confederate garrison from the breastworks, burns the railroad-bridge over the St. Marys, tears up a section of railroad track between Cedar Keys and Baldwin, and captures twelve prisoners and a quantity of stores—all with a trifling loss in wounded. The Federal troops occupy Baldwin.<sup>2</sup>

*August 3.* Federal troops abandon Palatka. Confederate cavalry capture without violence eight men of the 40th Massachusetts Cavalry near Palatka.<sup>3</sup>

*August 10-12.* Negro troops begin the destruction of the railroad track between Jacksonville and Baldwin. They are attacked by Confederate cavalry near Magnolia. The engagement is not decisive. The Federal loss is one killed and four wounded. The Confederate loss is not recorded.<sup>4</sup>

*August 15.* Baldwin is evacuated by the Union troops. As the army moves out in two columns the village and fortifications are set afire. One column proceeds toward Cedar Keys—south; the other, toward Gainesville—southeast.<sup>5</sup>

*August 16.* The Cedar Keys column encounters no opposition. "The next morning," recorded the leader, "we

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 410-413. Reports of Brig.-Gen. Birney, U. S. A.; Lt.-Col. A. H. McCormick, U. S. A., and Maj.-Gen. Jones, C. S. A.

<sup>2</sup> *Ibid.*, pp. 419-423. Reports of Brig.-Gen. Wm. Birney and Lt.-Col. A. H. McCormick, U. S. A. Also see account in *N. Y. Times*, August 8, 1864.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 36.

<sup>4</sup> *Ibid.*, p. 426. Report of Brig.-Gen. J. P. Hatch, U. S. A.

<sup>5</sup> *Ibid.*, p. 36.

continued our route southward by the road leading through the Sand Hill Lake country—a most interesting and beautiful region. We encamped at night at Shake Rug Corner.” The expedition ruthlessly plunders and burns.<sup>1</sup>

*August 17.* The column of Federal troops from Baldwin heading southeast make a night march to Starke—a railroad junction. There it sets fire to railroad cars and warehouses full of supplies, and promptly pushes on to Gainesville. The raiders enter that town just after daylight. They begin to pillage the almost deserted homes. Outposts bring information that Confederate cavalry is approaching, and in a few minutes 175 horsemen led by Dickison burst into Gainesville. A savage, scattered fight follows. The Federal force is utterly dispersed. Twenty-eight are killed, five wounded, and almost two hundred taken prisoners. About 125 escape to the woods. The Confederate loss is one killed and five wounded.<sup>2</sup>

*September 24.* Dickison's cavalry menaces the Federal garrison at Magnolia. The Federal troops throw up entrenchments.<sup>3</sup>

*September 28.* A Federal raiding column moves from St. Augustine and Jacksonville southward into Volusia County—east of the St. Johns river. Cotton and cattle are

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 429-431. Report of Col. W. H. Noble, U. S. A., commanding expedition. Gen. J. P. Hatch (U. S. A.) said of Noble's report: "I am sorry to state that Col. Noble did not take the route he was instructed to take. His movement was intended to be a demonstration against Lake City, to be made on the west side of the railroad. He appears to have kept almost entirely to the east side of the road."

<sup>2</sup> *Ibid.*, pp. 22-23, 427-440. Reports of Brig.-Gen. J. P. Hatch (U. S. A.); Col. W. H. Noble (U. S. A.); Col. A. L. Harris (U. S. A.); Maj.-Gen. S. Jones (C. S. A.); Brig.-Gen. J. K. Jackson (C. S. A.); Capt. J. J. Dickison (C. S. A.); Col. A. H. McCormick (U. S. A.).

<sup>3</sup> *Ibid.*, p. 37.

sought but very little is found. No armed opposition is encountered.<sup>1</sup>

*October 4-8.* Federal raiders again enter Volusia County. They obtain some horses and mules and a few prisoners. Again no armed opposition is encountered.<sup>2</sup>

*October 11-15.* A small Federal raiding column moves south from Jacksonville, plundering orange groves. Operations are exclusively east of the St. Johns.<sup>3</sup>

*October 24.* A detachment of Federal cavalry and infantry (blacks and whites), fifty-five strong, moves out from Magnolia going south. They burn and plunder some of the remaining homes in the neighborhood. Dickison's cavalry attacks them on the flank, killing ten, wounding eight, and capturing twenty-three. "By the protection of Divine Providence," reports Dickison, "all come out safe."<sup>4</sup>

*November 4.* The post of Magnolia, west of Jacksonville is abandoned by the Federal military. Empire Mills on the St. Johns above Jacksonville is also abandoned. Federal troops are concentrated at Jacksonville.<sup>5</sup>

*December 24.* Colonel Noble, of the 17th Connecticut, Captain Young, of the 117th Ohio, and Lieutenant Rice, of the 35th Colored Infantry are captured by two Confederate scouts while *en route* from Jacksonville to St. Augustine.<sup>6</sup>

*February 5, 1865.* Fifty-two men of the 17th Connecti-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 37.

<sup>2</sup> *Ibid.*, p. 38.

<sup>3</sup> *Ibid.*, p. 38. "Over 300 bbls. were obtained. A part was distributed to the troops in the district and the remainder shipped to Hilton Head."

<sup>4</sup> *Ibid.*, pp. 38, 446-447. Report of Capt. J. J. Dickison, C. S. A. The Federals claim that only three were killed. They admit a total loss in killed, wounded, and captured of 29. *Richmond Whig*, Nov. 6, 1864.

<sup>6</sup> *Off. Rcds. Rebell.*, s. i, v. 44, pp. 824-825; v. 47, pt. 2, p. 1006. Letter of Brig.-Gen. E. Scammon, U. S. A.



cut leave Jacksonville with forty horses on a raid for cotton. Eighty men under Dickson surprise this detachment at Braddock's Farm, near Welaka. The raiders lose one man killed and one wounded. The entire Federal command surrenders.<sup>1</sup>

*March 7-12.* An expedition of negro soldiers and civilians moves from Jacksonville south into Marion County. Horses and cattle are taken from owners. Confederate cavalry engage the band, killing two and wounding one.<sup>2</sup>

*March 17.* Picolata is definitively abandoned. Its Federal garrison is transferred to St. Augustine.<sup>3</sup>

*March 19.* Indecisive skirmishing occurs at Welaka and Saunders in Volusia County.<sup>4</sup>

Forts Barrancas and Pickens were the only points in Florida west of the St. Johns which were held permanently after 1862. Six miles from Barrancas is Pensacola. The town was then practically under Federal guns. This narrow zone of Federal territory is near the western border of the state. A force varying from 1,800 to 3,000 men was in garrison at Barrancas. The commandant was Brigadier-General Alexander Asboth, a native Hungarian who had served under Kossuth in the Hungarian Revolution of 1848. With him were several Slav and Magyar comrades in arms—younger men than he—who held commissions in the Federal army. Three of them were popularly reputed to be the nephews of Louis Kossuth.<sup>5</sup> A portion of As-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 47, pt. 1, p. 1; pt. 2, pp. 166, 392.

<sup>2</sup> *Ibid.*, p. 1.

<sup>3</sup> *Ibid.*, p. 1.

<sup>4</sup> *Ibid.*, p. 1.

<sup>5</sup> *N. Y. Times*, Nov. 26, 1864. The officers referred to as Louis Kossuth's nephews were Col. L. L. Zulavszky, Maj. Ruttsiag (1st Fla. Union Cavalry), and Lieut. E. Zulavszky. The other Hungarians serving under Asboth in Florida were, Capts. Csermelyi, Gaal, Mesporos, and Rombauer.

both's force was black, recruited partly from negroes in the vicinity. When not engaged in the barbarous practice of pillaging, Asboth was an urbane, pleasant fellow with a great love for flowers and a keen interest in dogs and fine horses. He and his fellow Hungarians were hated, dreaded, and condemned by the country people of that section on the triple charge of being "furreners", Yankees, and "nigger lovers". Certainly Barrancas proved a thorn in the side of West Florida. From it, as from Jacksonville, raiders went forth to lay waste the exhausted country. Night and day Confederate mounted outposts, hardly out of cannon range, watched the trails and roads radiating from Pensacola and Barrancas.

The course of military events in Central and West Florida during the last year of the war was as follows:

*April 2, 1864.* A small detachment of the 14th New York Cavalry engage in hand-to-hand fight with a small detachment of the 7th Alabama Cavalry. The Confederate cavalry is routed, losing ten as prisoners and several horses. The Federal loss is three wounded and nine horses.<sup>1</sup>

*May 24.* A detachment of the 14th New York Cavalry advances from Barrancas toward Pensacola and meets a detachment of the 15th Confederate Cavalry at the Big Bayou. The Federal force retreats after harmless skirmishing.<sup>2</sup>

*June 25.* A Confederate boat expedition sets out from Milton—a hamlet near Pensacola occupied by Confederate cavalry—for the Yellow river to intercept trade between the Federal military and "Union men" (deserters). Two Federal schooners are surprised and captured at the

<sup>1</sup>*Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 385-387. Reports of Brig.-Gen. A. Asboth and Capt. A. Schmidt, U. S. A.

<sup>2</sup>*Ibid.*, pp. 398-399. Report of Brig.-Gen. A. Asboth, U. S. A.

mouth of the Yellow river. Another schooner is taken in East bay after a fight in which three men are killed.<sup>1</sup>

*July 21-25.* General Asboth advances from Barrancas at the head of 1,100 men—blacks and whites. The column leaves Barrancas quietly at night. Its ultimate goal is Baldwin County, Alabama, where spies report opportunity to profitably raid, burn, and cut-off the small detachments of Confederate troops guarding the country. At day-break the Federal troops encounter 360 men of the 7th Alabama Cavalry at the "Fifteen Mile House" beyond Pensacola. The Confederate force takes refuge in a barricade called "Fort Hodgson" and after a show of resistance retreats. The total loss is a few wounded on each side. News reaches Asboth of an overwhelming force ahead. He retires to Barrancas.<sup>2</sup>

*July 1.* A Federal expedition from Fort Meyers—South Florida—sails for Bayport, on the west coast of Florida near Cedar Keys. It is composed of the 2nd U. S. Colored Infantry and the 2nd "Union" Florida Cavalry (white)—240 men.<sup>3</sup>

*July 6.* A Federal column of blacks and whites advances from Cedar Keys on the Gulf into the interior. A few miles from the coast it is attacked by Confederate cavalry and falls back to Cedar Keys with a loss of eight wounded.

*July 15-20.* The Federal raiders from Bayport march forty miles inland, successfully beat off weak attacks by Confederate cavalry, plunder plantations, burn houses, and take or destroy cattle and cotton.<sup>4</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 404-405. Report Capt. W. B. Amos, C. S. A.

<sup>2</sup> *Ibid.*, pp. 413-419. Reports of Brig.-Gen. A. Asboth (U. S. A.).

<sup>3</sup> *Ibid.*, pp. 413-419.

<sup>4</sup> *Ibid.*, pp. 405-408. Reports of Capt. H. W. Bowers and Maj. E. C. Weeks, U. S. A. *N. Y. Herald*, Sept. 10, 1864.

*July 20-29.* An expedition of 400 men from the 2nd U. S. Colored Infantry and 2nd Florida Cavalry goes from Cedar Keys on Federal transports to St. Andrews bay. The troops land, march forty-four miles into the interior, burn two river bridges, one large grist mill, eighty bales of cotton, and a quantity of stores, and gathering-up 115 negroes and a few horses, they return to the coast. They encounter no armed opposition.<sup>1</sup>

*July 29-31.* A Federal raiding party advances from Cedar Keys along the Florida railroad track. It captures 140 bales of cotton, burns the railroad bridge over the Wassassee river—thirty miles from the Gulf—and tears up the railroad track for a quarter of a mile.<sup>2</sup>

*August 7.* A Confederate cavalry detachment visits "Gonzalez House" near Bayou Grand at night. Those on the Federal gunboats on Pensacola bay notice the "bright lights" in the house and they open fire. The house is burned.<sup>3</sup>

*August 13-14.* General Asboth leads a raiding column 1,400 strong of blacks and whites west from Barrancas across the Perdido river into Baldwin County, Alabama. Heavy rains and marshy country delay his advance. He is informed that 5,000 Confederate troops are in Baldwin County and thereupon retires to Barrancas.<sup>4</sup>

*August 29.* A strong detachment of infantry, cavalry, and artillery leaves Barrancas by steamer for the nearby town of Milton. The Federal force lands at Bayou Mulate, Escambia bay, marches to Milton, surprises the cav-

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 405-6. Report of Capt. H. W. Bowers, U. S. A.

<sup>2</sup> *Ibid.*, p. 405.

<sup>3</sup> *Ibid.*, pp. 424-425. Reports of Brig.-Gen. A. Asboth, U. S. A.

<sup>4</sup> *Ibid.*, pp. 426-427. Report of Brig.-Gen. A. Asboth, U. S. A.

alry guard, and captures four troopers. There is a brief and harmless skirmish.<sup>1</sup>

*September 18-October 4.* General Asboth leaves Barrancas at the head of 700 picked mounted troops—blacks and whites—and several pieces of light artillery. The expedition crosses Pensacola bay and moves by Andrew Jackson's old military road fifty miles to East Pass. Here the raiders take on supplies from their steamer Lizzie Davis, and then march rapidly northeast into Washington and Walton Counties. At daybreak,

*September 23,* they surprise the village of Eucheanna, plundering homes, gathering up horses and mules, and making prisoners of fifteen private citizens. From Eucheanna the raiding column heads for Jackson County. News of its approach reaches the town of Marianna—the county seat—several hours ahead of the Federal troops. Preparations are hastily made at Marianna for resistance. A few depleted companies of irregular Confederate troops are in and about the town. Old men and boys are armed with what weapons they can secure—shot-guns and squirrel rifles. A barricade is erected at the forking of the two pikes within the town. There about 300 old men and boys await the arrival of the Federal column.

The raiders come up rapidly. They sweep aside the barricade with artillery and follow this with a determined charge by the 2nd Maine Cavalry. The Confederate force breaks up. Some flee through the town for the Chipola river beyond. Some take refuge in the Episcopal church near the barricade and continue the fight from its windows. A torch is thrown against the church. It takes fire. As its occupants rush from the burning building they are shot

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 442. Report of Brig.-Gen. A. Asboth, U. S. A.

down and fall amid the gravestones of the churchyard. Some of the boys are burned to death in the church. At the bridge across the Chipola a desperate resistance beats back the Federal advance. Marianna is plundered. Eighty-one prisoners are taken,<sup>1</sup> 200 horses, 600 negroes, and 400 cattle. The Federal loss is thirty-nine killed and wounded. The Confederate loss is not recorded. That night the Federal column quits Marianna on its return march to Pensacola. The prisoners and movable booty are carried along.<sup>2</sup>

*October 18.* 200 Federal raiders from Barrancas move up the Escambia river seeking timber and lumber. They are attacked from the shore and forced to retreat with several wounded men.<sup>3</sup>

*October 18.* A small detachment of troops from Barrancas attacks a band of Confederate cavalry in Milton. The Federal force draws away with a loss of one killed and several wounded. The Confederate loss is not recorded.<sup>4</sup>

*October 19-25.* Federal raiders operate along the shores of Escambia bay. They meet with no resistance and return with 20,000 brick.<sup>5</sup>

*October 25.* A Federal detachment from Barrancas, 600 strong, of blacks and whites, descends on Milton. It drives out the Confederate cavalry and captures nine prisoners.

<sup>1</sup> Concerning the prisoners, see Gov. Milton to Gen. Maury, C. S. A. (Mobile), Oct. 13, 1864; Oct. 17, 1864; G. T. Baltzell from Milton, Nov. 11, 1864, *Milton Papers*.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 37, 443-445. Report of Gen. A. Asboth, U. S. A., who was severely wounded.

<sup>3</sup> *Ibid.*, p. 38.

<sup>4</sup> *Ibid.*, pp. 445-446. Reports of Brig.-Gen. J. Bailey and Col. A. B. Spurling, U. S. A.

<sup>5</sup> *Ibid.*, p. 38.

The loss on each side is a few wounded. A small quantity of lumber and timber is captured.<sup>1</sup>

*January 16-29, 1865.* A force of thirty-five men from the Federal blockading fleet enters St. Andrews bay, lands, and proceeds across country to the Chattahoochee river with the intention of capturing or destroying the steamer plying from Columbus (Ga.) to Reeve's Bluff (Fla.). After sundry adventures the raiders fail to destroy the steamer, but capture fifteen prisoners, burn a corn-crib, and carry away forty-one slaves.<sup>2</sup>

*February 8.* A Federal column of 400 negroes and native "Union" cavalry moves out of Cedar Keys up the east bank of the Suwanee river. They collect negroes, set fire to Confederate and state commissary stores at several points, and gather up horses, cattle and cotton. At Levyville they are attacked by a squad of fifteen Confederate cavalymen, and lose two wounded. Captain Dickison in East Florida hears of the raiding, and at the head of 145 horsemen, makes a forced march across the country to intercept the Federal troops.

*February 13.* At daybreak Dickison's detachment—145 strong—strikes the Federal raiders—400 strong (blacks and whites)—at Station Number Four. The fighting is at long range and lasts more than three hours. The Federal force abandons much of its property and retreats toward Cedar Keys. Its loss is five killed, eighteen wounded, and about forty captured. The Confederate loss is two killed and five wounded.<sup>3</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 38. *N. Y. Herald*, Nov. 8, 1864. Extracts from *Mobile Tribune* of Oct. 28 h. The 8th Miss. were doing garrison duty at Milton.

<sup>2</sup> *Report Secy. Navy* (U. S.), 1864-5, pp. 354-7.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 49, pt. 1, pp. 40-43. Reports of Maj. E. C. Weeks, U. S. A. (commanding Federal column); Capt. J. J. Dick-

*February 20.* A force of several hundred Confederate troops with one piece of artillery attacks Fort Meyers, South Florida. Nine Federal pickets are captured and one picket is killed. Some of the cattle of the Fort Meyers garrison are driven off.<sup>1</sup>

*February 22-25.* Federal forces from Key West and Fort Meyers are concentrated at Cedar Keys. A descent on St. Marks and possibly the interior of Florida *via* Tallahassee is planned.

*February 28.* Federal transports with nearly 1,000 troops arrive off St. Marks bay in a dense fog. They await the naval force which is to assist in the operations.

*March 1-3.* The fleet is mobilized off St. Marks under cover of a dense fog and a landing is begun.<sup>2</sup>

*March 4.* At sunset a messenger reports at Tallahassee that fourteen Federal ships are off St. Marks and that 500 men are ashore. This is the first news. St. Marks is twenty-five miles from Tallahassee. Frantic efforts are made to prepare for resistance. A few companies of regular troops are available. They are rushed to St. Marks. General William Miller takes command at the front. Old men and boys swell the Confederate force to about 1,500. The student cadet corps at the state seminary goes to the front. To reach Tallahassee from St. Marks bay without a long detour through the wilderness it is necessary to cross either the Wakulla or St. Marks river. Confederate troops are strung out along these streams to check the Federal advance. The railroad is watched. The bridge over the East river—between the

ison, C. S. A. (commanding Confederate column); and Maj.-Gen. S. Jones, C. S. A.

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 49, pt. 1, pp. 53-54. Report of Capt. Jas. Doyle, U. S. A.

<sup>2</sup> *Report Secy. Navy* (U. S.), 1864-5, pp. 351-353.



village of St. Marks and the Union troops—is destroyed. Guards are placed opposite all fordable points on the rivers, and breastworks are erected opposite the Natural Bridge over the St. Marks. These preparations are made during the night of the 4th and the morning of the 5th.

*March 5.* The Federal force composed of the 2nd and 99th Colored Infantry and the 2nd Union Florida Cavalry (white)—900 strong—under General Newton, moves forward slowly toward the St. Marks river. Confederate skirmishers retire, setting fire to property ahead of the Federal troops—bridges, fences, barns, a grist mill, a saw mill, and an iron foundry. The bridge over the St. Marks river is destroyed. The Federal column, guided by Union men, moves up the river toward the Natural Bridge—twelve miles away—by “an old and unfrequented road.”

*March 6.* Just at daybreak the Federal troops make a determined and spirited attempt to force the passage of the Natural Bridge. They become entangled in wide and deep sloughs and are swept by a heavy “cross fire” from the Confederate breastworks. With some loss in dead and wounded they withdraw and slowly begin their retreat toward the Gulf. By sunset the next day they are under the protection of the fleet’s guns. The Federal loss in this engagement is twenty-one killed, eighty-nine wounded, and thirty-eight captured. The Confederate loss is three killed and twenty-two wounded.<sup>1</sup>

The operations about St. Marks in early March, 1865, culminating in the sharp fight at Natural Bridge (called in Florida the “Battle of Natural Bridge”), were practically the closing conflicts of the Civil War in Florida.

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 49, pt. 1. Reports of Brig.-Gen. J. Newton, U. S. A. (commanding Federal troops); Maj. E. C. Weeks, U. S. A.; Special Order, no. 49 (C. S. A., Dist. of Florida); extracts from Tallahassee papers.

They were the last desperate and successful efforts by the remnant of the fighting population to beat back raiders from half-starved families and desolated homes, and to protect the state capital.<sup>1</sup>

<sup>1</sup> Tallahassee was the only state capital in the Confederacy east of the Mississippi not taken by force of arms during the war.

## BOOK III

### POLITICAL RECONSTRUCTION

"By these recent successes the reinauguration of the national authority—reconstruction—which has had a large share of thought from the first, is pressed much more closely upon our attention. It is fraught with great difficulty. Unlike a case of war between independent nations, there is no authorized organ for us to treat with—no one man has the authority to give up the rebellion for any other man. We simply must begin with and mould from disorganized and discordant elements."—Abraham Lincoln, last public address, April 11, 1865.



## CHAPTER XIII

### THE END OF THE WAR

THE surrender of the armies of Lee and Johnston brought the struggle to an end. The South was crushed. The conflict had swept over the Confederacy like some hideous flood. A great state, conceived in the excitement of revolution, crumbled in disaster. Its blood and sinew had been sucked under in the maelstrom. "A war had been fought for four years; its scale of magnitude was unprecedented in modern times," wrote Pollard in 1866, and the general truth of the observation holds to-day; "its operations had extended from the silver thread of the Potomac to the black boundaries of the western deserts; its track of blood reached 4,000 miles; the ground of Virginia had been kneaded with human flesh; its monuments of carnage, its spectacles of desolation, its altars of sacrifice stood from the wheat fields of Pennsylvania to the vales of New Mexico."<sup>1</sup> More than a billion dollars of property in the South had been literally destroyed by the conflict.<sup>2</sup> A great change had taken place. Weed-choked fields, desolated gardens, charred and blasted towns, ravished homes attested the reality of the change. But it is not merely loss of property in a desolated country that clothes with eternal sadness memories of the war. Some things cannot be thoroughly vitalized by even true statistics. That generation of Southern folk

<sup>1</sup> *Lost Cause*, p. 726.

<sup>2</sup> An estimate based upon the findings of the Joint Select Committee of Congress in 1871, *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 1, pp. 102-212. See figures on cost of the war, Rhodes, *U. S.*, v. 5, p. 188.

had moved through the Valley of the Shadow. There are no statistics for such experiences. The palpable tragedy of violent death had befallen the family circles of the South's patriotic not merely twice as frequently as in times of peace, or three times as frequently, or even ten times, but a hundred times as frequently.<sup>1</sup> Within the space of four years was crowded the sorrow of a century. Mourning for more than 250,000 dead on battle-field or on the sea or in military hospitals was the ghastly heritage of the war for the South's faithful who survived.<sup>2</sup> These 250,000 came mostly from the courageous, positive, idealistic folk of the Southern States. The majority of the dead were young men. Thousands were mere boys. Verily, "a voice was heard in Ramah, lamentation and bitter weeping; Rahel weeping for her children refused to be comforted for her children, because they were not".

The land lay wrapped in the peaceful languor of a gorgeous spring as the war-drums ceased. Many hopes died forever with the echo of those drums. Many strong men wept like children when they turned forever from the struggle. As in rags they journeyed homeward toward their veiled and stricken women they passed wearily among the flowers and the tender grasses of the spring. The panoply of nature spread serenely over the shallow trenches where lay the bones of unnumbered dead—sons, fathers, brothers, and one-time enemies of the living who passed. It hid the ugly scars of conflict on many a field or river bank or height or lonely forest road made famous by the blood and deathless valor of Americans. Through the

<sup>1</sup> Compare "violent deaths" in census of 1860 with estimates of losses in war.

<sup>2</sup> Livermore, T. L., *Numbers and Losses*, pp. 1-9; Rhodes, U. S., v. 5, pp. 186-188; Herbert in *Photographic History of the Civil War*, v. 10, p. 148.

Civil War the people of the United States progressed much nearer a *common* or *harmonious* conception of what *nationalism* was to mean for them. But this progress toward harmony was made at heavy cost in property, in human endeavor, in blood, in tears, in mental anguish, in bitter prejudice long to survive. A like amount of human energy expended could have destroyed and rebuilt the pyramids of Gizeh, or dug five Panama Canals.

War at best is a barbarous business. Among civilized men wars are waged avowedly to obtain a better and more honorable peace. How often the avowed objects are the true objects is open to question. Avowedly the American Civil War was waged that a certain interpretation of the Federal Constitution might triumph. To bring about such a triumph atrocities were committed in the name of right, invading armies ravaged the land, the slave was encouraged to rise against his master, and he was declared to be free. "The end of the State is therefore peace," concluded Plato in his *Laws*—"the peace of harmony." The gentle and reasonable man of to-day has not progressed much beyond this concept. Civilization itself probably never begot a single war, but many a war has tested civilization. If war performs any useful function, it is that of sometimes sounding the depths of the law—written and unwritten. Scientifically considered, war, like personal crime, belongs to the realm of social pathology, and many a worthy historian will no doubt endorse the verdict of the mystic, Emerson, that "all history is the decline of war, though the slow decline." Many men of to-day would, if questioned, comment on such a conclusion unconsciously after the words of the Greek philosopher. "War is eternal," wrote Plato, "in man and the State." Most men of to-day, as of yore, find glory in combat, and the fearful dynamic energy unchained in great wars presents to them

an alluring though ghastly spectacle. Tremendous changes take place rapidly, men and things are put to spectacular hazard, contrasts are accentuated, the common mind is bent completely to the accomplishment of a common purpose at heavy cost—and through it all wind the seductive and traditional paths of glory. Though nations are strangled by war, nations are usually born of war, not peace. Though devils become popular heroes by success in war, hero worship in its finer sense is a cult concomitant with war, not peace. The American Civil War strangled the Confederacy and gave rebirth to the United States. It brought forth a whole brood of devils and also revealed many a worthy hero to both sections. Seen through the twilight of the receding past a war is apt to take on a character different from the grisly truth. Therefore we have enlightened and eloquent contemners of peace. "We talk of peace and learning," said Ruskin once, in addressing the cadets of the Royal Military Academy at Woolwich, "and of peace and plenty, and of peace and civilization, but I found that those were not the words which the muse of history coupled together, that on her lips the words were peace and sensuality, peace and selfishness, peace and corruption, peace and death." Hence this man of peace glorified war after no doubt a very cursory examination of the muse of history.

Florida had borne its full part in this struggle which strangled the Confederacy. More than 16,000 of its citizens had gone to war—the best men in the state. Approximately 15,000 had served in the Confederate army—6,700 for the entire war or until disabled or killed; 6,400 for the last three years of war or until disabled or killed; and 2,000 for the last two years or less.<sup>1</sup> More

<sup>1</sup> These estimates are made mainly from Roberston, F. L., *Soldiers of Florida*, pp. 35-321. Col. Robertson used the *Off. Recs. Rebell.*,



than twelve hundred had served in the Union army.<sup>1</sup> The voting population in the state in 1860 was 14,374.<sup>2</sup> Florida troops served in all of the greater battles. More than 1,000 were killed outright on the field of battle. More than 5,000 were wounded, and many of these died of their wounds. Disease swept away as many as bullets. At least 5,000 Florida soldiers were dead by the spring of '65 as a result of campaigning.<sup>3</sup> Some regiments were reduced to little more than squads. The 2nd Infantry began in 1861 with

company and regimental rolls, and other miscellaneous sources, to construct his regimental rosters and histories.

The troops enlisted during 1861 numbered 6,762. Practically all re-enlisted for the war or were conscripted for the following year. The regiments of 1861 were as follows: 1st, 2nd, 3rd, 4th Infy., with respectively 1,288, 1,270, 1,089, and 1,060 men and officers; 1st Cavalry, 905; three batteries of artillery, 331; nine "independent" or unattached companies (state militia). Most of these companies entered Confederate service in 1862 when the state militia was disbanded.

1862: 5th, 6th, 7th, 8th Infy., 1,193, 1,032, 1,066, and 1,149 men and officers respectively; 2nd (Fla.) and 15th ("Confederate") Cavalry, 1,266 and 473 strong respectively; three batteries of artillery, 295 strong; one independent cavalry and one independent infantry company, in all, for 1862, 6,477 (enlisted for war).

1863-4: 9th, 10th, and 11th Infantry, 722, 1,220, and 460 respectively; 5th Cavalry, 763; and 1st Infantry Reserves, 331, with 8 or 10 independent or unattached companies of 20 or 30 men each. Total enlistments for 1863-4, 3,657. Many men enlisted during the last two years of war who had enlisted during the first two years and had been sent home wounded or ill. Thus there is considerable duplication. Simply adding up the regimental and company rosters of Confederate organizations, we find that from Florida is a total of 12,792 infantry, 3,688 cavalry, and 626 artillery—in all 17,106. This is too high because of duplication; 15,000 is a very conservative estimate.

<sup>1</sup> *Off. Rcds. Rebell.*, s. iii, v. 4, p. 1269. Fla. furnished 1,290 three-year white volunteers.

<sup>2</sup> Greeley, *American Conflict*, v. i; see also *Off. Rcds. Rebell.*, s. iv, v. 11, p. 648.

<sup>3</sup> An estimate based on Robertson, *op. cit.*, *passim*, and numerous references to Florida troops in *Off. Rcds. Rebell.*

1,274 men. Only sixty-six surrendered at Appomattox. The 5th Infantry began in 1861 with almost eleven hundred; fifty-three laid down their arms at Appomattox—and so on.<sup>1</sup> The others were dead, disabled, deserters or prisoners.

The actual destruction of property within the state was enormous. The assessed value of real and personal property, exclusive of slaves, shrank from approximately \$47,000,000 in 1860 to \$25,000,000 in 1865—a decline of 47 per cent. Among the states east of the Mississippi, only South Carolina and Alabama surpassed Florida in the proportional decline of property values. In addition to this, the freeing of the slaves of Florida destroyed approximately \$22,000,000 in values.<sup>2</sup> “The loss of property is universal,” declared a citizen of Florida in summing-up the situation about him.

All have suffered. Thousands have been reduced from affluence to poverty. The loss of life, who can estimate? There is scarcely a Southern home that is not clad in mourning for some cherished member of the household. Districts of country larger than areas of states have been rendered desolate by the hostile armies of invasion. The hope of Southern independence so fondly cherished by many has been lost forever. Political power and influence have passed away and the proud statesman of the South cannot exercise the rights of citizenship. What more could the bitterest enemy ask or desire?”<sup>3</sup>

Mr. Lincoln, soon to rest well from his arduous labors, referred with characteristic poise and humanity to the situ-

<sup>1</sup> Robertson, F. L., *op. cit.*, pp. 79, 136, *etc.*

<sup>2</sup> Based upon report of Select Committee, 1871. *H. Rpts.*, 42nd C., 2nd s., no. 22, v. 1, pp. 160-161. The proportional decline of property values—exclusive of slaves—was as follows: Ark., 53 per cent; S. C., 36 per cent; Fla., 47 per cent; Tex., 31 per cent; Miss., 30 per cent; Ga., 23 per cent; N. C., 18 per cent; Va., 12 per cent.

<sup>3</sup> Letter of E. C. Cabell, of Florida, in *De Bow's Review*, Jan., 1866.

ation in which the nation found itself in 1865. "Neither party expected for the war the magnitude or the duration which it has already attained," he said:

Neither anticipated that the *cause* of conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes his aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The pray-ers of both could not be answered. That of neither has been answered fully. . . .

With malice toward none; with charity for all, with firmness in the right, as God gives us to see the right, let us strive to finish the work we are in, to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations.

When news first drifted into Florida that Lee had surrendered it was not credited. Telegraph wires were down in most directions and news traveled slowly and through devious channels.<sup>1</sup> General Sam Jones at Tallahassee issued a statement to his troops telling them to pay no heed to wild rumors of disaster probably put in circulation by the enemy.<sup>2</sup> Then followed Johnston's surrender, and slowly the truth came through. "We were slow to believe it," stated one citizen in later years, "but finally had to accept the in-

<sup>1</sup> *Off. Rclds. Rebell.*, s. i, v. 47, pt. 3, p. 409; v. 49, pt. 2, p. 682.

<sup>2</sup> Jones, *Our Women in War-Time*, chap. "Closing Scenes in Florida." The author states that she has in her possession this statement of Gen. Jones to his army.

evitable".<sup>1</sup> Official dispatches were received from Johnston himself confirming rumors of what had transpired. It became necessary for leaders of the little army in Florida to prepare for the inevitable. Some advocated a continuation of hostilities in the form of guerilla warfare. But General Jones and those with him in policy won the troops over to a more reasonable point of view, and all prepared to lay down their arms and go home.<sup>2</sup>

"I was startled yesterday by a cry from one of the little black boys of 'Yankees! Yankees!'" writes Mrs. Long,

and I found myself running with the rest of the children to the front to see Gen. McCook and staff enter to take possession of our little city [Tallahassee]. This Raw-Head-and-Bloody-Bones that had been threatening us for so long made a very modest appearance; respecting the humiliation of our people by leaving his cavalry some four miles distant.<sup>3</sup>

Brigadier-General McCook came under orders from Major-General J. H. Wilson to receive the surrender of those Confederate forces in Florida under the command of Major-General Jones. "Upon your arrival at Tallahassee," read the orders, "you will take all necessary steps to carry into effect the terms of the convention arranged by General Sherman and General Johnston." He was specially charged to seize all "agitators" and was to compel all editors of newspapers to publish their papers in the interests of peace and good order. He was to discountenance all public meetings and to protect public property.<sup>4</sup>

Setting out from Macon, Georgia, on May 5th with five

<sup>1</sup> Richardson, S. P., *Lights and Shadows of Itinerant Life*, p. 179.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 47, pt. 3, pp. 409, 419, etc.

<sup>3</sup> Long, *Florida Breezes*, pp. 380-381.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 49, pt. 2, p. 602.

companies of the 2nd Indiana and 7th Loyal Kentucky Cavalry, McCook reached Tallahassee on the 10th.<sup>1</sup> General Jones, commanding all Confederate troops in Florida, had been for some weeks in communication with Brigadier-General Vogdes (U. S. A.) at Jacksonville—first, concerning the Sherman-Johnston truce, and later, after news of Johnston's definitive surrender (April 26th), concerning terms of capitulation for his own force.<sup>2</sup> Florida was included in the Federal military Department of the South. Vogdes was the commander in Florida, but under General Gillmore, who was the head of the department.<sup>3</sup> Jones had formally offered to surrender on certain terms to Vogdes.<sup>4</sup> That officer had hesitated and sent to Gillmore for instructions. Meantime McCook had arrived in Tallahassee and the surrender was officially made to him. Vogdes was angry. He considered McCook's action a piece of uncalled-for interference.<sup>5</sup>

May 10th, the formal surrender of Confederate forces in Florida began at Tallahassee. McCook then proceeded to St. Marks. There Fort Ward was occupied and two small Confederate gunboats appropriated. At noon, May 12th, the Union flag was raised over Fort Ward, saluted by the crash of cannon. At Tallahassee, on the 20th, amid cere-

<sup>1</sup> *Off. Recds. Rebell.*, s. i, v. 49, pt. 2, p. 943.

<sup>2</sup> *Ibid.*, s. i, v. 47, pt. 3, pp. 318-319, 409, 866.

<sup>3</sup> *Ibid.*, p. 538. West Florida—that part of the state west of the Apalachicola river—belonged to a different military department from that part east of the river, until the order of June 7, 1865, when the state of Florida became a department with headquarters at Tallahassee. It was in the Military Division of the Tennessee. Gen. A. A. Humphreys was in command. On June 27, Florida became part of the Division of the Gulf, with Gen. J. G. Foster in command. See p. 668; v. 49, pt. 2, p. 964.

<sup>4</sup> *Ibid.*, p. 409; v. 49, pt. 2, p. 682.

<sup>5</sup> *Ibid.*, pp. 322, 409, 420, 444, 485, 494, 499, 538; v. 49, pt. 2, p. 932.

mony and acclaim, the flag of the Union went up over the state house.<sup>1</sup>

The parolling of Confederate soldiers was accomplished rapidly. The military of the Confederacy melted away. The armed strife was over. Four years before in this same little town of Tallahassee wild shouting had burst forth when Florida had gone out of the Union, and now thousands were turning their faces toward home, realizing that their cherished cause had left "naught but grief and pain for promised joy". But many were not sorrowful. Defeat is bitter, but "hope springs eternal in the human breast". Defeat had not "made 'all our sacred things profane'", wrote Pollard in 1866. "The war has left the South its own memories, its own heroes, its own tears, its own dead. Under these traditions sons will grow to manhood and lessons sink deep that are learned from the lips of widowed mothers."<sup>2</sup> The war had, in fact, created a tremendous and glorious tradition which some even then were vaguely and proudly conscious of. The army life had hardened thousands to misfortune and misery so that they took a lost cause very much as they did a lost breakfast. And, finally, it must be borne in mind that the mass of Confederate veterans were simple, poor countrymen whose hearts looked up at the very thought of getting home again. Thus, many a veteran, surrounded by misfortune, was probably more merry than sad.

General McCook received the surrender in Florida of about 8,000 Confederate soldiers. 6,000 of them were paroled at Tallahassee. The Confederate property acquired at the state capital consisted of some 5,000 stand of arms, 40

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 49, pt. 2, pp. 747, 949. Report Gen. McCook. Long, *Florida Breezes*, pp. 380-381. Jones, *Our Women in War-Time*—"Last Scenes in Florida." *N. Y. Times*, June 16, 1865.

<sup>2</sup> *Lost Cause*, p. 751.

cannon, 2,000 sets of accoutrements, 10,000 rounds of artillery ammunition, 121,000 rounds of small-arm ammunition, 63,000 pounds of lead, 2,000 pounds of nitre, 170,000 pounds of bacon, 300 barrels of sugar, 7,000 bushels of corn, 1,200 head of cattle, and a quantity of other supplies.<sup>1</sup> Small forces of Confederate and state troops surrendered and were paroled at different points within the state during the next month—at Baldwin, Waldo, Lake City, Tampa, Bayport, and Bronson.<sup>2</sup> The terms of capitulation extended to all troops in Florida were essentially the same as those of Sherman to Johnston. The officers retained their side arms, baggage and horses. Those privates who had horses were allowed to take them away.<sup>3</sup> "Many of the horses and mules were exchanged for corn and forage," reported McCook, "and others were loaned to citizens subject to the order of the Federal authorities".<sup>4</sup>

The Federal army of occupation arrived in time to prevent much of the Confederate government's property in food and cotton being seized by the people. Over the South generally when it became known that the Confederacy had fallen people sought Confederate store houses. Mobs broke them open and appropriated the property.<sup>5</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 49, pt. 2, pp. 932, 944. *N. Y. Times*, June 6, 1865.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 47, pt. 3, pp. 507, 514; v. 49, pt. 2, p. 984.

<sup>3</sup> *Ibid.*, s. i, v. 49, pt. 2, p. 944.

<sup>4</sup> *Ibid.*, s. i, v. 47, pt. 3, pp. 444, 494. See certificate of parole, pp. 485-486.

<sup>5</sup> *Ibid.*, p. 875. Gen. Jones to Gov. Allison, May 9, 1865. "So many lawless people in various parts of this military district [Florida] are taking possession by violence of the Government property of every description that I have to request that you will call out such militia forces as is necessary in every county where there is Government property. Under the Military convention agreed upon by Gen. Johnston and Maj.-Gen. Sherman the property may be appropriated to re-

If the average citizen thus engaged reasoned, his mental processes were no doubt simple—probably thus: What was the Confederacy's was once the property of the Southern people and will now become the property of a hostile government; I need the food and cotton and I hate the hostile government and the rest of the Yankees; therefore I will get what is mine while I can. Much of the tax-in-kind or "tithe" cotton, the property of the one-time Confederacy, had never passed out of the hands of the planters. Some people held Confederate bonds secured by cotton. Taking Confederate cotton presented an extra-legal method of making good their securities.<sup>1</sup> "People apparently honest in other respects seem to think it entirely legitimate to steal cotton," wrote McCook from Tallahassee.<sup>2</sup>

Federal treasury agents were scouring the country for Confederate cotton. With the aid of the military these officials enforced the confiscation of such property.<sup>3</sup> 5,460 bales were seized by them in Florida during the first few months following the war's ending,<sup>4</sup> which at the prevailing market price of cotton then represented more than \$800,000 gold. "I got back to Apalachicola (Florida) in the sum-

lieve the wants of the needy. . . . In the meantime it is our duty to carry out the Convention in good faith and protect the public property," etc. See also p. 499.

<sup>1</sup> See case of Asa Johnston *vs.* Benj. D. Wright, Executor, *Florida Reports*, v. 12, pp. 478-96, for some references to this point of view.

<sup>2</sup> *Off. Recds. Rebell.*, s. i, v. 49, pt. 2, p. 944.

<sup>3</sup> *Ibid.*, s. i, v. 47, pt. 3, pp. 739, 943. "A memorandum of all cotton in and about Tallahassee, etc. . . . was taken with the names of claimants, where, when, and by whom stored. Also the marks on the cotton. As soon as the schedule can be made it will be forwarded to the War Department." Report of Gen. McCook. Also v. 49, pt. 2, p. 931. Also *N. Y. Times*, June 16, 1865, and Aug. 1, 1865. Correspondent of *Times* refers to "quantities" of Confederate cotton at R. R. depots.

<sup>4</sup> *H. Misc. Docs.*, 44th C., 1st S., no. 190, p. 10.



mer of 1865," stated a veteran of the Confederate army. "I was employed by Epping, Watson and Company as outdoor clerk. Very soon U. S. treasury agents in their search for Confederate cotton became very obnoxious. There was much rascality. Cotton sold at a high price. Everybody was stealing, so I saw no harm in getting in the swim too. All overweight of bales we reserved for ourselves. By the end of the season I had seventeen bales to my credit."<sup>1</sup> Cotton buyers from the North were glad to see the Government dispossessed. A speculative filip was given to reviving business. Thousands of bales in the hands of private owners were tediously collected at Florida seaports. In such an atmosphere of competition and confusion scoundrels found ample opportunity. Many of the newly-appointed civil officials of the United States Government proved to be shameless grafters. The thievery practiced by them—treasury agents and marshals—became so notorious that it was openly condemned by their more honest or unsuccessful brother officials. Treasury agents and marshals seized property for the non-payment of taxes, and then sold it to themselves at prices which they wished to pay.<sup>2</sup>

The Federal military took over the management of telegraph lines and railroads within the state and for a time directed their operation.<sup>3</sup> Repairs were made by the gov-

<sup>1</sup> Personal interview by me with a citizen of West Florida. His statement of conditions was in substantial accord with testimony of others.

<sup>2</sup> *Off. Rclds. Rebell.*, s. i, v. 47, pt. 3, pp. 276, 581, etc. *N. Y. World*, May 4, 1865.

<sup>3</sup> *Off. Rclds. Rebell.*, s. i, v. 47, pt. 3, p. 581. *N. Y. Times*, Aug. 1, 1865. "The Jacksonville and Tallahassee and the Fernandina and Cedar Keys R. R. is in the hands of U. S. Marshal Remington in a proceeding 'in re' for confiscation. The marshal is running the train for the accommodation of the military and the people."

ernment and charged to the roads.<sup>1</sup> The people of Florida were informed by proclamation that they were at liberty to carry on their trade as usual, and to purchase supplies where they wished. Farmers were encouraged to bring their produce into the towns. Merchants desirous of opening stores were required to take the prescribed oath of allegiance and to conform to the sundry regulations of the Federal treasury department. Lawyers, physicians, and ministers of the Gospel were required to take the oath, and were counseled by the military to use their best efforts to bring the people back to a hearty support of the United States Government. "The habit of speaking of the General Government as Federal," ran an order, "and placing it in antagonism to the so-called Confederacy, as two independent and recognized powers, is calculated to mislead the people and must be discontinued."<sup>2</sup> By mid-summer the national postal department had tri-weekly mails circulating over the state.<sup>3</sup> Actual government in Florida had come to be a matter for the military alone, with the paternalism characteristic of such rule.

The state government soon ceased to exist. Upon the surrender of General Jones, Governor Allison appointed five commissioners to proceed to Washington for an interview with the President personally on the political relations of Florida to the Union.<sup>4</sup> He asked General Wilson for pass-

<sup>1</sup> *H. Rpts.*, 39th C., 2nd S., no. 34, p. 190. The Ala. and Fla. R. R. Co. was, at the end of 1866, \$41,177.72 in debt to the U. S.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 47, pt. 3, pp. 538, 623.

<sup>3</sup> *N. Y. Times*, Aug. 1, 5, 1865.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 49, pt. 2, p. 748. The commissioners were D. L. Yulee (ex-U. S. Senator and secession leader), J. Wayles Baker (ex-Confederate States Senator), M. D. Papy, H. G. Live, and J. G. L. Baker. Their formal object was declared to be to make "known to the Executive Authorities of the United States the steps in progress for harmonizing the government of this state with the

ports to Washington. The governor also issued a proclamation calling the members of the legislature to assemble in extraordinary session, June 5th, and calling for an election of a governor on the 7th.<sup>1</sup>

The loyal Union element in Florida quickly showed its hostility to any such easy and reasonable political procedure as this foreshadowed. "A friend from Tallahassee informs me," wrote a locally prominent Union man to President Johnson on May 21st, "that the late acting rebel Governor has proposed to Gen. McCook to wheel the state back into the Union line just as she stands with her rebel officers and crew. I know this is not your policy."<sup>2</sup> Nor was it. Johnson and a dominant Northern public opinion would purge Southern governments by destroying them.

General McCook, at Tallahassee, was undecided as to how to act toward the state government. "Shall I permit the Legislature to meet or request him [the Governor] to withdraw the call?" he asked of General Wilson at District Headquarters in Macon, Ga. He sent this query on the same day that Governor Allison requested passports for his commissioners to Washington.<sup>3</sup> The reply which came was summary: "You will not recognize the so-called Governor or any officers purporting to act under his orders. . . . Should they not desist from exercising their usurped power

constitution of the United States, and of conferring generally with the public authorities of the Federal Government concerning our affairs." See also Executive Order and copies of various letters, *Milton Papers*, May 12, 1865. Gov. Allison addressed letters to Gov. Vance, of North Carolina, Gov. McGrath, of South Carolina, and Gov. Brown, of Georgia, notifying them of his appointing a commission and suggesting that they follow Florida's example.

<sup>1</sup> Proclamation of Governor, *Milton Papers*, May 13, 1865.

<sup>2</sup> Harris to Johnson, Key West, May 21, 1865, *Johnson Papers*.

<sup>3</sup> *Off. Rcds. Rebell.*, s. i, v. 49, pt. 2, pp. 747-48.

you will arrest them and send them under guard to this place.”<sup>1</sup>

General Gillmore, in general orders of May 14th, declared the acts of the governors of South Carolina, Georgia, and Florida to be null and void and they themselves guilty of sundry acts of treason against the United States.<sup>2</sup> On May 24th, martial law was declared by military proclamation to be the only law existing in Florida. All proceedings at law, or acts of the Confederate government, or of the government of Florida were declared null and void. Any person who should attempt to enforce any measure of these governments would, if apprehended, be tried and punished by military commission.<sup>3</sup> The election of a governor and the meeting of the legislature were sternly forbidden by McCook.<sup>4</sup> Governor Allison abandoned the idea of sending representatives to Washington.<sup>5</sup> Thus the commonwealth government as organized under the Confederacy passed away. However, the local officials throughout the state—judges, clerks, justices of the peace, and various county and town officers—were advised by the military commanders to continue for the present in office and to guard the public archives and other records in their possession.

Few arrests were made by the military for political offenses. The only prominent cases in Florida were those of Mr. Yulee (ex-U. S. Senator), Mr. Mallory (ex-Secretary of the Confederate navy), and Governor Allison.<sup>6</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 47, pt. 3, p. 538. *Milton Papers*, May 16, 1865.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 47, pt. 3, p. 498, General Order 63.

<sup>3</sup> *Ibid.*, p. 322.

<sup>4</sup> *Ibid.*, p. 546.

<sup>5</sup> *Milton Papers*, May 19, 1865.

<sup>6</sup> It was generally believed that Jeff. Davis would try to escape through Florida. Rumors of his presence in Florida were afloat some weeks before his capture elsewhere. See *Off. Rcds. Rebell.*, s. i, v. 49, pt. 2, pp. 405, 706, 715.

These men had openly counseled at the end of the war loyal and immediate compliance with the orders of the Federal Government.<sup>1</sup> They were treated, however, as dangerous men, arrested, and imprisoned in Fort Pulaski, Georgia.<sup>2</sup>

In October, 1865, Provisional-Governor Marvin, of Florida, made application to the President for their pardon. Of Yulee he wrote: "He is President of a railroad company whose interests are suffering for want of his supervision and care"; of Mallory: "He has the gout badly which the dampness of the prison exasperates"; and of Allison he stated: "He is not a bad man". The Federal Judge Advocate General was thoroughly exasperated with the governor's homely reasoning. "These suggestions for clemency," he declared, "totally ignore the criminality of these men."<sup>3</sup>

The pasts of Yulee and Mallory were probed into by agents of the Federal government. On December 10th, 1865, General Asboth, at Pensacola, wrote Secretary Stanton:

The Tallahassee correspondent of the *New York Herald*, while urging upon President Johnson that the clemency already granted to several prominent Southern leaders be extended also to Mallory, Yulee and other distinguished rebel gentlemen of Florida, says in behalf of Mr. Mallory "that he was very anxious at the beginning of the war to prevent disruption between the people of the South and the Government of the

<sup>1</sup> Yulee to Merrick, May 30, 1865, *Johnson Papers; Off. Rcds. Rebell.*, s. i, v. 47, pt. 3, pp. 546, 581, 620, 630, 645; v. 49, pt. 2, p. 747. *N. Y. World*, Nov. 10, 1865.

<sup>2</sup> Yulee was perhaps the worst treated of the three. His case reached the attention of President Johnson. See Yulee to Merrick, May 30, 1865, *Johnson Papers*.

<sup>3</sup> Rpt. of Judge Advocate General Holt, Nov. 23, 1865, *Off. Rcds. Rebell.*, s. ii, v. 8, p. 862.

United States, and was bitterly assailed in his own state as having prevented the capture of Fort Pickens when it might have been taken at any time." These statements are all false. While in command in West Florida I visited Tallahassee, and found in the State archives the most treasonable dispatches sent by Mallory to the Florida State Convention in January, 1861.<sup>1</sup>

If embittered Northern politicians could have worked their will, Mallory, Yulee and probably Allison would have been tried and executed for treason. "Atonement is yet to be made," stated the Judge Advocate General, "for the hundreds of thousands of lives." He believed that "punishment is yet to be visited on the rebellion," and he concluded logically that "it would seem that the original conspirators who excited and organized the movement should be first arraigned and tried. To this class Yulee and Mallory unquestionably belong. The experience of the world has shown that great crimes never have been and never can be repressed without punishment."<sup>2</sup> A calmer and juster policy was followed, however, and after several months of imprisonment Yulee, Mallory, and Allison were liberated.

"In my intercourse with the citizens and surrendered soldiers of this Florida command I found only the most entire spirit of submission to my authority, and in a majority of instances an apparent cheerful acquiescence to the present order of things," wrote General McCook from Tallahassee; yet the Federal military in Florida quickly put a muzzle on a free expression of opinion in print or otherwise. Although McCook had been instrumental in destroying the state government he declared that he "had no collision with any of the authorities except the ecclesiastical".<sup>3</sup>

<sup>1</sup> Asboth to Stanton, Dec. 10, 1865, *Off. Rcds. Rebell.*, s. ii, v. 8, p. 833.

<sup>2</sup> *Ibid.*, p. 864.

<sup>3</sup> *Ibid.*, s. i, v. 49, pt. 2, p. 944.

While in Tallahassee he saw fit to threaten the pastor of the Episcopal Church with severe punishment if he did not pray in future for the President of the United States. McCook records: "I thought it my duty to Christianize him if possible and succeeded in convincing him of the error of his ways by a communication. He prayed for the President of the United States that afternoon."<sup>1</sup> It does not take much effort to realize the amount of internal cursing in such enforced praying.

In Quincy "the little Captain issued an order that no rebel should preach unless he took the oath of allegiance and prayed for the President of the United States," records a certain obstreperous Baptist divine. "I was the only preacher then present in the town. Colonel Livingston, a true Methodist, came to me and advised me to take the oath and let us have preaching. I told him that I did not feel like it and did not want to do it. Saturday afternoon came and the Colonel called again. At last I consented and we went around again to the Captain's office. I informed him that I had come to take the oath but I would do it with a mental reservation."<sup>2</sup>

One Southern Episcopalian in Tallahassee was sent to the guard-house because he had made remarks construed as treasonable. He complicated matters by saying that "this is a peace that passeth all understanding".<sup>3</sup>

Government in Florida was, in fact, for the time a militarism pure and simple—and some of the native whites got into trouble because they could not or would not realize the situation. Federal troops were distributed over the state.

<sup>1</sup> *Off. Rcds. Rebell.*, s. ii, v. 8, pp. 862, 945. *N. Y. Times*, June 16, 1865.

<sup>2</sup> Richardson, S. P., *Lights and Shadows of Itinerant Life*, p. 183.

<sup>3</sup> Long, *Florida Breezes*, p. 381.

By the middle of June each town and village had its company or squad of soldiers.<sup>1</sup> The policy at first was to establish white garrisons in Florida. "I think should it be necessary to garrison any of these points, it would be well to employ at least temporarily white troops," wrote General Vogdes. "It should be borne in mind that Florida presents many facilities both in the nature of the country and in the character of the inhabitants for guerilla warfare."<sup>2</sup>

Such a policy as the foregoing was not that put into actual operation. Most towns and villages had their negro or mixed garrisons before many weeks had passed.<sup>3</sup> "A careful examination and mature consideration of all the information in my possession leads me to the opinion that sound policy requires the mixing of the kinds of troops, white and colored, in all the garrisons of the interior," announced the same General Vogdes just three weeks after he had advised white garrisons.<sup>4</sup> Negro troops were not necessary to keep order. Their presence was meant to impress the native white with the thorough-going character of the social revolution which had been wrought.<sup>5</sup>

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 47, pt. 3, pp. 580, 597. The 3rd and 34th U. S. Colored Infantry and the 17th Conn. Infy. (white) furnished garrisons throughout Central and East Florida by the end of May. At Apalachicola, Pensacola, and other point in West Florida the 82nd Colored Infantry and 161st N. Y. Infy. (white) were in garrison. Orders were to place one company in each village and town. In some cases five or six companies were in a town. Gainesville and Tallahassee were the most important garrisons in the interior. See v. 49, pt. 2, p. 867.

<sup>2</sup> *Ibid.*, p. 419. Vogdes to Burger, May 6, 1865.

<sup>3</sup> *Ibid.*, pp. 581, 622; v. 49, pt. 2, pp. 867-868. Long, *Florida Breezes*, p. 382.

<sup>4</sup> *Off. Rcds. Rebell.*, s. i, v. 47, pt. 3, p. 581. Vogdes to Burger, May 27, 1865.

<sup>5</sup> See reference to Southern white's feeling in Richardson, *op. cit.*, p. 179. "And last but not least we were put under martial law and



As the state government had been abolished, the presence of some sort of troops was very necessary to preserve the public peace.<sup>1</sup> Federal soldiers were under strict and definite orders to refrain from plundering or unduly interfering with the affairs of the inhabitants.<sup>2</sup> Most of them behaved well. Some were insolent. The most common offense of the negro soldier was stealing chickens and live stock.<sup>3</sup> The commanders of Federal troops were in many cases eminently fair-minded men, placed in a difficult situation, and soon longing to be out of it all and at home.

In addition to standing for the absent majesty of the civil law in suppressing vagrant lawlessness, an important function of the Federal military soon developed in adjusting or attempting to adjust the interests of white employer and black employee. Emancipation became an acknowl-

garrisoned and ruled by a company of free negroes. The little captain was a man of white skin but his heart was blacker than the negroes that he commanded. This was the darkest shadow, or I might say, the darkest night that ever passed over my life."

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 47, pt. 3, pp. 580, 622; v. 49, pt. 2, pp. 731, 850. Gen. Asboth reported May 11, 1865: "On the 5th instant . . . several hundred citizens of West Florida would assemble at Milton with the intention of returning to their allegiance, and that some lawless parties had threatened to break-up such a meeting. I ordered Col. Woodman and the District Provost-Marshal to proceed with 200 men to that place to prevent any disturbance," etc.

May 20th—Asboth to McCook: "The raiders made a demonstration against Cambellton upon Wednesday last, numbers, about 100."

Also *N. Y. Times*, Aug. 1, 1865; *N. Y. Tribune*, Aug., 1865. Regulators in East Florida again reported to be active. "Victims are Union men and rebel deserters. One man who had been a valuable scout for the Union army during the war was found hung to a tree near Lake City." *Floridian*, Nov., 1865. Violence in Jackson Co. Company of Federal Infantry ordered to scene to put down disturbance; *N. Y. Herald*, Dec. 30, 1865.

<sup>2</sup> *Off. Rcds. Rebell.*, s. i, v. 49, pt. 2, p. 1075.

<sup>3</sup> *Floridian*, 1866-7, *passim*.

edged reality in the South with the surrender of the Southern armies. General Gillmore, commanding the Department of the South (S. C., Ga., and Florida), issued, on May 14th, 1865, an "Emancipation Order", and before the end of the month it had gained general circulation throughout the District of Florida.<sup>1</sup> Many of the slaveholders in this state called together their negroes and told them that they were free.

Some of these ex-slaveholders were slow in comprehending the extent of the social revolution.<sup>2</sup> To the planter with a crop in the ground the practical, immediate question was, how free is the one-time slave? Was there any lawful way of compelling the black to obey orders and stick by his work? One fact soon became evident: the ex-masters must do none of the compelling. The Federal military, however, threw its influence on the side of keeping the negro on the plantations. In these early efforts of the military to adjust the labor question we have the genesis of the Freedmen's Bureau's labor policy and the Black Codes.

None of the early orders issued by the military interfered with the right of the black to hire himself to whomsoever he pleased. General orders of May 24th declared that "no rules or regulations will be adopted interfering with their hiring themselves to whom they may be inclined. It is recommended to them to remain with their late masters. In no case will they be allowed to remain in idleness at the expense of the Government. . . . Commanding officers will see that late slaves are made acquainted with all their acquired rights; will urge upon them to work for

<sup>1</sup> *N. Y. Tribune*, June 20, 1865.

<sup>2</sup> *N. Y. Times*, Aug. 1, 1865. An excellent discussion of social and economic conditions in Florida, dated July 12. Also *N. Y. Tribune*, June 20, 1865.

planters near their homes in order to secure the coming crop.”<sup>1</sup>

To protect the negro, General Vogdes counseled written contracts between negroes and planters stating the wage and the work to be performed. The United States provost-marshal was the official charged with drawing up such contracts. “By mutual agreement among the employees,” certain of their number (negroes) were to be chosen superintendents with authority to enforce order and discipline, the more important cases to be referred for settlement to the nearest provost-marshal.<sup>2</sup> This popular election of bosses was an asinine provision. In reality the United States provost-marshal became the temporary guardian of the negro.<sup>3</sup>

When they learned that they were free, many thousands of the approximately 70,000<sup>4</sup> Florida negroes deserted their homes to flock into the Federal military camps and into the towns.<sup>5</sup> Summer-time had come, “baptizing time,” water-melon time, berry time. The weather was charmingly warm. They were free, and in truly 19th-century scientific spirit they sought to break with the past and to “test their freedom”. Responsibility lay lightly on their shoulders. They shed husbands, children, wives, and other dependents with an ease and rapidity which makes even a modern divorce court in comparison seem a conservative

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 47, pt. 3, p. 623. Gen. Order no. 22, May 24, 1865.

<sup>2</sup> *Ibid.*, p. 624.

<sup>3</sup> For instance, see *N. Y. Times*, Aug. 1, 1865.

<sup>4</sup> *Floridian* during 1867 gave results of special census, 71,667 blacks.

<sup>5</sup> *N. Y. Tribune*, June 20, 1865; *N. Y. Times*, Aug. 1, and June 16, 1865; *N. Y. Herald* (June or July), 1865; Long, *Florida Breezes*, p. 381; Jones, *Our Women in War-Time*; references in Freedmen's Bureau Reports, *passim*.

institution. Their curiosity prompted them to seek knowledge of that boon which kind Fortune had granted them—great personal freedom.

Their presence about barracks and camps became an annoying burden to the Federal authorities. "There is only one thing that can be done with the negroes," angrily wrote a certain adjutant-general lately from the North. "We have no provisions for them. Turn them out; they can return to their former masters—or go where they please. Under the laws of the United States they are free men and our instructions are to treat them as free men."<sup>1</sup> After a taste of freedom many of the blacks, induced probably by lack of food and shelter,<sup>2</sup> returned to the plantations where they had been slaves. Some rhymester of the times caught the poetic conception of the situation:

I never knew the old plantation  
Was half so dear a place for me  
As when among that Yankee nation  
The robbers told me I was free;  
And when I looked around for freedom  
(We thought it something bright and fair)  
Hunger, misery, and starvation  
Was all that met us there.  
How often when we used to shiver  
All through the long cold winter night,  
I used to study 'bout my cabin,  
The hearth all red with pinewood light.<sup>3</sup>

The older house servants were inclined to remain at home where they belonged in an apologetic attitude toward "Ole Miss an' Ole Marster at this here carrying on". "De

<sup>1</sup> *Off. Rcds. Rebell.*, s. i, v. 49, pt. 2, p. 801.

<sup>2</sup> This seems to have been the situation generally over the South. For Florida, see the Freedmen's Bureau Reports and *N. Y. Tribune*, June 20, 1865.

<sup>3</sup> Moore, *Rebell. Rcd.*, v. 8, p. 27.

Yankees might er waited till we axed 'em for freedom," said some in aristocratic aloofness. "Anyhow it come ter us; we aint gone ter it". This was true.<sup>1</sup>

Although many negroes left plantations and homes and "celebrated" with evident show of satisfaction, there was at first not much offensiveness on their part. "Some families were disturbed by the sudden departure of their house servants," and agriculture was threatened, but generally the two races were at peace. A correspondent of the *New York Times*, journeying through the state at this time, noticed at every railway station "large numbers of blacks—healthy, good-looking negroes, the larger portion females decked in gayest attire and in a style that would throw most ridiculous caricatures in the shade".<sup>2</sup> At every warehouse he noticed "quantities of cotton ready for shipment by return trains, and some of it bore the 'C. S. A.' of the exploded Government". He entered the fallen capital, Tallahassee, and "at the modest little churches", he records,

I noticed an assemblage of quite a number of carriages, indicating the vicinity of a rural aristocracy, and inside I listened to a good old-fashioned sermon and saw an assemblage of ladies and gentlemen. . . . I learned that the planters in the vicinity are generally irreconciled in the new order of things and believe that it will be impossible to succeed by free labor. Cotton, they say, can never be profitably cultivated by free labor; "the negroes," they say, "will not work it, and the whites cannot." The "negroes will prefer to cultivate corn and potatoes and live easy." Many are endeavoring to sell out, and are offering their plantations at prices which indicate their belief that the prosperity of the country is at an end.<sup>3</sup>

<sup>1</sup> Long, *op. cit.*

<sup>2</sup> *N. Y. Times*, Aug. 1, 1865, letter of July 12th.

<sup>3</sup> *N. Y. Times*, Aug. 1, 1865.

The correspondent of the *New York Tribune* at Jacksonville summarized on June 12th, 1865, the situation in Florida as follows:

1. There are but few persons in the state of any class who are not anxious that peace should continue. I do not think that there is an armed rebel in the state.

2. Emancipation has been promptly, and in many cases cheerfully, acquiesced in.

3. But few of the freedmen have anything like a correct idea of the boon of liberty, but they are very teachable. The influence of a Northern man is almost boundless over them.

4. The late masters have at best the glimmering idea of the situation of the colored man, *etc.* They welcome Northern men among them and treat them with the utmost consideration.

5. The present crop will not materially suffer in consequence of Emancipation.

6. Severe flogging with the whip and paddle has not entirely disappeared.

7. A few instances of shooting and other acts of violence have occurred, and may yet occur.

8. The late plantation-masters generally have no ability to promote the social and moral elevation of the colored people, and they will remain *in statu quo* until put under other influences.

9. Nine-tenths of the ex-slaves are on plantations working for wages, and will be paid.

10. Great changes will take place next Christmas.<sup>1</sup>

The foregoing is a typical moderate or conservative estimate of Southern conditions in 1865 as seen by the North. Two points are here worthy of particular notice: 1, that observations on the negro should occupy such large space in a summary of conditions at the war's termination; 2, evident belief that the interests of the black would suffer as

<sup>1</sup> *N. Y. Tribune*, June 20, 1865.

long as the Southern white continued to exert influence over him. "To abandon the exercise of arbitrary power and adopt the appeal to reason will test the virtue of the best of the slave-holding aristocracy,"<sup>1</sup> wrote another Northern correspondent from Florida. On the race question, the Northerner at that time reckoned at a low figure the "virtue" of the ex-master. He was apt to believe that the institution of slavery had distorted the Southerner's moral outlook. The Southerner was also logically subject to patronizing suspicion because he had rebelled against his government and might be still plotting dark treason. Equity and justice for the negro as well as enlightenment on all public questions must come from social experimentors, selfish politicians, and crack-brained theorists from afar. Public consciousness North in 1865 was fallow for the development of an exacting, revolutionary, and destructive reconstruction program to be foisted on the South.

<sup>1</sup> *N. Y. Times*, Aug. 1, 1865.

## CHAPTER XIV

### POLITICAL REORGANIZATION

THE reorganization of fallen governments by presidential direction was the first phase of Reconstruction in the one-time states of the vanished Confederacy. The war had wrought profound change in the South. Bleeding, starved, burned, desolated, scarred almost beyond recognition, that section exhibited the fearful spectacle of what civil conflict can produce. The reconstruction of government there was to involve even greater political change than the war had brought. The old régime was past. A new period was beginning in 1865.

It is a fact not without a certain melancholy pathos that this inevitable rebuilding must inevitably take place in an atmosphere of prejudice and bitterness. Slavery had been destroyed, but sectionalism had not been destroyed. The passionate condemnation of the slaveholder by the Northern moralist in 1861 had given place to a patronizing suspicion of the ex-rebel by the Northern patriot in 1865. It is not germane to this discussion to inquire into the justice or soundness of such suspicion. By perfectly clear historical process it entered into public opinion—and reconstructing the South involved public opinion North as well as South.

A powerful element in the North demanded the impossible—demanded that the "ex-rebel" be penitent. Penitence of those who had supported the Confederacy was somehow considered necessary as proof of their patriotism,



and patriotism, strangely confused with loyalty. The "ex-rebel" was not penitent, however resolved he might have been to keep the peace and the law.

Those Southern whites who belonged logically to the old régime found it difficult to adjust themselves quickly or gladly to the new. The misfortunes of the present made people recall with eagerness the pleasantness of the past. It is usually so. Hence the rapid rise of many traditions. Some Southerners of poetic temperament, maybe, concluded sadly that the peculiar goodness, peace, and plenty of Southern life had disappeared with the fall of slavery.<sup>1</sup> They turned to the recent past. Their imaginations pictured for them a fair and far-away region with broad and blooming fields, so rich that the rest of the world was the South's debtor; so peaceful that the people there were naïvely trustful of human nature and jails grew musty from long disuse; so beautiful that the sweetest songs of the nation tell of their placid expanse. They pictured these fields as well-tilled and ever expanding beneath the kindly sky, "sun-steeped at noon and in the moon nightly dew fed", watched over by a wise and urbane and happy aristocracy and worked by contented negroes. They conceived a society where simple life and a genuine democracy had bound the white race together—rich and poor, regardless of culture—with flexible bonds, and made of it one, commanding, dominant caste, proud of race—a society where simple faith and equitable law mitigated slavery and purified politics.

Was it all a dream? The critical cynic can well say so. There is plenty to sneer at in such traditions, which are but fond memories glorified and changed by poverty and

<sup>1</sup> See, for instance, the long letter in *N. Y. Times*, Aug. 1, 1865, from Florida.

sorrow. Certainly the breath of a rude change has metamorphosed their Utopia into the semblance of a dream, yet the vision might be made a superb one, and to this day it supplies many a pettifogging politician South with something beautiful to talk about which his constituents believe in and will not scoff at because they love it. It is almost a religion with them. Some say they are narrow and provincial. Certainly they show a strong affection for the Old South, and this sentiment, based upon the idealization of things that to a stranger seem hardly worth while, exalts their provincialism. They love the traditions of their land because the traditions are theirs. The South is not unlike one big neighborhood. Until recently few people from the old world and from distant states had come there with other traditions. Much is still the same as in the past. The towns and villages are still mostly shady, quiet centers of wholesale barter, politics, and litigation for a riding, driving country-side. The wooded hills which pioneer and slave once trod rise little changed to-day, but shrouded in tradition, before the eyes of their children and grandchildren. The fields which slave and freemen cleared long before the war still perennially fail to make folks rich, though tilled now only by freemen. The sun and the moon and the stars still look down on cotton and corn and cane and forests of dark green pines and rivers that wind their lonely, slumberous way toward the tropics and the sea. But profound change is slowly taking place. It began after the war with Reconstruction, and gathers momentum with the years. "The old order changeth, yielding place to new, and God fulfils himself in many ways, lest one good custom should corrupt the world."

A time-honored social system has long ago been modernized. Wage slavery and lawlessness have partly taken the place of chattel slavery and comparative peace. An in-

dustrial revolution grips the section. The new South as a grafted limb, has sprung from the sturdy stump of the old. Maybe it will retain the virtues of the old tree with some of the faults eliminated. The change was new in 1865 and many believed the good old times forever dead. Some looked for homes across the sea, in Brazil and even in more distant lands.

When the tumult of military camps passed in 1865 the nation entered almost automatically upon the inevitable experience of readjustment to the revolution. This readjustment included political reconstruction South. Reconstruction compassed before it ended the political elevation of the negro. Was this last fact an inevitable result of the war? It is the central theme, certainly, in the history of Reconstruction, although the negro as voter and officeholder played no part in the episode of presidential reorganization immediately following the war. Yet even at this time (1865) conditions which two years later produced the ugliest aspect of Reconstruction were in the making. The negro had powerful champions in the North (Charles Sumner, Salmon P. Chase, Thaddeus Stevens, *etc.*), who saw his latent possibilities as a voter. Peace had come nominally with the disbanding of Southern armies, but reason had by no means displaced passion as a dominating force in national councils. The great principles of former years were no longer live issues. The Union was saved; secession was practically repudiated; the negro was free. But to safeguard these very triumphs radical leaders were already advising that the revolution be carried forward and the negro given political rights. This was the sentiment which, as an undercurrent, insidiously spread over the critical North, blighting ultimately the efforts at loyal political reorganization South which began when the long roll ceased to beat in 1865.

Mr. Johnson began his presidential career by taking-up the policy of Mr. Lincoln where the latter had left off. The Southern states were in a condition bordering on political and social chaos. In the midst of this confusion the administration set about reorganizing state governments and preparing the recalcitrant commonwealths for re-entry into the Union. Certain leaders began vaguely to formulate plans for building in the South a strong wing of the Union-Republican party. With the re-establishment of Federal authority, there was a corresponding increase in the number of Federal offices South at the disposal of the administration. The filling of these offices was a first step in reorganizing government. Recognition was given to party men.

Florida was the least important Southern state for the seeker of votes or office-seeker, but it constituted an integral part of United States territory, and when in the future it should become once more a state in the Union its political possibilities were apparent. The attempt to reconstruct Florida during the Civil War proved a flat failure but resulted in launching there after a fashion the Union-Republican party.

A few hundred "loyal men" was the party's following in 1865. Federal office-holders were the leaders. During the war Florida's few Federal office-holders had quarreled among themselves. Soon after Mr. Johnson became President this difference of opinion became more pronounced. Outsiders from the North offended native "loyal men" because they, the outsiders, received most of the government's favors. Mr. Chase while Secretary of the Treasury had built up a faction of special treasury agents and their friends.

When Mr. Chase became Chief Justice of the United States he did not lose touch with his political henchmen because he never lost sight of the Presidency

for himself. He made a tour in the South during the late spring and early summer of 1865. In Florida he visited Fernandina and Key West, conferred with his political friends, and wrote Mr. Johnson numerous letters concerning the fitness of the black for the ballot.<sup>1</sup> His visit caused uneasiness to the opponents of the treasury faction of Federal office-holders. A prominent figure among these opponents of Chase's influence was Harrison Reed, chief postal agent of the national government for Florida.<sup>2</sup> Reed was destined to become Republican governor of Florida. He was the appointee of Montgomery Blair of the post-office department. He proved a steady supporter of Johnson and had unofficially represented Florida at his inauguration.<sup>3</sup>

On June 26th Reed wrote Blair, in part, as follows:

I wish to bespeak your immediate and earnest assistance to rescue Florida from the hands of Chase and his corrupt agents now holding lucrative position under the Government. His late visit to this state was for no other purpose than to revive the efforts to secure this state for his future purposes and against the policy of the Administration. As you know I incurred his hostility and that of his corrupt tools for venturing to expose and arrest the plans started two years ago for the same purposes. On my return here a few days since I was made aware that it would not be safe for me to oppose Mr. Chase, and yesterday I was privately advised that he had made sure of all the patronage necessary to control the state, including the military governor, soon expected, and that I could have distinguished favor if I would cease to oppose his nefarious plans. He has advised his friends here to organize the colored men and prepare them to vote, and that their action

<sup>1</sup> Chase to Johnson, May 21 and 23, 1865, *Johnson Papers*.

<sup>2</sup> *N. Y. Evening Express*, June 14, 1865.

<sup>3</sup> Inauguration Program, March 30, 1865, *Johnson Papers*.

will be sustained by the Supreme Court—holding that there is no legal power to deny suffrage to any citizen. Secret organizations of blacks and non-resident whites or outsiders imported here as Treasury Agents have been commenced. These, however, are of little account and could do no mischief unless under the patronage of the Government. The intention is to override the resident white citizens on the plea that they are all disloyal. The agent who made overtures to me is a man sent by Chase, and one of his family associates—his vice-general here—is L. D. Stickney, who has drawn thousands from the Treasury fraudulently,<sup>1</sup> and who still holds the office of Tax-Commissioner, though indicted in Washington for a part of his frauds. Chase took him on board his revenue-cutter and went round the Gulf bespeaking for him the favor of the military authorities, and arranged to rebuild the Fernandina and Cedar Keys R. R. by military authority and then turn it over to Stickney for the benefit of the Ring. It will take \$500,000 to rebuild the road; and it will be of no use to the Government for military purposes. But what I deem necessary is that you should prevent any further appointments of officers for the state in this interest. There is a loyal element here which deserves notice, but thus far every appointment is from abroad, and with two or three exceptions all have been made under this corrupt dynasty. We want a military governor in the interests of the Administration, and not one who will seek to place the control of the state in the hands of the enemies of constitutional government. I tried to induce Randall to take the place, but failed. I am told that Judge Marvin, late of Key West, now of New York, would like the place, and believe he would be a good man. But, for God's sake, don't let the President send any man in Chase's interests.<sup>1</sup>

Blair turned this letter over to Johnson, scribbling on the back of it, "This is from a reliable source. The Chase

<sup>1</sup> Reed to Blair, June 26, 1865, *Johnson Papers*.

[faction?] he speaks of should be squelched outright. They are now the only disunionists and really have dangerous conspiracies on foot."

On June 9th, J. George Harris, a Federal office-holder at Key West, wrote President Johnson: "Chief Justice Chase was here—as you know—a few days ago. He assured me and others of the perfect understanding between you and himself—that you perfectly understood each other, *etc.* . . . I could not refrain from the conviction that the Chief Justice was looking to the vote of Florida one of these days."<sup>1</sup>

The military or provisional governorship was the most important Federal appointment which was to come in the near future for Florida. Several persons began at an early date to hang out their lines for this prize. Mr. J. George Harris, of Key West, who claimed to be a personal friend of Johnson, sent to the President a petition signed by several Federal office-holders of South Florida—the district judge, the district attorney, the collector of customs at Key West and others. This petition strongly endorsed Harris for military governor. "You cannot be more astonished at the letter addressed to you by Judge Boynton and others naming me for the military governorship than I was when they brought it to me," naïvely wrote Harris. "I assure you that this has been entirely unsolicited by me and yet I feel it my duty, *etc., etc.*"<sup>2</sup>

Another letter reached President Johnson on the governorship about the same time. It named C. L. Robinson.<sup>3</sup>

<sup>1</sup> Harris to Johnson, June 9, 1865, *Johnson Papers*.

<sup>2</sup> Harris to Johnson, May 22, 1865, *Johnson Papers*. Harris was a native of Tennessee, where he evidently had known Johnson before 1864. He did not get the governorship, but obtained a position in the Boston Navy Yard. See Harris to Johnson, Dec. 28, 1865, *Johnson Papers*.

<sup>3</sup> Mitchell to Johnson, July 10, 1865, *Johnson Papers*.

He was an East Florida Unionist, of Northern origin, forced to flee from Jacksonville during the war because of his pronounced loyalty to the Union. His endorsement came from the State of Maine. Colonel Lemuel Wilson, another East Florida Unionist, was named in the newspapers as a possibility.<sup>1</sup>

The one-time supporters of the Confederacy in Florida were at this time politically passive. The sentiment of the class was more that of forced resignation to conditions than of voluntary and happy acquiescence in conditions. In sentiment practically all might be described as ex-slaveholders. Only a fraction had held slaves, but this fraction included most political, religious, and business leaders.<sup>2</sup> The ex-Confederate wanted civil government re-established as soon as possible. He realized that reorganization would come from without and not within, and that his rôle would not be a commanding one at first.<sup>3</sup> However, when it became known that ex-Judge Marvin sought the provisional governorship a number of former slaveholders of Florida were active in his behalf.

Marvin's candidacy was announced to the President by Judge Philip Fraser, of Florida and New Jersey—through the agency, probably, of Attorney-General Speed. Fraser was another Union man forced to leave the state during the war. To this gentleman Marvin wrote a letter stating that he would accept the office of provisional governor if it were tendered him, but refusing to solicit it. Yet he took occa-

<sup>1</sup> *N. Y. Times*, July 22, 1865.

<sup>2</sup> *Census* of 1860 gave 5,152 as the number of "slaveholders" in Florida, *supra*, chap. iii.

<sup>3</sup> Finley to Johnson, Nov. 18, 1865; Chase to Johnson, May 21, 1865, *Johnson Papers*. *N. Y. Tribune*, Aug. —, 1865; letter of Aug. 10 from Jacksonville in *N. Y. Times*, Nov. 17, 1865. The foregoing, with other more general facts, supports this generalization of Florida.



sion to state that Fraser might use the letter in any way he saw fit.

In support of the Marvin candidacy the heads of the leading marine insurance companies of New York sent to Johnson a petition.<sup>1</sup> They had known Marvin by reputation as an admiralty judge at Key West. In Florida several ex-slaveholders—one-time Confederates—drew up a Marvin petition, signed their names, and sending it to New York obtained the signed endorsement of certain well-known citizens: A. A. Low, George Opdyke, W. H. Grinnell and others. This double petition reached Johnson.<sup>2</sup> Judge Fraser and Charles A. Peabody, of New York, were both in communication with Attorney-General Speed concerning Marvin and the governorship. Speed transmitted their letters to Johnson.<sup>3</sup>

In order to solicit the President's attention in this appointment, two delegations set out from Florida for Washington. One was composed of East Florida Unionists pledged for the support of no particular candidate;<sup>4</sup> the other of ex-slaveholders, strongly in Marvin's interest.<sup>5</sup> In addition to these two delegations, David S. Walker, a one-time Whig and slaveholder, was sent to Washington to pray

<sup>1</sup> Petition, July 6, 1865, *Johnson Papers*. Ten companies were represented in this petition.

<sup>2</sup> Petition, July, 5 and 6, 1865, *Johnson Papers*.

<sup>3</sup> Peabody to Speed, June 27; Fraser to Speed, June 29, 1865, *Johnson Papers*.

<sup>4</sup> *N. Y. Times*, July 22, 1865. The delegation was composed of C. L. Robinson, Jno. W. Price, Judge Fraser, Buck. Smith, Sam. McLin, Lemuel Wilson, Harrison Reed, Parker Moody, Sam. T. Day, and J. N. Johnson—all of East Florida.

<sup>5</sup> Wood to Johnson, July 5, 1865, *Johnson Papers*. *N. Y. Herald*, July 10, 1865. Brooks of Apalachicola and Hopkins of Tallahassee (a Confederate veteran) were members of the Marvin delegation to Washington.

for a "provisional government". In what interest he stood is not clear. "The people of Florida have sent me to you with a memorial praying for a provisional government and asking for a conference on Florida affairs," he telegraphed Johnson from Chattanooga, Tennessee, on July 12th.<sup>1</sup> "Delegation of Union men of Florida are on their way to Washington. We desire that action concerning the appointment of a military governor be deferred till our arrival," had telegraphed C. L. Robinson from Hilton Head, S. C., on July 3rd.<sup>2</sup> This delegation contained at least two men who were looking for the appointment. They were joined in New York by Judge Fraser, who was at that moment the silent agent of Marvin's interests. He slyly kept his peace until after Johnson had acted.<sup>3</sup>

Before either Florida delegation or Walker reached Washington, Johnson appointed Marvin provisional governor—July 13th.<sup>4</sup> He was in many ways a man admirably fitted for the place. A jurist by profession and long training, a scholar of no little accomplishment, a calm and deliberate thinker, a man of unblemished reputation in public and private life, a resident of Florida for twenty-five years with intimate knowledge of the commonwealth's affairs from long and successful experience in the public service—he held the respect of the people of Florida and combined well those qualities necessary at that time for his work.<sup>5</sup>

<sup>1</sup> *Johnson Papers*.

<sup>2</sup> Robinson to Johnson, July 3, 1865, *Johnson Papers*.

<sup>3</sup> Committee from East Florida to Johnson, July 19, 1865, *Johnson Papers*. This delegation as a body endorsed the appointment of Marvin when made.

<sup>4</sup> *An. Cyclo.*, 1864-65. For comment on Marvin and military governors South see *N. Y. Herald*, July 16, 1865; also Cox, *Three Decades of Legislation*, pp. 419-20.

<sup>5</sup> For résumé of the public career of Marvin see Marvin to Fraser, June 27, 1865, *Johnson Papers*. Marvin was appointed District Judge

During the war he had been a Unionist. After the war he had the support of the leading ex-Confederates.

Marvin came South with General Foster, the newly-appointed commander of the military department of Florida. The two—civil and military heads—discussed the work before them, which was to be in truth reorganization by the co-operation of citizens, the Federal military, and Federal civil officials.<sup>1</sup> One of the first official acts of the new governor on reaching Florida was to restore by proclamation the property which had been confiscated by the Confederate government, and to suspend until further notice the advertised sale of property which had been confiscated by the Federal government. The latter property United States treasury agents were preparing to sell at auction on August 7th.<sup>2</sup> The governor's order was a check to plunder-hunting politicians and bore heaviest on the Chase faction of treasury agents and their friends.

After announcing by proclamation what his policy would be as the civil representative of the Federal government,<sup>3</sup>

by President Jackson in 1835. By some critics he was pronounced the first authority in America on Marine Law. See Senator Doolittle's speech, *Cong. Globe*, 39th C., 1st S., (1865-6), pt. 1, p. 313.

<sup>1</sup> *N. Y. Times*, August 17, 1865.

<sup>2</sup> *Am. Cyclo.*, 1864-5. All owners of property confiscated by the Federal government who were embraced in the President's Amnesty Proclamation of May 29 or who had been specially pardoned by the President were to have their property restored on filing proof of ownership with the governor. Marvin had obtained from the U. S. Attorney-General an order restraining the sale of confiscated property.

*N. Y. Times*, Aug. 17, 1865, letter from Florida. U. S. Marshal Remington had been active in confiscating in East Florida, particularly in the neighborhood of Jacksonville, St. Augustine, and Fernandina. Many plantations and some town property were embraced in the list to be sold. See also *N. Y. World*, May 4, 1865. For discussion of confiscation in the South see Rhodes, *U. S.*, v. 5.

<sup>3</sup> *Am. Cyclo.*, 1864-5.

Marvin traversed the state and in speeches that were remarkably simple, logical, and withal forceful, he pointed out what he considered the necessary point of view for the ex-slaveholder, the necessary change in the approaching political reorganization, and the necessary future position under the law for the negro.<sup>1</sup> He preached the prompt acknowledgment of the abolition of slavery, the annulment of the secession ordinance, the repudiation of the war debt, and the admission of blacks as witnesses and litigants in the courts. To the native white he counseled an acceptance in good faith without question of the clear issues of the war. To the black he counseled the acceptance of the white man as political and social superior.

"As citizens before the law the freedmen must in all respects be our equals," he said at Quincy, September 5th. "Furthermore, persons of color must be admitted as witnesses in all courts of civil jurisdiction. . . . You keep the negro out of the courts and what chance has he for justice? And," he added significantly, "the North is very powerful, even after the war, and has strength enough to enforce its decrees."<sup>2</sup>

In his message to the constitutional convention a few weeks later Marvin stated that "unless the negro finds protection in courts of justice he becomes the victim of every wicked, depraved, and bad man whose avarice may prompt him to refuse payment of just wages or whose passions may excite to abuse or mal-treatment."<sup>3</sup>

<sup>1</sup> *Sen. Docs.*, 39th C., 1st S., no. 26, p. 203. *N. Y. Tribune*, August, 1865, letter of Aug. 10th; *N. Y. Times*, Dec. 25, 1865. "Gov. Marvin took the bull by the horns, going over the state and explaining to the people what he expected of them." For an estimate of Marvin's speeches see *N. Y. Daily News*, Oct. 27, 1865; *N. Y. Evening Post*, Oct. 3, 1865; and *Am. Cyclo.*, 1864-5.

<sup>2</sup> Speech, *N. Y. Evening Post*, October 3, 1865.

<sup>3</sup> See Message, *N. Y. Herald*, Nov. 8, 1865.

At Marianna, speaking to the negroes, he said:

There has been a story circulated in Middle Florida that on the first day of January next the land and mules will be taken from your former owners and divided among you. Such a story, I suppose, you have all heard. Have you? Speak out if you have and tell me. ("I'se hearn it! I'se hearn it!" say all.) Well, who told you so? (An answer: "The soldiers.") . . . I want you to understand me. The President will not give you one foot of land, nor a mule, nor a hog, nor a cow, nor even a knife or fork or spoon. (A voice: "Dar, ole man, you hear dat!")<sup>1</sup>

Marvin's speech-making served a useful purpose in presenting to the people of Florida the immediate and dominating points in the Reconstruction policy of the national government. Any important measures which a state convention might enact to adjust Florida's constitution to that of the restored Union must be in substantial harmony with the national government's program ere the state would be restored to the Union or relieved from the burdens of semi-military rule.

Marvin was the intelligent, positive, and withal, popular agent of the national administration. By proclamation he named the 10th of October as the day for the election of a state convention which was to "draw up a constitution Republican in form and adapted to the new order of things," in brief, to politically reorganize.<sup>2</sup> "I have now visited the

<sup>1</sup> Speech at Marianna, Sept. 27, *N. Y. Daily News*, Oct. 27, 1865; also see *Sen. Docs.*, 39th C., 1st S., no. 26, p. 206.

<sup>2</sup> *Sen. Docs.*, 39th C., 1st S., no. 26, pp. 203-5; *N. Y. Herald*, Sept. 18, 1865. The Proclamation of Gov. Marvin, Aug. 23, 1865, stated that only "loyal" men could participate in the election. The qualifications for voting were—white male 21 years of age and upward, one year's residence in Florida, six months in a certain county, and subscription to President Johnson's Amnesty Oath or proof of special pardon by

Eastern, Western, and Middle portions of this state," wrote the governor, "and conversed freely with the people. There is a disposition among them in every part of the state to co-operate in the establishment of a state government. . . . The people have not asked me to re-establish the municipal authority of the courts, sheriffs, justices of the peace, *etc.* Peace and order have been preserved in the several counties by the provost marshals."<sup>1</sup>

The registration of voters and the election to the convention were conducted by Federal military and civil officials. All white citizens of age who subscribed before the proper authorities to President Johnson's Amnesty Oath or who possessed a special pardon from the President might be enrolled as voters. Registration seems to have been conducted with a reasonable amount of honesty and diligence. The election was fair and uneventful. The issues before the people were clear-cut and definite; namely, whether the black should be admitted to the courts; and whether the war-debt of the state should be repudiated.<sup>2</sup> The vote cast was less than half the normal vote of Florida five years

the President. The Amnesty Oath could be taken, stated the Proclamation, before any civil or military official of the state or Federal government qualified to administer oaths. The state judges of probate were directed to distribute poll books and appoint three inspectors of election in each precinct. The Federal commander of the military in the state would provide for the distribution of poll books through the hands of his soldiers. U. S. transports would touch at Cedar Keys, Apalachicola, Pensacola, Fernandina, St. Augustine, Manatee, Tampa, Enterprise, and Key West to carry delegates to the nearest possible point to Tallahassee. All delegates to be elected were declared in advance by this proclamation to be pledged for the abolition of slavery. The proclamation called for the election of 56 members. The representation was to be by county according to population. The greatest number for any county was four. See also *Am. Cyclo.*, 1864-5.

<sup>1</sup> *Sen. Docs.*, 39th C., 1st S., no. 26, pp. 203-6.

<sup>2</sup> *N. Y. Herald*, Nov. 8; *N. Y. World*, Nov. 3, 1865.

earlier (before the war) <sup>1</sup> and the men elected to the convention, with but few exceptions, had supported the Confederacy.<sup>2</sup> "In every instance the friends of the negro were defeated," wrote the Florida correspondent of the *New York Herald*. "The election as a whole was a formal declaration that the negro should be a social, civil and political outcast."

On the 25th of October the convention assembled in Tallahassee to revise Florida's constitution and to formally acknowledge the results of the war.<sup>3</sup> Marvin's message, read before the body at its opening session, presented a definite program and reiterated his views.<sup>4</sup> The first important action of the convention was to declare by unanimous vote that the ordinance of secession was "annulled".<sup>5</sup> Several days later the convention reluctantly decreed by vote of twenty to fourteen "that neither slavery nor involuntary servitude was to exist in this state".<sup>6</sup> There

<sup>1</sup> *Sen. Docs.*, 39th C., 1st S., no. 26, pp. 206-7. *N. Y. World*, Jan. 4, 1866. Wallace, *Carpet-bag Rule in Florida*, p. 9. The number of votes cast was 6,707; the number of persons qualified to vote was 8,512.

<sup>2</sup> *N. Y. World*, Nov. 3; *N. Y. Herald*, Nov. 8, 1865. "Old politicians are laid on the shelf. Only one member of the Secession Convention of '61, etc. . . . Mr. E. D. Tracy, of Nassau County, elected Chairman. . . . He had never before occupied a prominent position in either state or National affairs. . . . Quite rusty on parliamentary rules and gets mixed up." Also see *An. Cyclo.*, 1864-5.

<sup>3</sup> *An. Cyclo.*, 1864-5.

<sup>4</sup> *Sen. Docs.*, 39th C., 1st S., no. 26, p. 209. *N. Y. Herald*, Nov. 8, 1865.

<sup>5</sup> *N. Y. World*, Nov. 10, 1865. This action was taken Nov. 28, the fourth day of the session. *An. Cyclo.*, 1864-5; *Laws of Florida*, Convention of 1865, Ordinance.

<sup>6</sup> *N. Y. Times*, Nov. 17, 1865. The convention was influenced in its action on this question by a letter from Seward to Marvin. See *N. Y. Herald*, Nov. 2, 1865.

was not much debate over this question, although one member is credited with the statement that he voted for the ordinance only because he had sworn to do so; that he believed slavery "right" and would re-establish it "to-morrow" if he had the power.<sup>1</sup>

The repudiation of the war-debt—contracted while Florida was out of the Union—proved to be a subject very difficult to adjust. The war had obviously freed the slave and crushed the governments founded on secession, but it had not necessarily destroyed the value of securities issued by the state while in another political system. Treasury notes to the amount of \$1,800,000 and bonds for \$300,000 constituted the war-debt. The finance committee proposed to scale down the notes toward their approximate value when issued, and to pay at this lower figure. They advised paying \$1 gold for every \$10 in notes outstanding; and the payment of the bonds in full.<sup>2</sup>

Marvin counseled unqualified repudiation. The debt was an honest debt and there was bitter opposition to repudiation. The governor also counseled the extension of civil rights in the courts to the negro. These two questions—repudiation and the negro's civil rights—engrossed the attention of the convention. Other matters were of subordinate interest.<sup>3</sup>

<sup>1</sup> *N. Y. Times*, Nov. 17, 1865.

<sup>2</sup> *N. Y. World*, Nov. 17, 1865. The Finance Committee declared that the debt was an honest debt and should be paid. The advocates of repudiation claimed that to pay the debt would be to enrich a crowd of dishonest speculators who had bought up the notes and bonds at a very low figure.

<sup>3</sup> *N. Y. Herald*, Nov. 19, 1865; *N. Y. Times*, Aug. 25, 1865. Benj. Truman stated that Marvin told him that the convention was decidedly against admitting negro testimony in the courts and that some delegates came pledged to vote against it. At several points in the state, political meetings had been held before the assembling of the conven-



Some of the members were looking forward to election to the legislature or other political offices, and therefore refrained from following a very positive policy. Both repudiation of the war-debt and the extension of civil rights to the black encountered opposition.<sup>1</sup> Finally the convention shifted for a time the burden of repudiation in deciding by a vote of twenty-five to twenty-one to lay the question of repudiation before the people in the election to follow. The voter was to mark "pay" or "no pay" on his ballot.<sup>2</sup> By a vote of twenty-six to nineteen the negro was given the right to testify in all criminal and civil cases in which one of his color was concerned. He could sue and be sued in court but was not allowed to serve on juries.<sup>3</sup> The ballot in the new constitution was granted by unanimous vote solely to "white males", and in a sort of *obiter dictum* the body declared its unqualified disapproval of any project for enfranchising the negro.<sup>4</sup>

Matters stood thus on the eve of adjourning *sine die*, when a telegram from President Johnson to Governor Holden, of North Carolina, was laid before the convention. It urged repudiation as a prerequisite for re-admission to the Union. Its influence was sufficient to decide the convention. By a vote of thirty-three to nine the war-debt was repudiated.<sup>5</sup>

tion, at which meetings resolutions were adopted on the questions of repudiation and the negro. For example, see *Florida Times*, Oct. 5, 1865 (published by H. Reed, a Northern man), for an account of a meeting in Lake City of "loyal" men, that declared for repudiation of debt and abolition of slavery.

<sup>1</sup> *N. Y. Times*, Nov. 17, 1865.

<sup>2</sup> *N. Y. Herald*, Nov. 19, 1865. Action taken Nov. 2nd.

<sup>3</sup> *N. Y. Herald*, Nov. 23, 1865.

<sup>4</sup> *N. Y. Times*, Nov. 17, 1865.

<sup>5</sup> *N. Y. Times*, Nov. 26, 1865; *Am. Cyclo.*, 1864-5; *Laws of Florida*, Convention of '65, Ordinance no. 6, passed Nov. 6.

On November 7th the convention adjourned.<sup>1</sup> This body had revised the commonwealth constitution to conform once more with that of the United States, had acknowledged the obvious political and social change wrought by the war, had granted the black the protection of the courts, and had clearly announced its hostility to negro enfranchisement.<sup>2</sup> The opponents of repudiation attempted to have the constitution submitted to popular vote for acceptance or rejection. A majority was sufficiently wise to defeat the project.

The convention had fully complied in essential points with the indirect dictates of the national administration.<sup>3</sup> A minority had all along outspokenly opposed and criticised what was termed "Presidential dictation", but this minority was not sufficiently bold or sufficiently strong to materially influence the outcome.<sup>4</sup> One observer of the Florida convention wrote: "In my observation of twenty-five years among legislative bodies it has never been my lot to witness an assemblage where there was so little asperity of feeling or excitement, or where there was manifested a deeper or more earnest desire for the public weal. . . . The convention did its work fairly and squarely."<sup>5</sup>

However squarely the convention might have met and dealt with the issues, its record is that of a body determined to go only so far as necessity forced it in acknowledging some results of the war. The constitution provided for a

<sup>1</sup> *N. Y. Times*, Nov. 26, 1865.

<sup>2</sup> See interesting editorial comment, *N. Y. Times*, Nov. 21, 1865.

<sup>3</sup> See letter of Seward to Marvin, *N. Y. Herald*, Nov. 2, 1865; *An. Cyclo.*, 1864-5; *N. Y. World*, Nov. 3, 1865, editorial comment.

<sup>4</sup> See criticism by Gen. Finley, Finley to Johnson, Nov. 18, 1865, *Johnson Papers*.

<sup>5</sup> *N. Y. Times*, Nov. 26, Dec. 25, 1865.

white man's government. The state apportionment for representation in the legislature was the same as under the slavery régime, a negro counting three-fifths of a white man. An ordinance adopted concerning vagrancy bound the black to a condition which his Northern friends defined as "semi-peonage".<sup>1</sup> The suffrage was restricted to "free white male persons of 21 years or more, and none others".

Was this a liberal constitution?<sup>2</sup> Historically considered it *was* liberal. It did not extend the suffrage to the black, and became to Charles Sumner and other Radicals in the North

the work of a pretended convention—a constitution which, after recognizing the abolition of slavery, and therefore the citizenship of those who were once slaves, proceeds actually to decree their disfranchisement; and Senators are expected to recognize such an instrument as a Republican form of government—an instrument which begins by the denial of equality to nearly one-half of its citizens.<sup>3</sup>

The convention fixed November 29th as the day for the election of a legislature, governor, and members to the Federal Congress. In this election, as in the one preceding, the ex-slave-holding class controlled the situation.<sup>4</sup> Only about 4,000 votes were cast—less than the number polled for delegates to the constitutional convention.<sup>5</sup> 14,000 had been the voting strength of Florida in 1861. Some

<sup>1</sup> *Laws of Florida*, convention of '65, ordinance no. 4, Nov. 4.

<sup>2</sup> See comment, *N. Y. Times*, Nov. 17, 1865.

<sup>3</sup> *Cong. Globe*, 39th C., 1st S., 1865-6, pt. 1, p. 313.

<sup>4</sup> *An. Cyclo.*, 1864-5. *N. Y. Times*, Dec. 25, 1865. Benjamin Truman stated, "At the last election the significant thing was the fact that the straight-out Union candidates for Congress were defeated and the men elected cannot take the Test Oath," *etc.*

<sup>5</sup> *An. Cyclo.*, 1864-5.

men in Florida were still excluded from the benefits of the Amnesty Proclamation of May 29th; and many who could vote were not sufficiently interested to go to the polls. More than 8,000 were registered. Only one-half of those who could vote, therefore, had actually cast their ballots. The Union-Republicans of Florida exerted small influence on this election.

David S. Walker, an Old-Line Whig and an ex-Confederate, was chosen governor without an opposing candidate.<sup>1</sup> Ferdinand McLeod, of West Florida, another ex-Whig, was elected to Congress—and it was declared at the time that he could not take the Federal Test Oath.<sup>2</sup> The legislature was composed of ex-slaveholders and veterans of the Confederate army. They were good men—among the most substantial and reliable citizens of Florida—but the Radicals in the North condemned them. “I wish to call your attention to the actual state of things there” (Florida), said Charles Sumner before the United States Senate,

as it is represented to me by thoroughly competent witnesses. [Reading] “The election has been held and, as you may expect, rebels elected. The legislators are four-fifths rebel officers, from Brig. Gen. Joseph Finegan down to a corporal. Gen. Barney has not yet obtained his pardon. The people of

<sup>1</sup> Wallace, *Carpetbag Rule*, p. 17: “The Old Whigs seem to have had an understanding that they would not vote for a Democrat, as they charged the Democrats with having brought on the war, and as David S. Walker had been one of the most popular leaders of the Old Whig party he became the candidate by general consent, the Democrats being anxious to get back into the Union by the help of either friend or foe.”

<sup>2</sup> *N. Y. Times*, Dec. 25, 1865. W. W. Kelly was chosen Lieut.-Gov.; B. F. Allen, Secretary of State; J. B. Galbraith, Attorney-General; L. G. Pyles, Comptroller; C. H. Austin, Treasurer; T. T. Long, Judge of Suwanee Circuit; E. A. Putnam, Judge of East Circuit. See *An. Cyclo.*, 1864-5.

Florida are more hostile than they ever have been. They were surrendered too soon.”<sup>1</sup>

Governor Marvin's observations indicate no such danger as Sumner professed to see. The governor wrote to Secretary Seward: “What is very remarkable is that as a general rule the most zealous original secessionists accept the results of the war in a better spirit than the original Union men who got dragged into it against their will.”<sup>2</sup> Benjamin Truman, who was in Florida during December, 1865, in his report on the temper of the South, declared that

the rank and file of the disbanded Southern army—those who remained in at the end—are the backbone and sinew of the South. . . . To the disbanded regiments of the rebel army, both officers and men, I look with great confidence as the best and altogether most hopeful element of the South, the real basis of reconstruction and the material of worthy citizenship. On a thousand battlefields they have tested the invincible power of that Government they vainly sought to overthrow, and along a thousand picket-lines and under the friendly flag of truce they have learned that the soldiers of the Union bore them no hatred and shared with them the common attributes of humanity. Around the returned soldier of the South gathers the same circle of admiring friends that we see around the millions of hearthstones in our own section, and from him they are slowly learning the lesson of charity and brotherhood. I know of very few more potent influences at work in promoting real and lasting reconciliation and reconstruction than the influence of the returned Southern soldier.<sup>3</sup>

<sup>1</sup> *Cong. Globe*, 39th C., 1st S., 1865-6, pt. 1, p. 313.

<sup>2</sup> *Sen. Docs.*, 39th C., 1st S., no. 26, pp. 203-6.

<sup>3</sup> *Sen. Ex. Docs.*, 39th C., 1st S., no. 43. Report of Truman, April 9, 1866. Truman was in Florida from the 7th through the 20th of December, 1865.

Governor-elect Walker was not an aggressive man, and in no sense an irreconcilable. He was a quiet Southern gentleman of Central Florida with a well-deserved popularity for his moderate views. He was experienced in politics, had held slaves, had openly opposed secession, and like thousands of other ex-Whigs, had gone with his state when the crisis was past in 1861. He came into office in troubled times. Vindictive and ignorant politicians North stood ready to exaggerate into something sinister every trouble that might afflict the badly-demoralized South.

Civil law in Florida was partially restored by military proclamation late in November. All civil officials of the state and localities were thereupon directed by the provisional governor to resume the functions of their offices. The military reserved to itself the jurisdiction of the more serious offenses, such as murder, rape, incendiarism, riotous assemblage, highway robbery, *etc.*<sup>1</sup> On December 1st, President Johnson restored the privilege of the writ of *habeas corpus*.<sup>2</sup>

There was comparative tranquility in Florida during the autumn of 1865. A Southern correspondent of the *New York Herald* concluded that "there has been less trouble in Florida between citizens and United States soldiers, and with freedmen than in any other Southern state, and the state of feeling is better than in any other Southern state".<sup>3</sup>

A survey of conditions in the South at this time supports this conclusion. What is the explanation? Some of the

<sup>1</sup> *N. Y. Times*, December 25, 1865; *N. Y. World*, Jan. 4, 1866.

<sup>2</sup> Executive Proclamation, McPherson, *History of Reconstruction*, p. 15. Also, *N. Y. Herald*, Dec. 1, 1865. For a disparaging view of the restoration of civil rule in Florida, see *N. Y. Daily News*, Dec. 15, 1865.

<sup>3</sup> *N. Y. Herald*, Nov. 15, 1865.

obvious causes of peace were: 1, the popularity and wisdom of Governor Marvin; 2, the moderate counsel and course of the older leaders in Florida—mostly ex-Confederates;<sup>1</sup> 3, the absence of an urban population and many Federal office-holders; 4, the course taken by the public press. The journals of Florida had systematically taught prompt compliance with the terms of the conquering power. "Now as a general thing," wrote a keen and bitter observer from the North in Florida,

the editors in the South are almost as disloyal and contemptible, and almost as malignant and mean as the ministers of the Gospel. I am happy to do Florida editors justice to say that they are far ahead of their brothers in the South, with a few honorable exceptions. All over the state, with but one exception, the editors have pursued a manly, vigorous course. They are loyally and patriotically at work, and their rusty little columns teem with noble sentiments. There are 10 papers in the state. Seven have cuts of the American flag at the head of the editorial columns, while no other paper in the South that I know of, except the *Savannah Republican*, has such. I called upon the Jacksonville papers a few days ago, and also on the Lake City papers. To-day I called on the editors of the Tallahassee papers and found them to be fair-minded, upright men. They understand their position fully. . . . Really, Florida towers above her sister states. . . . Too much praise cannot be given Provisional-Governor Marvin. Florida has stepped forward and bravely accepted the issues of the war. . . . Nowhere in this state is seen the staggering indolence and filth

<sup>1</sup> *N. Y. Times*, Aug. 17, 1865, for the opinion and advice of Yulee; *N. Y. Daily News*, — 1865 (Townsend Library, Columbia University), letter of Mallory to Chas. E. Dyke (editor of *Floridian*), Nov. 1, 1865; *N. Y. Times*, Dec. 25, 1865; *Am. Cyclo.*, 1864-5, résumé of Walker's ideas; Wallace, *Carpet-bag Rule*, chaps. 1-3; Yulee to Merrick, May 30, 1865, *Johnson Papers*.

(among the freedmen) that is so painfully noticeable in Georgia and Alabama. . . . I find more *bona fide* loyalty and earnestness in Florida than in any other state which I have yet visited. Of course at present there is very little love manifested for the Union or enthusiasm at the overthrow of the Confederate Government.<sup>1</sup>

As a matter of fact society was a long ways from being in a settled or peaceful condition. To the keen observer painful symptoms of social mal-adjustment were evident by the autumn of 1865. Hostility between blacks and whites was beginning to show itself.<sup>2</sup> Many negroes were still roving over the country, stealing and generally refusing to work.<sup>3</sup> Negro soldiers were garrisoned in the towns and villages, and more than once their presence proved unfortunately exciting to the more choleric portion of the white population.<sup>4</sup> Wild ideas began to lay hold of the

<sup>1</sup> *N. Y. Times*, Dec. 25, 1865.

<sup>2</sup> Tallahassee *Floridian*, 1865, *passim*. A gin-house was burned near Marianna which precipitated conflict between blacks and whites. A company of 7th U. S. Infantry was ordered to the place to put down disturbance.

*N. Y. Times*, Oct. 1, 1865. Frequent reports that negroes were being enticed on board ships in Florida waters and taken to Cuba to be sold as slaves. For this reported kidnaping see Sumner's speech in U. S. Senate, *Cong. Globe*, 39th C., 1st S. (1865-6), pt. 1, p. 313.

*N. Y. Herald*, Dec. 3, 1865. Fight between blacks and whites at a local election in Lake City. Negro troops in garrison attempt to stop the trouble and make it worse. One negro killed.

<sup>3</sup> *N. Y. Times*, Dec. 25 and 27, 1865. In his report to the *Times*, Truman stated, "The freedmen in Florida are getting on well. Florida had about 60,000 colored at the outbreak of war. About 20,000 were urged or sold into slavery during the war from neighboring states. As is the case everywhere there is much suffering among the blacks." See memoranda on number of slaves in Florida in 1861 from *Milton Papers* (no date). These gave the number at a little more than 51,000. Gamage to Johnson, Oct. 30, 1865, *Johnson Papers*.

<sup>4</sup> *N. Y. Herald*, November 15; *N. Y. World*, November 10; *N. Y.*



African's mind that the property of his late master would be given him on or about the first of January, 1866.<sup>1</sup> In some places experiments already had been made in giving the ballot to the black in local elections.<sup>2</sup> Some native whites seemed bent on exerting undue physical control over the black in spite of the clear issues of the war and the state of public opinion North.<sup>3</sup> Men and women who had

*Times*, December 25, October 1, 1865. Gamage to Johnson, October 30, 1865, *Johnson Papers*.

*Laws of Florida*, Convention of 1865, Resolution No. 6, Nov. 6, praying the President to remove negro troops from the state that "good order and peace may be preserved, etc." Gamage wrote to the President: "The freedman, I find, and especially where negro troops are stationed, lazy, idling, thievish, and impudent. There is really danger of an insurrection that would surprise you if you were aware of it raised principally from the secret admonitions of colored troops," etc. By the end of December (1865), there were only three regiments of Federal troops in the state—7th White and 34th and 99th Colored Infantry. Benjamin Truman stated that there were "hardly enough troops in the state. The colored troops have been acting very badly."

<sup>1</sup> Speech of Marvin, *N. Y. Daily News*, Oct. 27, 1865; *N. Y. Times*, Dec. 25, 1865. "Christmas will soon be here," stated Marvin, "and everyone of a timid mind in this section of country believes that the 'niggers are going to clean us out,' or at least a great many think that there will be attempts at insurrection. . . . I do not think so."

<sup>2</sup> Chase to Johnson, May 25, 1865, *Johnson Papers*. "An election for mayor, councilmen and other officers was held (at Fernandina) . . . the blacks and whites voting. When I arrived I was asked to swear in the mayor-elect, Mr. Mot, a French gentleman of great intellectuality, etc. . . . Of course I complied and had the honor of administering the oath of office to the first mayor of Fernandina." It was commonly reported that the Mr. Mot in question had been a tutor in Chase's family and owed his presence in Florida to a treasury appointment by Chase. Both he and Chase were interested in the negroes voting. See also *N. Y. Times*, July 2; *N. Y. Evening Express*, June 14, 1865.

<sup>3</sup> See order of Gen. Asboth at Pensacola, *N. Y. Herald*, Sept. 8, 1865. *N. Y. Tribune*, Aug. —, 1865, letter of Aug. 10 from Jacksonville, affirming the intention of some whites to substitute a system of

followed the fortunes of the Confederacy did not embrace with joy the end of their dreams in that direction. "In the breast of nearly every man you meet a conflict is raging. Old ideas, old convictions, revered customs, traditional habits and everything relating to business, social and civil life is uprooted and scattered."<sup>1</sup>

Also, the political status of Florida in the Union was still undetermined. What would be the final judgment of the North on Reconstruction? Some people expected, no doubt, a broad and statesmanlike view by the victorious section. But a section in order to have a statesmanlike view must have at least a statesman whose word is heard and heeded. Opposition to the United States was at an end in the South, we know now. The South had been broken on the wheel. The great cause of difference had been removed. A Florida Unionist presented this idea when he declared: "Slavery, the prolific source of all our woes, is dead. The cause of that embittered feeling to which I have alluded is past; let the feelings of bitterness pass with it. If maintaining the institution of slavery was an offense deserving punishment, God knows the punishment of the late slaveholder is equal to the offense, however great its enormity."<sup>2</sup>

But in spite of these sad sentiments and possible political difficulties, inevitable after a great civil war, the economic situation in Florida was improving. Business began to

peonage for the system of slavery abolished by the war. Truman in the *N. Y. Times*, Dec. 25, 1865, declared that there were "two classes of fanatics in regard to the negro. One would elevate the black at the expense of the white man. The other begrudges the black his freedom and seeks to annihilate him because of his emancipation."

<sup>1</sup> *N. Y. Tribune*, Sept. 5, 1865.

<sup>2</sup> Letter of E. C. Cabell in *De Bow's Review*, Jan., 1866.

"pick up" during the late summer of 1865. The cotton crop was abundant even with the uncertain condition of labor.<sup>1</sup> Much cotton that had been hidden away during the war came to light after the close of hostilities. This with the confiscated cotton of the late Confederate government served as a substantial initial basis for trade.<sup>2</sup> "Shortly after the close of hostilities in 1865 there was tremendous activity in the cotton business along the Chattahoochee," stated a one-time cotton clerk in Apalachicola. "Probably as many as 200,000 bales were shipped out of Apalachicola in the summer and fall of '65. . . . St. Marks shipped 50,000 bales during the summer and fall of '65."<sup>3</sup> A filip was given business. Lumber mills were being repaired and rebuilt. Men began again to "get out timber" from Florida's forests and raft it down the creeks and rivers to the sea.<sup>4</sup> Merchant ships once more came and

<sup>1</sup> *N. Y. Times*, Dec. 25, 1865. Truman stated: "Agriculture is in a good condition. The chances are that this year's crop will be the largest in Florida's history. . . . Five times as much cotton has been raised as was calculated by commercial men North and South. Thousands of bales are piled up all along the railroad awaiting transportation."

<sup>2</sup> *N. Y. Times*, Aug. 17, 1865; Oct. 1, 1865. It was estimated that 30,000 bales of cotton were in the state at the time of the surrender. Since surrender (till October) more than 6,000 bales were sent from Jacksonville. Large cotton business was being done at Apalachicola and St. Marks. A Jacksonville correspondent estimated the number of bales in Florida at end of war at 50,000.

<sup>3</sup> Conversation with Wm. Trimmer, of Escambia County, Florida. This estimate of the amount of the cotton sent from St. Marks and Apalachicola is too high.

<sup>4</sup> *N. Y. Times*, Aug. 17, and Oct. 1, 1865. Lumber and timber were coming into Jacksonville in small quantities. 400,000 feet of sawed lumber, 1,000 sticks of timber (pine), 1,000 sticks of cedar, 1,000 barrels of tar, and 250 barrels of turpentine were shipped from Jacksonville during the first four months after surrender. See also *N. Y. Tribune*, Sept. 5, 1865.

went unmolested from the recently deserted harbors.<sup>1</sup> The owners of the depleted and disorganized railways sought capital for repairs and new equipment to meet the revival in business.<sup>2</sup> Merchants brought in new stocks of goods from the North.<sup>3</sup> In Florida there were unmistakable indications of economic revival accompanying political reorganization.

By the end of 1865 the blacks had become to a considerable degree the wards of the national government under the tutelage of United States marshals and Freedmen's Bureau agents. Negroes were also undergoing political instruction. Their initial education in this regard was gleaned from the gossip of military camps,<sup>4</sup> from the conversation of Northern philanthropists and politicians, from Freedmen's Bureau agents, and from secret societies. The last were potent means for organizing the negroes and developing their latent possibilities as future electors.

<sup>1</sup> The blockade of Southern ports was removed by Proclamation of the President May 22nd, to take effect after July 1, 1865. McPherson, *History of Reconstruction*, p. 9.

<sup>2</sup> *N. Y. Times*, Oct. 1; Dec. 25, 1865. Says one report, "Since the road has been opened to Quincy the company has been compelled to refuse freight destined for that station, the warehouse being filled to the utmost capacity and the side-tracks with loaded cars, etc."

<sup>3</sup> *N. Y. Tribune*, Aug., 1865, letter of Aug. 10 from Florida; *N. Y. Herald*, Nov. 8, 1865. "Warehouses packed with cotton awaiting shipment of goods from the North. Those with sufficient capital are engaged in cotton speculation. The smaller fry are buying small stocks of goods and starting in business," etc.

<sup>4</sup> *N. Y. World*, Nov. 10, 1865. "Gen. Grant's order disbanding negro troops was received with unusual satisfaction. Their presence has galled and irritated the whites, while they fostered insolence and idleness among the negroes, etc." *N. Y. Times*, Dec. 25, 1865. Truman wrote from Florida: "The greatest source of trouble (with the freedmen) is the colored soldiers. They incite the freedmen to a commission of crime, etc." Also Gamage to Johnson, Oct. 30, 1865; Reed to Blair, June 26, 1865, *Johnson Papers*. For a defense of black troops, see Wallace, *Carpet-bag Rule*, p. 19.

By mid-summer of '65, treasury agents and military officials had succeeded in establishing chapters of the "Union League of America" at several points within Florida.<sup>1</sup> In October, soon after the arrival of T. W. Osborn in Florida, another secret political and benevolent society for blacks was launched—the "Lincoln Brotherhood". Osborn was probably founder and head of this organization. It spread rapidly throughout the northern portion of the state. The parent group was in Tallahassee. Initiation into these secret societies was made sufficiently mysterious to favorably impress the black with their importance and satisfy his longing for some sort of hoodooism. Amid the rattle of gun-locks, the giving of solemn oaths, and a sufficiency of mumble-jumble, the candidate stood in a dim light and swore fealty to the Union-Republican party and the United States constitution.<sup>2</sup>

The native whites looked askance upon these societies. They were primarily political organizations. Their projectors, white men from abroad, deliberately aimed at the political control of the state in the future by means of the negro vote. It did not take much perspicacity to see the drift of things. The Southern whites, as a class, were

<sup>1</sup> Chase to Johnson, May 21, 1865, *Johnson Papers*. "Nor do I know that I have mentioned the fact that everywhere throughout the country colored citizens are organizing Union Leagues. I found them in a greater or less degree of advancement in nearly every place. They must exert a great influence on the future of the class they represent, and not a little bit on the character of the states in which they exist. They form a power which no wise statesman will despise." This letter from Chase was sent from Fernandina after the writer had visited other states, and therefore referred to no one state, but Reed's letter to Blair (*Johnson Papers*, June 26) indicates that Florida was included. See also *N. Y. Tribune*, Sept. 5, 1865. For facts concerning Union Leagues in general, see Fleming, *Doc. Hist. Reconstr.*, v. 2, chap. 7.

<sup>2</sup> Wallace, *Carpet-bag Rule*, pp. 42-43.

positively opposed to negro enfranchisement. The secret societies were utilized to teach the negroes that they had grievances against the ex-slave-holding class. The black was taught that it was necessary to be independent of his former master; that his former master wished to re-enslave him. The seeds of suspicion were planted and cultivated. In many cases the foregoing accusation regarding re-enslavement was true. But while many might have wished for the old régime, few were fools enough to think that slavery could or would be revived.

In arraying race against race, the record of the Lincoln Brotherhoods and Union Leagues was damnable and generally at wide variance with the advice of the higher Federal military officials, Governor Marvin, and even General O. O. Howard of the Freedmen's Bureau. The latter on his visit to Florida in October, 1865, extended to the negro different counsel.<sup>1</sup>

<sup>1</sup> *N. Y. World*, Nov. 17; *N. Y. Herald*, Nov. 19, 1865. At Tallahassee Gen. Howard spoke to the freedmen in the negro Methodist Church. He advised them to be polite and respectful to the white people; to make contracts with their former masters; and to "stick up" to those contracts.

## CHAPTER XV

### THE FREEDMEN'S BUREAU AND PUBLIC OPINION

UNFORTUNATELY for hopes of social tranquility the Federal government during the early autumn of 1865 definitely established in Florida a special tribunal for the blacks. This new tribunal was the Freedmen's Bureau, created by Federal statute of March 3rd, 1865, as a branch of the United States war department.<sup>1</sup> It proved to be a higher tribunal than any state court, when the blacks' interests were involved. Its original objects were three, as suggested by its full name, "Bureau of Refugees, Freedmen, and Abandoned Lands."<sup>2</sup>

Primarily it existed for the protection of the Southern negro and to help that lately liberated class find itself in American society. The war department announced that

the work of the Bureau will be the promotion of productive industry, the settlement of those so lately slaves in homes of their own; the guarantee of their absolute freedom and their right to justice before the law as set forth in the proclamations of the President and the laws of Congress; the dissemination of virtuous intelligence; and to aid in permanently establishing peace and securing property.<sup>3</sup>

<sup>1</sup> *U. S. Statutes at Large*, v. 13, pp. 507-509; on July 16, 1866, the Bureau was continued for two years and details of administration elaborated by statute, v. 14, pp. 174-79.

<sup>2</sup> See Peirce, P. S., *The Freedmen's Bureau* (Un. of Iowa Studies), for the best account of the Bureau in the entire South.

<sup>3</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, Circular no. 2, July 24, 1865.

The negro was in need of protection when dealing with unscrupulous whites, Northern or Southern. He was also in need of some aid in earning a living under the new régime of freedom, mainly because that régime began with Southern society poverty-stricken, demoralized, and shaken to its very foundations. But it is very probable that state courts could have and would have given this aid wisely; and it is extremely doubtful if the Bureau in Florida extended the desired protection and the needed aid judiciously or honestly. The institution was an arm of the Federal government designed in good faith to bolster up temporarily society in the South—particularly black society—amid the demoralization following the war and after the downfall of that much-maligned and ancient institution, chattel slavery. The Bureau was founded in the assumption that the Southern black unaided would not obtain justice from the Southern white. In its operation it affords an example in American history of arbitrary, bureaucratic government from a remote center—a form of political atavism suggestive of ancient Babylonia or modern Russia.

In September, 1865, Thomas W. Osborn, late of the Union army, was appointed chief assistant-commissioner for Florida.<sup>1</sup> His appointment marks the official beginning of the Bureau's existence within the state. For three months previous to this date the army had been the medium of the national government for rendering aid to destitute people in Florida—blacks and whites—distributing gratis during these months several thousand rations.<sup>2</sup>

Three months after its establishment in Florida the Bureau was in more or less effective operation over the entire state. The general plan of organization comprised

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 79, Sept. 13, Circular no. 4.

<sup>2</sup> *Ibid.*, pp. 275-6.



the distribution throughout the state of sub-commissioners of the Bureau, each of whom was entrusted with the supervision of a "sub-district" composed of several counties—from two to four, according to size and accessibility.<sup>1</sup> Each of these sub-district chiefs had subordinate to him in each county and principal town a "civil agent" to "attend to details". Each sub-assistant commissioner was required to report monthly, or oftener, to state headquarters in Tallahassee, and to forward there all appeals from his decisions or those of his civil agents. Each commanding officer of a military post was constituted, *ex-officio*, sub-assistant commissioner for the "surrounding district", "which arrangement," said General Foster in June, 1866, "unites more completely the full benefits of military and Bureau administration."<sup>2</sup>

The sub-assistant commissioners were all officers or ex-officers of the Union army. The civil agents were local judges, justices of the peace, discharged Federal soldiers or "citizens of character and influence who were willing to perform the duty".<sup>3</sup>

Osborn appointed the probate judges in each county agents of the Bureau, and in the counties of Nassau, Columbia, Alachua, Marion, and Jackson he called upon the judges to appoint in his name as civil agents the county clerks and justices of the peace. Governor Marvin advised these local officials to comply with Osborn's order by serving. Some of them did so.<sup>4</sup>

Here we have a suggestion of co-operation between Fed-

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 275. The state was at first divided into five districts. An officer from headquarters (Tallahassee) traversed the state to explain to the people at large the objects of the Bureau.

<sup>2</sup> *Sen. Ex. Docs.*, 39th C., 2nd S., no. 6, pp. 43-44, Oct., 1866.

<sup>3</sup> *Ibid.*, p. 44.      <sup>4</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 86-88.

eral officialdom and local officialdom, but like honor among thieves it did not extend far. Radical investigators in Florida from the North condemned the local civil officials because "their prejudices and other personal qualities" produced "moral incapacity" to treat the negro "with fairness as freeman".<sup>1</sup> The service was unpopular with native whites and sometimes entailed insults and petty persecutions.<sup>2</sup>

By June, 1866, the work of the Bureau in Florida was being done by the assistant commissioner and four staff officers at Tallahassee, thirteen sub-assistant commissioners located at various points in the state, six "civil agents", four clerks (in Tallahassee), eight hospital nurses, a state surgeon and physician, a state superintendent of education for freedmen, and fifty-one school teachers. By October, 1866, the number of civil agents had been increased from six to twenty-four. Several of the civil agents received definite salaries from the war department. The others were remunerated by fees charged for services rendered.<sup>3</sup>

Thomas W. Osborn—the first chief of the Bureau in Florida—was a man of considerable energy and executive ability far above the average. He had served during the war as an officer in the 24th Massachusetts Infantry and had campaigned in Florida.<sup>4</sup> He went from the army into the Bureau service and retired from the latter on June 11th, 1866, succeeded by General J. G. Foster.<sup>5</sup> Os-

<sup>1</sup> *Sen. Ex. Docs.*, 39th C., 1st S., no. 27, pp. 128-129. Maj. C. H. Howard, special inspector.

<sup>2</sup> *Ibid.*, 2nd S., no. 6, p. 44.

<sup>3</sup> *Sen. Ex. Docs.*, 39th C., 2nd S., no. 6, p. 44.

<sup>4</sup> *N. Y. Tribune*, Dec. 29, 1863; Jan. 23, 1864; *N. Y. Times*, Jan. 23, 1864.

<sup>5</sup> *Sen. Ex. Docs.*, 39th C., 2nd S., no. 6, pp. 43-44.

born was destined to be a powerful politician in Florida. As Bureau agent he made friends readily among the Southern planters and at first received commendation and praise from the local conservative press.<sup>1</sup>

He addressed himself at once to obtaining from the Federal treasury department records of "abandoned and confiscated" property; to the restoration of this property to rightful owners when possible and convenient; to relieving suffering among indigent whites and blacks by granting them food and medical attention; and to extending to the negro the paternal protection, direction, and care of the Bureau.

On September 9th he announced in the newspapers of the state that application for the restoration of abandoned property should be addressed to him after obtaining from the commander of the nearest military post a written approval of the claim and proof that the petitioner had subscribed to the Federal Amnesty Oath. All deeds, mortgages, and other documents bearing upon the claim of abandoned or confiscated property in Florida were then to be submitted to Chief Osborn at Tallahassee.<sup>2</sup>

Numerous claims were in time sent to this central office and there settled satisfactorily.<sup>3</sup> The treasury agents who

<sup>1</sup> *N. Y. World*, May 31, 1866. Letter from Jacksonville. *N. Y. Times*, June 25, 1866, letter of Benj. Truman, Fernandina; *Florida Union*, Feb. 3, 1866; *N. Y. Daily News*, Jan., 22(?), 1866 (Townsend Library).

<sup>2</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 47, 85, and 280. Sp. Ord. no. 5, Oct. 31, 1865. "All property in Apalachicola held by officers of this Bureau is restored to owners," etc. Also *H. Ex. Docs.*, 38th C., 2nd S., no. 18.

<sup>3</sup> *H. Rpts.*, 40th C., 2nd S., no. 30, p. 15. Rpt. of Dec. 31, 1867, stating that the total number of pieces of town property restored to owners was 26 and that the number of such pieces of property still held was 299. *H. Ex. Docs.*, 39th C., 1st S., no. 70.

had taken over abandoned and confiscated property in 1865 were slow in relinquishing to the Bureau agents the control of this property.<sup>1</sup>

The work of the Bureau as an institution of charity and social control lay within certain numerous fairly distinct spheres of activity: namely, 1, the issuing of rations to indigent and destitute blacks and whites; 2, the maintaining of an orphanage for blacks, an insane asylum, a hospital, and crude free medical dispensaries for the pest stricken;<sup>2</sup> 3, the aiding of negro land-seekers in locating and homesteading tracts of Federal land;<sup>3</sup> 4, the organizing, partly supporting and superintending of negro education; 5, the regulating of written contracts for labor between white employer and black employee; 6, the overseeing of the Freedmen's savings banks in Jacksonville and Tallahassee; 7, the encouraging of the black to be more conventional in his or her marital, sexual, and parental re-

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 280-85. Bureau-agent Webster was sent in January, 1866, to Pensacola to take over the control of property from Treas. Agt. Ricks, but the titles to the property were not obtained from Ricks. Osborn stated that this was the third time that he had made such a demand, each time "for one reason or another" Ricks refusing to surrender necessary descriptions of properties. Simon Conant, Bureau agent, was sent into East Florida in the autumn of 1865 to take over the remaining property seized for non-payment of Federal taxes. The Treas. agts. were absent and the transfer not made. See provision in Federal statute, July 16, 1866, concerning abandoned property, sections 4 and 5, *U. S. Statutes at Large*, v. 14, pp. 174-9.

<sup>2</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70; 41st C., 2nd S., no. 142, pp. 18, 24. One Bureau hospital was maintained in Florida. The report of Feb., 1870, gives force employed as two physicians and six nurses. 653 negroes were treated in this hospital (at Magnolia) during the year 1868-9.

<sup>3</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 57, p. 18; also 39th C., 1st S., no. 70.

lations;<sup>1</sup> 8, the furnishing to the negro of a perfectly free and always willing tribunal (the Bureau Courts) for the successful adjudication of his civil claims and penal misfortunes. The institution also educated the negro in party politics, but this function can hardly be considered within its legitimate sphere as an institution of government.

This was the Bureau's legal scope. What was the measure of its actual activities?

At the close of the war the negro population of Florida was above 65,000—practically all liberated slaves. Two-thirds of this population was segregated in the half-dozen cotton counties of North Central Florida.<sup>2</sup> Here the duties of the Bureau were heaviest.

The simplest and most direct aid which it rendered the inhabitants of Florida was the granting of rations. During the two years following the close of the war hundreds of indigent blacks and whites called upon the Bureau for food. 92,191 rations were given gratis between June 1st, 1865, and May 1st, 1866.<sup>3</sup> It is not possible to estimate

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 108-11. See Gen. Ords. no. 8, Aug. 11, 1865, presenting certain marriage rules for freedmen. Men 21 and women 18 were eligible for marriage. All who wished to marry must show evidence of not being married or of being separated for at least three years. Churches and civil officials were allowed to grant permits of marriage for 50 cents each. All ministers of the Gospel and civil officials were authorized to solemnize marriage and to issue marriage certificates for \$1.00. All such certificates to be sent to the Bureau. Religious organizations were empowered to dissolve marriages of freedmen. Elaborate rules were drawn up setting forth the duties of husbands to "former wives" and the rights of wives and children, *etc.*

<sup>2</sup> See *Census of 1870* (unreliable); *H. Ex. Docs.*, 39th C., 1st S., no. 70. A special state census of 1867 put the number of blacks at 71,665. Population increased from immigration during 1866. See *Floridian* during 1867; also Rerick, *Memoirs of Florida*, v. ii, p. 301.

<sup>3</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 275-6; *N. Y. Times*, June 13, 1866, Gen. Steedman's Report.

accurately the extent of this aid. General Howard reported in March, 1867, that 500 destitute whites and 1,000 blacks were dependent for a living for five or six months of the year upon the Bureau. He estimated that 45,000 rations per month were called for.<sup>1</sup> A ration was estimated to cost twenty-five cents.

The Federal government paid for the supplies through the Bureau. The funds came either in direct Federal appropriation or from the sale and rent of abandoned and confiscated property. The total expenditure by the Florida Bureau in Florida from November 1st, 1865, to November 1st, 1866, was \$15,589.62. Its income for these twelve months was \$18,949.00.<sup>2</sup> 1866 was its busiest year. Therefore we can conclude that the total expenditure of this institution among Florida's 70,000 negroes and few hundred helpless whites was not large.

It rendered good service in filling hungry stomachs, in caring for a few orphans, sick people and insane; and in ministering unto the pest-stricken. A negro orphanage was maintained at Fernandina in the confiscated home of General Finegan.<sup>3</sup> A hospital with a staff of several physicians and nurses was established near Jacksonville.<sup>4</sup> Pest houses were kept up in various towns and villages of the state. Small-pox was raging in localities among negroes during 1865-66. The Bureau by a systematic campaign of

<sup>1</sup> *Sen. Ex. Docs.*, 40th C., 1st S., no. 1, p. 2.

<sup>2</sup> *Sen. Ex. Docs.*, 39th C., 2nd S., no. 6, p. 47.

<sup>3</sup> *Ibid.*, p. 47; *Sen. Ex. Docs.*, 39th C., 1st S., no. 27, p. 110. The orphan asylum at Fernandina is spoken of as "a lovely spectacle of genuine philanthropy."

<sup>4</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 47. At Magnolia, 20 miles above Jacksonville, on the St. Johns river. The hospital was established in March, 1866; *H. Ex. Docs.*, 41st C., 2nd S., no. 142, pp. 18, 24.

vaccination against the disease rendered a good service to society.

At a few points in the state small primary schools for negroes had been established before the Bureau entered Florida. In Fernandina and Jacksonville negro schools were opened during the war.<sup>1</sup> Florida was less advanced in educating the negro than most other Southern states. This lack of progress did not disturb the Southern white. Even the enlightened planters did not welcome academic ideas from the proselyting, patronizing newcomer from the North or the politically-minded negro preacher.

In Tallahassee the Bureau inspector of freedmen's schools reported on January 1st, 1866, that he had found five negro schools gathered together and taught by negro preachers. He reported also a school of "interesting girls" at the same place taught by a "Mulatto woman of education" who said to him, "I intend to make ladies of these girls".<sup>2</sup> The American institution of learning is in truth capable of a great deal.

Small negro schools were at the same time in operation in Fernandina, Jacksonville, St. Augustine, Lake City, and Gainesville. Some white women of Fernandina conducted a "sewing school" for blacks and a negro orphan asylum which by January, 1866, had fifty-five inmates.<sup>3</sup> Thus it is

<sup>1</sup> Moore, *Rebell. Rcd.*, v. 6, p. 61. *N. Y. Tribune*, Aug. 17, 1864; *N. Y. Times*, Jan. 23, 1864.

<sup>2</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 337. J. W. Alvord was the inspector of schools. His report is dated Jan. 1, 1866.

<sup>3</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 276. Fernandina had two negro schools, 330 pupils, and five teachers; St. Augustine, two schools, 250 pupils, and four teachers; Jacksonville, three schools, 530 pupils, and four teachers; Lake City, one school, 310 pupils, and two teachers; Tallahassee, one school, 208 pupils, and two teachers. This made a total of 10 schools, 1,918 pupils, and 21 teachers, reported Dec. 31, 1865.

seen that educational and charitable work among Florida's blacks had already begun before the Bureau was fairly established. One of the first things which it accomplished was the organization over the state of numerous schools for blacks supported partly by local contributions, partly by the state, partly by Northern charity,<sup>1</sup> and partly by Federal funds.

In October, 1865, General Foster, commanding the military department of Florida, appointed Chaplain H. H. Moore (white), of the 34th United States Colored Infantry, state superintendent of education for Freedmen.<sup>2</sup> Assistant-Commissioner Osborn immediately directed all sub-assistant commissioners of the Bureau to report to Moore as soon as possible the number of negro children between five and fifteen in their respective districts; the number and character of the schools already established; the school-house accommodations; the means for boarding and lodging teachers; the disposition of the whites toward negro schools; the ability and willingness of the people, black and white, to pay teachers, *etc.*—in fact all reasonable information germane to the question of wisely establishing negro schools.<sup>3</sup>

The Bureau's educational efforts produced some results. By the end of January, 1866, 21 black schools were reported at 14 points employing 33 teachers and enrolling 1,868 pupils of all ages.<sup>4</sup> Six months later 38 schools were re-

<sup>1</sup> Philanthropic work among the negroes in the South Atlantic states (the Carolinas, Georgia, and Florida) was carried on by the following organizations: American Missionary Assn., Boston Educational Commission, Freedmen's Relief Assn. of N. Y., American Tract Society of Boston, and Educational Societies founded in Philadelphia, Chicago, and Cincinnati. See *H. Rpts.*, 40th C., 2nd S., no. 30, pp. 20-22.

<sup>2</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 85.

<sup>3</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 85, Circular no. 7.

<sup>4</sup> *Ibid.*, pp. 283-4. The distribution was as follows: St. Augustine,



ported employing 51 teachers and enrolling 2,662 pupils. Twenty of these 38 schools were state institutions. Twenty-nine of the 51 teachers were sustained by the New York branch of the Society for the Protection of the Freedmen.<sup>1</sup> The Bureau directed and controlled this educational work—state, Federal, and private.

The state legislature on January 11th, 1866, provided by law for a negro school system of its own.<sup>2</sup> By October, 1866, twenty-five common schools for blacks had been established by the state. L. M. Hobbs, an ex-chaplain of the 3rd Colored Infantry and Federal provost-marshal at Tallahassee, was appointed by Governor Walker state superintendent of negro schools.<sup>3</sup> Hobbs's successor—another ex-chaplain of the Union army—became superintendent of Bureau schools; and in this way was the direction of the two systems—Bureau and state—linked together.<sup>4</sup> Gradually the Bureau schools were absorbed into

two schools, four teachers, 150 pupils; Fernandina, three schools, six teachers, 280 pupils; Jacksonville, three schools, six teachers, 240 pupils; Colony, one school, one teacher, 28 pupils; Lake City, one school, two teachers, 300 pupils; Gainesville, one school, two teachers, 280 pupils; Palatka, one school, one teacher, 85 pupils; Marianna, one school, one teacher, 80 pupils; Pensacola, one school, one teacher, 75 pupils; Lieut. Cessna's Plantation, one school, one teacher, 20 pupils; Belle Air (near Tallahassee), one school, one teacher, 40 pupils; Midway, one school, one teacher, 20 pupils; Plantation near Tallahassee, one school, one teacher, 30 pupils; Tallahassee, three schools, five teachers, 240 pupils.

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70.

<sup>2</sup> *Laws of Florida*, 14th Assembly, chap. 1475.

<sup>3</sup> *N. Y. Evening Post*, March 16, 1866, Hobbs' letter; *N. Y. World*, April 21, 1866, Tallahassee letter; *H. Rpts.*, 39th C., 1st S., no. 30, p. 8, testimony of Hobbs before the Reconstruction Committee in Washington, Feb. 28, 1866.

<sup>4</sup> E. B. Duncan, *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 46.

the state system, although the Bureau was the paramount authority during the period of military rule, 1866-68.<sup>1</sup>

The state levied a poll tax of \$1 on every adult male negro for the support of negro schools. Few paid the tax—some failing because they could not pay, and many because they would not. The total amount of taxes assessed by the state on negroes during 1866 was only \$22,935. \$7,-828 of this amount was the poll tax for common schools, and only a fraction of it was ever collected. During the year 1866 the state government issued warrants to the amount of \$2,792.88 for the payment of teachers in negro schools.<sup>2</sup> These warrants were paid out of general revenue. The fraction of the negro school tax actually paid was turned in by planters for their workmen.

Experience demonstrated that negroes were not disposed to have their names recorded on the tax rolls, even for purposes of their own education. Paying taxes was a process which they neither understood nor appreciated. Many had no money to pay when called upon. More enlightened people do not readily pay taxes—particularly poll taxes—for that which they think they will obtain without paying. With Florida negroes tax paying was discouraged because “restless agitators now told them,” stated Comptroller Beard, in 1867, “that the state is without such government as they are bound to respect, that it is an illegal concern having no legitimate powers.”<sup>3</sup>

<sup>1</sup> In February, 1870, 32 Bureau schools were reported employing 39 teachers and enrolling 1,507 pupils; also 20 Sunday-schools with 55 teachers and 1,168 pupils, *H. Ex. Docs.*, 41st C., 2nd S., no. 142, p. 24. At this time the number of negro pupils enrolled in state schools was about 3,000. See *Am. Cyclo.*, 1870-71; Herbert, *Why the Solid South?* p. 167.

<sup>2</sup> *Rpt. State Comptroller Beard*, Aug. 5, 1867.

<sup>3</sup> *Rpt. State Compt. Beard*, Aug. 5, 1867. See also *Floridian*, Aug. 9, June 14, July 16, 1867.

For five years the Bureau continued to oversee negro schools and to act as the agent for steadily decreasing Northern charity. The teachers in negro schools were both blacks and whites.<sup>1</sup> The latter were generally social outcasts. From the larger plantations came applications for teachers.<sup>2</sup> Osborn reported early in 1866 that in Florida negro schools "were flourishing", that there was some opposition by whites to their establishment, and that the great need was teachers.<sup>3</sup> L. M. Hobbs, superintendent of negro schools, wrote in March, 1866:

There is great demand for schools on plantations, not only by freedmen but by former masters. They say that it is as much to their interest as to the freedmen's that the freedmen be educated; that as free laborers they will do better by being able to read and write and will be more contented if they can have schools on their plantations. Many planters have offered to pay one-half the expenses of schools if they are successful in raising cotton this year.<sup>4</sup>

Thousands of ex-slaves wished "book-learning" and strove for a little while to acquire it. They labored with an eagerness and hopefulness and helplessness, usually, not without pathos. The Southern whites interpreted the negroes' efforts as but a passing spasm of curiosity founded upon a desire to ape the more enlightened whites and to test freedom somehow by piercing the mysteries of the printed

<sup>1</sup> *American Freedman*, Oct., 1866. Article on Southern Education. See also various reports of Freedmen's Bureau in Florida.

<sup>2</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 284; *N. Y. Evening Post*, March 16, 1866.

<sup>3</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70.

<sup>4</sup> *N. Y. Evening Post*, March 16, 1866, letter from Hobbs to Pres. Shaw of N. Y. Freedmen's Relief Assn. Also personal conversation of the author with ex-Gov. Bloxham in Tallahassee.

page. The Southern whites did not take the matter very seriously.<sup>1</sup> The more ignorant they were the more they resented the blacks' mad search after the alphabet.

Strangers in the land—from the North—were heavily impressed with what they saw. Many of them made hasty, optimistic and thoroughly asinine or dishonest generalizations and prophecies about the bright cultural outlook for the negro. Such optimism continues to this day. The black was described to doting enthusiasts North as a man of uncommon parts—with acquisitive and reasoning faculties far above the Southern white, and with an enthusiasm for learning, probably unparalleled in the history of the human race. "The great movement is among the children of the usual school age," declared one admirer.

Their parents, if at all intelligent, encourage them to study. Your officers [U. S.] add their influence, and it is a fact not always true of children that, among those recently from bondage, a school-house, however rough and uncomfortable, is of all places the most attractive. A very common punishment for misdemeanors is the threat of being kept home from school. The threat is, in most cases, sufficient.<sup>2</sup>

A Federal treasury agent in Florida found "the colored children evincing a spirit and disposition to learn" that he had never witnessed "even in the white schools of the North; and not only evincing the disposition, but actually learning. That is something that has impressed me most profoundly everywhere in the South."<sup>3</sup>

An interesting and for several years favorable aspect of

<sup>1</sup> Radicals testifying before the Reconstruction Committee or writing home exaggerated the bitterness of the Southern white. For instance, see the testimony of Ricks and Hobbs, *H. Rpts.*, 39th C., 1st S., no. 30.

<sup>2</sup> *Ibid.*, pp. 22-23.

<sup>3</sup> *H. Rpts.*, 39th C., 1st S., no. 30, p. 2, testimony of J. W. Ricks.

the national government's influence on the blacks of Florida is furnished by the career of the Freedmen's Savings Bank. When the negro became a considerable element in the Federal army during the Civil War the safe-keeping of the pay and bounty money of this class became a matter of philanthropic concern to Northern negrophiles. Why existing Caucasian banks could not minister unto the negro it is difficult to understand. At any rate to meet the supposed exigency military savings banks were created at Norfolk, Va., and Beaufort, S. C., which were centers of mobilization at that time for negro troops.<sup>1</sup>

The close of the war and the consequent emancipation of the negro increased and made more actual the necessity of some reliable agency to meet the black's financial and social wants. In response to this demand Congress incorporated in March, 1865, the Freedmen's Savings Bank and Trust Company, a sort of financial supplement of the Freedmen's Bureau.<sup>2</sup>

The institution was designed to perform for a particular class—a desperately poor and ignorant class—the important function of a savings bank. Its purpose was declared to be “to receive on deposit such sums of money as may from time to time be offered therefor by or on behalf of persons heretofore held in slavery in the United States, or their descendants, and to invest the same in the stocks, bonds and treasury notes or other securities of the United States.”<sup>3</sup>

Branches of the bank were established during March, 1866, in Jacksonville, and during the following August in Tallahassee.<sup>4</sup> Deposits from \$1 up were received. At-

<sup>1</sup> *Sen. Rpts.*, 40th C., 2nd S., no. 440, pp. 1-2.

<sup>2</sup> *Statutes at Large*, v. 13, pp. 510-513, March 3, 1865.

<sup>3</sup> Sec. 5.

<sup>4</sup> *H. Misc. Docs.*, 43rd C., 2nd S., no. 16, p. 85. W. L. Coan was Bank Manager in Jacksonville, and Wm. Steward in Tallahassee.

tractive bank books were issued to negro depositors and the Bureau agents encouraged the blacks to put their surplus earnings in the bank.<sup>1</sup> The Florida branches were soon doing a general banking business—making loans on various sorts of notes, on cotton, lumber and even real estate.

Some of the men associated in the local management of the institution in Florida were unmitigated scoundrels,<sup>2</sup> but this fact did not prevent it from doing a useful work in the state among the negroes. Colonel Sprague reported to General Howard on October 1st, 1867, that the two Florida branches were in a "flourishing condition" and that the rental of buildings occupied by both branches was "paid by the Bureau in compliance with orders".<sup>3</sup> The bank was in reality a part of the Bureau's system. Two and a half years later, 1870, the Congressional committee investigating General Howard reported that the influence of the bank on the black was "very beneficial".<sup>4</sup>

When in 1874 the Freedmen's Bank failed the Jacksonville branch had \$39,400.00 on deposit from some 1,608 depositors—mostly negroes—and the Tallahassee branch \$30,610.35 from 766 depositors.<sup>5</sup> These poor people lost a large part of their savings and no doubt had their pristine faith in banks and the goodness of the new régime badly shaken.

<sup>1</sup> *Floridian*, Feb. 15 and 19, 1867. See reference to bank in Minutes of Republican Club of Jacksonville. For the bank elsewhere, see Prof. Fleming's *Civil War and Reconstruction in Alabama* for an admirable account of the institution there; also, his *Doc. Hist.* for the whole South.

<sup>2</sup> One, Stonelake, was chairman of the bank's "Advertising Committee" in Tallahassee, *Floridian*, Feb. 19, 1867. For charges of disgraceful frauds of Stonelake in selling painted sticks to negroes, see Wallace, *Carpet-bag Rule*, p. 40.

<sup>3</sup> *H. Rpts.*, 41st C., 2nd S., no. 121, pp. 47-48.

<sup>4</sup> *Ibid.*, p. 486.

<sup>5</sup> *Sen. Rpts.*, 46th C., 2nd S., no. 440, pp. 22, 41.

But memories of misfortune do not linger long in the Ethiopian's head. The failure hardly produced demoralizing distrust even among the comparatively few who were the victims. The negro as a freedman was expected to become master of his own wealth. The Freedmen's Bank encouraged the ex-slave to put his earnings in a safe place presumably, and enabled him to realize an interest on his money. Practically, therefore, the plan tended toward inculcating thrift, and though the plan ended in disaster, yet it became for a short time under the Bureau's oversight a potent instrument for teaching economic values to the black.

Another attempt to protect the economic interests of the negro—and in some ways the most important function of the Bureau—was the direction and management of the written contract system for labor. Thousands of such contracts between blacks and whites were entered into in all parts of Florida during 1865-68. They were made usually under the eyes of a Federal agent, and thus very profoundly did the Bureau touch the active agricultural and industrial life of the commonwealth.

What was the character of these contracts? How did the system work out?

The avowed policy of Osborn (the first Bureau chief of the state) was to leave the amount of the wage to the law of supply and demand, after, however, fixing carefully a minimum of food to be furnished in advance by the white landlord. This minimum was four pounds of bacon, one peck of meal, and one pint of syrup or the equivalent per week per laborer. The male head of a family might make a contract binding his wife and those children old enough to labor but legally under age. The contracts stipulated or implied the hours of work to be performed each day, the days of labor, the food to be advanced, and the wage or

share of the crop to be paid. The planter usually allowed the laborer one-third of the crop which he might cultivate and his food and lodging till the crop was made. In saw-mills and in turpentine orchards and distilleries the stipulated return was in cash or supplies. A Bureau agent generally witnessed the making of these contracts and for this service he charged a small fee which was paid by the landlord.<sup>1</sup>

On September 21st, 1865, Osborn ordered all sub-assistant commissioners of the Bureau to report to him the number of freedmen in their respective districts; approximately the number laboring under written contracts; the average wage or share of the crop received by the laborer; the degree of contentment apparent; the attitude of white employer toward negro employee; and the disposition of the negroes to loaf, congregate in towns, and steal. Officials were directed very positively by Osborn to discourage the blacks from collecting in towns, at military posts, at railway stations, or in isolated communities. "It should be constantly borne in mind," ran the order, "that the labor of the freedmen is most profitable to himself as well as to the employer where the labor can be made to yield the largest returns, which, as a general rule, is on plantations or in the lumber business."<sup>2</sup>

Bureau officials were cautioned against giving railway transportation to blacks, and were to bend all energies toward inducing them to make written contracts—documents which in the magnified vision of the blacks' new mas-

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 85-90, 283. *N. Y. Times*, June 13, 1866. Gen. Steedman states that in "Fernandina District Maj. Shearer of 7th Ohio who acts without pay gets \$5.00 for each contract." Also Rpts. of Gens. Steedman and Fullerton, *Johnson Papers*.

<sup>2</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 79-80.



ters, the Bureau agents, became personal Magna Chartas for the members of the liberated race.

Later state law on the subject—so howled-down by the Northern Radicals—was in substantial accord with the Bureau's labor system, in fact, grew out of it. Florida statutes announced that written contracts must be made when black labored for white. Would the *state* or the *Bureau* see that the contracts were *kept*? The state government would punish for the breach of contract; the Bureau practically would not tolerate such action if the offender were a negro.

The assistant-commissioner reported in December, 1865, that the "freedmen generally decline to make contracts for the ensuing year until after New Year."<sup>1</sup> This condition of affairs was due to the strange African belief prevalent over the entire South among the blacks that on New Year, 1866, a general division of property would be made. When the expected division was not made and the Florida legislature enacted its stringent "Black Code", negroes became less restive and over the length and breadth of Florida written contracts were entered into with a new zest.<sup>2</sup>

The system excited opposition among the whites. "There is some dissatisfaction with the Freedmen's Bureau. There is a large class of lawless men in this state who are restive under the restraints of military rule and feel impatient that it is not removed," reported General Foster in March, 1866.<sup>3</sup> "The prevailing opinion is that

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70.

<sup>2</sup> *Ibid.*, p. 277. "Where the freedmen worked well," stated Osborn, "wages received were good and where they have for any cause worked badly, wages have been small; but the freedmen usually accept the result as a natural consequence of a summer of idleness and commence this year with a determination of procuring better pay for doing more work."

<sup>3</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 57, p. 8.

the General Government should not interfere in that matter at all; that it should be left entirely to the people of the State," testified a Federal agent from Florida before the Reconstruction Committee.

They [Southerners] say they understand the negro better than we [Northerners] do; that they can manage him better; and that the government has not any right whatever to interfere in the matter. They evidently desire one of two things in the matter; to so control the negro that he will be in a condition of semi-slavery or peonage or else to make the free-labor system an utter failure in order to show that their own peculiar notions about the subject are correct.<sup>1</sup>

By the advent of summer (1866) the reports of various Bureau agents on contracts were reassuring. "The negroes are working diligently," wrote Colonel Sprague in July. Sprague had then just completed an extended tour of inspection among the plantations, his journey including the towns of Jacksonville, Starke, Waldo, Gainesville, Bronson, and Cedar Keys.<sup>2</sup> "The contract system is good," he continued. "Justice is being done the freedmen as laborers." The agent from Lake City reported: "Many planters assure me that the contract system is better than the slave system." Later he wrote: "The planters want peace."<sup>3</sup> General Steedman inspected the Bureau's work in Florida and stated in June, 1866: "The freedmen are at work and are liberally compensated."<sup>4</sup>

The written contract labor system although cumbersome began favorably,<sup>5</sup> and might have worked out well to the

<sup>1</sup> *H. Rpts.*, 39th C., 1st S., no. 30, p. 9.

<sup>2</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 57, pp. 87-88.

<sup>3</sup> *Ibid.*, p. 10, April 28, 1866.

<sup>4</sup> *N. Y. Times*, June 13, 1866.

<sup>5</sup> See references to favorable conditions in *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 275, 283-4; 40th C., 2nd S., no. 57, p. 11. Report of Gen. Steedman, *N. Y. Times*, June 13, 1866; *Johnson Papers*, 1866.

end if the negro and the Bureau agent had not attempted to dictate to the white landlord.<sup>1</sup> The high price of cotton in 1865 induced planters to offer good wages,<sup>2</sup> which fact encouraged the more greedy laborers backed by Bureau officials to try for even better wages. The average wage for a first-class hand was a share in the crop—equivalent to about \$150 per annum, in addition to food and shelter. In the sawmills and turpentine orchards the wage was \$25 to \$30 per month and no food advanced.<sup>3</sup>

There were not enough laborers in Florida to perform adequately the work of the state.<sup>4</sup> Three out of four planters wanted more workmen. One planter near Tallahassee offered to pay the fines of all negroes confined in the county jail if he might work them on his estate at good wages. Some prisoners were released to him under these conditions.<sup>5</sup> The reports of the Bureau, the news in local Conservative journals, the talk of politicians, the letters North from Florida—all indicate the prevalence—possible superabundance—of opportunities for remunerative labor, and this conclusion casts discredit upon the statement of General Howard, head of the Bureau, who in March, 1866, declared that in Florida more than \$10,000 per month was needed for the distribution of free food alone.<sup>6</sup>

<sup>1</sup> For an instance of attempted dictation with the Bureau's help, see *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 281-2, 232. See also criticism of Bureau in Wallace, *Carpet-bag Rule*, pp. 40-41, and Rerick, *Memoirs of Florida*, v. 1, p. 319.

<sup>2</sup> *Sen. Ex. Docs.*, 39th C., 1st S., no. 27, p. 48.

<sup>3</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 278.

<sup>4</sup> *Floridian*, Jan. 11, Feb. 1, Feb. 19, 1867.

<sup>5</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 278-9.

<sup>6</sup> *Sen. Ex. Docs.*, 40th C., 1st S., no. 1. The South was less prosperous in March, 1867, than in March, 1866, due partly to a short cotton crop. Howard called for a total appropriation by Congress of \$1,508,750, "to meet the extreme want occasioned by the failure of the crop." See also Gamage to Johnson, Oct. 30, 1865, *Johnson Papers*.

Colonel Flint, Federal commander at Tallahassee, declared that frequent well-grounded complaints against the blacks had reached him, charging them with deliberate violation of contracts, with idleness, vagrancy, theft, and sometimes "violence upon the persons of whites". Exorbitant wages were demanded by them, "and," Flint continued, "insolence and refusal to do what they agree to do follow. Combinations exist among the blacks to force the payment of high wages. They exult in the change which has taken place in conditions—now say they are the masters."<sup>1</sup>

Labor contracts constituted only one of the many matters which became the source of troublesome differences among blacks and whites. "Both classes are far from being accustomed to their new relative positions," stated Bureau Agent Mahoney in Lake City in July, 1866. Mahoney afterwards became an active Republican politician. "The whites are very apt still to expect and exact the deference and respectful submission formerly observed toward them by the blacks," he said,

while the latter, imbued with very extraordinary ideas about their freedom, consider themselves fully on a level with their former masters, and seldom fail to show that such is their opinion. Hence many little collisions of almost hourly occurrence, which though trifling in their nature at present, may, by repetition, become a source of standing disagreement between the two races. . . . On the other hand, the small town politicians of 1861 are politicians still, and though less loud now than then, still love to speak of the down-trodden South and her wrongs, which sentiments find a ready echo in the hearts of the younger men of the country.<sup>2</sup>

<sup>1</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 57, p. 77.

<sup>2</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 82-83.

Another agent stated that he would feel no security in Florida if the military were withdrawn. "I would have no fear of the intelligent planters," he said,

but there are the bar-room loafers, previously slave-drivers and overseers, and who are called "piney woods men"—men who, as the old settlers have said to me, have escaped justice in other states and have settled here. Then there is a class of boys of nineteen or twenty years of age, who would put a bowie knife or bullet through a Northern man as they would through a mad dog.<sup>1</sup>

The larger planters, belonging mainly to the class that ruled the South before the war, were somehow more amicably disposed toward the Bureau and the Federal military than were the majority of the native Southern whites. The vision of the aristocracy was a broader one than that of the poor white. The disastrous outcome of the war had discredited this upper class. It received the hardest treatment at the hands of the North, yet its influence was the most powerful single factor in the South for peace and harmony. Its control over society was less felt than in the olden times, but in 1865-66 it exercised in Florida certainly a restraining influence. A new and lower stratum of the Democracy had come to the surface in the South—a stratum less rich, less fine, narrower, more apt at conflict than at compromise. The President of the United States was a fair example.

"There have been cases of ill-treatment and dishonest dealing on the part of planters with freedmen," stated Osborn, "while we also find noble treatment on the part of others. For instance, Colonel R. H. Gamble and Colonel J. J. Williams each employed 125 hands last year, and Colonel Gamble has paid upwards of \$12,000 for their labor and is

<sup>1</sup> *H. Rpts.*, 39th C., 1st S., no. 30, p. 8. Testimony L. M. Hobbs.

still indebted to them, while Colonel Williams aside from what he has paid now holds \$10,000 in cash subject to the orders of his laborers."<sup>1</sup>

The aristocratic ex-Confederate, who had fallen from comfortable affluence to poverty, readily entered into fair written contracts with his negro laborers, kept his end of the bargain, and showed a spirit of kindly conciliation in co-operating with the Freedmen's Bureau. But "the people at large," stated Florida's Bureau head, "show a spirit of dislike or hatred for the freedmen that is hard to account for. The feeling among the little planters, lawyers, and members of the present legislature, the croakers, and the other small fry is contemptible."<sup>2</sup>

The assistant commissioner (Osborn) professed that he would disabuse the minds of the blacks of erroneous ideas in regard to the new relations of white men and black men; that he would impress upon them that the only possible means of obtaining a livelihood was by honest and continuous industry. "The usual remedy for vagrancy, breaking contracts, and other crimes will be resorted to," he announced in general orders,

the freedmen and other persons of African descent having the same rights and privileges before military and civil courts that the white citizens have. . . . Every person should labor in

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 280. Both Gamble and Williams were aristocratic Southern planters who had supported the Confederacy.

<sup>2</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 275. There is testimony to the contrary. A man from Florida was asked by the Reconstruction Committee "what class of white people in that State [Florida] in your judgment are the most inimical to the blacks?" He replied: "The wealthiest class—those whom we formerly termed 'the upper grade'—the upper crust. The poorer class of whites are not so unfavorable to the black man as those formerly known as the wealthier class." *H. Rpts.*, 39th C., 1st S., no. 30, p. 2.

some capacity to earn his bread and support his family. . . . I also believe that the broad principles of demand and supply should, in every community, govern the price of labor, or in other words, that labor is a commodity in the market and the possessor of it is entitled to the highest market value, and that any restriction on the price of labor beyond this has a tendency to injure the best interests of employer and employee alike. I have, too, everywhere where the influence of the Bureau was brought to bear directly upon the freedmen, endeavored to treat them as men endowed with common sense. . . . I have endeavored to stand in the gap made by a lifetime's education of one party upon the prejudice engendered by a slave-holding community and the ignorance naturally resulting from the condition of slaves in the other party. The freed-people of Florida need no sympathy above other people, but they require justice at the hands of the white people and of the government.<sup>1</sup>

Did the blacks obtain this justice?

When Assistant-Commissioner Osborn made the foregoing declaration of worthy principles and fair play he himself was playing an active part in organizing Lincoln Brotherhoods (secret political societies) among the blacks and in teaching them loyalty to the Republican party.<sup>2</sup> Why? Osborn afterwards reached the United States Senate by negro votes. For obvious and historical reasons his political activity was very positively objected to by most native whites. His official position as local chief of the Bureau accentuated their objections. If the Republican

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 277-8.

<sup>2</sup> Wallace, *Carpetbag Rule*, p. 42. See Also *H. Rpts.*, 41st C., 2nd S., no. 121, pp. 47-8, for reference to political aspect of Bureau's activity. Col. Sprague stated that he had registered 15,441 blacks in Florida to 11,151 whites, and that he had "taken measures for their [black's] quiet instruction through the medium of sub-assistants in their rights and duties under the Reconstruction Acts."

party had been the purest and most patriotic organization in history, still the Southerner then would have been suspicious of it. Would the negro obtain justice from his Southern white neighbor or the Bureau rise in the estimate of the Southern white under these circumstances?

The Bureau in Florida began well. "You will fail to find in Florida the abuses in the Bureau which exist in Virginia, North Carolina, and South Carolina," stated Benjamin Truman in May, 1866. "There are some indiscreet men connected with the Bureau but no downright swindlers, I think."<sup>1</sup> It soon found itself in antagonism to the native white population. This was due in part to prejudices and class conflict beyond the control of government and in larger part to the lack of judgment and lack of honesty among Bureau officials.

The sentimental attitude of these men toward the black—due perhaps to a genuine but unfortunate optimism—exasperated the Southern whites and did not teach the negro wisdom. Colonel Sprague, in February, 1867, then chief of the Bureau in Florida, called the attention of General Howard to the manner in which Emancipation Day had been kept by the freedmen. "In all the principal towns of the State they assembled in large bodies. Processions paraded the streets bearing United States banners. Meetings were held and addressed by agents of the Bureau, and the day ended in dances and suppers." This celebration so impressed the assistant commissioner that he declared it to be "one of the strongest evidences of the freedmen's appreciation of his position irrespective of labor."<sup>2</sup> Parading and feasting were construed as evidences of social progress and were encouraged by the Bureau agent. The

<sup>1</sup> *N. Y. Times*, June 8, 1866.

<sup>2</sup> Rpt. of Sprague, *N. Y. Tribune*, Feb. 20, 1867.



law-abiding Southern whites feared the disorder which accompanied such demonstrations.<sup>1</sup>

Colonel Sprague was a good military officer and a man evidently fair in his intentions. Some of his subordinates were neither. Colonel Flint of the Federal garrison at Tallahassee realized the situation when he wrote: "A sound discretion in selecting officers, both civil and military, to fill various offices would materially aid in bringing about a more harmonious and prosperous condition of affairs. Unfortunately the important and delicate duties have sometimes devolved upon persons of weak minds, contracted views, and strong prejudices."<sup>2</sup>

Flint could have included in his indictment some reference to official stealing. One function of the Bureau was to furnish rations to the destitute—bacon, meal, syrup, peas, flour, potatoes, rice, *etc.* These supplies were shipped to various local agents to be distributed by them as occasion arose. This offered an opportunity for graft and stealing, and the opportunity was utilized. Some agents stocked little stores (shops) with rations and sold them for their personal benefit. Others engaged in cotton planting and paid the black laborers with Bureau rations.<sup>3</sup> On the east coast, south of St. Augustine, an attempt was made to establish a negro colony under white leadership. The leader operated a sawmill. The laborers were paid with Bureau rations.<sup>4</sup> In Central and West Florida, W. J. Purman, M. L. Stearns and several other local Bureau agents were accused of devoting to their own use Bureau rations.<sup>5</sup>

<sup>1</sup> See, for instance, the testimony of Judge Sam J. Douglas before Cong. Committee, *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 294.

<sup>2</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 57, pp. 77-78.

<sup>3</sup> *H. Rpts.*, 41st C., 2nd S., no. 121, pp. 446-456; Wallace, *op. cit.*, pp. 40-41.

<sup>4</sup> *H. Rpts.*, 41st C., 2nd S., no. 121, pp. 449, 486.

<sup>5</sup> Wallace, *op. cit.*, pp. 40-41.

A negro active as a Republican politician in Florida during Reconstruction has written thus :

Instead of a blessing it [the Bureau] proved the worst curse of the race. The Agents of the Bureau were stationed in all the cities and principal towns of the State. They overruled the local authorities with the arbitrary force of military power. . . . The National Government sent provisions to the state to be distributed to such of the freedmen as were struggling without means of subsistence to make a crop. This meat and flour was placed in the hands of these agents for distribution, who appropriated it at their discretion and frequently more largely for their own benefit, than that of their wards. The commissioner of the Bureau for this State in company with a retired army officer carried on a large plantation on the Apalachicola until General Steedman was appointed to examine and report upon the condition of the Bureau's affairs, when in anticipation of his visit to the state his interest was suddenly transferred to his partner, who after gathering and disposing of the cotton crop and all the available stock on the place gathered himself up and left without paying his rent."<sup>1</sup>

A gentleman of Florida, a Southerner, who was an active business man during the Reconstruction period, judging the period in retrospect summed-up his views of the Bureau thus :

The freedmen were in a destitute condition after the war, and to better their condition the Freedmen's Bureau was established to extend all kinds of aid to the negro. It probably did more harm than good, demoralizing the blacks and putting an incentive on laziness, besides putting a powerful lever in the hands of unscrupulous agents for the perpetration of fraud and the organization of the blacks into political factions for their leader's support. Too much freedom was given the Bureau agents in handling the funds. There was one agent

<sup>1</sup> Wallace, *op. cit.*, p. 41.

who came to Pensacola to establish a school for blacks. He was an honest man, I think. I had some dealings with him in regard to the land, and I noticed what broad lee-way was given. He practically consulted no one regarding his expenditures—just sent in his bills to department headquarters.<sup>1</sup>

The state government and the Bureau were in conflict before the end of the first sixty days of the reorganized government's existence. Colonel Osborn declared that he wished the supremacy of the civil government recognized, yet on February 26th, 1866, he issued an order forbidding the use of whipping post and pillory.<sup>2</sup> The state administration was warned that the application of certain statutes in the Black Code would not be tolerated by the Bureau. The tribunals of that institution aggressively opposed what they interpreted as abuse of the negro by civilians and local officials. They insisted upon no difference in treatment, before the law, of blacks and whites. Negroes formed the habit of running to the Bureau agents with complaint, and in some localities the whites were sharply called to account, lectured on justice and honesty, fined, and incarcerated.<sup>3</sup> The state assistant commissioner ordered that Bureau officials apprehend all landlords who should unjustly turn blacks out of homes occupied by them.<sup>4</sup>

The state legislature in January, 1866, as one of its first acts, petitioned the President of the United States to transfer the affairs of the Bureau entirely to the Federal military in garrison.<sup>5</sup> The legislature claimed that the

<sup>1</sup> Conversation with Mr. Edward Anderson, of Pensacola.

<sup>2</sup> *Fla. Union*, Feb. 3, 1866. On Nov. 15, 1865, Circular no. 9 had stated, "stripes or other corporal punishment will not be administered to any person over 15 years of age except by authority of a court of law." *H. Ex. Docs.*, 39th C., 1st S., no. 70, pp. 86-87.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 232, 282, 285.

<sup>4</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 88, Cir. no. 10, Dec. 31, 1865.

<sup>5</sup> Walker to Johnson, June 13, 1866, *Johnson Papers*.

Bureau's affairs had been conducted with neither good judgment nor economy, and that the belief had been spread among the blacks by its agents that the land of the former masters would be divided among the one-time slaves.<sup>1</sup> This was a serious indictment, but was not taken seriously by the Federal government.

In truth, the institution condemned by the state would have had to be a very perfect and soft-mannered institution to have avoided offending the Southern whites, particularly those directly interested in the Conservative government, state and local. The Bureau offered a tribunal for the black above and outside of the state courts.<sup>2</sup> Its personnel was largely of newcomers from the North. Its authority rested upon Federal bayonets. Yet it was not the military authority back of the Bureau or the patent fact that most of its officials were "Yankees" and "scalawags" that constituted fundamentally the *casus belli* between it and the state government. The legislature had expressly petitioned that the "military" be given control. It was a "Yankee chaplain" who framed the negro school law—part of the Black Code—for the first Conservative assembly.<sup>3</sup> The first superintendent of negro education for the state was a "Yankee" ex-chaplain, the appointee of Governor Walker, a Conservative ex-Confederate. So was the second superintendent. Many of the teachers in the state schools for blacks were from the North. A few highly-respected citizens of Florida in 1866 were lately from the North—some having served in the Union army and supported the Republican party. Blind Southern prejudice was hardly the prime cause for the Bureau's unpopularity.

<sup>1</sup> *Laws of Florida*, 14th Assembly, Resolution 2, Jan. 11, 1866.

<sup>2</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 57.

<sup>3</sup> *H. Rpts.*, 39th C., 1st S., no. 30, p. 8; *H. Ex. Docs.*, 39th C., 1st S., no. 70; *N. Y. Evening Post*, March 16, 1866.

In final analysis, that which constituted the basis of objection by Conservative Floridians to the Freedmen's Bureau was its existence in the state as a quasi-civil institution not amenable to the government of the state; showing positively political tendencies hostile to the Conservative party which strenuously sought then to govern the state; exhibiting a disposition to forbid and prevent the operation of certain laws; rudely interfering, here and there, in the economic relations of white employer and black employee;<sup>1</sup> and by the teachings of its agents bringing the local government into disrepute among the blacks as well as menacing the future existence of what Conservative whites were prone to consider necessary social laws.

“The Freedmen's Bureau,” stated in 1866 the superintendent of negro schools, “operated very much like the father's rod over the door in keeping the boys straight. The boys behave themselves because they know the rod is there rather than because they have felt it much, and so with the Bureau. The people will treat the negro well and give him a fair chance when they know they have to do it.”<sup>2</sup>

The foregoing characteristics, evident before the end of 1866, made the Bureau veritably obnoxious to those who sought to restore the authority and dignity of the state government and the full supremacy of a respected civil and criminal law—to say nothing of the unwritten law.

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no 70, p. 283. See communication from Bureau Agent Hamilton at Marianna.

<sup>2</sup> *H. Rpts.*, 39th C., 1st S., no. 30, p. 11.

## CHAPTER XVI

### THE PROBLEM OF CONSERVATIVE RULE

THE convention which met during the autumn of 1865 had for its task the adjustment of the commonwealth's constitution to the political change which came with the restoration of Federal authority. The legislature which on December 18th assembled in Tallahassee at the call of this convention attempted by the enactment of law to adjust actual government to the revised fundamental law and the immediate needs of society.

The most disturbing factor in the situation was not change in the organs of government, nor the necessity of making civil law subserve harmoniously the ends of military orders. That which disturbed law-makers South and philanthropists North was the unsettled civil and political status of the Southern negro. The blacks then composed about one-half of Florida's population. In attempting to adjust this new question of negro citizenship, the legislature enacted laws of a peculiar character. Florida's course was practically the same as that of other Southern states. Because these laws—generally known as Black Codes—furnished the Radical in the North much political capital, an examination of their spirit and letter should occupy an important place in the history of Conservative rule (1865-7). Their enactment was considered by the North the most significant development South during the first year of peace. The spirit of the laws furnishes an insight into the spirit of the society that was to undergo reconstruction.

The immediate problem of conservative rule was to make peace and order possible under normal civil government. The larger problem was to meet this need of the hour without clashing with the military, without giving free rein to narrow local Southern prejudice, without encouraging meddlesome political reformers North, and at the same time without unduly offending the saner folk in the victorious section.

The assembling of the legislature in December, 1865, marked the end of Governor Marvin's task as a reorganizer under commission from the President. His work had been proficiently done. The state government had been reconstructed under his direction. It was not until the 18th of January, 1866, however, that the President formally ordered him to relinquish to Governor-elect Walker and the legislature the direction of the new government.

Marvin's parting injunction to the assembled legislators contained the recommendation that laws be passed binding negroes to contracts made by them and providing for their arrest and forced labor on state farms or in state workshops if they broke their contracts.<sup>1</sup> Marvin was originally a Northern man and a stout defender of the Union in Florida during the war. He advised measures which when adopted later by ex-Confederates were considered at the North as deliberate attempts by the disloyal Southerner to thwart the results of the war and the objects of a patriotic national government.

The opening address of Walker, the newly-elected governor, was mild. He fully acknowledged the obvious results of the war. "The logic of events had proven that secession

<sup>1</sup> Marvin's Address, Dec. 20, 1865. Report of Committee on Reconstruction, *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, p. 13. He also said that poor children without parents "should be apprenticed until they are 21 years of age."

was wrong," he said—and then he passed from the settled issues to the still unsettled problem—the negro.

"They are free," he said, "but they are no longer our contented and happy slaves with an abundant supply of clothing for themselves and family and the intelligence of a superior race to look ahead and make necessary arrangements for their comfort. They are now a discontented and unhappy people, roving about in gangs." He ventured to touch the haunting question of black enfranchisement. "Each of us knows that we could never give an honest or conscientious assent to negro suffrage," he said. "There is not one of us who would not feel that he were doing wrong and bartering his self-respect and his conscience. . . . It is better, a thousand times better, that we should remain out of the Union."<sup>1</sup> At this date the Southern Conservative realized the ultimate goal sought by the Northern Radical. That same unalterable quantity, "the logic of events" which Governor Walker had declared to be the only reliable test for political truth, was finally to force Florida not only to extend the suffrage to the negro but also to remain for more than two years "out of the Union".

Walker's attitude on negro suffrage was not that of an irreconcilable. Governor Marvin had stated in his opening address to the constitutional convention: "It does not appear to me that the public good of the state or of the nation at large would be promoted by conferring at the present time upon the freedmen the elective franchise. Neither the white people nor the colored people are prepared for so radical a change in their social relations."<sup>2</sup>

The correspondent of the *New York Times*, a North-

<sup>1</sup> *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, pp. 15-20.

<sup>2</sup> *Sen. Docs.*, 39th C., 1st S., no. 26, p. 210.



erner, writing from Tallahassee in July, stated that "no one can go among the negroes on the plantations and through the rural districts of the South and consider their immediate physical and mental necessities without a feeling that the immediate enfranchisement of this long oppressed people would be like putting upon the naked and famished the frills and ruffles and spurs of royalty, while withholding food and raiment necessary for existence."<sup>1</sup>

However, Chief Justice Chase, high in national councils, had written from Florida in the spring (1865) that local experiment had been made in negro voting and that the salvation of the country depended upon the enfranchisement of the black.<sup>2</sup> Charles Sumner was ready to "shudder at" the opposition in Florida to negro suffrage.<sup>3</sup>

Following the example set by the convention and obedient to the veiled orders of the national administration the assembled legislature speedily ratified the Thirteenth Amendment to the United States Constitution.<sup>4</sup> On the same day the legislature called upon the governor to have the negro troops removed from the state.<sup>5</sup> Such a request was not without dry humor. The governor had no control over negro troops and little influence in Washington. The body then turned its attention to more difficult questions. Its action in constructive legislation during this session was based to great extent upon a report prepared

<sup>1</sup> *N. Y. Times*, August 1, 1865.

<sup>2</sup> Chase to Johnson, May 21 and 23, 1865, *Johnson Papers*.

<sup>3</sup> Speech of Sumner on conditions in Florida, *Cong. Globe*, 39th C., 1st S., pt. 1, p. 313.

<sup>4</sup> McPherson, *Political Manual*, 1866, pp. 24-25. Ratified Dec. 28, 1865, "with the understanding that it does not confer on Congress the power to legislate on the status of the freedmen in this state." Marvin had feared trouble in obtaining the necessary ratification, see *Sen. Docs.*, 39th C., 1st. S., no. 26, pp. 213-14.

<sup>5</sup> *Laws of Florida*, 14th Assembly, Resolutions 16, 19 and 20.

by a special commission, created by Governor Marvin at the suggestion of the constitutional convention.<sup>1</sup> The commissioners were three ex-slaveholders of Central Florida—C. H. Dupont, A. J. Peeler, and M. D. Papy—and they laid their report before the legislature.

They pointed out the necessity of expanding the state judicial system to meet the need of social control produced by the abolition of slavery. They recommended therefore the establishment of county criminal courts. The abolition of slavery had removed from the black the restraining influence of the master and had left nothing permanent in its place. The ex-master saw the necessity of bringing the ex-slave more fully under the operations of the municipal law. Heretofore there had existed in each slave-holding household an unofficial tribunal peculiarly adapted to the investigation and punishment of minor offenses. Such tribunals were now extinct. The legislature was advised to create different ones in their stead and to make such modifications in existing statutes as would give full effect to the criminal code. The circuit court as then organized, embracing a dozen or more counties in its jurisdiction and holding its sessions at stated terms weeks apart, was ill adapted to deal expeditiously with the innumerable minor offenses of the black (or the white)—and hence the proposal that county criminal courts be created was very reasonable.<sup>2</sup>

The next question considered was one of different import and more serious nature. It was a question of principle, viz., should in future the laws make a distinction between blacks and whites. Under the slavery régime such a distinction had existed between whites and “free blacks”.<sup>3</sup>

<sup>1</sup> Wallace, *Carpet-bag Rule*, pp. 28-36, the full report.

<sup>2</sup> Report of Commission, Wallace, pp. 28-36.

<sup>3</sup> See J. C. Hurd, *Law of Freedom and Bondage*, v. 2, pp. 1-218, for a summary of the state law and court decisions relating to slavery

Were the lately liberated slaves to be considered in the category of the former "free blacks", or were they to be considered persons in every respect on a plane of legal equality with the whites?

Difference of opinion on this question showed the gulf that existed between the conservative Southerner and the Radical in the North. The determination of the Southerner to put the lately liberated slave in the position of the former "free negro" created political capital for the Northern negrophile, who professed to believe that the process of emancipation did not stop in merely severing the relations of master and slave, but that it extended further and so operated as to raise the entire race to a plane of perfect legal equality with the white.

At this point a question logically presents itself. Before the abolition of slavery what was the position under the law of the free negro in Florida? He belonged to a class designated by the courts and the legislature as "free persons of color". He possessed no political rights whatever, but he did possess certain civil rights. He could purchase, hold and convey property and transmit it to his heirs. He could sue and be sued in the state courts.<sup>1</sup> He might law-

in all states and territories until the Civil War. A distinction in law between whites and free blacks was universal in the South and existed to a limited extent in the North. The revised Constitution of 1865 in excluding the blacks from the suffrage and from the jury box and witness stand in civil cases, and in apportioning representation in the legislature according to the three-fifths rule of slavery, continued this distinction. Const. of 1865, Arts. 6, 9, and 16, *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, pp. 20-31.

<sup>1</sup> "A free person of color being liable to be sued, it follows as a necessary consequence that he is entitled to all the means and opportunity of making and presenting his defense which are permitted and allowed other suitors, except where he is restricted by the force of some express statutory regulation." *Davis vs. Administrators of Elliott, Florida Reports*, v. 5, pp. 260-268.

fully move from place to place in the state freely and according to his own volition. He enjoyed the advantages of the writ of *habeas corpus*. "A free negro as well as a free white man," stated Chief Justice Thomas Baltzell, in 1859, "must be entitled to the benefits of the *Habeas Corpus* Act both according to its language which is broad and general and still more according to its spirit. If it were otherwise, that wretched class would be altogether without protection from the grossest outrage and their personal liberty would be an unsubstantial shadow."<sup>1</sup>

Yet the law required every free black to have a white "guardian" appointed by a judge of probate.<sup>2</sup> He could not lawfully keep or use firearms or buy them, or powder, lead, shot or even spirituous liquor without the consent of this guardian.<sup>3</sup> He was forbidden to purchase or have poisonous drugs under any circumstances.<sup>4</sup> He was forbidden to use abusive or provoking language to or lift his hands in opposition to any person "not a negro or a mulatto". He could be a witness in the courts only when "slaves, free negroes or mulattoes" were involved. In case of an execution against him, "without payment in five days" he might be "sold as a slave".<sup>5</sup> He could be lawfully "whipped" for committing offenses which entailed

<sup>1</sup> Clark *vs.* Gautier, *Fla. Rpts.*, v. 8, pp. 360-69.

<sup>2</sup> *Laws of Florida*, 1847-8, chap. 155. All free negroes and mulattoes above the age of 12 years were required to have a guardian "who shall have power to sue for and recover all such sums of money as are or hereafter may be owing to such free negro or mulatto, and shall have the same control over such free negroes or mulattoes as is possessed by guardians in other cases." See also Clark *vs.* Gautier, *Fla. Rpts.*, v. 8, p. 369; Davis *vs.* Administrators of Elliott, v. 5, pp. 260-68.

<sup>3</sup> *Laws of Florida*, 1856, chaps. 794-95.

<sup>4</sup> *Ibid.*, 1843, chap. 12.

<sup>5</sup> Clark *vs.* Gautier, *Fla. Rpts.*, v. 8, pp. 360-369.

no such punishment for the white man.<sup>1</sup> He could be apprehended for vagrancy and "sold as a slave" for a limited period.<sup>2</sup> He was required to pay a small special capitation tax, and if he failed to pay this, he was liable to be sold as a slave till by labor he paid up the debt.<sup>3</sup>

The free negro constituted, in fact, a class midway, as regards personal freedom, between the slave and the white man, and the white man strove to restrict both the size and the activity of this class. "Their immigration to this state is prohibited, with directions to the justices of the peace to transport them beyond the state," declared the state supreme court in 1859.<sup>4</sup>

The free negro population of Florida was insignificant in 1861—scarcely 1,000 souls.<sup>5</sup> With the arrival of emancipation in 1865 all negroes became free negroes. The class had increased sixty fold. From an interesting anomaly it now loomed up before the Southern whites as the most serious social reality that they as a body had ever faced.

An important question for the legislature to consider in 1866 was the finding of ways and means the least disturbing to the public welfare for restraining the law-breaker and the criminal. Were blacks and whites to be subject to the same sort of punishment? In deciding such a question wisely legislatures should consider the racial or ethnic characters of the peoples under consideration, the de-

<sup>1</sup> *Laws of Florida*, 1847-48, chap. 139.

<sup>2</sup> *Clark vs. Gautier*, pp. 360-9.

<sup>3</sup> *Laws of Florida*, 1842, chap. 32.

<sup>4</sup> *Clark vs. Gautier*, pp. 360-69. See *Laws of Florida*, 1826, Ann. L., p. 81; 1832, Ann. L., p. 143; 1854-5, chap. 646.

<sup>5</sup> According to the census of 1860 the free colored population of Florida was 932. Of this number more than 600 were mulattoes. See Census, vol. on population, p. 54.

gree and direction of their enlightenment, and the historic relationship of classes. Few laws are sound for all peoples at all times. "To degrade a white man by corporal punishment" then was to make a bad member of society, usually, and a dangerous political agent. To fine and imprison a Florida negro in his pecuniary and intellectual condition at that time was "to punish the state instead of the individual".<sup>1</sup>

There was also a certain practical reason for a difference in punishment for blacks and whites. To fine and imprison a petty negro offender would mean his withdrawal from work in the fields. To whip him was a more speedily terminated interruption and less damaging to the white planter. Historically, also, it was the way in the South for punishing recalcitrant "free blacks". It seemed therefore wise to leave to the discretion of the court the inflicting of fine and imprisonment or whipping and the pillory for the committing of certain offenses.

The commission next proposed restrictions on the right of the black to carry fire-arms. They pointed to the law of Indiana on the subject and stated "that it is needless to attempt to satisfy the exactions of fanatical theorists. We have a duty to perform—the protection of our wives and children from threatened danger and the prevention of scenes which may cost the extinction of our entire race".<sup>2</sup>

The draft of a bill entitled "An Act to Establish and Enforce the Marriage Relations between Persons of Color" was laid before the legislature by the commission with the statement that it was necessary for the whites to improve the moral condition of their lately liberated slaves. Hitherto this matter had been left to the moral sense of master and

<sup>1</sup> Wallace, *Carpet-bag Rule*, p. 32, Report of Commission.

<sup>2</sup> *Ibid.*, p. 33.

slave—"and may in truth," added the report, "be said to have been the only inherent evil of the institution of slavery as it existed in the Southern states."

Finally, state regulation of negro labor was proposed "in order to save the blacks from the ruin which inevitably awaits them if left to the tender mercy of the canting hypocrisy and mawkish sentimentality which precipitated them to the realization of their present condition".<sup>1</sup>

The recommendations of the commission were followed by the legislature and a code was enacted which established county criminal courts<sup>2</sup> and extended the civil jurisdiction of the justices of the peace;<sup>3</sup> which defined a negro as a person of one-eighth or more negro blood in his veins;<sup>4</sup> which embodied the principle of different laws for the different races; and which embraced, in addition, the following points.

In the first place, the courts were given the right to substitute whipping and the pillory for all crimes punishable by fine and imprisonment.<sup>5</sup> This enactment made provision for a difference in punishment between black and white. In another statute the courts were declared open to all with-

<sup>1</sup> Wallace, *op. cit.*, p. 34.

<sup>2</sup> *Laws of Florida*, 14th Assembly, chap. 1465, passed Jan. 11, 1866. The judges in these courts were to be appointed by the governor. The courts were to have concurrent jurisdiction with the circuit courts in trial of the following offenses: "assault, assault and battery, assault with intent to kill, riot, affray, larceny, robbery, arson, burglary, malicious mischief, vagrancy, and all misdemeanors and offenses against religion, chastity, morality, and decency—provided the punishment did not affect the life of the offender."

<sup>3</sup> *Ibid.*, chap. 1477, passed Jan. 12. The justices were given exclusive and original jurisdiction in all suits for the collection of debts, dues, etc., where the principal did not exceed \$100.

<sup>4</sup> *Ibid.*, chap. 1468, Jan. 12.

<sup>5</sup> *Ibid.*, chap. 1466.

out distinction of color or previous condition.<sup>1</sup> The taking of agricultural fixtures or products from the freehold without the owner's permission was declared larceny and a matter for criminal action by the state.<sup>2</sup> This offense had been formerly the subject for civil suit only. The negro thief at that time was not a remunerative individual to proceed against in civil suit.

To raise revenue for the state government a general property tax of one-half of one per cent was authorized, and a capitation tax of \$3 on all males between the ages of twenty-one and fifty-five years. If the capitation tax was not paid, the delinquent might be seized and hired out by the county officials to any one who would pay the tax. It is clear that the last provision would bear very directly on the often penniless and improvident negro.<sup>3</sup>

Those laws which made up what became popularly known as the "Black Code" were as follows: an act concerning ordinary crime; an act concerning sexual morality; acts concerning indigency, vagrancy, and apprenticeship; an act concerning labor contracts; and an act establishing schools for negroes.

Four classes of offenses were made punishable by death; namely, the inciting of insurrection among any portion of the population, the rape of a white female, the administering of poison to another, and burglary.<sup>4</sup> Plotting murder, highway robbery, incendiarism, malicious trespass, the wilful killing by poison or otherwise of livestock belong-

<sup>1</sup> *Laws of Florida*, 14th Assembly, chap. 1474.    <sup>2</sup> *Ibid.*, chap. 1474.

<sup>3</sup> *Ibid.*, chap. 1501, Jan. 16, 1866. This property and capitation tax law and another statute (chap. 1503) constituted the financial measures of this session of the legislature. The property to be taxed included all real estate, stocks, bonds, capital employed by merchants, traders, steamship companies, *etc.*, all live stock, household furniture, *etc.*

<sup>4</sup> *Ibid.*, chap. 1466.



ing to another, selling cotton or other agricultural product without the permission of the producers, the carrying of firearms by any blacks without license, the intrusion by white or black on any assemblage or in any railway car of the other race, the forming of any military organization without authority of law, the wanton injury of public or private property, *etc.*, were in detail made punishable by fine and imprisonment or whipping and the pillory—at the discretion of the court.

Concerning vagrancy, a statute declared that any person without means of support should be required to give bond to the state for future good behavior and industry. Failure to give bond involved a penalty of a term of labor for the county or for any one who might hire the offender from the county.<sup>1</sup>

Another statute required the adult children of destitute parents to provide for the support of their parents. If after a hearing before a county court or justice of the peace the law was not obeyed, then the wages or other source of income might be appropriated and paid to the parents by order of the court.<sup>2</sup>

For the protection of the young, any parent or guardian was given the right with the approval of a judge of probate to bind out for a term of years as apprentices his or her children under sixteen years of age. If a child (minor) were over sixteen years of age then his or her written consent was necessary before becoming an apprentice. The children of vagrants were *ipso facto* at the disposal of the county as apprentices.<sup>3</sup>

<sup>1</sup> *Laws of Florida*, 14th Assembly, chap. 1467. Those persons apprehended for vagrancy were entitled to jury trial. The jury might substitute whipping for forced labor. Minors apprehended for vagrancy were subject to the law governing apprenticeship.

<sup>2</sup> *Ibid.*, chap. 1476, Jan. 11.

<sup>3</sup> *Ibid.*, chap. 1471, Jan. 14. The person taking children as appren-

As to the marital relations, a statute gave all negroes living together as man and wife when the law was passed nine months to make up their minds as to whom they intended living with in the future. Means were provided by the law for the easy and speedy registering of the marriage bonds before any officer of the state, the county, or municipality. Failure to comply with these regulations subjected the offender to punishment for adultery.<sup>1</sup>

The attempt to regulate by law the labor of the black was in some respects the most vital aspect of the entire code. According to the statute all contracts with "persons of color" were required to be in writing before two competent witnesses. One copy was to be kept by the employer and the other filed with some judicial officer. If the black broke the contract he would be subject to arrest and the same punishment as a vagrant: whipping, the pillory, or forced labor for the county or for any one who would hire the offender from the county. If a white broke his contract he would be subject to civil suit for damages.<sup>2</sup>

The act establishing schools for freedmen made the system distinct and separate from any which might exist for whites. The appointment of a general superintendent was entrusted to the governor and the senate. A capitation tax of \$1 upon all negro males between twenty-one and fifty-five years of age was levied for the support of these schools, and under penalty of fine and imprisonment "any white person" was forbidden to teach the freedmen without a license from the state.<sup>3</sup>

tices covenanted to teach them some art, trade, or husbandry, and also the elements of reading and writing—and at the expiration of their time of service as apprentices to give "him or her a new suit of clothes, blankets, and shoes."

<sup>1</sup> *Laws of Florida*, 14th Assembly, chap. 1469. The law provided for \$1,000 fine or imprisonment for any one found guilty of fraud in the issuance of marriage licenses.

<sup>2</sup> *Ibid.*, chap. 1470, Jan. 14.

<sup>3</sup> *Ibid.*, chap. 1475, Jan. 16.

The foregoing, in digest, constituted Florida's "Black Code" of 1866. The primary object of these laws was to force the black to conform to certain existing conditions of morals and industry. The manner in which he should conform, it is needless to say, was imposed by the white race, who could to some extent control the black race if it could enforce the law. The principle of different laws for different races was adhered to mainly because the existence of this principle was then an historical fact in Florida. By actual wording, the statutes concerning labor contracts, marriages, the carrying of firearms, and certain public schools appertained to negroes solely. Rape was a statutory crime only when perpetrated on "white women".

The laws strove to keep the two races apart. They provided for the punishment of any white woman who should co-habit with a negro man, and a like punishment for the negro man;<sup>1</sup> for the establishment of a distinct and separate public school system for negroes; and for the punishment of any person of either race who should intrude himself on an assemblage or into a railway car of the other race. This legislation contained no reference to the irregular sexual activities of white male and black female—an interesting omission in light of the efforts made to draw clearly the color line. The law-makers were worldly wise enough to know that some ideas drafted into law would be impossible to enforce and of no practical effect. Nowhere do written laws prove more futile than when applied to some sexual questions.

The black was left free to move about and acquire land and other property as he saw fit, provided that in so doing he did not break his contract, neglect his family, or lapse into vagrancy.

<sup>1</sup> *Laws of Florida*, 14th Assembly, chap. 1468, Jan. 12. The punishment was \$1,000 fine or three months' imprisonment or both at the court's discretion.

Were these laws put into active and actual operation—enforced? Were they substantially just to the negro?<sup>1</sup>

The laws concerning marriage, vagrancy, apprenticeship and contracts were fairly successful, with other forces, in producing the effect desired—which was to induce the negro to return to more systematic life and labor.<sup>2</sup> Much of the legislation was never widely operative, partly because there was no need—the menace of the law proving sufficient for the evil—and partly because the Federal military and particularly the Freedmen's Bureau threatened to interfere and did interfere in the execution of the law.

"For instance," writes an intelligent negro who lived in Florida at the time, "the law prohibiting colored people from handling arms of any kind without a license was a dead letter, except in some cases where the freedmen would go around plantations hunting, with apparently no other occupation. Such a person would be suspected of hunting that which did not belong to him and the arms would be taken away from him."<sup>3</sup> The statute upon which this pro-

<sup>1</sup> See comment of John Wallace, an intelligent Florida negro, in his *Carpet-bag Rule*, pp. 35-36: "It is true that some of the laws passed by the Legislature of 1865 seem to be very diabolical and oppressive to the freedmen but . . . many of the laws we know now were passed to deter the freedmen from committing crime. . . . The law regarding contracts between whites and freedmen was taken advantage of by some of the whites and the freedmen did not get justice. But the great majority of whites carried out their contracts to the letter and the freedmen did as well as could be expected under the changed conditions." For contradictory evidence see testimony of Hobbs, Supt. Negro Schools, *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, pp. 8-9.

<sup>2</sup> *N. Y. Times*, June 8 and 25, 1866, letters of Benj. Truman from Florida. *N. Y. World*, May 31, 1866, letter of Russell. Some of the negro women now refused to go into the fields because such was not the custom of "white ladies". Russell remarks that the black was "very imitative". See also evidence of Truman before Reconstruction Committee, Washington, April 5, 1866, *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, pp. 136-140.

<sup>3</sup> Wallace, *op. cit.*, pp. 35-36.

hibition rested was pronounced by the Conservative state attorney-general unconstitutional. The governor upheld him, the assistant commissioner of the Freedmen's Bureau insisted upon the repudiation of the law,<sup>1</sup> and the statute became practically a dead letter.

However, written contracts according to law were entered into, negro children were apprenticed, vagrants were apprehended and lodged in jail or put to labor in the fields, and the Freedmen's Bureau was aided by probate courts in settling the marital difficulties of negroes.

It is undeniable that these laws put the black in a position inferior to the white. That was in part their object. "White citizens would resist any legislation that would appear to put freedmen on equality with whites," stated a Pennsylvanian in 1866, who was at the time superintendent of negro schools for Florida.<sup>2</sup> His conclusion was not unfounded on fact. But this inferiority did not put the negro at the mercy of the white man—unless there was deliberate and criminal collusion between oppressor and the courts of justice. The inferior position of the black made it impossible for him to bring political pressure to bear upon the personnel of the courts, which were entirely in the hands of the other race.

Florida's Black Code, as a part of Southern legislation on the negro during 1865-66, hurt the cause of the Conservatives in the nation.<sup>3</sup> The cry was raised so vehemently at the North that the negro was being re-enslaved with

<sup>1</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 40, *passim*.

<sup>2</sup> *N. Y. Evening Post*, March 16, 1866, letter of L. M. Hobbs to President of N. Y. Freedmen's Relief Association. This is in substance corroborated by Hobbs' testimony before the Reconstruction Committee, *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, pp. 7-11.

<sup>3</sup> See Dunning, *Reconst. Polit. and Econ.*; Rhodes, *U. S.*, v. 5. Cox in his *Three Decades of Legislation* says of the passage of these laws, "Thus was Florida launched on a sea of trouble".

malicious and cunning intent by the ex-Confederate element South that the query naturally arises—to what extent was the accusation true? What was the spirit back of these laws? We have reviewed briefly their letter and have seen that their execution was not drastic.

Speaking for Florida as well as for the entire South, it should be observed that at least three fairly distinct opinions have been pronounced. Those hostile to Southern institutions declare that the "Black Codes" were deliberate and diabolical attempts to remand the negro back to slavery by means of legal subterfuge, in defiance of the results of the war. Those persons of considerable Southern bias are inclined either to express no opinion at all or to place the laws among the genuinely good and wise codes produced by a kindly interest in the future welfare—spiritual, moral, and physical—of the ex-slave. Those persons of harder nature, harder heads, perhaps, and more coolly-distant viewpoint pronounce them cold-blooded but not diabolical attempts to bring economic and social order out of semi-chaos in order that life might be safer, saner, and more settled. They see no conscious attempts to contradict the results of the war or to persecute the negro.

Actual conditions and not sentimental vindictiveness produced the Black Codes. It is worth while to consider the following facts in explaining the evolution of this legislation in Florida. The Federal military commander for Florida in July, 1865—six months before the meeting of the legislature that enacted the "Black Code"—had issued orders "To preserve order, to diminish the evils of vagrancy, and to provide for the well-being of the community". Negroes were domiciled by these orders with former masters. The whites were required to support the aged, the infirm, and young children—the latter practically as apprentices. Blacks who disregarded contracts would be

punished by the military.<sup>1</sup> On August 11th, elaborate marriage rules had been issued by the Federal military for the Department of South Carolina, Georgia, and Florida to force domestic regularity and responsibility upon the negro.<sup>2</sup>

A study of the legislation on the race question in Florida during this period—and of the efforts to apply the laws—induces the conclusion that the ultimate goal in theory and the limited effect in reality was to put the state much in the place of the former master—to socialize, as it were, the control of a class through the courts and officers of the law; but at the same time to give the negro vastly greater personal freedom than formerly. The Black Codes are a sadly late suggestion of what might have been accomplished without the hell of four years' devastating war. At the same time they then constituted a cause and a hint of coming trouble.

Did fear of negro insurrection influence the legislature? We have the record of that body and the drift of current opinion on which to construct an answer to any such query.

<sup>1</sup> Order no. 9, July 3, 1865, of Gen. Newton, *N. Y. Times*, Aug. 1, 1865. This was modified later. Circular no. 8, Oct. 10, 1865, from the War Department, stated that "officers and agents of this Bureau are regarded as guardians of orphans and abandoned minors of freedmen within their respective districts, and state laws with regard to apprenticeship will be recognized as long as they make no distinction on account of color"; and that children might be apprenticed to "some good trade. . . . The binding of an apprentice shall be before the county court and recorded as provided by law." *H. Ex. Docs.*, 39th C., 1st S., no. 70, p. 56. These instructions also dealt with paupers, vagrants, and criminals in a positive spirit.

<sup>2</sup> *Ibid.*, pp. 108-111, Gen. Order no. 8. These orders authorized civil officers and religious organizations to issue marriage permits for 50 cents each, to perform the ceremony and issue the certificate for \$1 each, and to dissolve marriages according to certain rules set down. The rules also attempted to regulate the position of a husband with more than one wife and more than one set of children, and to provide for the destitute children.

The resolutions of the legislature calling upon the governor to "use his utmost endeavors to put the state in a complete state of defense against any *insurrectionary movement* of any source whatever;<sup>1</sup> the direct and repeated references in the laws to possible "insurrection among a certain portion of the population"; the severe penalty for "inciting insurrection"; the penalty for raising a military force without authority from the state;<sup>2</sup> the forbidding of the blacks to carry firearms;<sup>3</sup> the prior warning of the constitutional convention that "we have a duty to perform in the protection of our women and children, *etc.*"; and the current reports of what the negroes might do if land and mules were not given them<sup>4</sup>—all indicate that there existed a feeling of vague fear among the whites.

Throughout the state during 1866 affairs moved along amid some vague talk of race war and some disorder.<sup>5</sup> May 12th, the jurisdiction of the courts was provisionally restored in all cases.<sup>6</sup> In Fernandina, Jacksonville, St.

<sup>1</sup> *Ibid.*, Resolution 17, Jan. 3.

<sup>2</sup> *Ibid.*, chap. 1466, Jan. 15.

<sup>3</sup> *Ibid.*, chap. 1466.

<sup>4</sup> For instance, see speech of Marvin, *N. Y. Daily News*, Oct. 27, 1865; *N. Y. Times*, Dec. 25, 1865 (statement of Truman); *Floridian*, Aug. 30, Sept. 3, Sept. 17, 1865.

<sup>5</sup> *N. Y. Times*, July 27, 1866, Florida letter, "agriculture in a flourishing condition, *etc.*" *N. Y. Times*, March 15, June 8, June 15, 1866, Florida letters. Truman reported "very little crime such as robbery, grand larceny, murder, *etc.*" *N. Y. World*, July —, 1866 (Townsend Library, v. 6, p. 206); *N. Y. Evening Post*, Oct. 20, 1866; *H. Ex. Docs.*, 39th C., 1st S., no. 70; 40th C., 2nd S., no. 57.

<sup>6</sup> Governor's Proclamation, *Florida Union*, May 12, 1866; see also *N. Y. Times*, May 21, 1866. The President declared the war "at an end" on April 2 (McPherson, *Reconstruction*, pp. 15-16). This did not restore civil authority in Florida. Martial law was suspended at the discretion of the military commander. For example, see order of U. S. Marshal Crippen (negro) at Fernandina to justices of peace threatening them with the military, *Fla. Union*, May 26, 1866. Later several counties were remanded to martial law completely.



Augustine and a half-dozen other localities ex-Confederates and "Union men" quarreled over confiscated property.<sup>1</sup> In Jacksonville and Fernandina blacks and whites came near serious collision over trifling differences.<sup>2</sup> Escambia, Santa Rosa, Levy, Madison and Alachua Counties were remanded back to martial law because of alleged lawlessness. In Quincy (Gadsden County) a deputy sheriff and three white men were shot from ambush one June night by some negro cotton thieves whom they sought to arrest after a jail delivery.<sup>3</sup> Near Tampa bay the members of an "armed band" were reported amusing themselves by forcing "Union men" to pay for cattle taken by Union troops during the war.<sup>4</sup> In Tallahassee "a party of colored persons armed with various weapons" collected before the white Methodist Church" and upon being accosted by the marshal of the city and other citizens, fired at the citizens with guns and pistols".<sup>5</sup> In Leon County the negroes, believing that they had been enfranchised, elected a mulatto,

<sup>1</sup> *Florida Union*, May 5 and 26, 1866. *N. Y. Herald*, June 2, 1866. *N. Y. World*, May 31, 1866. Senator Sprague, of Rhode Island, was reported to be a heavy buyer of confiscated property in and near Fernandina. The sale of property confiscated in Florida from April 1, 1865, to Feb. 1, 1866, was computed by Secretary of Treasury at \$29,271.12, *H. Ex. Docs.*, 39th C., 1st S., no. 47.

<sup>2</sup> *N. Y. Tribune*, June 7; *N. Y. World*, May 31, 1866. Negroes occupied abandoned and confiscated property. Former owners attempted to get physical possession again. The negroes under the encouragement of "newcomers" resisted by force attempts to oust them. In Jacksonville the younger white men were inclined to show the blacks "what was what". A race war was feared. See also *H. Ex. Docs.*, 40th C., 2nd S., no. 57.

<sup>3</sup> *N. Y. Times*, June 25, 1866, letter of Benj. Truman.

<sup>4</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 57, p. 89. Rpt. of Gen. Sprague (U. S. A.).

<sup>5</sup> *Towns and Watkins vs. City of Tallahassee*, *Fla. Rpts.*, v. 11, pp. 130-134.

Joe Oats, to represent them in Congress. He left Tallahassee with the cash given him by his poverty-stricken and enthusiastic constituents, spent it somewhere (probably in the neighboring state of Georgia), and then returned and told with frank dishonesty to an assembled host of blacks what he had done for them "at Washington".<sup>1</sup>

January 15th, 1866, the legislature declared that Florida had fully complied with all the requirements contained in the President's plan of reconstruction and therefore was entitled to all the rights and privileges of a state in the Union.<sup>2</sup> But the "President's plan" was not that of a powerful element in Congress, and Mr. Johnson was at that moment well launched on his desperate and memorable fight with a Radical Congress. He vetoed the Freedmen's Bureau Bill on February 19th.<sup>3</sup> On March 2nd the Senate adopted resolutions previously passed by the House forbidding the admission to Congress of representatives from

<sup>1</sup> Wallace, *op. cit.*, pp. 38-39. Joe Oats was a carpenter by trade, a former slave of Governor Walker. He could read and write and before being set free had hired himself from his master. "Several hundred dollars were raised," says Wallace, "and given to Oats, who shortly afterwards was off to Congress. He remained away from Tallahassee until his money was gone, when he wrote back designating the time and place he would return. Oats notified them that if they desired to know what he had done for them while in Congress they must prepare to meet him, as the whites would kill him when they learned what he had accomplished against them. The 20th of May, the day on which Gen. McCook marched his troops into Tallahassee, was set apart for Oats to tell the freedmen what he had accomplished in Congress. At 9 o'clock on that memorable 20th of May the drums commenced beating and the freedmen to the number of two or three thousand formed in line and marched to Oats' dwelling and sent a committee armed with old cavalry swords and pistols to escort Oats to the place of destination."

<sup>2</sup> *Laws of Fla.*, 14th Assembly, Resolution 12.

<sup>3</sup> McPherson, *Reconstruction*, pp. 68-72.

the South.<sup>1</sup> On March 27th, the Civil Rights Bill was vetoed by the President.<sup>2</sup> The Senate passed the Bill over his veto April 6th and the House on the 9th.<sup>3</sup> In July, a bill continuing the Freedmen's Bureau for two years was passed over the President's veto.<sup>4</sup> "At Washington the Radicals were in full hue and cry against the President, especially since his Washington's Birthday pronunciamento, and he was too old a campaigner to shrink from a fair and square fight for his ideas."<sup>5</sup>

Florida felt the effects of the national political embroglio. The outcome of the contest between the President and Congress was of vital importance for the state. Resolutions of the legislature and messages from the governor indicated solidarity in favor of Johnson and against Congressional Radicalism.<sup>6</sup> The senators-elect from Florida—ex-Governor Marvin and Wilkinson Call, a Florida Unionist and an ex-Confederate respectively—were refused admission to the United States Senate. When Senator Doolittle presented Marvin's credentials (July 19th), Charles Sumner arose and vehemently offered opposition. He took occasion bitterly to review what he considered the shocking conditions in Florida. He insisted that no decent government could exist there while the negro was refused the elective franchise. The motion to admit Marvin was laid on the table and not taken up again.<sup>7</sup>

<sup>1</sup> McPherson, *Reconstruction*, p. 72.

<sup>2</sup> *Ibid.*, pp. 74-78.

<sup>3</sup> *Ibid.*, pp. 80-81.

<sup>4</sup> *Ibid.*, pp. 147-151, July 16.

<sup>5</sup> Dunning, *Reconst. Polit. and Econ.*, pp. 62-68.

<sup>6</sup> *Laws of Florida*, 14th Assembly, Resolution 12; *N. Y. Times*, May 21, 1866.

<sup>7</sup> *Cong. Globe*, 39th C., 1st S. (1865-6), pt. 1, p. 313. See also *N. Y.*

The supremacy of civil law was never fully realized during Governor Walker's administration—February, 1866, to March, 1867. On April 27th (1866), General Foster, the Federal commander of the District of Florida, announced that the President's proclamation of April 2nd, which declared the "insurrection" at an end,<sup>1</sup> did not remove martial law. He ordered that all persons under military arrest be turned over to the civil authorities, except members of the Federal army. He further directed that all post commanders in Florida make no arrests in future on their own responsibility, "except in the absence of the proper civil authorities or upon their neglect or refusal to do their duty."<sup>2</sup> This meant that the state government was to operate with the sufferance of the Federal military. Foster left no doubt as to this. "Should any case arise," he announced, "where a citizen believes that he has not received justice at the hands of the civil authorities, he may make appeal with the papers in the case to these headquarters" [military].<sup>3</sup>

Alarming reports came from several localities to the effect that Union men were being persecuted by their ex-Confederate neighbors. Stories of rapine, murder, and robbery were garnered up, exaggerated, sometimes fabricated to suit the occasion, and then sent to military headquarters or the Congressional Reconstruction Committee in Washington. "Every other house almost is a drinking

*Herald*, Jan. 20, 1866; *N. Y. World*, Jan. 4, 1866 (editorial comment on Sumner's speech); Storey's *Charles Sumner*, pp. 309-310; McPherson, *Political Manual*, 1866, pp. 107-108. Marvin and Call had been elected to the U. S. Senate against Generals Finley and Anderson, two well-known Confederate leaders.

<sup>1</sup> McPherson, *Reconstruction*, pp. 15-17.

<sup>2</sup> Gen. Ord. no. 28, *H. Ex. Docs.*, 40th C., 2nd S., no. 57, p. 9.

<sup>3</sup> Gen. Ord. no. 28.

saloon and there is fighting in every direction," testified a man from Florida before this committee.<sup>1</sup> Early in June (1866), General Foster ordered all civil officers in Escambia, Levy, Madison, Santa Rosa, and Alachua Counties to be arrested and held in custody by the military till the persons accused of murdering or having attempted to murder Union men and Federal soldiers should be punished.<sup>2</sup> For the remaining months of Conservative rule these counties were nominally under complete martial law.

"The more I observe the more I am convinced that the presence of a military force will be absolutely necessary for at least one or two years more, if not for a longer period," complacently stated General Foster in July, 1866. "Without this military control the condition of the colored people will be nearly as bad as in the days of slavery, and many ex-officers and Northern men now settling and investing capital in this state will be forced to abandon their enterprise and leave."<sup>3</sup>

A member of the Reconstruction Committee demanded of a witness, "What protection would there be for the colored people if the troops were withdrawn entirely from the state [Florida]?" "In the only portion I have any knowledge of there would be no difficulty," was the reply, "because there would be a sufficient number of colored people to thrash them [Southern whites] out with a good commander. Were there not a majority of them [negroes] their condition would be very bad."<sup>4</sup>

<sup>1</sup> *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, p. 5.

<sup>2</sup> Gen. Ords. no. 34, June 9, 1866, *H. Ex. Docs.*, 40th C., 2nd S., no. 57, p. 11.

<sup>3</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 57, pp. 12-13. Gen. Foster was the commanding officer in the sub-district of Florida.

<sup>4</sup> *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, p. 4. Testimony of J. W. Ricks before Reconstruction Committee, Jan., 1866.

Although the Federal military never relinquished during Walker's administration its right to interfere at pleasure in the execution of state law, yet the civil officers and courts steadily acquired greater freedom. The President's proclamation of August 20th, 1866, declared that "Civil authority" existed throughout the whole of the United States. General Foster in Florida requested an interpretation of this proclamation. "Does it restore the privilege of the writ of *Habeas Corpus*?" he asked. "Does it abolish the supremacy of martial law?"

A sharp conflict of authority had occurred in Tallahassee. The civil authorities there and over the state generally were becoming restive. Several Federal soldiers had been arrested in Tallahassee and lodged in jail, charged with disorderly conduct. Foster ordered their release. His orders were obeyed. On November 1st, the Adjutant-General at Washington directed him to refrain from interfering with the civil government except where state law conflicted with Federal law. He was to be the judge of any such conflict. The first duty of the Federal military in Florida was conceived to be the protection of life and property. Demands came to Congress from Florida that greater Federal protection be extended the negro and the "truly loyal" white there.

The passage of the Civil Rights Bill by Congress in March, 1866, was meant to extend through the civil law this desired Federal protection. Primarily it was "designed to secure to the freedmen through the normal action of the courts" the same protection against discriminating state legislation that was secured in the Freedmen's Bureau courts.

Its enactment was closely watched and sharply commented on in Florida. The small town politician, the idle whittler, the planter, the lawyer, the doctor, and the

preacher all co-operated with the editors of the weekly newspapers in expounding the true character of the Federal Civil Rights Act. Some professed to see in it an attempt to give suffrage to the negro.<sup>1</sup> Others gave it less political interpretation. Practically all condemned it as a revolutionary and pernicious piece of legislation.

It was not vigorously enforced in Florida. The Civil Rights commissioners were never appointed, and the Federal courts did not exert themselves to set the law in operation.<sup>2</sup> Its principal effect was to restrain the state courts from a too rigid enforcement of the Black Code. For instance, when the assistant commissioner of the Freedmen's Bureau threatened trouble under the Civil Rights Act the Conservative attorney-general and the governor united in repudiating the statute forbidding blacks to carry firearms, because "it was not in conformity with the constitution" which stipulated that all free inhabitants should enjoy the same rights of person and property.<sup>3</sup> Local tribunals thereupon hesitated to enforce this necessary state law. Would the entire Black Code—the labor contract law, the apprentice law, the vagrancy law, the marriage law, the negro school law, *etc.*—come into conflict with the Federal Civil Rights Law and become inoperative by the ruling of Federal courts backed by Federal troops? Such a possibility was before the people of Florida at this time.

Union-Republicans and Conservatives in Florida were responsive to the contest over the Southern question then going on in the nation at large. A meeting to organize the "Union Party" was held in Tampa late in April—and there it was proposed to send a delegation to Washington

<sup>1</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 57, p. 10.

<sup>2</sup> *Ibid.*, pp. 14, 16.

<sup>3</sup> *H. Ex. Docs.*, 39th C., 1st S., no. 40. For the provision in the Constitution of 1865 see *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, p. 30, art. 16.

to present to Congress the "real sentiment" of the "loyal men" of Florida. The resolutions called upon all citizens to give their support to those men who during the late war had been "loyal" to the Union, and to repudiate completely the "ex-Confederate" class.<sup>1</sup>

On receiving news that a national convention of Conservatives would meet in Philadelphia in August, Governor Walker appointed a delegation to represent the state. The delegation included ex-slave-holders, ex-Confederates, Florida loyalists, and one officer of the Federal army.<sup>2</sup> This was a fairly representative body. All were counted Conservatives, although their party affiliations were various. They took their part in the Johnson convention which met in Philadelphia on the 14th of August.<sup>3</sup>

<sup>1</sup> *Florida Union*, May 5 and 17, 1866. The central committee appointed at this meeting consisted of C. R. Mobley, W. A. Linly, and W. Mansell, of Tampa; G. B. Allen, of Key West; O. B. Hart (future Rep. Governor), of Jacksonville; Capt. Galloway (U. S. A.), of Pensacola, and J. W. Culpepper, of Jasper. It was proposed to send Hart to Washington. The chief Radical newspaper in Florida at the time was the *Jacksonville Times*, W. H. Christie, editor. Christie was an active politician. See his editorial on the local political situation May 22, 1866.

<sup>2</sup> *Florida Times*, July 26, 1866; *N. Y. World*, July 31 (?), 1866. (Townsend Library, v. 67, p. 206.) The delegates were appointed with some respect to the established sections of Florida. West Florida: Benj. D. Wright, O. M. Avery, Geo. Walker, Geo. S. Hawkins, F. F. Pittman, J. L. Dunham; Middle Florida: J. B. Love, Robt. Davidson, Wilk. Call, J. L. McKibben (U. S. Army), Geo. W. Scott, R. H. Gamble, M. D. Papy, Thos. Randall, A. Hopkins; East Florida: F. McLeod, T. O. Holmes, J. B. Dawkins, M. Solano, J. S. Maxwell; South Florida: Wm. Marvin, W. C. Maloney, and J. Gettis.

<sup>3</sup> For the part taken by the Florida representatives see *N. Y. Times*, Aug. 15, 1866; *N. Y. Herald*, Aug. 15 and 17, 1866; *N. Y. World*, Aug. 16, 1866. Jas. B. Dawkins was on the Convention's Committee on Organization; Judge Thomas Randall was a vice-president; Benj. D. Wright was a secretary; and Marvin and Call were on the Committee on Resolutions and Addresses, and Call was on the National Union Executive Committee.



Not to be outdone by Conservatives the local Radical leaders came together in Tallahassee on August 22nd and appointed a delegation for the Loyalists' convention in Philadelphia, September 3rd. The delegates were new arrivals in the state or new politicians among the natives.<sup>1</sup> All were white. They attended the Philadelphia meeting and with the others made a demonstration for Congress.<sup>2</sup>

Governor Walker, cognizant of the bitter contest centering in Washington, had counseled all in Florida to stand by the President and "show by the beauty of their lives" that Radical accusation of bad purpose in the South was false.<sup>3</sup> Radicals were not then looking for beautiful lives in politics and it is doubtful if they would have recorded truthfully the fact had they found any in Florida.

The year 1866 drew to a close. A short cotton crop, due to causes beyond the control of man, hurt business in the South and cast discredit upon the labor contract system. Bureau agents divided grudgingly the control of the negro with local judges, justices of the peace, and employers. The legislature met and went through its usual routine of passing necessary and unnecessary laws—depending on the point of view—but the Black Code was not added to. The problem of Conservative rule seemed on the surface to be solving itself.

In November the governor transmitted to the legislature the proposed Fourteenth Amendment to the United States constitution, with the recommendation that it be not ratified.<sup>4</sup> He declared that it would tend to change en-

<sup>1</sup> *N. Y. Tribune*, Sept. 3, 1866.

<sup>2</sup> *N. Y. Herald*, Sept. 4, 1866; *N. Y. Times*, Sept. 5, 1866. O. B. Hart was one of the vice-presidents. Fraser and Robinson occupied committee positions.

<sup>3</sup> *N. Y. Times*, May 21, 1866.

<sup>4</sup> *Am. Cyclo.*, 1866.

tirely by undue consolidation the character of the national government.<sup>1</sup>

This measure combined two clearly distinguishable parts. 1, It proposed to transfer to the Federal government the guardianship of the individual citizen's civil rights and thus to place the Civil Rights Act, passed in March, beyond the reach of the Federal Courts. The real object was to take out of the hands of Southern electors the power to decide what were or were not the civil rights of the black as a free man. 2, It sought to base representation in the national Congress not upon population *per se*, but upon *voting population*.

"The number of representatives due to a state is expressly made to depend [in the Constitution] on its population," stated Governor Walker, "while it is expressly remitted to the state's own discretion to say who among its citizens shall constitute the voters and electors." He would have representation remain "as our fathers fixed it, on the census and not the suffrage." Taking up the section of the proposed amendment which would disfranchise all who "engaged in rebellion" after having taken the oath to support the Constitution of the United States, he declared it unjust because it sought to punish a certain class of citizens not more guilty than others. "Look around you and see how many persons will be left in office after this amendment is adopted," he said. "Most of the persons thus to be punished have already been pardoned by the President. I hold that no power on earth can justly go behind the President's pardon."<sup>2</sup>

The governor with pardonable fatuity would not ac-

<sup>1</sup> For opinions of conservative Florida press on proposed Amendment, consistently condemnatory, see *Lake City Press*, Oct. 13, 1866; *Tallahassee Floridian*, Oct. 15, 1866; *Jacksonville Union*, Oct. 13, 1866.

<sup>2</sup> Message in *N. Y. Times*, Nov. 22, 1866.

knowledge that the nation was no longer moving "as our fathers fixed it". Congress was vindictively engaged in being progressive by following out policies springing from a revolution in American constitutional ideas. The proposed amendment was a political measure meant not only to protect the black but also to help clinch negro suffrage upon the South, to suppress the natural leaders of the Southern people, and thus to strengthen the grip of the national Union-Republican machine.

The senate and house committees concurred in the governor's recommendation, and both upper and lower chambers by unanimous vote refused to pass the bill <sup>1</sup>—December 1st and 3rd, 1866.

"We are willing to make any organic changes of a thoroughly general character and which do not totally destroy the nature of the Government," stated the assembly in refusing to ratify the proposed amendment.

On the other hand, we will bear any ill before we will pronounce our own dishonor. We will be taxed without representation; we will quietly endure the government of the bayonet; we will see and submit to the threatened fire and sword and destruction, but we will not bring as a peace offering the conclusive evidence of our own self-created degradation.<sup>2</sup>

Winter came upon the land, with its somber color and sad change. Men discussed politics and eagerly speculated on the result of the contest at Washington between Executive and Congress. The time had nearly arrived when the experience of a worse reconstruction was to begin for the unfortunate commonwealths of the South.

<sup>1</sup> *Floridian*, Jan. 25, 1867. Flack, *Adoption of the Fourteenth Amendment*, pp. 193-4.

<sup>2</sup> *An. Cyclo.*, 1866.

## CHAPTER XVII

### THE BEGINNING OF RADICAL RECONSTRUCTION

THE swift and passionate rejection of the proposed Fourteenth Amendment by Southern legislatures irritated the North and strengthened the Radicals in Congress. Yet it is extremely doubtful if this rejection had decisive effect upon the political destinies of Florida or any other Southern state, for the reorganized Southern governments were already condemned by powerful politicians in the dominant national party ere this new evidence of Southern waywardness was manifested. Furthermore, the rejection of the proposed amendment did not cause Union-Republicans North to desire negro enfranchisement South and the elimination of the old native white leaders South. They desired these things before the Fourteenth Amendment was voted down. In fact the amendment was proposed in order that these twin desires might be attained. Any other interpretation of the situation in light of present knowledge is fantastic.

Radical reconstruction was inevitable after the spring of 1866—probably inevitable from the hour Lincoln passed away. Andrew Johnson succeeded to the place and policy of Lincoln but not to that leader's popularity or power. The record of national politics during 1866 clearly indicated that on the Southern question—which was the burning question then confronting the nation—the new President had no influence over Congress, except possibly a bad influence. In the legislative branch of the national govern-

ment a hostile majority was sufficiently strong ere the summer of 1866 to override constitutionally the opposition or restraint which the Executive attempted by veto; and this majority was well organized in both the Senate and the House. It was aggressively hostile toward Mr. Johnson personally, and toward his reconstruction policy South it was positively vindictive. Under the leadership of such men as Thaddeus Stevens in the House and Charles Sumner in the Senate, the faction of the Union-Republican party opposed to the President was committed to a plan of reconstruction drastically different from the executive plan inherited from Lincoln and then in process of operation.

For more than a year the nation had been at peace; and yet the one-time Confederate states, with the exception of Tennessee, were still out of the Union as far as participation in the general government was concerned. Congress would keep them out till it worked its will. "Our present relations with the general government are certainly of a strange character," declared the lower house of the Florida legislature in commenting on the situation.

We are denied representation even when we elect a man who has never in fact sympathized with armed resistance to the United States, and who can in good faith take the oath. We are at the same time subject to the most onerous taxation; the civil law of the State is enforced and obeyed only when it meets the approval of the local commanders of the troops of the United States; the Congress of the United States enacts laws making certain lands subject to entry at a small cost by the colored portion of our population and denies the like privilege to the white man by restrictions amounting to a prohibition. We are, in fact, recognized as a State for the single and sole purpose of working out our destruction and dishonor.<sup>1</sup>

<sup>1</sup> *Am. Cyclo.*, 1866.

However much the critic might condemn the pitiless and unscrupulous political warfare which the Radical party began to carry on in 1866 against the whites of the Southern states, he must acknowledge the positive strength, the acuteness, the sureness with which the leaders of Reconstruction Radicalism carried forward their policy, step by step, disregarding and adding to the written constitution, disregarding precedent, disregarding often honesty, and ordinary decency in political practice. If oneness of aim is a good thing in itself, then there is much good even from a hostile viewpoint in the Reconstruction record of Congress. It was positive and consistent in at least one important respect—in adhering to the principle that practically the end justified the means. The *end* was the capture of the South for the Radical party. The Conservatives there were suspected of being disloyal.

On December 13th, 1865, the Federal Senate and House concurred in appointing a "joint committee to inquire into the condition of the states which formed the so-called Confederate States."<sup>1</sup> This action laid the foundation for that Congressional program which culminated in the Reconstruction laws of 1867. The main committee was divided into sub-committees for the purpose of more expeditiously obtaining information. Senator Williams, of Oregon, and Representatives Washburne, of Illinois, and Rogers, of New Jersey, collected evidence bearing on political conditions and popular sentiment in Florida, Louisiana, and Texas. Only three persons from Florida testified before the "Reconstruction Committee". They were J. W. Recks, collector of customs at Pensacola—lately from the North; Wm. H. Marvin, provisional governor of Florida; and the Reverend L. M. Hobbs, state

<sup>1</sup> *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, p. 1.

superintendent of Freedmen schools and one-time chaplain in the Union army. Marvin's testimony was so sane and so fair to the white people of Florida that he was allowed to depart without finishing what he had to say. Recks and Hobbs were examined at length. They had evil things to say about their neighbors.

"What do you find to be the present temper and spirit of the people of Florida to the general government," was asked of Hobbs, February 28th, 1866.

Ans.: "It is bitter; much more so now than it was three or four months ago. . . . They talk treason in the streets without any concealment."

Ques.: "How do you explain this change that has taken place in their feelings, or expressions of them?"

Ans.: "I consider it because of the leniency manifested by the present administration; first, in extending the privilege of amnesty, and second, in re-establishing the civil government, throwing the affairs of the State, the administration of the law, in the hands of probate and circuit judges, leaving the military to have control only of some cases where capital punishment, or some punishment of that kind, can be inflicted; also the general opposition that has grown up within the last three months to the negro having civil rights, the right of suffrage, *etc.*"<sup>1</sup>

A month earlier, January 22d, 1866, Recks had given his views to the committee. "Have you noticed any change in the sentiments and feelings of the people since you commenced to reside in Florida?" he was asked.

Ans.: "No material change that I know of for the better. . . . They have a bitter aversion to what they term the Yankee—that is, a Union man; it does not matter whether he comes from the extreme east or extreme west, if he is true

<sup>1</sup> *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, p. 8.

to his adherence to the national government. They have treated me with a great deal of courtesy, but at the same time in this inherent spirit."

Ques.: "Were you there at the time that the Legislature were elected?"

Ans.: "Yes, sir."

Ques.: "State, as far as you know them, what side they took in the rebellion."

Ans.: "They were rebels during the war, in the Confederate service, some of them, I think, with the rank of Captain, and at heart to-day they are as good rebels as they ever were."

Ques.: "Have you heard the question of negro suffrage discussed there among the people?"

Ans.: "I have. They perfectly abhor negro suffrage."

Ques.: "From your knowledge and observation of that country, what is necessary to be done in order properly and fairly to reconstruct the State in justice to the State and the Union?"

Ans.: "My policy may, perhaps, be a little too severe. I would pin them down at the point of the bayonet so close that they would not have room to wiggle and allow intelligent colored people to go up and vote in preference to them."<sup>1</sup>

Radicals in Florida wrote many letters to Radicals out of Florida describing atrocities against negroes and Union men and expressing positive judgment on the "spirit" of their Southern neighbors. Southern whites who refused to become Radicals were accused of being disloyal at heart. Charles Sumner was the eager recipient of such epistles, which he took occasion to give wide publicity. The commanders of Federal troops stationed throughout the South watched for evidences of disloyalty and through the regular reports became an information bureau for Radical leaders in Washington.

<sup>1</sup> *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, pp. 1-5.



Colonel Sprague, commanding in Jacksonville, reported on April 30th, 1866, that the conduct of the people within his jurisdiction "toward the general government is pacific from necessity but their feelings are strong and revengeful".<sup>1</sup> The following day, May 1st, Lieutenant-Colonel Flint, post commander at Tallahassee, reported: "I believe that Union citizens cannot freely express their love or admiration for our country or government and approval of the policy adopted without incurring the displeasure and sometimes the actual enmity of their neighbors, the Southern people."<sup>2</sup> On July 17th, Lieutenant Grossman, post commander at Lake City, reported that, "the 4th of July passed without the slightest attempt on the part of citizens of this vicinity to celebrate the day,"<sup>3</sup> while on August 28th, Flint reported: "The temper of the people remains as previously reported, as far as can be judged. The only report received since the 15th (that from Cedar Keys) expresses the belief that the people in that vicinity may be as disloyal to the government as they were three years ago. This may be, and probably is true of a considerable class of the community not only in Cedar Keys but throughout the State."<sup>4</sup> On September 20th, Brigadier-General Foster, in command of the entire "District of Florida," reported: "The state of feeling toward the government and Union and Northern men has not improved since my last report and there have been indications that the old, bitter feeling engendered by the war still rankles in the hearts of the old secessionists, and that it will find vent as soon as a favorable opportunity offers."<sup>5</sup> Such reports and opinions as the foregoing came thick and fast from every Southern

<sup>1</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 56, p. 91.

<sup>2</sup> *Ibid.*, p. 78.

<sup>3</sup> *Ibid.*, p. 84.

<sup>4</sup> *Ibid.*, p. 80.

<sup>5</sup> McPherson, *Reconstruction*, p. 308.

state during 1866. As a rule, verdicts of disloyalty and treason were unsupported by the citation of facts, and the facts when cited have the peculiar flavor of lies.

The whites of Florida were cognizant of the adverse reports concerning them. "We are passing through our political wilderness and are being bitten by fiery serpents," declared Governor Walker in commenting on the situation.<sup>1</sup> "Let us constantly remember," stated he in an address to the people, April 27th, 1866,

that every lawless act any individual in our State may commit and every indiscreet expression that may be uttered is immediately exaggerated and published broadcast over the Northern States with a view of making it appear that the President is wrong and his enemies are right. We are passing through a fearful ordeal. The eyes of the world are upon us; therefore be wise as serpents and harmless as doves.<sup>2</sup>

Before the end of 1866 the Conservative leaders in Florida had reason to be uneasy about the state's future political fortunes. The existing government stood condemned by Congress, and the President was unable to restrain that body from doing with Florida as it saw fit. The Federal Supreme Court was hopefully looked up to in the South as a possible means for checking the career of the national legislature. In Florida, hopes were publicly expressed that the court would somehow intervene. The decisions in the Test Oath cases were hailed with satisfaction by the most powerful newspaper in the state.<sup>3</sup> The effect of these decisions in theory was to deny the constitutionality of Federal legislation which would deprive those one-time Confederate citizens who had returned to their alle-

<sup>1</sup> Rerick, *Memoirs of Fla.*, v. 1, p. 300.

<sup>2</sup> *An. Cyclo.*, 1866.

<sup>3</sup> *Floridian*, Jan. 4, 25, 1867.

giance of the rights enjoyed by all citizens of the United States.<sup>1</sup>

When the full and developed program of Radical reconstruction was taken up in Congress for consideration—the “Military Bill”—the forebodings of Florida’s pessimists in public opinion were coming perilously near realization. The sure tendency of Congressional policy for a year was now unmistakable. “Does it mean what it seems?” observed the *Floridian*. “It is absurd to believe that the United States Supreme Court will uphold it.”<sup>2</sup> Experience proved that fear of what the Supreme Court might do exerted no appreciable control over Congress. Disregarding warnings concerning the judiciary and contemptuously, defiantly overriding the executive, the national legislature with brutal directness and great efficiency proceeded to draft into statute law the ideas of its leaders concerning what was to be considered legal and thorough reconstruction.

The Conservatives of Florida with sinking hearts and bitter feeling watched the passage of the Military Bill through Congress. “Taking the measure altogether it is about as bad as anything could be,” observed the *Floridian*.

Sherman’s Senate Bill was bearable, since it left to the State the option of acting or not; but this bill is not simply bearable, it is execrable. It embodies the vengeful and worst passions of the worst radicals in the dominant party. . . . What we most dread is the influx of traveling politicians and agitators whose mission will be to stir up strife between the races, and thus precipitate collision and bloodshed.<sup>3</sup>

<sup>1</sup> The cases in question were: *Ex Parte Milligan*, *Cummings vs. Missouri*, and *Ex Parte Garland*, the last two being the Test Oath cases. Wallace, v. 4, pp. 2, 277, 333. For criticism, see Dunning, *Reconst. Polit. and Ec.*, p. 89.

<sup>2</sup> *Floridian*, Jan. 15, 19, 1867.

<sup>3</sup> *Ibid.*, Feb. 26, 1867.

When the "Military Bill" passed Congress over the President's veto, the receipt of the news in Florida brought forth this observation from the *Floridian*:

We are placed in a sort of purgatory, neither in Heaven nor Hell—a kind of betweenity. But it is too grave a matter to jest about. It is *ex post facto*. It prescribes penalties for an offense not known when the offense was committed, and therefore is legislation backward. It undertakes to make operative the provisions of a constitutional amendment not yet adopted.<sup>1</sup>

The *Jacksonville Union* announced: "It would be in our judgment a most lamentable matter to see the Southern States yield in despairing apathy to the crisis that is upon them. Their cause is the cause of constitutional government."<sup>2</sup> What could the people of Florida do except yield? They had no means to effectively oppose Congressional reconstruction.

The first Reconstruction Act or "Military Bill" became law on March 2nd, 1867. This piece of legislation reduced ten Southern states to military appendages; virtually abrogated civil government there; declared that "any civil government that may exist" in these states was "provisional only"; grouped the ten states into five "military districts"; directed the President to appoint an army officer not lower than a brigadier-general to command each district; directed this district commander "to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence"; provided for vigorous, effective, and arbitrary rule through "military commission"; and set forth the terms upon which Congress would consider the admission of such a state to a share once more

<sup>1</sup> Quotation from *Floridian* in *N. Y. World*, Mch. 6, 1867.

<sup>2</sup> *N. Y. World*, Mch. 6, 1867.

in the national government when in the future the people of the state should see fit to comply with the will of Congress. These terms were in brief: 1, a state constitution extending the suffrage to all males twenty-one years old and upward, irrespective of race, color, or previous condition; 2, the ratification of the 14th Amendment by the legislature elected under this constitution. The law expressly excluded most Southern leaders from taking any part whatever, either as voter or delegate, in framing and adopting the constitution.<sup>1</sup>

On March 23rd, the Supplemental Reconstruction Law was enacted, providing ways and means for carrying into effect the first statute; namely, the division of the states into registration districts, the registering of voters, the manner of holding the elections for the constitutional conventions, the manner of voting on the constitutions framed, and the transmission of the instruments to Congress.<sup>2</sup> These two laws laid the foundation certainly for ruthless political reconstruction. That was their object, and the object was to be attained.

The people of Florida took the revolution calmly. Led by wise counsel they accepted the inevitable with good grace. "Take it calmly," advised the *Tallahassee Sentinel*. "The memories of the past and the hopes of the future counsel a self-possessed, dignified, quiet acquiescence in the measure adopted for our humiliation and punishment."<sup>3</sup> The *Quincy Commonwealth*: "Plenty of time for action by the Southern people."<sup>4</sup> The *Floridian*: "It is not to be decided on the impulse of sentiment or the suggestion of

<sup>1</sup> See text of act, McPherson, *Reconstruction*, pp. 191-2.

<sup>2</sup> Text of act, *ibid.*, pp. 192-4.

<sup>3</sup> Quotation in *N. Y. World*, Mch. 15, 1867.

<sup>4</sup> *Quincy Commonwealth*, Mch. 8, 1867.

selfishness but it is to be met as one of the gravest issues that has been submitted to a people who are brave and have been free. We shall wait a few days until we ascertain how he [the President] construes the powers with which it [the Reconstruction Law] invests him.”<sup>1</sup>

The most disturbing factor in the uncertain future for the mass of whites in Florida was the impending fact of negro enfranchisement. Were the state government and the local governments to be delivered to the negro, backed as he was by the power of the United States? That was really the question then before the practical politician. The opinion of the *Floridian* was that there should be no apprehension if the Southern white began in time to assume the political leadership of the black. “The whites constitute the class from which the freedmen get their living. By acting with promptness and common-sense every freedmen can be made to vote the Conservative ticket.”<sup>2</sup>

Within a month after the enactment of the second Reconstruction Law the prospective policy of Conservatives in Florida seemed clearly marked out. It contained two obvious principles, namely, the ready acquiescence in Congressional reconstruction, and the control of the negro voter by Conservative Southern whites. Ex-Senator Mallory, in a speech delivered in Pensacola (March 28th), strongly advised prompt submission to Congress in good faith.<sup>3</sup> United States Senator-elect Call, still in Washington waiting to be admitted to the Senate, wrote:

In my opinion we should submit without opposition to Congress and conform to its requirements. No practical benefits can be gained by resistance. . . . This Congress represents the

<sup>1</sup> *N. Y. World*, Mch. 15, 1867.

<sup>2</sup> *Floridian*, Mch. 29, 1867.

<sup>3</sup> *Floridian*, Apr. 9, 1867; *N. Y. Herald*, Apr. 8, 1867.

strength and will of the Northern people. . . . We should realize that these are questions that concern us no longer, as over them we have no control. . . . In my judgment, the only thing to consider is whether we will be dragged by the chains of relentless destiny or whether we will be co-workers with it in forming and giving direction to its policy.<sup>1</sup>

William Archer Cooke, writing from Monticello (Jefferson County), declared that "it is absurd to look to the Supreme Court for redress." The negro, he said, should be led by the Southern whites.<sup>2</sup> Ex-Governor Marvin extended like advice in an "Address to the People of Florida." He prophesied that the efforts of Mississippi to get redress from the Federal Supreme Court would prove unsuccessful. Radical leaders were powerful and popular in the North. Any action of the Supreme Court, he thought, would not control Congress. His advice to the whites of Florida was to give up all idea of combatting Congress, to organize, to obey cheerfully and quickly Federal law, and to make ready to lead the enfranchised negro.<sup>3</sup>

Such was the tenor of advice extended to the people by their best leaders in this crisis when their government was destroyed at the hands of Congress, when the lately enslaved were given equal political privilege with the late masters, when the natural leaders of the people were dis-

<sup>1</sup> *Floridian*, Apr. 12, 1867.

<sup>2</sup> *Floridian*, Apr. 23, 1867.

<sup>3</sup> *Floridian*, May 17, 1867. See also Marvin's views in issues for May 10 and Sept. 17. The latter contains a letter from the ex-governor to Dyke, editor of the *Floridian*. Marvin was then living in New York. His clear foresight is shown by this letter. He said that eventually it would be very bad for the blacks if they should combine politically as a race and form a party on the basis of color. They might carry the coming elections, he said, but in the end they would surely lose out, after antagonizing the whites not only in Florida but in the North as well. The truth of these views is obvious to-day.

franchised. Congress succeeded in putting the "Bottom rail on top". And why? The preamble of the first Reconstruction Act set forth the alleged reason. "Whereas no legal state governments or adequate protection for life or property now exists in the rebel states," it runs, "and whereas it is necessary that peace and good order should be enforced in said states until loyal and republican state governments can be legally established," etc.

Did conditions in Florida make it necessary that the state be subjected to the operations of such a drastic law? Certainly the year 1866 witnessed the sure beginning of a rapid and generally peaceful rehabilitation. The amount of lawlessness in Florida then does not seem to have been abnormal or particularly serious. Three factors indicate peace and returning prosperity: 1, heavy immigration of poor home-seekers into Florida; 2, the presence of numerous business men from other sections of the country who came into Florida and invested money there; 3, the favorable reports of military commanders distributed over Florida. These reports though damning the lack of patriotism among the whites usually closed with the statement that peace reigned and that the people were quietly at work. Would these conditions have existed then if in Florida there had been no "adequate protection for life or property?"

As to immigration, both whites and blacks began to come into Florida during 1866. The black immigrants were more numerous than the whites. The *East Florida Banner* of January 2nd, 1867, stated: "A thousand freedmen have passed through this city during the past week on their way to Florida and the west." The *Floridian* of January 11th: "The tide of immigration is unprecedented. . . . Nearly every day brings trains and wagons through our town [Tallahassee] from South Carolina . . . Two train-loads . . . from Southern and Western Georgia." The *Columbia*



(S. C.) *Telegraph* of January 13th: "Freedmen are leaving this city in such numbers as to excite alarm. They are chiefly bound for Florida." The *Orangeburg* (S. C.) *Times*: "Many freedmen are seeking new homes in Florida and elsewhere." The *New York Times*, February 28th (report from Charleston, S. C.): "Great exodus of freedmen. . . . 50,000 souls have left the State. . . . Some of the emigrants have gone to Florida." The report of Colonel Sprague at Jacksonville in *New York Tribune*, February 20th: "Freedmen are still arriving from South Carolina and Georgia seeking labor and many entering land under the Homestead Bill." The Federal law of June 21st, 1866 opened for entry in 80-acre lots all national lands in Alabama, Mississippi, Louisiana, Arkansas, and Florida. By October of the following year 2,012 homestead claims aggregating more than 160,000 acres had been entered in the Florida Federal land offices. The "House Committee on Freedmen's Affairs" reported that during this time more than 2,000 families acquired "homes in Florida" and that "in other Southern states less progress has been made".<sup>1</sup> The comparison of census figures indicates heavy increase of negro population between 1860-67. The Federal census of 1860 gave the black population 62,677. The special state census of 1867 showed 72,666, an increase of sixteen per cent in seven years.

Immigrant aid societies helped whites and blacks to move to Florida. The American Aid and Homestead Co. of New York furthered in some fashion an extensive scheme of two Northern business men, Hunt and Gleason. They sought to establish a colony in Florida for the culti-

<sup>1</sup> *H. Repts.*, 40th C., 2nd. S., no. 30, p. 16.

For further information concerning negroes on Federal lands, see *H. Ex. Docs.*, 35th C., 1st S., no. 70, *passim*; 40th C., 2nd, S., no. 57, *passim*.

vation of tropical fruits.<sup>1</sup> Gleason later became lieutenant-governor of the state. In June, 1866, he reported: "We have traveled upwards of 1,500 miles in the most unsettled portions of the State. . . . We were everywhere hospitably received. . . . An emigration from the North would be welcomed by a large majority of the people."<sup>2</sup>

A few planters of Florida imported negro labor from neighboring states and gave their support to plans for bringing in white labor from Europe.<sup>3</sup> "Florida does not want black but white immigrants," announced a local journal early in 1867.

Bread does not grow on trees. We want our unoccupied lands taken up and developed by those who will cling to them, and not by those who will labor for a little while and then become paupers, vagabonds and thieves, living upon the industry of others, to be hunted like untamed savages. In the county in which we write [Leon, the most populous in Florida] there is comparatively a scarcity of labor. Why? Not because there is not labor enough, but because hundreds will not work. The idlers squat about the piney woods, in the towns, and by the roadside, and it is no injustice to say that the great majority of them live by killing stock and general thieving.<sup>4</sup>

There was plenty of work at good wages in Florida,<sup>5</sup> business was reviving, and the freedmen labor was not

<sup>1</sup> *Floridian*, Jan. 11, 1867; *N. Y. Times*, June 25, 1866.

<sup>2</sup> *N. Y. Times*, June 25, 1866.

<sup>3</sup> *Jefferson Gazette*, Aug. 31, 1866,—organization "Jefferson Aid Assn." to assist immigration. *Floridian*, Jan. 4, Feb. 12, 15, May 10, 1867,—organization and activity of "So. Land and Immigration Co." *Laws of Florida*, 14th Assembly, *passim*.

<sup>4</sup> *Floridian*, Feb. 1, 1867.

<sup>5</sup> *Rpt. Agr. Dept.*, 1867-7, p. 84. Wages in Fla. were considerably higher than in any other Southern state east of the Miss., the average wage for Fla. being twelve per cent above the average for the South.

meeting the demand. "I think they [whites] would be pleased," stated one man, "to have them [negroes] out of the way and to have Chinamen coolies, or anybody else to do the work."<sup>1</sup>

In April, 1866, Colonel Sprague reported from Jacksonville: "The general condition of the country coming under the jurisdiction of this post is prosperous. The freedmen are working faithfully and industriously. There is a large class from the North who are seeking investments in lands and sawmills. The citizens belonging to the city are laboring to obtain a living and to collect what little remains of their property after a desolating war."<sup>2</sup> In June, Captain Smith, posted at Mellonville, reported: "Everything works harmoniously."<sup>3</sup>

The year 1866 witnessed the revival in railroad extension interrupted by the war. The existing roads were in too poor a physical condition to handle the revival in traffic. The war had bankrupted all of the companies. Along with plans for reorganization in face of defaulted payment on bonds went plans for re-equipping the roads and extending them. "The railroad is the grand thing just ahead," stated a letter from Pensacola. "An outsider hearing so much indistinct talk about it might suppose it an accomplished fact."<sup>4</sup> At Marianna in West Florida a number of business men of that section met during February, 1867, to discuss the projects of extending the railway from Quincy to the Apalachicola river and of building a road from St. Andrews bay north into Georgia.<sup>5</sup> Similar meetings took

<sup>1</sup> *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, p. 4.

<sup>2</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 56, p. 91.

<sup>3</sup> *Ibid.*, p. 90.

<sup>4</sup> *N. Y. Ev. Post* (Townsend Lib., V. 71, p. 338) Pensacola letter.

<sup>5</sup> *Floridian*, Feb. 22, 1867.

place in other parts of Florida. Such incidents are worthy of a place in an account of reconstruction because they in connection with increasing demand for labor, increasing immigration, and increasing land entries by home-seekers indicate that peaceful economic rehabilitation had begun before the Federal Congress turned government topsy-turvy in order that there might be "adequate protection" for life and property in Florida.

The first Reconstruction Act was promulgated by the war department through general orders on March 11th, and on the 28th the Supplemental Act was promulgated in similar fashion.<sup>1</sup> The first act provided for the division of the South into five military districts. Florida was included in the "Third District", composed of Georgia, Alabama, and Florida. This division, as set forth in the law, was formally consummated through Executive order of March 2nd.<sup>2</sup> On March 15th, the President placed Major-General John Pope in command of the Third District.<sup>3</sup> On April 1st, Pope began his administration in Florida through General Orders No. 1, in which he "merged the District of Key West" into the "District of Florida" and placed Colonel J. T. Sprague of the 7th Infantry in command. The headquarters of the District of Florida (a sub-district of the third Military District) were established at Tallahassee.<sup>4</sup>

"The civil officers at present will retain their offices until the expiration of their terms of service," announced General Orders of April 1st, which inaugurated military rule,

so long as justice is impartially and faithfully administered. It is hoped that no necessity may arise for the interposition of the military authorities in the civil administration, and such

<sup>1</sup> *Sen. Ex. Docs.*, 40th C., 1st S., no. 14.

<sup>2</sup> *Ibid.*, p. 5.

<sup>3</sup> *Ibid.*, p. 5.

<sup>4</sup> *Ibid.*, p. 93.

necessity can only arise from the failure of the civil tribunals to protect the people, without distinction, in their rights of person and property.

The real object in instituting this military régime was indicated by that clause of these general orders that declared: "It is clearly understood, however, that the civil officers thus retained in office shall confine themselves to the performance of their official duties and whilst holding these offices they shall not use any influence whatever to deter or dissuade the people from taking an active part in reconstructing their state government."

As Florida had never thoroughly passed from under the guiding hand of the Federal military since the war's close, the transposition to military rule in the spring of 1867 did not cause much confusion or excitement. "In Florida everything is quiet," reported General Pope on April 7th.<sup>1</sup> But indications of a pretty thorough-going political change were soon evident. The negroes of Florida under Radical white leaders immediately began to experiment in politics. On March 14th, more than a week before the passage of the Supplemental Bill in Washington and before Congressional reconstruction was formally inaugurated in Florida, some negroes of Jacksonville met in the negro Baptist Church, chose a ticket for the city elections, and adopted resolutions which began: "Resolved, That we have become bona-fide citizens of Florida and of the United States, that there is now no distinction between the white man and the black man in political matters," *etc.*<sup>2</sup>

<sup>1</sup> *Sen. Ex. Docs.*, 40th C., 1st S., no. 14, p. 95.

<sup>2</sup> *Floridian*, Apr. 1, 1867. The election did not take place when scheduled. It was postponed by military order,—see *Floridian*, Apr. 2, 9, 1867. In May the "City Council" chose a new mayor on the "advice" of Col. Sprague. Negroes did not take part in this,—*Floridian*, May 21, 1867.

In another part of the state, Pensacola, negroes participated in the city elections, April 1st. Three days before, March 28th, a mass meeting of blacks and whites had taken place in Pensacola's plaza.<sup>1</sup> Ex-Senator Mallory, J. D. Wolf—an ex-officer of the Federal army—and Hayes Satterlee—an aged negro—had addressed the meeting. Here were grouped skillfully three of the fairly distinct social elements in Reconstruction politics: the ex-Confederate, the white newcomer from the North, and the negro. All the speakers advised amicable co-operation between the races, and advised the blacks not to break with the Southern whites.

But other influences were at work. Negroes were called together in secret meetings by Radical white leaders. The report was spread that if the Republican candidate won, the stores in town would be thrown open and all loyal men in town would be invited to take what they wished. This was a tempting prospect to any man. To most of the negroes it was exciting. Those near Pensacola hearing the good news came into town to be present when the free distribution should take place. The Conservative ticket carried the election. Thereupon a mob of negroes, massed in the neighborhood of the town plaza, threatened disturbance. Federal troops were hurried from Fort Barrancas to keep order.<sup>2</sup> This was a good beginning for Conservatives, but it was a dangerous beginning and proved to be about the first and last Conservative victory under military rule.

These initial political experiences were sufficient to show some men the difficulty which confronted those who would essay to make Conservatives of the blacks. Before taking up the progress of the campaign another political incident

<sup>1</sup> *Pensacola Observer*, Mch., 30, 1867; *N. Y. Herald*, Apr. 8, 1867.

<sup>2</sup> *Floridian*, Apr. 9, 1867; *N. Y. Herald*, Apr. 17, 1867; conversation of the author with Mr. Edward Anderson of Pensacola, who was a Conservative leader.

typical of these times might be mentioned. It was May 20th, "Emancipation Day" for Florida, the day on which General McCook in 1863 had issued general orders announcing freedom. At Tallahassee since an early hour flocks of negroes had been coming into town. By nine o'clock the streets were crowded. Soon a procession of blacks formed at the camp of the Federal troops, and with music booming and flags flying at its head the assembled host began its march down "Main Street". First came the "Benevolent Societies", then came the "Independent Blues", and following, the unofficial crowd in long line. The managers of the parade wished only men in line but were unable to keep the women out. "The sisters would crowd in."

About eleven o'clock the procession arrived at Bull Pond, a mile out of Tallahassee. A negro preacher rose "to open the meeting with prayer". Political resolutions were offered at the end of the prayer by a sergeant of the Federal army. They were declared adopted by "the committee" without submitting them to the meeting. Many of the open-mouthed, thick-lipped auditors had no conception what resolutions were.

The first speaker of the day arose, James Taylor, negro. He was a fair specimen of his class. His spirit seemed to swing back to the remote land of his ancestors. The spell of Africa was upon him and he spoke with the native eloquence of his race. Most of his auditors, hardly above voodooism, would feel the spell. He said that a short time ago he heard something like a clap of thunder and then he saw something like a flash of lightning, and then he saw the "stars and stripes" coming, which proclaimed freedom. His auditors crooned approval. The white people, he continued, "talk about living in harmony, and yet are always talking about one race being exterminated if they

did not preserve harmony. Before they [the negroes] should vote for such people let the colored race *be* exterminated." He told his fellow blacks to vote for the "Yankees," who had given them "their privileges". "You should be thankful to God first and the Yankees next," he said, and continuing, "the country had tried rebels two years, and the freedmen had not gotten justice," in proof of which he said that his wife had a suit in the courts now and the "nasty, stinking law-officer was trying his best to swindle her out of her property."

More black orations of similar quality followed. Injustice borne, future votes, and general invective against the native white were their burthen. Finally, a white man was speaking—some carpet-bagger. Slavery, he said, had been swept away and the blacks were as good as whites. In Charleston the authorities had given the "colored man" the right to ride on the street cars. For the edification of the crowd he related what was termed "an instance of a Southern man in New York," pointless but illustrative of a sinister tendency. The Southern white man it seems was taken by a friend to church and when he got there he found a negro in the man's pew. The Southern white man said, "Why, how is this? You've got a negro in your pew." "But," replied his friend, "he's worth \$50,000." "Oh!" exclaimed the Southerner, "introduce him to me at once." (Received with shouts by the crowd of blacks.) The speaking was followed by "a dinner" managed by the secret societies who fed a host of blacks already beginning to roar because of liquor. The late afternoon was consumed with more radical speeches, firing of guns, pulling of razors, and near the end of the festivities a barber-politician, Green Davidson, attempted "riding through the crowd." His efforts ended in a "grand fight".<sup>1</sup>

<sup>1</sup> Taken from an account in *Floridian*, May 21, 1867. *The Floridian*



Other political picnics and rallies similar to this occurred in many other localities of Florida during the golden, sweltering summer months of 1867. The outlook was gloomy for those wishing peace.

Soon after inauguration of the congressional plan of reconstruction, Conservative leaders in Florida began to try for the political control of the negro. They were suspected and generally unpopular among their ex-slaves. Their method was to speak at negro meetings, where by threats and persuasion they tried to counteract the influence of Radical leaders, who drew their inspiration and funds probably from the North. The Southerner was a poor mixer with the blacks. To move with them socially was against his training and against his instincts. Negro mass meetings were often gotten up by white Conservatives.

In Pensacola Hayes Satterlee, an aged negro who espoused the cause of his one-time master, called upon those of his race "to come out of the shade into the pure air." This was his text for an attack upon the secret political societies which were attracting so many blacks. In the old negro's invocation "to come out of the shade into the pure air" we have a résumé of a large part of Conservative stump speeches during 1867. The attack on Lincoln Brotherhoods and Union Leagues was bitter and sustained.<sup>1</sup>

In Tallahassee, on April 12th, Mr. Hogue and Mr. Papy,

was a Conservative journal, but in comparing its account with that of a similar event by an intelligent black who took part, John Wallace, we find the same features emphasized; see Wallace, *Carpetbag Rule*, p. 39. Also compare with Rpt. Col. Sprague on negro Emancipation Day procession, *N. Y. Tribune*, Feb. 20, 1867.

<sup>1</sup> Another negro, Wm. Martin of Lake City (a free negro under slavery) in an "Address" to those of his own race advised against breaking with the Southern whites and particularly against being made "political slaves of—mere tools to be used when wanted and then cast aside—and therefore I say to you keep aloof from the secret societies—let politics alone," etc.—*Floridian*, June 25, 1867.

prominent ex-slave-holders, spoke to an assemblage of blacks, and promptly at the conclusion of their remarks intemperate and offensive speeches were made by several negroes.<sup>1</sup> On the 20th, again in Tallahassee, a mass-meeting of blacks was addressed by Governor Walker and Judge McIntosh. The public square was filled with negroes. Some people feared violent contact between the races, but the white speakers were heard with respectful attention. However, at the conclusion of the advice and warning by the state's chief executive and a well-known judge, resolutions were adopted which declared: "We cherish no ill-will against our former masters, but the freedom-loving people of the North deserve our thanks for our freedom. Resolved, . . . to identify ourselves with the Republican Party."<sup>2</sup> In Quincy, April 17th, blacks and whites met, and men of both races spoke—the white speakers being Judge Dupont, chief justice of the supreme court, and two well-known planters, Colonel C. B. Love and Colonel R. H. M. Davidson, all ex-slave-holders.<sup>3</sup> In Tallahassee another mass-meeting took place on the 27th. Judge Douglas of the supreme court and Mr. Wescott, attorney-general, spoke.<sup>4</sup> During the month of May similar mass-meetings of blacks and Conservative whites were held in Ocala,<sup>5</sup> Lake city,<sup>6</sup> Monticello,<sup>7</sup> Jacksonville, and Gainesville.<sup>8</sup>

<sup>1</sup> *Floridian*, Apr. 15, 1867.

<sup>2</sup> *Floridian*, Apr. 23, 1867; *N. Y. Tribune*, Apr. 30, 1867; *N. Y. Herald*, Apr. 30, 1867.

<sup>3</sup> *Quincy Commonwealth*, Apr. 23, 1867. <sup>4</sup> *Floridian*, Apr. 30, 1867.

<sup>5</sup> Quotation from *E. Fla. Banner*, *Floridian*, May 3, 1867—about 1000 present.

<sup>6</sup> From *Florida Times*, *Floridian*, May 7, 1867; also May 21, 1867. Meeting was Apr. 26. Eight negro speakers. Tone conciliatory, but all for Repub. party. Resolutions condemned Pres. Johnson.

<sup>7</sup> *Floridian*, May 7, 1867. Meeting Apr. 30.

<sup>8</sup> Rpt. of Col. Sprague, *N. Y. Tribune*, June 13, 1867. He stated

Crowds of negroes attended these meetings. The interest of blacks in secret societies, religion, and political discussion was beginning to interfere with work on the plantations. At a Lake City meeting the local Freedmen's Bureau agent publicly advised the negroes to send delegates to represent them at future political rallies, as it was unprofitable for all to come.<sup>1</sup>

Much of the violent and incendiary talk by negroes at this time was probably the talk of those who wished to astonish and who were in love with the sound of their own voices. Green Davidson, a notorious and robust negro fire-eater of Florida, would sometimes take up a collection in his hat from his white hearers—ex-masters mostly—after a particularly fiery and revolutionary speech directed against them. But back of it all was an ugly and insolent spirit of opposition to the white man who refused to mingle with the blacks on terms of social equality.

On the other hand, a good deal of talk by Southern whites was not seriously meant at first. Threats of economic retaliation, of turning the negro away from work if he did not vote the right way, were far more easily made than executed. Would the Bureau and Federal military allow such retaliation? Could the white employer afford to "turn off" his negro employees? Who could take their places?

The more enlightened and shrewder blacks saw into the situation. "It is difficult to say what course the white people of the state will take to control the negro vote," wrote Colonel Sprague.<sup>2</sup> At the time that this observation

that at Jacksonville 2,000 blacks assembled; Gainesville, 2,000; Lake City, 3,000; Tallahassee, 5,000.

<sup>1</sup> *Floridian*, May 7, 1867.

<sup>2</sup> *N. Y. Tribune*, June 13, 1867.

was made the whites, as we have seen, were attempting this control by attacking in public speech the secret societies, by advising co-operation between black and native whites, by vague promises of just treatment and political rights, and by vague threats of economic retaliation for those who should support the Radical party. The Conservative did not promise the negro the ballot. The Radical did promise it to him and drilled him to use it. It might be well to turn attention now to this question of Radical political organization which went rapidly forward while the state was under military rule.

## CHAPTER XVIII

### REGISTRATION AND THE ORGANIZATION OF LOCAL PARTIES, 1867

THE paramount power in the state from March 15th, 1867, to July 4th, 1868, was the Federal military. Post commanders ruled while the Congressional plan of reconstruction was being applied. Local civil government weakly existed as the every-day instrument of record and litigation, but completely subject to the military.<sup>1</sup> Federal courts were in session<sup>2</sup> and the post-office department continued to deliver mails, although the number of post-offices was reduced from 181 to 85 before June, 1867.<sup>3</sup> Four days after General Pope assumed command he instructed all post commanders "to report as soon as practicable any failure of civil tribunals or officers to render equal justice to the people, and whilst not interfering with the functions of the civil officers," they were directed to give particular attention to the "manner in which such functions are discharged."<sup>4</sup> The legislature did not meet. The governor did not attempt to enforce the law. No elections were allowed by the military. Vacancies in office were filled by military appointment.<sup>5</sup> Only a few removals from office

<sup>1</sup> *H. Ex. Docs.*, 40th C., 1st S., no. 342, pp. 114-131; *Floridian*, Apr. 26, May 10, June 14, 1867.

<sup>2</sup> *Floridian*, June 14, 1867.

<sup>3</sup> *Rpt. P. M. Gen.*, 1867-8, p. 38.

<sup>4</sup> *Sen. Ex. Docs.*, 40th C., 1st S., no. 14, pp. 108-9; Gen. Ord. no. 4, 3rd Mil. Dist., Apr. 4, 1867.

<sup>5</sup> *Ibid.*, p. 128, Sp. Ord., no. 20 (Appt. of justice of peace in Her-

by the military were made in Florida, and the officers were minor ones.<sup>1</sup>

The Republican Club of Jacksonville tried to force Governor Walker's removal but failed.<sup>2</sup> At the head of this arbitrary government stood General Pope, stationed at Atlanta, Georgia. Under him was Colonel Sprague in Tallahassee. Under Sprague were the post commanders from lieutenant to lieutenant-colonel, stationed in every town in Florida. The will of the commander was backed by the troops composing the garrisons.

The military brooked no embarrassments from action of the courts. "No civil court," stated general orders of August 2nd, 1867, "will hereafter entertain any action whatever against officers or soldiers or any person for acts performed in accord with orders from the military authorities or by their sanction."<sup>3</sup> Shortly after, August 19th, general orders directed all judges to submit on demand all papers in any case to military headquarters on pain of arrest and trial before military commission if they did not comply. The same day the same power similarly ordained that "grand and petit jurors and all other jurors for the trial of cases civil or criminal or for the administration of law"<sup>4</sup> be taken exclusively from voters registered under the Reconstruction Acts—which meant that for the time

nando, Fla.) ; p. 135, Sp. Ord., no. 40 (Appt. of member city council at Apalachicola to fill vacancy caused by death.) *H. Ex. Docs.*, 40th C., 2nd S., no. 342, p. 122, Sp. Ord., no. 27 (Appt. mayor, council and marshal for town of Gainesville), p. 126, Sp. Ord., no. 238 (Appt. circuit judge to fill vacancy caused by death) *etc.*, *An. Cyclo.*, 1867, proclm. of Gov. Marvin, June 18, in regard to vacancies in civil offices.

<sup>1</sup> For instance, *Suwanee News*, Oct. 9, 1867.

<sup>2</sup> *Jour. Repub. Club*, May 2, 1867.

<sup>3</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 342, p. 109.

<sup>4</sup> *Ibid.*, p. 110.

many of the largest property-holders and most respected whites in Florida could not sit on juries or take any part whatever in the deliberation of courts.

Florida did not suffer much material hardship from military rule. The people were more or less used to it by 1867. Federal officers generally stood for a certain sort of law and order and peace. When it became apparent that the negroes of Central Florida were attending night meetings under arms, orders were promptly issued forbidding them under severe penalty from congregating at night with arms in the counties of Leon, Jackson, Calhoun, Gadsden, Liberty, Franklin, Wakulla, Jefferson, Madison, and Taylor.<sup>1</sup> To keep whiskey from aggravating any trouble between blacks and whites during the July 4th celebrations, all bar-rooms were closed by military order from July 3rd to July 6th.<sup>2</sup> Military courts supplanted the civil courts when the civil tribunals were distrusted.<sup>3</sup>

In more ways than merely keeping order did General Pope desire his soldiers to be instruments for bringing to pass a thorough application of Congress's plans. Soldiers sat on registration boards; a few appointments and removals were made in civil office by military orders; officials opposing reconstruction were threatened by post commanders; state printing and advertising were withheld by military orders from those journals opposing Congressional reconstruction;<sup>4</sup> and finally, the division of the state

<sup>1</sup> Gen. Ord., no. 30, *An. Cyclo.*, 1867; *Floridian*, June 28, 1867.

<sup>2</sup> *An. Cyclo.*, 1867.

<sup>3</sup> *Sen. Ex. Docs.*, 40th C., 1st S., no. 14, p. 93, Gen. Ord., no. 1 (Fla.) Apr. 1, 1867, pp. 108-9, Gen. Ord., no. 4, Apr. 4, 1867. *H. Ex. Docs.*, 40th C., 2nd S., no. 342, Gen. Ord., no. 7, Jan. 11, 1868; Gen. Ord., no. 10, Jan. 15, 1868.

<sup>4</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 342, p. 131, Gen. Ord., no. 22, Feb. 2, 1868.

into election districts by General Pope had about it certainly the traces of sharp political practice.

The first large task of the military commander was accomplishing the registration of prospective voters under the Reconstruction Acts. By order of April 8th, General Pope began the work. The thirty-nine counties were grouped in nineteen registration districts or "divisions". In each "division" was a registration board of three persons appointed by Pope on the advice of state commander Sprague. "It is desirable that in all cases registers shall be civilians, where it is possible to obtain such," ran the orders of April 8th. Colonel Sprague was authorized to appoint one or more "supervisors of registration", whose business it should be to visit the various points where registration was being carried on, to inspect the operations of the registers, and to assure themselves that every man entitled to vote has "the necessary information concerning his political rights".<sup>1</sup>

General instructions were issued to registers on June 1st. They were directed to proceed to register all male citizens of the United States within their jurisdiction, twenty-one years old and upwards, irrespective of color or previous condition, who should subscribe to the required oath. "You will cause the fact of your appointment to be made known throughout the district by all means within your reach," stated the instructions—"hand-bills, letters, notices posted in public places, such as election polls, post-offices, cross-roads, taverns, stores, *etc.*" The registration boards were directed to visit "each and every election precinct in each and every county," spending in each precinct the "number of days necessary to complete the registration." In proceeding to register they were "to read distinctly to the

<sup>1</sup> *Sen. Ex. Docs.*, 40th C., 1st S., no. 14, pp. 107-110.



person or persons to be registered the oath prescribed by law and printed on the books of registration." Each person to be enrolled must sign "a separate copy in the book," and having taken "the prescribed oath" in the presence of the registers must receive a signed and numbered registration certificate.<sup>1</sup>

Special instructions were issued by Pope to the Florida boards on June 17th. They were forbidden to register any one-time Federal or state official who "afterwards engaged in insurrection or rebellion against the United States or gave aid and comfort to the enemies thereof." The instructions included among such proscribed persons members of Congress and all local officers down to and including "mayors and intendants of towns and citizens who are *ex officio* justices of the peace."<sup>2</sup>

The work went forward slowly. Negroes and soldiers often sat on the registration boards. The "Iron Clad Oath" was required of those performing the functions of registrars or "registers". Ex-Confederates could not take it without perjuring themselves and therefore most native whites were not eligible. The registration boards moved from place to place within their counties.<sup>3</sup>

Registration in Florida began July 15th and continued till September 20th.<sup>4</sup> The man who supervised and directed it was Colonel Hart, of Jacksonville, a Southerner and one-time "Union man". He was appointed superintendent of registration on June 13th by General Pope.<sup>5</sup> In order

<sup>1</sup> *Sen. Ex. Docs.*, 40th C., 1st S., no. 14, pp. 119-120.

<sup>2</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 342, pp. 106-107.

<sup>3</sup> For examples of how board was expected to work, see notice of Board of Registration for Putnam County, *Floridian*, Aug. 9, 1867.

<sup>4</sup> *An. Cyclo.*, 1867; Gen. Order, no. 21 extended the registration period from Aug. 20th to Sept. 20th; see *Floridian*, Sept. 6, 1867.

<sup>5</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 342, p. 122, Gen. Ord., no. 43; *An. Cyclo.*, 1867.

to be registered the individual was required to answer satisfactorily practically any questions that the registrars wished to ask him. The boards exercised the power of going behind the oath and throwing out an applicant on his record as they understood it.<sup>1</sup> The object was to register only the "truly loyal". The registrars were directed by the military to see to it that the civil officials of the state did not discourage "the people" in taking an active part in "Reconstruction". The names of all such officers "discouraging Reconstruction" were called for at military headquarters.<sup>2</sup> Furthermore, General Pope paid each register so much *per head* for those persons registered by him. "The object of graduating the pay of registers," stated Pope, "is to make sure that the entire freedmen's vote will be brought out". Pope prepared to crush Southern whites with negro majorities.<sup>3</sup> The Freedmen's Bureau aided the registration boards in lining-up the negroes for enrollment.<sup>4</sup>

When the order was published which divided Florida into nineteen election districts a useless protest went up from the Conservative journals.<sup>5</sup> The state was in process of being "gerrymandered" by the matching of counties and the apportionment of representation.<sup>6</sup> To certain counties where the black vote would be overwhelmingly

<sup>1</sup> *Floridian*, Sep. 20, 1867. For a general discussion of this question in the South see Rhodes, v. vi, pp. 79-82.

<sup>2</sup> *An. Cyclo.*, 1867; Gen. Ord., no. 41, July 19.

<sup>3</sup> *H. Ex. Docs.*, 40th C., 1st S., no. 20, p. 40.

<sup>4</sup> *H. Rpts.*, 41st C., 2nd S., no. 121, pp. 47-48 statement of Col. Sprague.

<sup>5</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 342, pp. 114-16, Gen. Ord., no. 74, Oct. 5, 1867. *Floridian*, Oct. 15, 1867. See Wallace, *Carpet-bag Rule*, pp. 49-50. He points out that five of the less populous counties (white) were excluded from representation.

<sup>6</sup> *Floridian*, Oct. 8, 1867. Editorial on "Skillful Gerrymandering". See charge of Conservatives against Pope, *An. Cyclo.*, 1867.

greater than the white, counties were added where the white vote would be greater than the black, but not great enough to overcome the lead of the black vote in the consolidated counties composing the district. Such an arrangement made effective use of actual negro majorities. Altogether, nine counties which might have sent up delegations to the constitutional convention elected by whites were added by General Pope to black counties, and thus their Conservative strength was absorbed as ink in blotting paper. The paper in turn became black. If county lines had been respected and as many as twenty per cent of the whites disfranchised, twenty-nine of the thirty-nine counties might have remained under white control, and a bare majority of delegates chosen would have been the choice of Conservative white electors.

In the assigning of representation to districts, General Pope gave preference to those districts certain to be controlled by the negroes. For example, the 13th District (Bradford and Clay counties) with a population of about 4,500, mostly whites, was given one delegate; while the 4th District (Gadsden County), population about 7,500, mostly negroes, was given three delegates.

The result of registration rendered much gerrymandering unnecessary. The figures stood 11,148 white voters and 15,434 black.<sup>1</sup> This meant that less than 10,000 Conservatives faced more than 16,000 Radicals. About thirty per cent of the whites had been disfranchised or had refrained from registering.<sup>2</sup> The bulk of the negroes were regis-

<sup>1</sup> *Floridian*, Oct. 8th, 1867; *An. Cyclo.*, 1867; *N. Y. Tribune*, Oct. 7th, 1867. The *Tribune's* figures are slightly inaccurate. In the 2nd, 5th, 10th, 13th, 16th, 17th, 18th, 19th, dists. the whites had a majority. These districts were assigned 10 of the 46 representatives to be sent to the convention.

<sup>2</sup> This estimate is based on an average of male adult inhabitants ac-

tered at an earlier date than the whites. The majority of the latter held off until the last few days.

When the result of registration was known Conservative leaders advised: "*vote for a delegate to a convention but do not vote for a convention.*"<sup>2</sup> According to the Supplemental Reconstruction Act of March 23rd, no convention would be held unless a majority of the registered voters "shall have voted on the question of holding such convention".<sup>3</sup> The problem was to comply with the Congressional policy and at the same time defeat it. With Radical registration more than 5,000 ahead of Conservative, there was indeed a slim chance to confound Congress by taking it at its own word.

In the summer of 1867 two Radical politicians—Daniel Richards, white, of Illinois, and William U. Saunders, black, of Maryland—appeared in Florida.<sup>4</sup> They were commonly reputed to be representatives of the Republican national committee sent to the state to lead in the local organization of the party.<sup>5</sup> Their actual relations with the national committee are not clear. Richards had been in Florida shortly after the war as a Federal treasury agent.<sup>6</sup> The two men soon assumed a leading part in Republican politics

cording to the *Census* of 1867 which gave the white population of Florida as 81,892, but did not distinguish between men, women and children.

<sup>1</sup> *Floridian*, Aug. and Sept., 1867, *passim*.

<sup>2</sup> *Floridian*, Sept. 6th, 1867. By this date 10,500 blacks had registered and 5,100 whites. The registration books closed Sept. 20th.

<sup>3</sup> *Floridian*, Oct. 18th and 25th, 1867.

<sup>4</sup> Text of Act, see also Gen. Ord., no. 74, 3rd Mil. Dist. Oct. 5th, *H. Ex. Docs.*, 40th C., 2nd S., no. 342, pp. 114-116.

<sup>5</sup> *Floridian*, Feb. 11, 1868. Wallace, *Carpet-bag Rule*, pp. 44-45; Rerick, *Memoirs of Fla.*, v. 1, p. 303.

<sup>6</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, Rpt. of Comit. (in Fla.) on Eligibility.

within the state. They were particularly prominent in the organization of Union Leagues among the negroes—founding new chapters and binding together the whole, chapter by chapter, into a fairly compact political organization.<sup>1</sup>

Another man was soon associated politically with Richards and Saunders. He was an ex-officer of a negro regiment and with his regiment had come into Florida as an invader during the war. At the close of hostilities he had settled at Fernandina, East Florida. He wore green spectacles, took a great interest in the negroes, delivered on occasions rather pulpitish political speeches, called on the name of Jesus from the stump, and was at his best when hurling what was termed "oratorical Billingsgate" at "rebels" and the "poisonous breath of slavery". This might have been a bad pun, for the man was Liberty Billings, of New Hampshire—tall, slender, black-haired, rough, unscrupulous, hard-fisted in affairs, and thrifty in politics. Billings was at first popular with the negroes. He kissed black babies, spoke often of God, and did his best to stir up strife between the races.<sup>2</sup>

That which characterized Billings, Saunders, and Rich-

<sup>1</sup> Wallace, *op. cit.*, p. 45. Wallace implies that Richards and Saunders founded the first chapters of the Union League in Florida. Both Harrison Reed and Judge Chase spoke of Union Leagues 18 months before this,—see *Johnson Papers*, Rerick, *Memoirs of Fla.*, v. 1, p. 303; *Floridian*, June 3, 1867—reference to the founding of the Union League in Jacksonville. *Floridian*, Apr. 16, 1867,—The Leagues "exist under our very noses and we are told that if we had a list of parties belonging to them, the list would surprise us," etc. *Floridian*, June 28, 1867,— "Secret societies are being organized in every county," etc. *Floridian*, Apr. 26, 1867,— "Union Leagues are formed in a dozen counties with a view of making a strict division in politics and colored citizens have already formed clubs here (Tallahassee) and in St. Augustine, Key West, Palatka, and Pensacola."

<sup>2</sup> See Reference to Billings in *Floridian*, Feb. 18, 1868; Wallace, *op. cit.*, pp. 45 and 63.

ards was their fondness for extreme views. They were very radical. Billings was almost Stevenesque in his cantankerous bitterness toward Southern whites and most existing institutions of the South.

A more moderate or conservative faction of the Republican party was that grouped about the Republican Club of Jacksonville. The club was organized during March, 1867, in the business office of Colonel O. B. Hart—the Federal chief registrar and one-time “Union-man” of East Florida. It grew steadily. At the end of six weeks some 200 of the most substantial citizens in Jacksonville and the vicinity were enrolled—Northerners and Southerners.<sup>1</sup>

The club was alive and doing. It met twice a week, sent its representatives to different points within the state to take part in the negro mass-meetings,<sup>2</sup> called on the Federal military to investigate alleged violence and injustice to blacks,<sup>3</sup> proffered advice to the commander of Federal troops in Florida, intrigued for the removal by the military of certain civil officials of the state,<sup>4</sup> and finally engineered the first real state convention of the Republican party in Florida.<sup>5</sup>

Speaking from a knowledge of after history this organization had among its members most of the brains and influence at the party's disposal in Florida. Two future Re-

<sup>1</sup> See *Journal of the Union-Republican Club of Jacksonville*, MSS. Florida Historical Society, Jacksonville. The Club was organized, Mch. 27, 1867, at the business office of Col. O. B. Hart. Hart was chairman of this first meeting. C. L. Robinson, H. Bisbee, Jr., J. C. Greely, and N. C. Dennett were among those associated in founding the club.

<sup>2</sup> *Journal of Union-Repub. Club*, Apr. 25, 1867.

<sup>3</sup> *Ibid.*, May 30, 1867.

<sup>4</sup> *Ibid.*, Apr. 8, 11, and 18 and June 13, 1867.

<sup>5</sup> *Ibid.*, May 2, 1867.

publican governors were members of the club—Reed and Hart. On issuing a call for a state convention at Tallahassee, the Jacksonville club after long discussion pointedly refrained from calling a “Radical Union-Republican” convention.<sup>1</sup> It dropped the word “Radical”. The incident is suggestive of its character. Certainly it was less radical than the Billings, Saunders, and Richards faction.

A third element of the Republican party in Florida was the group led by Colonel T. W. Osborn. It included most of the Freedmen Bureau agents and the negro secret order known as the Lincoln Brotherhood.<sup>2</sup> Osborn was a proficient politician who did not indulge in radical tirades. He has been discussed in a foregoing chapter. He was the official head of the Freedmen’s Bureau in Florida until June 11th, 1866,<sup>3</sup> and was Head Master of the Lincoln Brotherhood.

In the foregoing we have the three political factions which at the time, 1867, made up the local Republican organization—Billings, Saunders, and Richards with the Union Leagues; Hart, Robinson, Reed, and others of the Jacksonville Republican Club with some capital and business prestige; and T. W. Osborn with the Bureau and the Lincoln Brotherhood.

In estimating the strength of Republican organization in Florida, the other factors to be considered are the Federal military and the Federal postal, customs, judicial, and internal revenue officials.<sup>4</sup> Also the Supplemental Recon-

<sup>1</sup> *Journal of Union-Republican Club*, May 9, 1867.

<sup>2</sup> Wallace, *op. cit.*, pp. 42, 45. Wallace is practically the only source substantiating this statement. An Osborn faction certainly existed. Osborn was an active Bureau official; see *H. Ex. Docs.*, 39th C., 1st S., no. 70; 2nd S., no. 6; *N. Y. World*, May 31, 1866, *etc.*

<sup>3</sup> *H. Ex. Docs.*, 39th C., 2nd S., no. 6, pp. 43-44.

<sup>4</sup> *United States Official Register*, 1867. Exclusive of Bureau agents

struction Act of March 23rd provided for registration boards composed of those who could take the "Ironclad Oath." This requirement effectually barred most Conservatives from participating in revising the voting lists. The vast work of registration fell to negroes, Southern loyalists or "scalawags", the Federal military, and carpet-baggers.<sup>1</sup> These men when dishonest "doctored" the lists. When honest, they were inclined toward spreading very decidedly Radical and not Conservative ideas.

By these various agencies the Republican or Union-Republican party was destined to bring into effective use and hold in line the negro vote. "Let us do nothing to confuse their [negroes'] minds," cannily wrote Colonel Hart, later state superintendent of registration, "but do all in our power to keep them full and firm in their present faith."<sup>2</sup> The faith was Republicanism.

Results showed that Radical politicians were at work and were laboring effectively. "When we look around us we see loyalists straining every nerve to get the entire negro vote. To this end they are working day and night. . . . Night after night they have meetings and musterings, haranguings and sermons, singing and praying, all looking to political results," stated the *Floridian*.<sup>3</sup>

The Republican state convention called by the Jacksonville Republican Club assembled in Tallahassee on July

there were 132 Federal office-holders in the state at this time, besides 17 individuals and 3 R. R. corporations who were mail contractors with the Federal Postal Dept. The distribution of the offices was as follows: 80 postmasters; 43 customs officers and assistants; one internal revenue assessor; one register and one receiver of Fed. lands; two district judges; two district attorneys, and two U. S. marshals.

<sup>1</sup> See discussion of Col. Sprague's policy, *Floridian*, Apr. 26, 1867.

<sup>2</sup> *Floridian*, July 2, 1867.

<sup>3</sup> *Floridian*, June 28, 1867.



11th.<sup>1</sup> Thirty counties were represented. 125 delegates were recorded as present.<sup>2</sup> About one-half of the number were negroes. It was the first real state-wide convention of the Republican party in Florida and was justly termed "a mixed multitude".<sup>3</sup> The object of Radical leaders was to bring together into more coherent shape on local matters the various factions of Republicans and to "impress" the blacks.

The political text of most of the convention speakers, black and white, was the dishonesty, extravagance, and injustice of the Conservative state government. The state tax rate was attacked, the action of the legislature in appropriating funds for Confederate widows and orphans was violently denounced, and resolutions were passed calling on General Pope to revoke the law; and finally the state treasurer was accused of misappropriating school funds.<sup>4</sup> The truth in any of the charges is not apparent now, and probably never was apparent.

The organization of the convention accentuated that factional alignment already discernible among Republicans.<sup>5</sup> The committee on nominations failed to agree on a permanent chairman. It brought in two reports. The majority

<sup>1</sup> *Journal Un.-Repub. Club*, May 2, 1867. *Floridian*, July 2, 9, and 12, 1867. Col. Hart proposed that in each county, county mass meetings be held and political organization perfected.

<sup>2</sup> *An. Cyclo.*, 1867; *Floridian*, July 12, 1867. This estimate of the number of delegates is high and probably inaccurate.

<sup>3</sup> *Floridian*, July 12, 1867.

<sup>4</sup> *Floridian*, June 14; July 16 and 26; Aug. 9, 1867. *An. Cyclo.*, 1867. Before and after this convention the Conservative and Radical newspapers had engaged in more or less violent controversy over state finance.

<sup>5</sup> The *Jacksonville Times* and the *Florida Union*, both Radical sheets, had for some weeks been engaged in a war of words which indicated hostility between the native loyalists and Northern Republicans. See also Reed to Blair, June 26, 1865, *Johnson Papers*.

proposed T. W. Osborn, chief of the Bureau and a Northern man; the minority, Colonel O. B. Hart, of the Jacksonville Republican Club, a Southern loyalist. In the debate which followed the submission of the two reports, Liberty Billings bitterly and loudly opposed Hart. He said that Hart was a Southern man and had lived too long in the atmosphere of slavery to be trusted. Only a Northern man, he said, could understand the true spirit of "liberty and Unionism". These sentiments were vociferously applauded by the negroes. On the putting of the question to a vote Hart was defeated nineteen to twenty-eight. He left by the next train for Jacksonville.<sup>1</sup>

"The finale of the contest for chairmanship of the late convention at Tallahassee characterized the convention to its close," observed the *Times*, a Radical journal of Jacksonville. "Two opinions or policies are distinctly enunciated—the one appreciative of and admitting the loyal element to an equality in the work of reconstruction; the other, ignoring that element *in toto*."<sup>2</sup> "Already the birds of passage so long on the wing have staid their soaring to and fro," cynically stated the Conservative *Floridian*, "and with accordant swoops would fain settle themselves on the prey scented from afar."<sup>3</sup>

The "birds of passage" referred to were Northern men who came into the state seeking political office or political favors from the Federal government or from negro voters. Most of them arrived between 1865 and 1868 as Federal officials, would-be planters, merchants, or professional men. Some were in no sense "birds of passage," having come South after the war not primarily for

<sup>1</sup> *Floridian*, July 12, 1867.

<sup>2</sup> *Florida Times*, Aug. 8—The Bureau and Lincoln Brotherhood were declared to be working against the "Hart interests."

<sup>3</sup> *Floridian*, Sept. 6, 1867.

politics or temporary jobs, but rather to make homes where business and professional opportunities non-political seemed most promising. Circumstances soon encouraged such men to enter politics, and not infrequently they became as bad as "birds of passage".

In examining the careers of political leaders during the Reconstruction period we find that at least twelve Northerners played prominent parts as Republican leaders in Florida, namely, Reed of Wisconsin, Purman of Pennsylvania, Richards of Illinois, Jenkins of New York (?), Dennis of Massachusetts, Osborn of New Jersey, Gleason of Wisconsin, Alden of Massachusetts, Hamilton of Pennsylvania, Billings of New Hampshire, and Stearns and Bisbee of Maine. All of the foregoing except Richards came into the state before 1867 and therefore before the blacks were enfranchised by act of Congress.<sup>1</sup> Eight of the foregoing, Osborn, Billings, Alden, Stearns, Bisbee, Jenkins, Dennis, and Hamilton, were ex-officers of the Union army, and five of them had entered the state before 1866. Nine of the twelve were *bona-fide* citizens of Florida by the spring of 1867. Some had families and some had none.

<sup>1</sup> Reed, first Repub. Governor, arrived in Fla. in 1862 as Tax Commissioner: *H. Ex. Docs.*, 38th C., 2nd S., no. 18; Reed to Blair, *Johnson Papers*. Purman came to Fla. in 1866 from Washington (City) as Fed. officeholder: *H. Rpts.*, 42nd C., 2nd S., no. 22 (*Ku Klux*), v. 13, p. 149. Richards came to Fla. in 1865, and Jenkins in 1865: *Florida Union*, Feb. 22, 1868. Dennis came to Fla. in 1866: (*Ku Klux*), v. 13, pp. 267, 270. Osborn came to Fla. in 1865: *Floridian*, June 23, 1868. Gleason came to Fla. in 1866: *Floridian*, July 7, 1868; *Fla. Reports*, 1868, ouster case of Lt. Gov. Gleason. Alden came to Fla. in 1865 or 6 (?): *Floridian*, Nov. 3, 1868; *N. Y. World*, Nov. 3, 1868. Hamilton came to Fla. in 1864: (*Ku Klux*), v. 13, pp. 281, 285; *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, pp. 298, 337. Billings came to Fla. in 1863 with the army: *Off. Rcds. Rebell.*, s. i, v. 14, pp. 232, 238-9, 860-61. Stearns came to Fla. in 1865 or 6: (*Ku Klux*), v. 13, p. 75. Bisbee came to Fla. in 1865: Rerick, *Memoirs of Fla.*, v. 1, p. 441; (*Ku Klux*), v. 13, pp. 305-8.

The prospective triumph of a radical Congress during 1866, and its definitive triumph the year following in enfranchising the blacks through the Reconstruction Laws, developed the white wing of the Radical party South. Backed by negro votes it could amount to something locally. The native white Republican of Florida—termed by opponents “scalawag”—found at first that leadership of the negroes was largely in the hands of the late arrivals from the North, for very actually,

“From New Hampshire’s green mountains,  
From Old Nantucket’s strand,  
From Lake Ontario’s fountains,  
And Huron’s golden sands,  
From Old Wisconsin’s River  
And famed Iowa’s plains,  
They were there to deliver  
The state to negro chains.

“They love the spicy breezes  
That blow from Afric’s shore,  
A scent that so well pleases,  
Who would not long for morè?  
Thick lips and coal-black faces  
The gifts of God are shown;  
They’ll take these dusky races  
And mingle with their own.

“Should those whose souls are lighted  
From wisdom from On High  
Wait still to be invited  
Before they hither fly?  
When offices are waiting  
And plunder is to reap?  
Not at the present staving,  
When carpet-bags are cheap.”<sup>1</sup>

The record of the Republican convention at Tallahassee showed unmistakably a split in the party’s ranks. The

<sup>1</sup> “The Song of the Carpet-Bagger,” *N. Y. World*, Sept. 30, 1868, with slight changes.

Radical papers of Jacksonville—the *Times* and the *Union*—confirmed the truth by their editorials.<sup>1</sup> A fight was on between “scalawag” and “carpet-bagger”. Numerically neither class was large. Less than 500 Northern Republicans and maybe 1,500 “scalawags” is a safe estimate.<sup>2</sup>

The Conservative white wished each class to destroy the other. He considered the average “Yankee” South a meddlesome interloper spreading pernicious social doctrine and bent on selfish gain from politics. He did not see in him merely a new neighbor (as he would to-day) needing help to get on his feet, seeking probably an honest living, and wishing friends among his own race in a strange land. He detested the native white Republican about as much as he did the “Yankee”. In him he saw not simply an old Southern neighbor who might honestly and respectably differ from Conservatives on political questions—as, for instance, Democrat had differed from Whig before the war—but a turncoat, a “disgraceful nigger-lover” who was recreant to his race and who sought political preferment at any cost.

“All men have the undoubted right in our country to think and act for themselves on all political questions,” declared one Florida “scalawag” in publicly defending his position. He might have added: “But they do so now at their peril, South and North”. What he did add was: “In

<sup>1</sup> *Floridian*, Sept. 6, 1867.

<sup>2</sup> An estimate based upon the following estimates and discussions: *Floridian*, Nov. 19 and Dec. 3, 1867; *N. Y. Herald*, Dec. 2, 1867 (Jacksonville letter); *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 219; Judge Long said in 1871 that previous to the last election (1870) it was calculated that “about 400 or 500 Northern men” were “Republicans” and “about 1500 or 1600 Southern men.” The white wing of the Republican Party was more numerous in 1869-70 than in 1867. Only 1220 white votes (about 1000 were Republican) were cast in the election of 1868.

defending the exercise of this right one who is in the minority may be as sincere and upright in the belief he entertains as his neighbor who happens to be in the majority.”<sup>1</sup> This is a platitude and meant nothing vital here. The fact that the scalawag and carpet-bagger were often leaders “in the majority” composed mainly of blacks had something to do with their being assailed so hotly by fellow whites who were “in the minority”. When the majority became tyrannical and corrupt the minority became correspondingly more bitter and uncompromising.

Many a worthy “Yankee” who settled in the South after the war was received coldly by his Southern white neighbors. The Florida carpet-bagger was about right when he testified before the Reconstruction Committee in 1866: “They [Southern white Conservatives] have a bitter aversion to what they term a Yankee; that is a Union man.”<sup>2</sup> This was part of the war’s heritage. A newcomer from the North was usually *persona non grata*. To be reputed a Republican was to be reputed an enemy of the Conservative white, and therefore in the eyes of many Conservative whites, an enemy of the white race.

Now when politics complicated matters, when white men came out openly in the South as the henchmen of the Radical Republican party and the political intimates of the black, condemnation by the Conservative was swift and lasting. Previous coldness became social ostracism. “I have lived here seven years,” stated Republican Judge Archibald of Florida, “and my family have lived here for the same length of time and I don’t remember of ever being

<sup>1</sup> *Floridian*, Jan. 4, 1867, Open letter of Jno. W. Price, who had been a “Unionist” during the war.

<sup>2</sup> Testimony of Jno. W. Recks, Fed. Customs Collector, Pensacola, before Reconstruction Committee, *H. Rpts.*, 39th C., 1st S., no. 30, p. 1 (Florida); also see *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 133.

invited into a Southern gentleman's house. The social relations are entirely disconnected. It is a deliberate plan to ostracise Northern people who express any sentiments in politics favorable to the Republican party."<sup>1</sup>

Sometimes in the midst of personal misfortune and trials, when help and sympathy of neighbors were desired and needed, the Northerner found himself and his family pathetically alone. "My wife was very ill for many weeks," said one ex-carpet-bagger to me. "And she was burning up with fever and the white neighbors did not come to see her, except one lady with a kind heart. They left us to the niggers. And when the worst had happened and it was time to carry her to the grave only me and the niggers followed the coffin."<sup>2</sup>

The terms "carpet-bagger" and "scalawag" were loosely applied and loaded with opprobrium and contempt. "Most of the carpet-baggers that I know anything about were a dirty set—unscrupulous and pandered to the negroes. They mixed with blacks on terms of social equality,"<sup>3</sup> stated a Conservative years after, and the record of Reconstruction substantiates his judgment.

"They call me a carpet-bagger," stated an inoffensive gentleman from Massachusetts. "The term applies to those who come down here and sympathize with the Republican party. They call me a carpet-bagger and I have

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, p. 277. Archibald was from Ill. The mass of testimony contained in this document and in the *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, supports the generalization that Northern Republicans were socially ostracised.

<sup>2</sup> Personal interview of the author with a one-time carpet-bagger of Escambia Co., Fla.

<sup>3</sup> Personal interview of the author with a Conservative of Pensacola. What was said to the author was in substance repeated in Marianna, Quincy, and Tallahassee by other gentlemen who had lived through the period in Fla. They presented the conservative point of view years after.

not the least disposition to run for an office and gave them to understand plainly that I did not want any office; that I had all the political honors I wanted in the North. I was Chairman of the Board of Selectmen in the town of Malden."<sup>1</sup> But this honor did not lift him above suspicion with some of Florida's ignorant. He hung an American flag over his front door after marching in a Republican procession and next morning received a note saying: "Take your God-damn Yankee flag and go to Hell."<sup>2</sup> This is not a very fit sentiment but the times were not very fit times.

"I am a carpet-bagger," scribbled some passing satirist in depicting the situation in the South.

"I've a brother scalawag—  
 Come South to boast and swagger  
 With an empty carpet-bag,  
 To rob the whites of green-backs  
 And with the blacks go bunk  
 And change my empty satchel  
 For a full sole-leather trunk.  
 I'm *some* on constitution  
 For a late rebellious state;  
 And I'm *some* on persecution  
 Of disloyal men I hate;  
 I'm *some* at nigger meetings  
 When white folks aint about;  
 And *some* among the nigger gals  
 When their marms don't know'n they're out."<sup>3</sup>

The white Conservatives sought the control of the negro vote, and leaders urged whites to register. Registration was declared to be the duty of every white man. "It is the only way to save the state. It is his duty."<sup>4</sup> Specu-

<sup>1</sup> Testimony of John T. Abbott of Jacksonville before the Senate Committee (U. S.) on Privileges and Elections, 1876,—*Sen. Rpts.*, 44th C., 2nd S., no. 611. pp. 299-300.

<sup>2</sup> *Ibid.*, p. 299. <sup>3</sup> *N. Y. World*, Sept. 30, 1867—"The Carpet-Bagger."

<sup>4</sup> *Madison County Messenger*, Aug. 9, 1867; *Floridian*, June 21, 25, 28, 1867.



lative estimates of Conservative and Radical strength in the coming elections were anxiously indulged in. Most of the whites of Florida were Conservative. Before many months of military rule had passed it was evident that most of the negroes were strongly Republican. The Census of 1860 gave the number of whites as 77,747; blacks, 62,677. By a special state census of 1867 the figures stood—whites, 81,994; blacks, 72,666.<sup>1</sup> Many of the native white loyalists of Florida became Republicans—"scalawags". The size of the latter class was variously estimated from 1,000 to 2,000 voters.<sup>2</sup> On the other hand, the disfranchising clause of the Military Bill would greatly reduce Conservative registration. It was commonly estimated that one-fifth of the native whites would be disfranchised.<sup>3</sup> These conditions made the prospective voting strength of the Radicals several thousands greater than that of the Conservatives. Yet by controlling the negroes in a populous county or two the Conservatives could win.

Following the Union-Republican convention in Tallahassee the Southern whites began by counties to organize the "Union-Conservative party" on a basis of the Reconstruction Acts of Congress.<sup>4</sup> A county convention was held at St. Augustine on July 22nd, and another at Tallahassee on August 24th. At the Tallahassee meeting resolutions were adopted which declared that "what the country needs is peace." The people were asked to come together to restore the state government on a platform independent of either great party, and based solely on the Re-

<sup>1</sup> *Floridian* during 1867 (Census reports were published from time to time). Rerick, *Memoirs of Florida*, v. 1, p. 301.

<sup>2</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 219.

<sup>3</sup> *N. Y. Wor'd*, Sept. 30, 1867. For a general discussion of disfranchisement under the Military Bill see Rhodes, *U. S.*, v. 6, pp. 79-81.

<sup>4</sup> *St. Augustine Examiner*, July 27, 1867; *An. Cyclo.*, 1867.

construction Acts as a finality. Some of the clauses of these resolutions were taken verbatim from the letters of General Pope, the Federal military commander of the Third District. The spirit of the convention was one of quick and ready compliance with the will of Congress. To the Radical who would make reconstruction a purging and punitive process, there was something exasperating in this. Blacks and whites were present in the convention hall.<sup>1</sup>

It was here that A. J. Peeler, an ex-slaveholder, made his opening speech in this locally memorable campaign for the control of the black as a voter. He was an effective stump speaker and what he said epitomizes picturesquely some of the views of the Conservatives. Referring to the Union Leagues, he said to the blacks on this occasion :

There are some of you who are members of these Leagues. How did you join them? Was it at a meeting like this in broad, open daylight? No; it was when owls were hooting from the trees in the swamps and bats had left their holes, that away off in some obscure nook or corner, under lock and key, you were made to swear to a long riggamarole of stuff that you did not understand, and then, after swearing to it, you were told that you would be guilty of false swearing if you did not keep your oath. . . . They ["Yankees"] say that they set you free. Well, then, be free. They are afraid to trust you. Why do they skulk about in the dark unless they know their cause will not stand the light? . . . What have these Radicals done for you since they set you free? In the first place, they have made you pay three cents a pound on cotton, when they knew that you would have to sweat in the hot sun and make it in cotton fields. If you raise four bales of cotton, the tax is \$50.00.<sup>2</sup>

<sup>1</sup> *Floridian*, Aug. 27, 1867. 150 black and white "delegates" were present. The convention met in the county court house, which was packed with spectators. Thos. Randall was chosen president of the body. He was said to be a brother of the Postmaster-General.

<sup>2</sup> *Floridian*, Aug. 30, 1867. Peeler opposed the policy of Benj. Hill

Mass-meetings participated in by negroes and white Conservatives were held at Crawfordville, Waukeena,<sup>1</sup> Monticello, and Tallahassee<sup>2</sup>—all in the most populous portion of Central Florida. Whites and blacks spoke. The whites reiterated promises of equal political rights for the two races. The blacks not infrequently became violent in their talk—"impudent", the Southerner calls it—and announced what was termed "Wendell Philips Doctrine", which was that the property of the one-time masters belonged really to the one-time slaves.<sup>3</sup> Few white Republicans spoke in these meetings.

Peeler was a prominent figure in this Middle Florida stumping contest. At Monticello he said:

"Uncle, who is Governor of Florida?" (pointing to a tall colored man in the crowd). "Don't know, Sir." "Who is President of the United States?" (Many voices: "Don't speak.") "Yes, speak and answer the question." "Don't know, sir." "Have you registered?" "Yes, sir." "Going to vote?" "Yes, sir."

"My friends, that man has answered for nine-tenths of you. There is not one in ten in this vast crowd who could have answered better. There is Gen. Whitfield and Squire Gadsden, among the best and most intelligent men in the South, who are not allowed to vote. . . . There are three reasons why, if you support Radicals, you cannot get employment here

of Georgia. He began his speech on this occasion with a criticism of Hill's ideas. For the Federal cotton tax, see *Sen. Ex. Docs.*, 39th C., 2nd S., no. 2, p. 5. The increase by Congress of the tax on raw cotton from 2 to 3 cents per pound and the continuation of the tax called forth strong remonstrance North and South. Particularly was it protested against by the governors of some of the Southern states and the N. Y. Chamber of Commerce.

<sup>1</sup> *Floridian*, Sept. 3 and 10, 1867. Meetings were Aug. 31, Sept. 2nd.

<sup>2</sup> *Floridian*, Sept. 17, 24, 1867.

<sup>3</sup> As for instance at the Waukeena meeting, Sept. 3, 1867.

another year. (1) Men cannot carry on their farms as they have been doing and pay the taxes. Jim, would you be in favor of hiring a man who was in favor of taxing you till you were ruined? (2) In supporting Radicals you are the sworn enemy of the Southern whites of this country. Would you hire a man on your plantation that you knew to be your sworn enemy?" "No, sir" (in the crowd). "Neither will the whites. You secret-league men take care of your crop for the balance of the year, for you will need it to take you somewhere else. (3) In supporting the Radicals you are in favor of robbery. It is the promise of robbery (by confiscation) that has carried every man of you into the secret leagues. Will the whites hire and give support to men in favor of such things? . . .

"We know what you are talking and doing. You are drilling over the country. You say the Bureau ordered you to organize and drill so as to be ready to get your rights this winter. What rights do you want? The property of the whites? You intend to fight for it, do you? . . . Whenever you get ready strike the blow, and you will see the hell of ruin into which your Radical teachers have brought you."

The reference to "drilling" and "striking blows" was not entirely metaphorical. The blacks were beginning to go to secret meetings under arms.<sup>1</sup>

*Floridian*. June 28, 1867. Gen. Order, no. 30, *Am. Cyclo.*, 1867. During the spring and summer of 1867 lawlessness and ugly behavior among the negroes distinctly increased. For instances: Rape of a white woman by black near Calahan Station, East Florida, *N. Y. World*, Oct. 5, 1867, extract from *Fernandina Courier*; negro mob breaks windows of Yulee house at Fernandina, Gainesville "*New Era*" Sept. 21; shooting affray between blacks and whites, *Floridian*, Aug. 9, 1867; violent entry of a white school house in Leon County by a party of blacks in search of a black who was known as a "conservative" in politics,—*Madison Messenger*, Aug. 9, 1867; party of blacks try to force entry into the house of a white woman in Madison County to get her son who had "insulted one of their number"; negroes in Madison County resist in a body attempts by a deputy sheriff to arrest one of them, *Madison Mess.*, Aug. 9.

Peeler continued:

What is the interest of both blacks and whites? One cannot prosper without the other, and whatever is injurious to one is injurious to the other. The whites complain that they are making nothing. Indeed, they cannot and pay the taxes upon them. [He referred to Federal taxes.] You say you work all the year and at the end have nothing. Do you know any poor men in the country who have land and stock? They work much harder than you do. Their wives and daughters make homespun—all wear homespun—spun through the week—wear home-made shoes; and yet there is not one in ten who can pay his debts. They don't go to town half as often as you do. They once could raise their meat—had milk and butter all the year; but now since "freedom" their cows are killed, their hogs are gone. They find it hard to live. You also complain that, after working all the year, you have little or nothing at the end of the year. I will tell you why. You plough in \$8.00 or \$10.00 high-heel boots and wear store clothes good enough for Sunday. Your wives and daughters sit or lie about the doors of your cabins, dressed in calico, wearing gaiter shoes with red tops, that cost \$4.00 to \$5.00 a pair.<sup>1</sup>

The black was not uneasy then over such prosaic economic details as shoes and cotton. Nor did the possibility of losing his job throw him into a panic of Conservatism. He was interested in politics and "gittin' his rights".

Conservatives came together in a state convention at Tallahassee on September 25th and 26th. The meeting was a sad warning of the party's future. Only five counties were represented—Leon, Wakulla, Columbia, Jefferson, and St. Johns. The number of delegates was small but not confined to Southern whites. Some negroes were present. The permanent chairman, Major Van Ess of St.

<sup>1</sup> *Floridian*, Sept. 17, 1867.

Augustine, had been an officer in the Federal army during the late war.<sup>1</sup>

The native whites were not exhibiting interest in registering. From Walton County, West Florida, came the report: "I fear this class (negroes, carpet-baggers, and scalawags) will control the county unless a greater interest can be awakened." "What is true of Walton is true of most of the counties in the state," announced the *Floridian*.<sup>2</sup>

At the end of the first week of August the blacks had registered in Jackson County twelve to the whites one; in Leon, eleven to one; in Jefferson, ten to one, and so on.<sup>3</sup> Why? Contemporary local opinion was that "the whites do not register because they are disgusted with Reconstruction and have given up the fight,"<sup>4</sup> and "because of the general impression that from the power given the registrars, who are bitter partisans, they will be denied the right of registering."<sup>5</sup> Many whites were too busy wringing a meager living from exhausted farms to give much time to politics. Others were deterred by a respectful sympathy with those disqualified by Federal law from voting; for hundreds of the best citizens in the state were disfranchised. Others disliked the personal contact with crowds of negroes at the points of registration, or haughtily refused to appear before a board on which sat former slaves.<sup>6</sup>

<sup>1</sup> *Floridian*, Sept. 27, 1867; *An. Cyclo.*, 1867.

<sup>2</sup> *Floridian*, Aug. 9, 1867. The date of the report from Walton Co. was July 30.

<sup>3</sup> *Floridian*, Aug. 9, and Sept. 17, 1867.

<sup>4</sup> *Floridian*, Sept. 24, 1867.

<sup>5</sup> *Floridian*, Sept. 20, 1867.

<sup>6</sup> *Floridian*, Aug. 2 and Sept. 2, 1867. For instance a letter from Quincy stated: "They [whites] cannot see the efficacy of their now mingling in this dirty work, as they consider it, or that any good will result from their making any issues or stand against the radical interlopers among them. But I do not think the masses of the people real-

Was it lack of public spirit, and the existence of race prejudice, pride and sentimental sympathy for the disfranchised that forced the whites on toward losing control of the state—an *impasse* that the thoughtful man shuddered over?

If the Conservatives were lethargic, their opponents were the opposite. With increasing aggressiveness they pushed on their campaign. Their most prominent "stumper" was Liberty Billings. He and his friends had joined the Osborn faction in beating Colonel Hart and the Southern loyalist element at the state convention. Now he, the negro Saunders, and the ex-treasury agent Richards made a tour of the central and western portions of the state. Mass-meetings of negroes in Pensacola,<sup>1</sup> Quincy,<sup>2</sup> Tallahassee,<sup>3</sup> and Lake City,<sup>4</sup> listened to the violent and aggressive talk of Billings and his associates.

The issues in the campaign as presented by Radical leaders were sweeping and not burdened with constructive details. The "freedmen" must unite in driving the Southern white from control of the government; the government must be made over in such a fashion that the "freedmen" would have their rights. Radical meetings were often in negro churches. Religion and politics were strangely blended by the negro during Reconstruction. At Quincy, Billings declared that "Radi-

ize the nature of the political contest soon to be enacted in their midst. The people seem averse to meetings of any kind and appear rather disposed to leave the track open to the Radicals," *etc.*

<sup>1</sup> *Floridian*, Sept. 6, 1867 (Billings might not have spoken at Pensacola).

<sup>2</sup> *Floridian*, Oct., 8, 1867. Billings declared here that the "principles" of the Republican Party were "homesteads for negroes and equality."

<sup>3</sup> *Floridian*, Sept., 24, 1867.

<sup>4</sup> *Floridian*, Sept., 6, 1867. Union-Republicans met also at Tampa, see *Floridian*, Sept. 13, 1867.

calism was right, but conservatism, sin." At the same meeting another white Radical speaker declared that the colored people could get along better without the whites than the whites without the colored people. "Nothing is thought of the inter-marriage between races in Canada," he said (received with great applause by the negroes). It was such talk as this that developed a sinister aspect to the social question involved in Reconstruction. "Billings is no fool," observed the *Floridian*. "The present speaking tour is for his own interest."<sup>1</sup> His object was to control personally the constitutional convention by becoming popular and powerful among the negroes.

<sup>1</sup> *Floridian*. Oct., 11, 1867.



## CHAPTER XIX

### THE CONSTITUTIONAL CONVENTION OF 1868

By order of General Pope the election in Florida of members to the constitutional convention was held during the days of November 14th, 15th, and 16th.<sup>1</sup> The registration boards sat during the first week of October for the final revision of registration lists.<sup>2</sup> Some names had been added and some stricken off. The registrars became election officers or "judges" at the polls in the election which followed. As each man deposited his ballot the judge "checked in ink" the name of the individual voting from the list of registered voters which lay before him. Each voter was required to subscribe to an oath and establish his identity in the presence of judges of election ere he was allowed to deposit his ballot. The ballots were collected at the county seats and consolidated returns sent in to registration headquarters in Jacksonville by the judges of election.<sup>3</sup> Beyond the important fact that most of the election officials were pronounced and bitter Republican partisans, this arrangement seems to have been fair to all.

<sup>1</sup> *An. Cyclo.*, 1867. During the few weeks immediately preceding the election mass meetings of Radicals and Conservatives were held in various counties over the State to nominate delegates and perfect organizations for the elections. See *Floridian*, Nov. 5 and 12, 1867.

<sup>2</sup> In this revision of registration lists 766 white voters were added and 655 blacks, making the total registered vote 28,003. Compare with table in Rhodes, v. 6, p. 83.

<sup>3</sup> *Report of Secy. of War*, 1868-9, v. 1, p. 105; *An. Cyclo.*, 1867, Circular 8.

The result at the polls was 14,503 votes cast, of which 14,300 were for a convention. The total number of registered voters was 28,003. This meant that 501 voters more than a majority had taken part in the election.<sup>1</sup> The decision, therefore, at the polls—though dependent on a close margin—was for the assembling in constitutional convention of those persons elected. The Federal law stipulated that in each state if the majority of the registered voters cast their ballot the result of the election was to stand.<sup>2</sup> Congress had as yet not seen fit to repudiate this law.

The mass of the whites had refrained from voting. Only 1,220 white votes were cast, of which 203 were against the convention's assembling.<sup>3</sup> One individual had endorsed his ballot: "I don't give a damn whether the convention is held or not."<sup>4</sup> If all Conservative whites had voted, the net result would not have been different. The Conservative party had succeeded neither in making Conservative voters of the negroes nor in otherwise preventing them from voting the Republican ticket. The totality of regis-

<sup>1</sup> *An. Cyclo.*, 1867; Wallace, *Carpetbag Rule*, p. 49; *N. Y. World*, Dec. 14, 1867. The *World's* figures vary slightly from other sources. Wallace varies from *An. Cyclo's* figures.

<sup>2</sup> McPherson, *Reconstruction*, p. 193, Sec. 3.

<sup>3</sup> *N. Y. Tribune*, Nov. 19 and 29, 1867; *Floridian*, Nov. 19 and 26, 1867. The *Floridian* presents the following analysis of the vote in Duval County. "Of the white voters 35 or over  $\frac{1}{2}$  are residents here of less than 5 years; 11 are residents of more than 5 years; and only 8 are Southern born. Fourteen of the Northerners are Federal officers; 10 ex-officers in the United States Army; 3 or 4 deserters from the Confederate army; and 3 or 4 those who furnished supplies to the Confederate army for war purposes. It is proper to say that some voted because of personal friendship to Col. Hart, protesting against the whole scheme. None of the Jews voted and but one or two negroes free before the War." Editor Dyke obtained these figures from the *Charleston Mercury* of Nov. 19.

<sup>4</sup> *Floridian*, Nov. 19, 1867.

tered white voters was too small to have carried the election against the negro alignment.

"The result of the election in Florida is marked and significant in the extreme," stated the *Savannah Republican* shortly after the result was known.

It is characteristic of the public mind even in that state which has been relatively undisturbed by social outrage and excitement. The white Republicans in the State number about 2,000, including the native Union element, . . . and about one-half of them are said to have voted in the election. . . . The Billings Radicals elected but 13 delegates to the Convention, the Straight Republicans 31, and the Conservatives 2.<sup>1</sup>

Forty-six delegates were actually returned in this election. Eighteen of them were negroes, and three of these negroes were citizens of other states. Of the twenty-seven whites, one or two were Conservatives, fifteen or sixteen Radical carpet-baggers from the North, and ten or twelve Southern loyalist or "scalawags".<sup>2</sup>

<sup>1</sup> Quotation in *Floridian*, Dec. 3, 1867. See also letter from Jacksonville, *N. Y. Herald*, Dec. 2, 1867.

<sup>2</sup> *Florida Union*, Nov. 30, 1867; Wallace, *op. cit.*, pp. 49-50; Rerick, *Memoirs of Fla.*, v. 1, p. 103 (inaccurate figures); *N. Y. Times*, Dec. 1, 1867; *Floridian*, Nov. 19, 1867; *Report Secy. War*, 1868-9, v. 1, p. 93.

The delegates elected were as follows: *1st Dist.* (Escambia and San'a Rosa Cos.) Geo. W. Walker, Conservative, seat contested and not admitted; Geo. J. Alden (Carpet-bagger), Lyman W. Rowley (Radical, came into Florida from North before War). *2nd Dist.* (Walton and Holmes Cos.) J. L. Campbell (Conservative). *3rd Dist.* (Washington, Calhoun and Jackson Cos.), W. J. Purman (Carpet-bagger); L. C. Armistead; E. Fortune (negro); Homer Bryan (negro). *4th Dist.* (Gadsden Co.) W. M. Saunders (negro); Dan. Richards (Carpet-bagger); Fred Hill (negro). *5th Dist.* (Liberty and Franklin Cos.) J. W. Childs (Carpet-bagger). *6th Dist.* (Leon and Wakulla Cos.) T. W. Osborn (Carpet-bagger); Joe Oats (negro); C. H. Pearce (negro); J. Wyatt (negro); Green Davidson (negro); O. B. Armstrong (negro). *7th Dist.* (Jefferson Co.) J. W. Powell; A. G. Bass; Robt. Meacham (negro); Anthony Mills (negro). *8th Dist.* (Mad-

What were the obvious characteristics of these delegates chosen by the newly enfranchised? The subtler side of their personalities is probably now beyond the reach of the investigator engaged in historical research. They have left little record behind them.

Several of the negro members were unlettered—unable to read or to write. Two or three of the blacks had evil reputations, and would have done better in jail than in legislative halls. Of the whites, the native Union or loyalist element was made up of men of no particular reputation—good or bad—and of mediocre enlightenment. The carpet-bag or Northern element—composing about one-third of the delegates—contained some men of considerable intelligence and passable education. The most cultured member of the convention, probably, was Jonathan Gibbs, a negro.

Gibbs was a tall and slightly-built black with a high forehead and a color indicating mulatto origin. His voice was clear and ringing. He possessed some of the qualities of a born orator and a genuine sentimentalist. He was not a native of the South. Born in Philadelphia, educated at Dartmouth College and Princeton Theological Seminary, he was a fairly successful type of an intelligent black subjected

ison Co.) R. T. Rambauer; Major Johnson (negro); Wm. R. Cone. *9th Dist.* (Hamilton and Suwanee Cos.) Thos. Urquhart (negro); W. J. J. Duncan. *10th Dist.* (Taylor and Lafayette Cos.) J. N. Krimming. *11th Dist.* (Alachua Co.) Wm. J. Cessna (Carpet-bagger); J. T. Walls (negro); Horatio Jenkins, Jr. (Carpet-bagger). *12th Dist.* (Columbia and Baker Cos.) S. B. Conover (Carpet-Bagger); Auburn Erwin (negro). *13th Dist.* (Bradford and Clay Cos.) J. C. Richards (Conservative). *14th Dist.* (Nassau, Duval and St. John Cos.), N. C. Dennett (Carpet-bagger); J. C. Gibbs (negro); Wm. Bradwell (negro); Liberty Billings (Carpet-bagger). *15th Dist.* (Putnam and Levy Cos.) J. H. Goss; A. Chandler (negro); W. Rogers; E. D. Howse. *16th Dist.* (Sumter and Hernando Cos.) Sam J. Pierce. *17th Dist.* (Hillsborough, Polk and Manatee Cos.) C. R. Mobley. *18th Dist.* (Valusia, Orange, Brevard, and Dade Cos.) David Magelle. *19th Dist.* (Munroe Co.) E. L. Ware.

to the influence of American theological training and New England culture.<sup>1</sup> Gibbs had been sent into the state from the North for philanthropic work among the negroes.<sup>2</sup> He soon entered politics and was ere long rubbing shoulders with cantankerous and thieving ignorance. If he had continued preaching in the North—for he was a Presbyterian divine—he might have missed political experience, but also might have been spared the sad gastronomic end which was his. He died before the end of Republican rule, ostensibly from eating too heavy a dinner. It was rumored that he was poisoned by fellow Republicans.<sup>3</sup>

In contrast to Gibbs were such negroes as Emanuel Fortune, a barely literate negro shoemaker who belligerently insisted on making speeches when the occasion did or did not offer itself;<sup>4</sup> Green Davidson, a violent barber-politician, given to incendiary talk about social equality between the races and political rights; Joe Oats, a mulatto of intelligence, of rascally practice, and of suave tongue; Robert Meacham, a mulatto, an intelligent though troublesome man, and a living example of the shame of the South. His white father had been his master. Robert was reared as a domestic servant. Like many of the house servants he became a preacher.<sup>5</sup> After the war he made a local reputation as a marital auxiliary among his people, boasting that he had married 300 couples since "freedom drapt".<sup>6</sup> An-

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 220. Letter of Solon Robinson, *N. Y. Tribune*, Feb. 10, 1868. Wallace, *op. cit.*, *passim*.

<sup>2</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 221, 223. According to his testimony he came into Florida in 1867.

<sup>3</sup> Wallace, *op. cit.*, p. 299.

<sup>4</sup> See various newspaper reports of Convention's proceedings. Also *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 95.

<sup>5</sup> *Floridian*, Jan. 21, 1868; *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 101-9.

<sup>6</sup> *Floridian*, Feb. 5, 1867.

other black preacher was Charles H. Pearce, Bishop Pearce he was called—a power in prayer meetings and politics, popular with the women, said at the time to be a citizen of Canada, and later convicted in court for accepting bribes as a legislator.<sup>1</sup> “Colonel” William U. Saunders, known as the “Baltimore negro”, an ex-barber, proved to be the most prominent negro politician in the convention as well as one of the shrewdest and withal most dangerous men there. He was reputed to be a citizen of Maryland.<sup>2</sup>

A type of Southern loyalist or “scalawag” was William R. Cone. From his own history, which he took occasion to relate rather proudly, he had been lacking in definite principles during the late war. He had avoided as long as possible enlistment in the Confederate army and at his first opportunity had deserted.<sup>3</sup> The history of J. N. Krimminger, white, of North Carolina, a delegate from Alachua County, was similar. He too had been a deserter.<sup>4</sup>

As a class, the carpet-baggers were intellectually the best men among the delegates. W. J. Purman, Thomas W. Osborn, and Horatio Jenkins were leaders of this class. The last two were ex-officers of the Union army.<sup>5</sup> Most of the Northerners had been in the state for a year or more and were *bona-fide* citizens of the commonwealth. Daniel Richards and Liberty Billings were exceptions. Richards is described by a contemporary Republican as a “sort of

<sup>1</sup> *N. Y. Herald*, Feb. 19 and 20, 1868; *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 387; *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 165 and 299.

<sup>2</sup> Wallace, *op. cit.*, pp. 44, 54, 60.

<sup>3</sup> *Floridian*, Jan. 21, 1868.

<sup>4</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 176-7.

<sup>5</sup> *Ibid.*, pp. 144-5; *Floridian*, June 23, 1868; *Florida Union*, Feb. 22, 1868.

Uriah Heep specimen of Northern carpet-bagger of moderate ability and elastic conscience".<sup>1</sup>

All in all, these prospective constitution makers bade fair to be rather a motley assemblage, even to an optimist. Crass ignorance, inexperience, aggressiveness, vulgarity and a mixture of colors were their most protuberant characteristics. Seven of the eighteen negro members were ministers of the Gospel. It was patent that average enlightenment and honesty were more than balanced by stupidity and dishonesty. In this supreme council elected under Federal supervision to fashion the state's political destinies, fairness and experience were deeply shadowed by prejudices and ignorance. Florida's government was degraded at the hands of the United States.

Unable to accomplish anything at the polls and having failed legally to kill the convention proposition by refraining from voting, the Conservative leaders attempted as a *dernier ressort* to hold up the assembling of the body by preferring charges of fraud at the election. General Pope had been succeeded by General Meade as commander of the Third Military District.<sup>2</sup> It was hoped by Conservatives that Meade might revoke the orders of his predecessor. Charges of fraud in "gerrymandering" the state into unfair election districts, and of irregularity and fraud in voting were laid before the new commander, Meade, by a committee sent to Atlanta from Florida for that purpose.<sup>3</sup> Meade telegraphed Grant for advice. Grant in reply from

<sup>1</sup> Wallace, *op. cit.*, p. 54.

<sup>2</sup> *Rpt. of Secy. of War*, 1868-9, v. 1, p. 74, assigned to Third District, Dec. 28, 1867; *An. Cyclo.*, 1868. Pope was not popular with the whites of Florida.

<sup>3</sup> *Rpt. of Secy. of War*, 1868-9, v. 1, p. 86, Meade to Grant, Jan. 15, 1868. *An. Cyclo.*, 1868; *N. Y. World*, Jan. 23, 1868; *N. Y. Times*, Dec. 1, 1868—Meade's report. Judge Douglas of the state supreme court was the committee.

Washington told him to use his discretion. Meade decided not to interfere.<sup>1</sup>

Had there been fraud in the elections? Were the Conservative charges honest? The entire election machinery was in the hands of the Republican party. At the polls in Tampa, in Bayport and in Lafayette County came reports that ballot-boxes had been tampered with to insure Republican victory. In Jackson County Conservatives testified that crowds of negroes from Alabama had been brought into the state to vote, and did vote.<sup>2</sup> To-day no good documentary evidence is extant demonstrating that fraud was

<sup>1</sup> *Sen. Ex. Docs.*, 40th C., 2nd S., no. 30, pp. 7-18. *N. Y. World* Sept. 5, 1868, letter from Tallahassee; *N. Y. World*, Nov. 4, 1867, discussion of false registration in Florida.

Meade's message to Grant on Jan. 15 was as follows: "Gen. U. S. Grant: The Governor of Florida has laid before me and endorsed the same a petition numerously signed asking that the order of Gen. Pope calling together the Constitutional Convention on the 20th be suspended for a period sufficiently long to enable me to decide on the questions raised by them invalidating the election of the members. The points raised are the violation of the election laws by Gen. Pope: 1. In the manner of districting the state; 2. In the registration thereof; 3. In the conduct of the elections. There is no time for me to deliberately examine these points, but there is prima facie evidence justifying me in the belief that perhaps, according to my judgment, the Reconstruction laws have not been strictly adhered to, at least there are grave questions raised. Under this view I am disposed to postpone the meeting of the Convention for thirty days, but in this as in all cases refrain from acting until advised that you do not disapprove my proposed action." Grant replied immediately by telegraph: "Act according to your own judgment about postponing the Convention". Meade refused to postpone it but the next day (Jan. 17) telegraphed Grant practically asking him to withdraw any power which he (Meade) might have in the matter. Accordingly, Grant replied (Jan. 17): "Gen. Pope having practically settled the matter complained of by his action before you assumed command of the Third District, it is deemed judicious not to interfere with the meeting of the Convention at the time ordered by him but leave the whole matter to Congress for its final action". *Rpt. of Secy. of War*, 1868-9, v. 1, pp. 86-88.

<sup>2</sup> *Floridian*, Dec. 24, 1867.



resorted to. There was irregularity. Daniel Richards and William Saunders, for instances, were both elected as delegates from Gadsden County where they had spent only a few days of their lives.<sup>1</sup> J. W. Childs was sent from Franklin County while evidence indicates that his home was in Baker County.<sup>2</sup> Liberty Billings was returned from Nassau County, although a few months before he had subscribed to an affidavit that he was a citizen of New Hampshire.<sup>3</sup>

The result of the election brought out an expression of public intention from the Conservative *Floridian* very different from that which followed the passage of the Military Bill nine months earlier. "We have accepted a hard situation within the last three years," it said, "but this is a situation which we will not accept. *A pure African government for the State of Florida will not be accepted but will be disputed and contended against with every power that God has given us.*"<sup>4</sup>

The contrast is sharp between the foregoing and the pronouncement of the leading Republican journal in the state. "The people of Florida have decided in favor of a convention," announced the Radical sheet. "Those who tried to defeat it as well as those who labored to secure a convention are deeply interested in the work to be performed by that body. It is expected of the delegates that they will carry out the Congressional policy in the true spirit."<sup>5</sup>

The constitutional convention was ordered by the mili-

<sup>1</sup> Report of Committee on Eligibility, Wallace, *op. cit.*, p. 60.

<sup>2</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 291-3.

<sup>3</sup> Rpt. of Comit. on Eligibility.

<sup>4</sup> *Floridian*, Dec. 17, 1867.

<sup>5</sup> *Florida Union*, Nov. 30, 1867.

tary commander to assemble on Monday, January 20th, in Tallahassee.<sup>1</sup> Several days before that date delegates began to come into town. Most of these early arrivals were negroes. Liberty Billings, Daniel Richards, and William U. Saunders were particularly active at this time. These men were the leaders of the "most Radical" Republicans in Florida, and the mass of their following was black. They rented a boarding-house in Tallahassee and procured a team of mules and a vehicle of some sort. As the negro delegates arrived in Tallahassee they were met at the railway station, put into this carry-all, and hauled to the hospitable free boarding-house of the schemers.

Planning to control the convention by dictating its organization, Billings and his associates came together in a preliminary meeting or caucus on the Saturday (January 18th) preceding the Monday on which the main body was to convene. In this caucus—at which twenty-eight delegates were present—the "Billings men" were organized and prepared to act as a body when the convention should open formally on Monday. Daniel Richards was named for president.<sup>2</sup>

On January 20th, the convention formally began its session in the capitol building.<sup>3</sup> Only twenty-nine delegates of the forty-six elected were present.<sup>4</sup> Some demanded delay till all had arrived, but the radical majority willed otherwise and rode rough-shod over the minority. Robert Meacham, negro, of Jefferson County, was chosen tempor-

<sup>1</sup> *An. Cyclo.*, 1868.

<sup>2</sup> *Floridian*, Feb. 11, 1868; see also account in Wallace, *op. cit.*, pp. 47-48.

<sup>3</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 1, Proceedings of the Florida Convention.

<sup>4</sup> *Report Sec. of War*, 1868-9, v. 1, p. 93, cipher telegram, Meade to Grant. *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 1.

ary chairman. A committee of five was appointed at once to nominate permanent officers for the convention. Three of the five on the committee were black. Amid exciting and incendiary speeches for "equal rights, education, and the ballot-box," the first hours of the afternoon passed.

The radical committee on nominations submitted its report, which was at once adopted. Daniel Richards, white, was elected thereby president, and thirty other officers and employees were installed.<sup>1</sup> About four-fifths of the number were negroes.

Richards, on taking the chair, said: "Let us insure to all who have not forfeited their rights by treason or rebellion a common interest in our laws, our government, and our institutions."<sup>2</sup> This statement was a definite declaration against those Southern whites for the moment disfranchised by act of Congress. It was a suggestion of what might be the solution of the suffrage question in the new constitution. The *Florida Union* had stated almost two months before that "perhaps the most difficult question is to decide who will be given the suffrage."

"The bottom rail was on top," and those persons who controlled the convention were determined to keep it there in the future.

On the second day, January 21st, an ordinance was passed unanimously forbidding the sale of property for debt, suspending the collection of all taxes, and releasing from custody all persons held to labor for the non-payment of taxes—but not forbidding a laborer to collect wages due him from his employer.<sup>3</sup> It is obvious this ordinance was passed in the interest of the negro. It was a revolutionary measure but thoroughly consistent with the

<sup>1</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 1.

<sup>2</sup> *Floridian*, Jan. 21, 1868.

<sup>3</sup> *Floridian*, Jan. 21, 1868.

convention's character. W. C. Purman, carpet-bagger, opposed its passage. His opposition marks the beginning of open contest in the convention between radical Republicans and what might be termed moderate Republicans.<sup>1</sup>

Seventeen committees were appointed by President Richards on January 22nd, the third day. On all of the important committees was either Saunders or Billings with enough negro allies to control. On the important committee on privileges and elections sat both Saunders and Billings. This committee was composed of "three persons only, all of whom were charged by moderate Republicans with being ineligible to seats in the convention."<sup>2</sup>

Almost immediately the committee on privileges and elections brought in a report which denied to the convention the power to pass on the eligibility to seats in the convention of those elected. Purman opposed the adoption of this report. The contest over eligibility had begun. It was the issue which split the convention. The radical element desired the question of eligibility left alone because several of its leaders might lose their seats if their qualifications were seriously probed into. Richards, the president, was said to be still a citizen of Illinois; Saunders, of Maryland; Billings, of New Hampshire; and C. H. Pearce, of the Dominion of Canada.<sup>3</sup> Therefore "the President

<sup>1</sup> *Floridian*, Jan. 21, 1868. For six months the Radical Party in Florida had been broken into hostile factions. The campaign for registration and for election to the convention demonstrated this. The contest between Moderate and Radical Republicans in east Florida was bitter. In Jacksonville "each crowd alternately call meetings and abuse and blackguard the other crowd. Many torch-light and drum processions, etc. Not much difference in the ultimate designs of either faction," *Floridian*, Nov. 12, 1867 (letter from Jacksonville.)

<sup>2</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 1; *Floridian*, Jan. 28, 1868.

<sup>3</sup> *Rpt. of Comit. on Eligibility*. Wallace, *op. cit.*, p. 60. Billings had been in Florida since 1864 and Richards had come into Florida in 1866 but had gone out of the State.

ruled that no question could be entertained touching the eligibility of members, and it was impossible to obtain a two-thirds vote, which was necessary under the rules adopted, to sustain an appeal from the chair, especially as he allowed the parties interested to vote upon the subject."<sup>1</sup> Richards and his friends were aggressive. They demanded of the state treasurer that all public monies be turned over to the chairman for the use of the convention. The treasurer refused and the radical chairman then forged an order from the military commander to force obedience to his demand. The state official still refused to act.

The more conservative men, such as Purman, Osborn, and Jenkins, resented the high-handed and exclusive control exercised by Billings, Richards, and the negroes. A few Radicals expelled from the convention would leave that body in control of the "Moderate" Republicans. At this time the two factions were almost evenly balanced, with three or four delegates in doubt.

The first week of the convention's session was taken up with boisterous and disorderly speech-making, debate, and parliamentary squabbling barren of useful results. The hall was filled not only with gesticulating delegates, but with gesticulating employees and lobbyists as well, admitted to the floor to make demonstrations for the Richards and Billings faction. By the end of the week the convention was hopelessly split into two factions. One faction—the more conservative—was composed of all white delegates but three and of one or two negroes, and bore the title of "Opposition", "Johnson Party", or "The Lobby".<sup>2</sup> The man spoken of as the dominating personality among moderate Republicans was Harrison Reed, Federal post-office

<sup>1</sup> *H. Misc. Docs.*, 40th C., 2 S., no. 114, p. 1.

<sup>2</sup> *N. Y. Tribune*, Feb. 8, 1868; *N. Y. Herald*, Jan. 28, 1868; *Floridian*, Feb. 4, 1868.

agent for Florida. He was not a member of the convention but was present in Tallahassee, where he was alluded to as "Johnson's agent".<sup>1</sup>

The other party or faction had practically all the negroes—sixteen or seventeen—and three white men. It was slightly in the minority, but well organized and in control of the committees. The arbitrary rulings of Richards, president, hindered the Opposition.<sup>2</sup> Most attempts at constructive work by the Radicals were held up by the Opposition with its menace of more votes. Constitution-making was forgotten in the contest over which faction should rule. The legitimate work of the convention was at a dead-lock.

The fight was one between nearly a white faction and a black faction; between Radical or Congressional Republicans and Conservative or Johnson Unionists; and to some extent between those politicians who held Federal office and those politicians who did not hold Federal office.<sup>3</sup> The technical difference between the factions was the question in Florida of the eligibility of certain members to seats in the convention. The fundamental difference was the existence in national politics of a bitter feud among Republicans. At that moment in Washington Radical Republicans were preparing to drive President Johnson from office by impeachment.

<sup>1</sup> Letter of Solon Robinson, *N. Y. Tribune*, Feb. 8, 1868.

<sup>2</sup> *N. Y. Herald*, Jan. 23, 1868. The Convention was governed by the Rules of the National House, with slight alterations. *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 3.

Richards ruled that no question touching eligibility could be entertained; that the majority had no appeal from his rulings; and he refused at pleasure to yield the floor to the Moderate faction.

<sup>3</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, pp. 4, 9. Of the 22 Moderate Republicans and Conservatives 13 were ex-officers of the Union army. Osborn was Federal Register of Bankruptcy; Hart, who entered the Convention late, Supt. of Registration; Purman, Bu. Agt.

Was it race prejudice that made the "Johnson Party" at Tallahassee so nearly a white man's party? While there is a tendency for men of the same color to cling together in time of contest among peoples of various colors, we find in this case that those individuals who opposed the black party in the convention, at a later date harmoniously and intimately associated politically with negroes. Most of the whites there were elected by black votes.

By the last of the month affairs had reached a critical and irritating stage. "The Hall is more like a gladiatorial arena than a sober convention of delegates to form a constitution for a state that is almost in a condition of anarchy," wrote Solon Robinson to the *New York Tribune*.<sup>1</sup> The Radical faction claimed that

threats were openly made by the Conservative Johnson office-holders that no constitution should be made or business done until the organization of the Convention was broken up. Conservative Republicans, both in and out of the Convention, began to caucus day and night, with the leading rebels freely admitted to their councils, to devise ways and means to overthrow the Radicals. The principal hotel in the city was opened freely to the delegates who would act with them, and who were all poor—many of them had not money enough to pay their board bills with. Whiskey flowed free as water. Money was used in abundance to corrupt the delegates, which was like tendering bread to a starving man.<sup>2</sup>

Stormy weather swept over Tallahassee and vicinity. Clear, cold days followed. Ice and frozen mud lay in the town's unpaved streets. Flowers died from the snappy nip of the winter atmosphere, and people sought warm interiors. The hotel corridor and the "parlors" of boarding-houses were lively with the talk of politicians, black and

<sup>1</sup> *N. Y. Tribune*, Feb. 8, 1868.

<sup>2</sup> *Ibid.*

white, dickering over the doings in the convention chamber. When the winter sun sank below the horizon and the semi-tropical sky of that latitude gave forth the strange sheen of a short, cold twilight, cotton-field and woodland, lake and brook, town and outlying homestead became serenely engulfed for a few moments in the weird opalescent glow that moves on eternally somewhere just ahead of a clear winter night. The restless, motley crowd on the main street of Tallahassee did not linger. White rowdies clad in jeans and "chawin' and spittin'"; an occasional "lobbyist" from the North, bored-looking, well-groomed and seeking scrip or concessions; negro wenches decked in finery, reeking in cheap cologne, and seeking men; negro bums and politicians seeking women; and Federal soldiers seeking treats—all moved happily and thankfully into the glow of cabin, bar, billiard-parlor, or cheap hotel. This was now part of legislating. Tallahassee had never seen the like before, but it was to be worse shocked ere Reconstruction had run its course. Toddies circulated as freely as gossip among men seated before blazing fire-places with their "fronts roasting and their backs freezing". "Damn these Southern houses," said the man of the North thinking wearily of home and a more honorable past. "God-damn these Northern Radicals," said the Conservative who could not vote.

January 29th the committee on privileges and elections brought in its second report. A more or less violent and foolish debate of two days' duration followed.<sup>1</sup> Each faction seemed afraid to put the matter to a vote. Money had been spent by lobbyists, and leaders did not know who might purposely vote wrong when the issue came. On the vote might hang the character of Florida's government in the immediate future. The issue was therefore important.

<sup>1</sup> *N. Y. Tribune*, Feb. 10, 1868.



Finally several men counted as possible moderate Republicans were reported to have gone over to the Radical wing. On the night of January 31st, N. C. Dennett, of Jacksonville, was called home by a telegram saying that his wife was dying. The Radicals claimed that they had a majority.<sup>1</sup> They took advantage of their chance. The report on eligibility was promptly put to vote, and the whole matter was laid on the table till March 1st. By that date it was expected that the convention would have finished its labors and dispersed. The body then adjourned till February 4th.<sup>2</sup>

The conservative Opposition had lost hope of control. They determined to break up the convention or force a compromise by withdrawing. Such action would destroy a majority quorum, as only forty delegates had qualified at Tallahassee. Accordingly eighteen members seceded in a body. They went to Monticello, a neighboring town, where they began work as a sort of independent constitutional convention.<sup>3</sup> Here they were joined by three delegates who had not qualified at the original convention.

Constitution-making in Florida had reached a ridiculous *impasse*. Neither body could muster a majority of the

<sup>1</sup> Robinson in *N. Y. Tribune*, Feb. 20, 1868; *N. Y. World*, Feb. 1, 1868. Dennett had been elected in opposition to what was known as the Hart or Moderate Republican ticket in East Florida. At the time of the election Dennett was known as a Radical Republican but in the Convention he identified himself with the white or Moderate Republicans. See *Floridian*, Nov. 26, 1867.

Gen. Meade states that 40 delegates were present in Tallahassee. See *Rpt. Secy. of War*, 1868-9, v. 1, p. 93—Meade to Grant, Feb. 12, 1868.

<sup>2</sup> *Floridian*, Feb. 11, 1868; *N. Y. Tribune*, Feb. 10, 1868. The move to adjourn came from the Moderate men. The Radical leaders attempted to defeat it but several of the negroes voted wrong.

<sup>3</sup> *H. Misc. Docs.*, 40th C., 2nd. S., no. 114, p. 2. Wallace, *op. cit.*, pp. 67-74. *Rpt. Secy. of War*, 1868-9, v. 1, p. 93. Accounts differ in detail.

delegates elected. Twenty-one sat at Monticello; twenty-two, at Tallahassee; but forty-six had been elected.<sup>1</sup>

The "Rump Convention" in Tallahassee petitioned Lieutenant-Colonel Flint, of the Federal military, to seize fourteen of the leading seceders and bring them back by force if necessary to the state house. Flint refused to act.<sup>2</sup>

The abbreviated body left in Tallahassee, undismayed by irregularities, decided to continue in session and transact business, regardless of the fact that it contained only twenty-two members, less than a majority. One of its first acts was to vote \$50,000 in state scrip to pay its expenses.<sup>3</sup> The pay of members was to be \$10 per day and mileage at the rate of 40 cents per mile. The salaries were to begin not on January 20th, when the delegates began their labors, but on December 28th, the day of the promulgation of General Orders No. 110 formally calling them together. This meant twenty-three days pay before the convention convened.<sup>4</sup> \$15,000 were appropriated for printing alone—but William U. Saunders managed to retain \$10,000 of the amount for himself.<sup>5</sup> The clerks, messengers, porters, and pages were paid from \$10 to \$20 per day. The accounts of the negro, Paul Crippen, financial agent, were so confused that later it was impossible to tell for what much of the money was expended. \$14,861 was paid out by Crippen.<sup>6</sup> "Such a system of extravagance," stated a Republican committee of investigation, "if persisted in will

<sup>1</sup> *Rpt. Secy. of War*, 1868-9, v. 1, p. 93.

<sup>2</sup> *Floridian*, Feb. 11, 1868.

<sup>3</sup> Such action was authorized by the Reconstruction Law of March 23, 1867, Sec. 8,—McPherson, *Reconstruction*, p. 193.

<sup>4</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 2.

<sup>5</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 8, Report of Committ. of Investigation. Wallace, *op. cit.*, p. 53.

<sup>6</sup> *Ibid.*

not only bring the State to the verge of bankruptcy but will impoverish its citizens, prevent immigration and forever retard the growth and prosperity of the State.”<sup>1</sup>

February 8th the “Rump Convention” adjourned for one week, having adopted a constitution, the most notable features of which were: 1, the barring from public office of all who had in any fashion supported the Confederacy; 2, the disfranchising of all who had “given aid or comfort” to the “Rebellion” after having held office under the state or the United States.<sup>2</sup> The constitution is said to have been made in Chicago and brought into Florida by Daniel Richards, president of the convention.<sup>3</sup> It was laid before General Meade in Atlanta by Delegate J. H. Goss, a scalawag and one-time deserter from the Confederate army.<sup>4</sup>

The “Rump” then organized itself into a nominating convention and chose from its members present a full state ticket: governor, lieutenant-governor, secretary of state, member of congress, and superintendent of education.<sup>5</sup>

The “seceders” returned in a body from Monticello to Tallahassee on the evening of February 10th—“not wishing a day should elapse without the convention being in session.”<sup>6</sup> Near midnight they quietly slipped into the convention chamber in the state house and proceeded to organize.<sup>7</sup> To assure a majority they induced the military

<sup>1</sup> Wallace, *op. cit.*, p. 53.

<sup>2</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 109,—“History of Constitutional Convention” by Richards and Saunders. Wallace, *op. cit.*, pp. 359, 366. *Constitution*, Art. 6, Sec. 3; Art. 15.

<sup>3</sup> Wallace, *op. cit.*, p. 57.

<sup>4</sup> *N. Y. Herald*, Feb. 7, 8, 11, 1868. Wallace, *op. cit.*, p. 57.

<sup>5</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 2.

<sup>6</sup> *Ibid.*, pp. 2, 3.

<sup>7</sup> *Ibid.*

to arrest two members of the other faction, drag them from beds, and bring them to the hall.<sup>1</sup> Twenty-four delegates were then present. Forty-six had been elected originally to the convention.

A protest against Daniel Richards was adopted by unanimous vote, and Richards was declared deposed as president.<sup>2</sup> Thomas W. Osborn, ex-army officer, nominated Horatio Jenkins, Jr., for the vacant place. He was elected.<sup>3</sup> Thirteen of the twenty-four members present were ex-army officers. The newly-organized convention then proceeded to discharge from service those persons employed by the "Rump".<sup>4</sup>

The next day news spread through the town and into the surrounding country. Negroes crowded the streets. Secret societies were active. Wild talk was indulged in. A mob of blacks under white leaders threatened to attack the reconstituted convention.<sup>5</sup> Federal troops stood guard near the state house.<sup>6</sup> Several of the Radicals deserted their faction and came over to the Opposition ensconced in the capitol building.

The Opposition could now command an absolute majority.<sup>7</sup> It proceeded to adopt a constitution fashioned in

<sup>1</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 109, p. 2. This was denied by the other side, see *Doc.*, no. 114.

<sup>2</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, pp. 3-4. Four of the twenty-four were negroes, two having been brought into the hall by the military.

<sup>3</sup> *Florida Union*, Feb. 22, 1868. *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 4.

<sup>4</sup> *Floridian*, Feb. 11, 1868. Wallace, *op. cit.*, pp. 57-58.

<sup>5</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 2.

<sup>6</sup> Wallace, *op. cit.*, p. 59, Appendix, pp. 371-73; *H. Misc. Docs.*, 40th 2nd S., no. 114, pp. 2, 7.

<sup>7</sup> *N. Y. Herald*, Feb. 11, 1868; *N. Y. Times*, Dec. 1, 1868; *N. Y. World*, Sept. 5, 1868. Twenty-nine members were present.

Monticello. It was a fairly liberal document, patterned somewhat after the constitutions of Vermont and Missouri and including all salient demands in the Congressional plan of reconstruction.<sup>1</sup> By it blacks and whites would be granted the suffrage on equal terms—no class being proscribed politically for previous condition or “rebellion”. Local offices with few exceptions would be filled by executive appointment; county courts continued; a new system of circuit courts created; and specific limitation put on the county representation in the legislature.<sup>2</sup> No county could have more than four representatives in the assembly. This last provision—the limitation of county representation—was a vital part of the proposed constitution. For Florida, at that time, its incorporation as a part of the fundamental law was of peculiar moment. The limitation would prevent the few populous negro counties from completely dominating the government and Africanizing the state. The situation was a desperate one. The men who controlled the making of this instrument—Republicans—undoubtedly planned deliberately to keep the balance of power in the hands of whites.

This provision of the proposed constitution was bitterly attacked before General Meade and Congress by a committee of Radicals from the “Rump Convention”. “By the apportionment provided for in said constitution”, stated the protestants, “less than one-fourth of the registered voters will elect a majority of the state senate, and less than one-third will elect a majority of the assembly. 6,700 voters in the rebel counties elect as many senators as 20,282 voters elect in the Union counties.” This was sub-

<sup>1</sup> See comments in *N. Y. Herald*, Feb. 15 and 16, 1868.

<sup>2</sup> See Constitution, *H. Misc. Docs.*, 40th C., 2nd S., no. 114, Arts. I, VI, and XVI.

stantially true. "It grants suffrage to and removes all disabilities from the vilest rebels and haters of the Government," continued the protestants, "and permits them to be elevated to places of power and trust without regard to the Reconstruction Acts of Congress, and disfranchises thousands of the colored voters."<sup>1</sup> This was a silly lie. Republicans themselves branded it as a "wilfull and malicious falsehood".<sup>2</sup>

The constitution was the joint product of moderate Republicans in the convention and certain native white Conservatives (not Republicans) who had no place there.<sup>3</sup> The "Opposition", "Johnson Party", or "Seceders" had the sympathy and support of Governor Walker and the native whites throughout the state. What was of more immediate importance, they had the sympathy of the Federal military commander in Tallahassee. They had acted in disregard of law, precedent, and General Pope's orders when they marched out of the convention hall, when they met in Monticello, and when they reassembled in Tallahassee. Yet they received not only the protection but the aid of the Federal military.<sup>4</sup> The conduct of the "Seceders" toward the existing state government and the native white Conservatives of Florida was in sharp contrast to that of the

<sup>1</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 109, p. 5 (Report of Saunders and Richards).

<sup>2</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 9 (Report of Gleason and Alden).

<sup>3</sup> I draw this conclusion from the friendly relations of Conservative leaders and the leaders of the Moderate Republican faction. Rerick, *Memoirs of Florida*, v. 1, p. 305, says: "Through the influence of Gov. Walker, Capt. Chas. Dyke, Editor of the *Floridian*, and others who continued to use their political skill for the welfare of the State, the constitution (which was the same as that made at Monticello) contained an apportionment for legislative purposes, etc." See also Wallace, *op. cit.*, p. 372; and *H. Misc. Docs.*, 40th C., 2nd S., no. 109.

<sup>4</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, pp. 2, 7; no. 109, pp. 2, 3, 4.

Radicals. It indicated at least a sentiment of conciliation and respect instead of hostility and contempt.<sup>1</sup>

Republican Radicals North and South clamored not only for negro enfranchisement but for the proscription of as many Conservative whites as possible. "A proscriptive policy will tend to widen the breach which now exists in Southern society," stated the men who made the "Seceders'" or Monticello constitution, "and create a spirit of jealousy and strengthen the feeling of animosity toward the supporters of the Government. The constitution has been framed by men who understand the situation and who believed it was far better to extend the olive branch of friendship to those who have hitherto opposed the Government than place them in a position of perpetual outlawry."<sup>2</sup>

General Meade, informed of the trouble in Florida, left Atlanta for Tallahassee. "I must now decide on the legality of the acts of the 22 who present a constitution," he telegraphed Grant. "Are 22 members of a body to which 46 were elected, 40 organized and 3 subsequently appeared competent to discharge the functions assigned by law to the Convention?"<sup>3</sup>

Grant was inclined to simplify matters as well as please a Radical Congress by accepting the work of the Radical "Rump Convention" in Tallahassee. The constitution proposed by that body would disfranchise whites and throw the control of the government into the hands of the negro

<sup>1</sup> *Floridian*, Feb. 18, 1868. The seceding convention formally requested of the Governor the use of the capitol building; congratulated the governor on his refusal to turn over the money in the state treasury to the Convention; and expressed regret that discourtesy had been shown him.

<sup>2</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 11.

<sup>3</sup> Meade to Grant, Feb. 12, 1868,—*Rpt. Secy. War*, 1868-9, v. 1, pp. 93-4

counties.<sup>1</sup> "Has not the convention in Florida expelled some of its members-elect as ineligible to seats?" Grant telegraphed Meade. "If so is not 22 members a quorum and are not the expelled members among the seceders?"<sup>2</sup>

Meade reached Tallahassee on the 17th of February.<sup>3</sup> The Radical Billings faction, refusing to take part in the "seceders' convention", was holding indignation meetings in the public square, negro churches, and secret society lodge rooms.<sup>4</sup> Meade was conciliatory. He tried by persuasion to have the two factions come together and reorganize. Both presidents, Richards and Jenkins, were finally induced to resign.<sup>5</sup>

During the afternoon of February 18th, with Colonel Sprague in the chair, the convention was reorganized.<sup>6</sup> The "Seceders" or conservative faction triumphed. Horatio Jenkins was re-elected president by a vote of thirty-two to eight, and Billings, Richards, Saunders, and Pearce were expelled by a vote of twenty-five to sixteen on the ground that not being citizens of Florida, they were ineligible for political office.<sup>7</sup> The vigorous course taken by the military

<sup>1</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 109. Eight counties (Jackson, Gadsden, Leon, Jefferson, Madison, Alachua, Marion, Duval) heavily dominated by black votes would control Senate and House.

<sup>2</sup> *Rpt. Secy. of War*, 1868-9, v. 1, p. 94.

<sup>3</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114. This report says he arrived on 18th; no. 109. *N. Y. Herald*, Feb. 18, 1868.

<sup>4</sup> *N. Y. Herald*, Feb. 15, 1868.

<sup>5</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 7; no. 109, *passim*; Wallace, *op. cit.*, pp. 373-374—Meade to Richards, Feb. 18, 1868. *N. Y. Herald*, Feb. 19, 1868.

<sup>6</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 7.

<sup>7</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 6, 7; no. 109; *N. Y. Herald*, Feb. 19 and 20, 1868. Wallace, *op. cit.*, pp. 60 and 62. J. E. Davidson and M. L. Stearns replaced Richards and Saunders; Rich. Wells replaced C. H. Pearce and Col. O. B. Hart (afterwards Repub. Governor) Liberty Billings.



and the influence of General Meade's presence were sufficient to make negro Radicals, who had been absenting themselves, take again their places in the convention. The body once more could command an absolute majority. February 25th, the Monticello constitution was adopted by a vote of twenty-eight to sixteen.<sup>1</sup> By ordinance of the convention this document was to be submitted to the votes of the people on May 6th, 7th, and 8th.<sup>2</sup> The convention adjourned *sine die*, and the episode of making a constitution to suit Congressional ideas was closed. The black was enfranchised.<sup>3</sup>

The Radical element had been beaten, but not without the help of the Federal military. The negro members had acted as a body practically and had followed the most radical and bitter leaders of the Republican party in Florida. They and the black electors had been won by promises and by money. Something more than desire for petty political office drove on Southern Republicans in the rush to obey Congress. Later developments in Florida give strong credibility to a statement made at this time by Republicans that "a scheme had been on foot and a ring formed to obtain possession of the railways of the State. This ring was composed of the leaders in the minority Convention and parties in New York by whom money was furnished."<sup>4</sup>

The end of this constitution-making episode was only the beginning of Florida's Reconstruction troubles. The worst was to come. The Conservative whites, defeated in the

<sup>1</sup> *Floridian*, Mch. 3, 1868; *N. Y. Herald*, Feb. 26, 1868. It was finally signed by all 44 members present,—*H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 31.

<sup>2</sup> *N. Y. Herald*, Feb. 25, 1868.

<sup>3</sup> See Constitution, Sec. 14, *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 24.

<sup>4</sup> *H. Misc. Docs.*, 40th C., 2nd S., no. 114, p. 7.

elections, were already beginning to physically assault Republicans, black and white, in desperate efforts to break their grip on the ballot-boxes and the government. This meant violence, often of the worst form. It meant the saddest part of the Reconstruction ordeal—peace sought through means of midnight assassination, riot, and terror. Such misfortune developed under Republican rule.

## BOOK IV

### REPUBLICAN RULE

"The difficulty is in the diversity of the races. So strongly drawn is the line between the two in consequence, and so strengthened by the force of habit and education, that it is impossible for them to exist together in the same community where their numbers are so nearly equal as in the slave-holding States, under any other relation than that which now exists.

"Social and political equality between them is impossible. The causes lie too deep in the principles of our nature to be surmounted. But without such equality, to change the present condition of the African race would be but to change the form of slavery. It would make them slaves of the community instead of the slaves of individuals."

John C. Calhoun, Rpt. on Abolition Petitions, Feb. 4th, 1836,—Crallé, v. 5, pp. 204-5.



## CHAPTER XX

### THE INAUGURATION OF A REPUBLICAN STATE GOVERNMENT

THE struggle over the issues of Reconstruction revived the Democratic party within the state of Florida. The militant Democracy of the South six years earlier led the state from the Union. The conservative Democracy of the Union now stood opposed to the Congressional plan of bringing Florida with restored rights back into the Union. The processes of political alienation and war through which the South had passed had brought to an end within its borders the old Democracy. The processes of political and social rehabilitation through which the South began to pass when the war had ceased developed anew within that section this once powerful, once radical and reckless, and now overthrown and discredited party. The rebuilding of "Democracy" South, which was evident when Conservative opposed Radical in 1867, was nearly consummated when Democrats faced Republicans in the state and Presidential elections of 1868. What came to pass was as inevitable as it was obviously logical. *Democrat* was a term to conjure with. Intimately associated with the most spectacular events of the entire nation for more than a generation, linked to the body of memories—sweet and otherwise—of many million citizens North and South, the most powerful political machine of the Middle Period, the political organization out of a section of which, as from a rib of Adam, had been evolved in a sense the Confederacy itself, a party which had certainly *done things*, and which at this

time, 1867-68, was the powerful national opponent organization of the then arrogant and victorious Union-Republican Party,—verily “ Democracy ” came to life throughout the Southern states revived by even its past sins, recrystallized by the desperation of the Southern whites, and disciplined by the exigencies of the present.

Except for a limited infusion of former Whigs, “ Union men ”, and Northern Democrats lately come South, the personnel of the Democratic party in Florida was substantially the same as it had been in 1861. Then it was a radical party of political change founded upon the reactionary principle of state rights; now it was a conservative party of political reaction founded upon the simpler principle of white supremacy.

In the town of Quincy, Florida, on March 31st, 1868, just a year after the inauguration of military rule, Conservative politicians came together for a conference. Their immediate object was to make nominations for the elections to be held when, according to the orders of General Meade,<sup>1</sup> the newly-framed constitution should be submitted in May to the votes of the people.<sup>2</sup> Opposition to the adoption of the proposed constitution was here announced as the policy of the Conservative party. No one knew then just what constitution Congress would finally submit to the voters of Florida. Congress was radical, and the Radicals of Florida had laid before the Reconstruction committee in Washington an instrument which if adopted would bar from political office and the ballot-box a leading class of Southern whites and incidentally deliver the state government into the hands of eight negro counties.<sup>3</sup> There was ample reason

<sup>1</sup> Gen. Ords., no. 41, issued by Meade from Atlanta, Mch. 16, 1868; supplementary order Mch. 17,—*An. Cyclop.*, 1868-9.

<sup>2</sup> *Florida Union*, Apr. 4, 1868; *Floridian*, Apr. 7, 1868.

<sup>3</sup> *H. Misc. Docs.*, 4th C., 2nd S., no. 109.

why Southern whites should oppose this part of Congressional reconstruction.

A ticket was chosen non-sectional in character, giving recognition to those classes which were then being fused into the new Democracy: namely, ex-Confederate (former Democrats and Whigs), Southern Unionists (former Whigs, mostly), and men from the North.<sup>1</sup> The three well-defined sections of the state were considered, and the candidates picked from West, Central, and East Florida. George W. Scott, of Leon County, was nominated for governor. Scott was a former Democrat who had fought in the Confederate army. Thomas W. White, of Jackson County, was nominated for lieutenant-governor.<sup>2</sup> White was an ex-Whig and had been a Unionist during the war. John Friend, of Nassau County was nominated for Congress. Friend was a Northerner and a Federal office-holder. Presumably he was a "Johnson man" with a Democratic past.

The nominations were eminently respectable and seemingly wise.<sup>3</sup> Political meetings in several towns quickly ratified the decision of the state convention. In Pensacola, Lake City, Quincy, Monticello, and Tallahassee endorsement was voted amid lively campaign speeches and slapdash resolutions.<sup>4</sup> Most men of property were in the ranks of

<sup>1</sup> See references to this point,—*H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 147; Wallace, *op. cit.*, p. 17, *etc.*

<sup>2</sup> White declined the nomination, *Floridian*, Mch. 14, 1868. Jas. W. Hall of Escambia Co. was nominated for lieut.-gov. to replace White, —*Floridian*, Apr. 4, 1868.

<sup>3</sup> *Floridian*, Apr. 7, 1868.

<sup>4</sup> Meetings in Leon Co. and Gadsden Co.—*Floridian*, Apr. 7 and 14, 1868; at Pensacola, Escambia Co.—*Floridian*, Apr. 21; in Jefferson Co.—*Jefferson Gazette*, Apr. 17, *Floridian*, Apr. 28; Lake City, Columbia Co.—*Floridian*, May 5, *etc.*

the Conservative party. Yet in spite of this fact and of meetings, resolutions, and speeches, the Democratic campaign did not go forward with decision and vigor.<sup>1</sup> Something was wrong. Probably the new leaders who had replaced to some extent the ante-bellum chiefs were lacking in experience. The negro vote was about as unresponsive to Conservative influence in the spring, as it had been in the previous autumn.<sup>2</sup>

Republican leaders meanwhile were trying to harmonize the discordant elements of their party. In the constitutional convention during February a very savage disagreement had been unveiled.<sup>3</sup> It will be remembered that two constitutions had been adopted and sent to the reconstruction committee of Congress. One came from the radical "Rump" convention under the control of Billings, Richards, and Saunders; the other, from a reorganized convention controlled by more moderate men and advised by the military. General Meade sent his approval with the latter,<sup>4</sup> which did not proscribe politically a class of one-time Confederates, as did the "Rump" convention's constitution.

Radical leaders in Washington took the matter under advisement, and finally on April 14th the Reconstruction com-

<sup>1</sup> See letter of Scott, *Floridian*, Apr. 7, 1868.

<sup>2</sup> The Federal military anticipated serious attempts at economic coercion by the southern white planter of his negro employees. Gen. Ords., no. 41, calling the election, stated that "no contract or agreement" with laborers made for the purpose of controlling their vote would be permitted to be enforced against them. *An. Cyclop.*, 1868-9.

<sup>3</sup> The Radical Party was actively holding mass meetings, see *Florida Union*, Apr. 4, 1868; *Floridian*, May 5, 1868. At a Radical meeting in Tallahassee on May 2 the speeches were so violent and incendiary that the military interfered,—*Floridian*, April 28, 1868.

<sup>4</sup> *H. Ex. Docs.*, 40th C., 2nd S., no. 297.



mittee put its approval on the more liberal instrument endorsed by General Meade.<sup>1</sup>

This pronouncement by Republican leaders in Washington helped create Republican solidarity in Florida, but failed to bring complete harmony. Liberty Billings, Daniel Richards, and the men with them prepared to oppose the adoption of the constitution and the election of the regular Republican ticket because the constitution rejected by Congress came from the radical faction, which Billings and Richards led. The regular Republican ticket had been chosen by the members of the constitutional convention immediately after the last formal adjournment.<sup>2</sup> It included Harrison Reed, ex-journalist and Federal postal agent, late of Wisconsin, for governor;<sup>3</sup> William M. Gleason, lumberman and land speculator, also late of Wisconsin, for lieutenant-governor;<sup>4</sup> and Charles M. Hamilton, an ex-officer of the Federal army and Freedmen's Bureau, late of Pennsylvania, for Congress.<sup>5</sup> No one of the three had been in the constitutional convention.

<sup>1</sup> *N. Y. Times*, Apr. 5, 1868. Thad. Stevens and Chief Justice Chase both endorsed this instrument.

<sup>2</sup> *An. Cyclop.*, 1868-9.

<sup>3</sup> *H. Ex. Docs.*, 38th C., 2nd S., no. 18, p. 88.

<sup>4</sup> *Floridian*, July 7, 1868. Concerning Gleason's career the following hostile account is taken from the *La Crosse (Wis.) Dem.*, "Gleason was a resident of Eau Claire not long since. In 1856 he was engaged in the loyal occupation of returning votes for a township in Eau Claire Co. where no election was held, and was then engaged in bank speculation that did not add much to his reputation for honesty. After Gleason left Wisconsin he bought an interest in the Crawford Co. Bank located at Meadville, Penn., but was unsuccessful to swindle the public to any great extent. After the failure of the bank he engaged in various enterprises—among others in obtaining money upon worthless checks, for which he was arrested, and the records of the Eldridge St. jail there show that he was an inmate for some time."

<sup>5</sup> For biographical comment see *N. Y. World*, Sept. 22, 1868.

The other faction ("Rump Convention"), it will be remembered, had named a state ticket before dispersing. Billings was to be governor. All of the nominees had been delegates to the convention.

The negro leader, Saunders, who had worked intimately with Billings and Richards, changed about suddenly, quit his former political associates, and publicly declared that he would support Reed and the constitution.<sup>1</sup> He attacked in speech his old associate Billings, stigmatizing him publicly as a "liar", a "seducer", and "a carpet-bagger".<sup>2</sup> Saunders had influence among the negroes.

The independent Republican nominees made a campaign.<sup>3</sup> Billings hoped to control the negro vote throughout the state as he had done recently in the convention. He preached to the blacks in their churches, kissed their babies, and told them that "Jesus Christ was a Republican."<sup>4</sup> His auditors moaned approval sometimes and sometimes howled him down when he attempted to speak. He and his friends were in fact out of the regular Republican organization, with its many tentacles reaching like the fingers of a devil-fish the individual negro through the Freedmen's Bureau, Lincoln Brotherhoods, Union Leagues, African Methodist Episcopal and colored Baptist churches, Federal office-holders and negro schools.<sup>5</sup> He and Richards withdrew from the contest before the election, beaten

<sup>1</sup> See letter of Saunders—*Floridian*, Apr. 21, 1868; also *Floridian*, Apr. 14—reference to a statement by Saunders in the *Florida Union*, Apr. 11, giving reasons for change. Saunders claimed that the "Billings Party" owed him \$897.00.

<sup>2</sup> *Floridian*, Apr. 28, 1868—see extract from *Jefferson Gazette*, Apr. 14.

<sup>3</sup> *Floridian*, Apr. 21, May 5, 1868. Billings campaign was hottest in West and Central Florida.

<sup>4</sup> Wallace, *op. cit.*, p. 63.

<sup>5</sup> *Floridian*, Apr. 28, 1868.

or bribed. Samuel Walker, the nominee for lieutenant-governor, strangely enough, stayed in the field.

Thus the Republican party in Florida went into the spring elections of 1868 with ranks divided. Its strength lay in the black vote. It was a black-man's party shrewdly and unscrupulously led by a few score carpet-baggers and scalawags.<sup>1</sup>

Radical leaders were bent on crushing out completely any hope of Conservative success. In the voting for delegates to the then recent constitutional convention several thousand whites had been disfranchised under the Federal Reconstruction Laws. Would the same proscription be made in the voting for the constitution and for a state government under it? Now that a constitution was formed, would its very provisions admitting the proscribed whites to the polls and to office be respected? Would the voting be governed by the new constitution or the Federal laws of March 2nd and 23rd, 1867? These were the most acute political questions before the people during the spring of 1868.

The recent convention had decreed that the provisions of the constitution be applied on election day, admitting to the polls those whites barred out by the Reconstruction Law. General Meade, military commander, was importuned by Radicals in Florida not only to annul the ordinance of the convention admitting disfranchised whites to the polls, but also to order that the election in question be held one month earlier than the convention had fixed it—in April instead of May.<sup>2</sup> What was the object in such haste? Several thou-

<sup>1</sup> C. R. Mobley, a Republican member of the state senate, estimated that the number of carpet-baggers in the State would not exceed 300, —*Floridian*, Aug. 11, 1868. Two years earlier J. W. Recks, Federal treas. agent, estimated the white Union vote at 300. *H. Rpts.*, 39th C., 1st S., no. 30, p. 3.

<sup>2</sup> *Rpt. Sect. War*, 1868-9, v. 1, p. 95—Meade to Grant, Feb. 29, 1868; p. 99; Meade to Grant, Mch. 13.

sand whites were still unregistered.<sup>1</sup> If the election came before they could register, the local Republican party would gain thereby. The Radicals insisted that if the Southern whites were given a chance they would defeat or delay Reconstruction. There was truth and logic in the contention. Meade asked Grant, head of the army, for advice, and Grant advised allowing all to vote according to the terms of the constitution framed and then to be voted on.<sup>2</sup> Meade followed the advice herewith given.

The election passed off quietly on May 6th, 7th, and 8th.<sup>3</sup> For fourteen days prior to the opening of the polls the registration lists were in process of revision. Previously disfranchised whites now admitted to the suffrage were enrolling. The voting was for governor, lieutenant-governor, Congressmen, and members of the legislature, as well as for the adoption or rejection of the constitution.

"Scott may poll five votes to Reed's one, and Reed will be elected," A. A. Knight declared. "We've got the whole thing in our hands—the ballot-boxes, the registrars, the mail agents, and all."<sup>4</sup> A few weeks later Knight was

<sup>1</sup> 11,148 whites were registered up to date. 13,698 were registered for this election. The normal voting strength of Florida in 1861 was about 14,000. See chapter in "Registration and Political Organization," *supra*.

<sup>2</sup> *Rpt. Sect. War*, 1868-9, v. 1, p. 96.

<sup>3</sup> *Ibid.*, 1868-9, v. 1, p. 103—Meade to Grant, Apr. 8; *N. Y. Herald*, May 8, 1868—dispatch from Key West.

<sup>4</sup> *Tallahassee Sentinel*, May 7, 1868. This conversation of Knight's attracted attention. It was quoted in the *Floridian*, and Knight was asked by J. B. Oliver, editor of the *Sentinel*, to repeat the statement in the presence of a witness, which he did, adding: "Billings and Walker have got off here [the conversation was on a railway train] to hold a Billings meeting called to meet here by their friend Cone. Billings wrote to Cone to assemble. Billings' letter went to the train. We [Knight and his friends] went on the same train that carried the letter. We opened it and wrote another one saying: 'Dear Cone: there is no chance for us. Go for the Reed ticket. Tell your people'.

appointed to a circuit judgeship by the new governor. The Conservatives claimed that just such fraud as Knight had arrogantly hinted at had been perpetrated. Their claims for some localities were authenticated—as such things can be by affidavits and other testimony.<sup>1</sup> The voting had gone heavily against the Conservatives. But it was not fraud on the part of Radical election officials which defeated them. The fundamental reason was failure to have enough registered votes at the party's disposal—poverty of Conservative white votes. The registered blacks far outnumbered the whites, and they went solidly with the Republican party.

The result was substantially what it had been in the autumn elections for a convention. Many whites had remained away from the polls. If all had voted the net result for the state would not have been different. 14,561 votes were cast for the constitution; 9,511 against it. It was therefore adopted by a large margin. The Republican ticket headed by Reed received 14,421 votes, the Democratic ticket headed by Scott, 7,731; and the independent Radical ticket headed by Samuel Walker, 2,251. 24,403 voters cast their ballots.<sup>2</sup> The total number of registered

We signed 'Liberty Billings' to it and put it in the old envelope and sent it to Cone, and Cone—a darn fool—thought it was all hunky." This is a suggestion of one way for Republican postal officials to help beat the enemy.

<sup>1</sup> *N. Y. World*, June 25, 1868,—5 affidavits presented from Madison Co.; *Floridian*, May 12, 1868. *Madison Messenger*, May 8, 1868, stated that the registration books showed 1,554 whites and blacks voted, yet 1800 ballots were taken from the box. The Republicans carried the county. Also, *An. Cyclap.*, 1868-9.

<sup>2</sup> *Rpt. Sect. War*, 1868-9, v. 1, p. 106, Meade to Grant, June 2. Figures in *Floridian*, June 9, containing the vote in detail by counties vary somewhat from Meade's figs. According to them 14,520 votes were cast for constitution, 9,511 against it. Reed received 14,178 votes, Scott 7,852 and Walker 2,257. The statements in the *Floridian* are later than those of Meade. Also, *Floridian*, May 12.

voters was 31,498. Thus 7,095 did not vote. The registration books showed 13,698 white voters and 17,800 black.<sup>1</sup>

At high noon, on June 8th, Governor Reed was sworn into office by Judge Thomas Boynton—late of Ohio—of the Federal district court. The oath was administered in the presence of both branches of the newly-elected legislature assembled in the capitol building at Tallahassee.<sup>2</sup> Reed was a little man, slightly built, with a big, bald head and a bushy beard—almost goat-like—the upper lip shaven clean. A full fringe of hair on three sides of the bald spot, a high forehead, and heavy spectacles gave him an owl-like appearance, which accentuated his calm moderation and well-poised personal address. His views on public questions were usually balanced, definite and clear—due perhaps to his long journalistic and business experience; and his way of doing things, not clear, often smacking of commercialism, and suggestive of just that training in the competitive sphere of business and politics which made him definite, concrete, and plausible. For many years Harrison Reed had been a publisher and editor, first in Milwaukee and later in Neenah and Madison, Wisconsin. “Reed is a fussy old granny,” wrote an East Florida Republican, Calvin Robinson, to Reed’s arch-enemy, Stickney, “but I think he is honest and sincere.” Stickney had written: “Reed hangs around like the itch. I can hardly meet him without spitting in his face.”<sup>3</sup> He finished his denunciation by calling him a “damn fool”. Stickney had been stealing from the Federal government. Reed had opposed his plans, and hence these statements. A citizen of Wisconsin, called to

<sup>1</sup> The registration lists had been revised—Gen. Ord., no. 41, Mch. 16.

<sup>2</sup> *Floridian*, June 9, 1868; *N. Y. Herald*, June 14, 1868; *N. Y. World*, June 17, 1868.

<sup>3</sup> *H. Ex. Docs.*, 38th C., 2nd S., no. 18, p. 6.

testify before a committee of Congress, said of Reed: "He is generally regarded in the State as a high-minded, honest, and honorable man. I never heard his truth and veracity questioned. As a business man his character is that of a prompt and honest man who always pays his debts."<sup>1</sup>

His career in Florida showed him to be shrewd, combative, and intriguing in dealing with men, but not smooth. He moved with a high hand—as a benevolent political boss.

He turned from the judge and the Bible to address the future legislators of Florida. As his eyes swept that little gathering of lawless law-makers he must have had sad misgivings. Nearly a third of those assembled were from party reasons hostile to him, and the majority of the others were negroes and whites whose enlightenment was veiled and whose reputations could not be easily damaged. "Once assembled they will do as they please," wrote General Meade a week earlier—"pass laws inconsistent with my powers and orders; and tax *ad libitum* the State treasuries without any control, and without any means of enforcing their acts except through me."<sup>2</sup>

The legislature chosen was preponderantly Republican. In the senate were sixteen Republicans and eight Democrats; in the house, thirty-seven Republicans and fifteen Democrats.<sup>3</sup> Of these seventy-six senators and representatives thirteen were denominated as "carpet-baggers", twenty-one as Southern loyalists or "scalawags", nineteen as negroes, and twenty-three as white Conservatives or

<sup>1</sup> *H. Ex. Docs.*, 38th C., 2nd S., no. 18, p. 88, testimony of J. F. Potter before Committee investigating Florida tax commissioners.

<sup>2</sup> *Rpt. Sect. War*, 1868-9, v. 1, pp. 105-6.

<sup>3</sup> *Floridian*, May 9, 1868. *N. Y. Herald*, June 14, 1868. The Constitution provided for 53 members in the assembly. See Const., Art. 16, Sec. 29, *H. Misc. Docs.*, 40th C., 2nd S., no. 114.

Democrats. The Conservative representation came from the poor white counties, outside of the great plantation district. Most of the Republican legislators came from the Black Belt—the richest and most populous portion of Florida. The editor of the *Floridian* stated that if the Democrats were not considered, a fair estimate of the wealth of the other fifty-three members, minus the value of their clothes, would be less than \$1,000. It is certainly true that the Republican representatives, as a class, were not extensive property-holders in Florida or out. Some of them at the time of their election were Federal office-holders.

At that moment the status of the legislature was as uncertain as that of the small man in spectacles who stood addressing its members with his hand on the Bible. Reconstruction was being directed by the Federal government and the reorganized state governments in the South received their authority to exist from its sanction. The Federal military had controlled and directed the election in Florida as well as the canvassing of the votes. The convention had ordered that all returns be sent to the state canvassing board. The military commander interfered and ordered all returns sent to the state superintendent of registration. Certificates of election were issued by the military. "My object," said Meade, "was to retain control of the whole subject, because if the legislature is permitted to convene without orders from me and without regard for the paramount authority which the Reconstruction Laws vest in me, interminable confusion and conflict of authority will be sure to follow."<sup>1</sup>

On June 9th, the day following the first meeting of the legislature, Reed laid before the body a number of telegrams which helped explain the actual position of the new

<sup>1</sup> *Rpt. Sect. War*, 1868-9, v. 1, p. 105.



state government of Florida.<sup>1</sup> Colonel Flint, commanding Federal troops at Tallahassee, had telegraphed General Meade for instructions in regard to the proper policy of the military toward the reorganized civil government. Meade answered through his adjutant-general stating that the military was to acknowledge in no way the newly-instituted government until Congress had approved of its existence. The legislature adjourned until June 15th.

The Radical Republicans in Congress were expending their efforts to bring Florida and five other commonwealths back into the Union at an early date.<sup>2</sup> The Presidential election was approaching and the political restoration of the South was desired by Republicans because the vote of that section, now dominated by crushing negro majorities, would be for them. Johnson continued to oppose the policy of Congress. He vetoed the bill which would admit to Congress representatives from those reconstructed Southern states whose legislatures would ratify the Fourteenth Amendment. The bill became law on June 25th, over the President's veto.<sup>3</sup>

Both houses of the Florida legislature had given their assent on June 9th to the amendment.<sup>4</sup> During June 17th, 18th and 19th, the legislature had chosen United States senators.<sup>5</sup> Adonijah Strong Welch, white, late of Michigan and then a teacher in a negro school, was elected for

<sup>1</sup> *Floridian*, June 16, 1868. Gov. Reed was in touch with the Washington authorities. He had been in Washington during May,—*Floridian*, May 26, 1868.

<sup>2</sup> Dunning, *Reconst. Polit. and Ec.*, pp. 118-19; Rhodes, *U. S.*, v. 2; *Floridian*, June 23, 1868, report on Florida Const. by the Lower House of Congress, June 12.

<sup>3</sup> McPherson, *Reconstruction*, pp. 337-8.

<sup>4</sup> The house 23 to 6; the Senate 10 to 3. Flack, *Adoption of Fourteenth Amendment*, p. 190; McPherson, *Polit. Man.*, 1868, p. 93.

<sup>5</sup> *Floridian*, June 23, 1868.

the short term ending March, 1868; and Thomas W. Osborn, one-time bureau commissioner, late of New Jersey, for the long term ending in 1873.<sup>1</sup>

Osborn was admitted to the Senate June 30th,<sup>2</sup> after some wrangling over his credentials and a last attempt by Conservatives to force a consideration of the claims of the other senators-elect, Call and Marvin. Senator Doolittle, in bringing up the latter's case, said: "In 1866, almost a year and a half after the war was over, after peace had been proclaimed and Congress had by law recognized the fact that peace was proclaimed, the legislature of Florida—the state being then in a peaceful condition—assembled and elected the person to whom I have referred and whose credentials I have presented to the Senate."<sup>3</sup> But the Senate, controlled by Radicals, paid little heed to such talk. Osborn was sworn in; Welch followed him on July 2nd.<sup>4</sup> Charles M. Hamilton, late of Pennsylvania and now Congressman-elect from Florida, took his seat in the House on the first day of July. Thaddeus Stevens presented his credentials.<sup>5</sup>

Reconstruction in Florida had progressed favorably so far by the last of June that General Meade proceeded to bring to an end military rule there. June 29th he notified Colonel Sprague, commanding in Florida, to prepare to relinquish the administration of affairs to the civil authorities.<sup>6</sup> Governor Walker informed Governor-elect Reed

<sup>1</sup> *N. Y. World*, Sept. 22, 1868; *Floridian*, June 23, 1868.

<sup>2</sup> *Cong. Globe*, 40th C., 2nd S., pt. 4, p. 3607. Also *N. Y. Times*, July 1, 1868; *N. Y. Herald*, July 1, 1868.

<sup>3</sup> *Cong. Globe*, 40th C., 2nd S., pt. 4, p. 3604.

<sup>4</sup> *Ibid.*, p. 3672.

<sup>5</sup> *Ibid.*, pp. 3614, 3655.

<sup>6</sup> Gen. Ords., no. 92—"All civil officers holding office by military appointment" were directed to turn over their offices to their properly elected and qualified successors.

that he was prepared to surrender the office to him.<sup>1</sup> On the following day, July 2nd, Reed announced to Colonel Sprague that the conditions precedent to the readmission of the state into the Union had been complied with. Sprague thereupon issued a proclamation stating that civil government would be resumed on July 4th.<sup>2</sup> The transfer of authority was formally made on that day in the presence of both houses of the legislature assembled in joint session.<sup>3</sup> The day was celebrated by the "loyal" over the state for both historical and immediate reasons. The period of military rule was over, and the state's political destinies were in the hands of negroes and newcomers.<sup>4</sup> On July 31st, the Fourteenth Amendment to the Federal constitution was formally ratified by the Florida legislature. Thus the state before the end of summer passed with restored political powers back into the Union. The Congressional plan of reconstruction had been applied. More than one citizen, probably, wondered how it would work out.

In the local application of actual government throughout Florida much depended upon the state's chief executive. The new constitution provided that all county officers except constables be appointed by the governor with the consent of the senate. The governor could remove all such officers without the senate's consent.<sup>5</sup> Thus much power

<sup>1</sup> Walker to Reed, July 1, *An. Cyclop.*, 1868-9.

<sup>2</sup> McPherson, *Polit. Man.*, 1868, pp. 59-61; *An. Cyclop.*, 1868-9.

<sup>3</sup> *An. Cyclop.*, 1868-9.

<sup>4</sup> On July 27 the War Dept. at Washington discontinued the 2nd and 3rd. Military Dists. and grouped the states constituting them into the Dept. of the South. On August 4 Col. Sprague issued an order that Florida was now the "Dept. of Florida". On Aug. 5, U. S. military forces in Florida were ordered to be concentrated in three military posts in different parts of the State.—*An. Cyclop.*, 1868-9.

<sup>5</sup> Constitution, Art. 6, Sec. 19—*H. Misc. Docs.*, 40th C., 2nd S., no. 114, pp. 11-31.

was lodged in the central administration at Tallahassee. While this provision protected the Black Belt from complete negro domination, yet it subjected the white counties to Republican control. The situation would have been reversed under an elective system.

This system of creating county government by executive appointment did not prove in itself a bad plan. Governor Reed circumspectly used his power. The new executive seemed honestly seeking to establish a respected and strong government for Florida, backed by a Republican party with a creditable reputation.<sup>1</sup> The task was a difficult one. Proper material was lacking within the Radical ranks.

Reed sought to divide the offices between carpet-baggers, scalawags, and negroes—admitting even white Conservatives. The latter on accepting office under a Republican administration did not necessarily lose caste as Conservatives. By August 25th, the governor had appointed 198 white men to office within the state, 50 of whom were from the North and 148 from the South.<sup>2</sup> In the newly-constituted supreme court, two of the justices were Southern and one Northern.<sup>3</sup> All three were men of good character and substantial reputation in their profession. In the state circuit court, five of the judges were Southern and two North-

<sup>1</sup> See speech made by Reed at St. Augustine, Aug. 26, from *Fla. Union*; in *N. Y. Times*, Sept. 14, 1868; also, his speech before Jacksonville Board of Trade. He here made an earnest appeal to his friends and enemies to help him carry on a decent govt.; *Floridian*, Nov. 3, 1868; also *Floridian*, Dec. 15, 1868; speech at Tallahassee, *N. Y. World*, Dec. 22, 1868.

<sup>2</sup> *Floridian*, Aug. 25, 1868.

<sup>3</sup> The Chief Justice was Ed. M. Randall, a Northern man, brother of the Postmaster General. The associate justices were O. B. Hart, a native Republican and during the War a Union man; and James D. Westcott, Jr., a Southerner—son of former U. S. Senator Wescott, a Democrat, *Floridian*, Aug. 11, 1868.

ern.<sup>1</sup> Of the white county officials, 134 were Southern and thirty-nine Northern.<sup>2</sup> In Reed's own cabinet, six were Northern and two Southern—the most important position at the time, that of comptroller, being filled by an aristocratic Southerner, former Whig and ex-Confederate, Robert H. Gamble, of Tallahassee.<sup>3</sup> The attorney-general was James D. Wescott, another Southerner from the same class who had supported the Confederacy and held slaves.

The governor gave political recognition to negroes. The total number of county offices at his disposal was 468. In addition he could create as many justices of the peace as he wished.<sup>4</sup> Scores of these offices—probably the majority—were filled by negroes. Many of the black incumbents could neither read nor write. Black voters had elected the governor and the senate. The chief executive, therefore, in admitting them to office only gave to the majority of his backers the recognition which they demanded. Some of them were slightly above barbarism, but the inevitable end of the Reconstruction program was to call forth to places of administrative and judicial trust, "loyal men", regardless of enlightenment and fitness.

Governor Reed should be given the credit of appointing

<sup>1</sup> *Floridian*, Aug. 11, 25, 1868. 1st Circuit, Judge H. G. Plantz and Atty. D. C. Hawkins; 2nd., Judge W. A. Cocke, Atty., F. A. Dockray; 3rd., Judge T. T. Long and Atty. J. W. Warrock; 4th., Judge A. A. Knight, Atty. E. K. Foster; 5th., Judge J. H. Goss, Atty. J. W. Culpepper; 6th., Judge J. T. Magbee, Atty. C. R. Mobley; 7th., Judge, J. W. Price, Atty. Oscar Hart.

<sup>2</sup> *Floridian*, Aug. 25, 1868.

<sup>3</sup> See letter in *N. Y. World*, September 17, 1868.

<sup>4</sup> See *Constitution of 1868*, Art. 6, Sec. 19; Art. 7, Sec. 7, 9 and 19. The officers appointed by the Governor were: a county tax assessor and collector, treasurer, surveyor, Supt. of Common Schools, five county commissioners, sheriff, and clerk, county judge, twelve officers for each county. There were then (1868) 39 counties in Florida.

a good supreme court, a fair cabinet, a circuit bar and judiciary of rather uneven respectability and ability, and county officials not altogether bad—probably better than what would have been the case if the offices had been filled by election. The only local officers elected were county constables—from two to twelve for each of the thirty-nine counties.<sup>1</sup> Negroes were usually returned for these positions. The governor undoubtedly found it difficult to get good men to accept office, and to induce the senate to confirm his nominations when he found them. “The governor was forced,” stated a Republican,

to appoint men as county judges and solicitors, some of whom it was very doubtful as to whether they had ever seen the inside of a law book. Many of the carpet-bag officeholders, anterior to their advent in the South, had been blatant Democrats at the North, but not even respectable cross-road politicians, yet who now claimed to be great men and proper leaders of the colored people of the State.<sup>2</sup>

Before local Republican rule in Florida was inaugurated the national presidential campaign had opened. Delegations from the state attended both great national conventions.<sup>3</sup> In Chicago the Southern delegates arrived weakly prepared to vote for Henry Wilson or Fenton, for second place on the national ticket, but soon they began to turn in various directions.<sup>4</sup> The nomination of Grant for first place was assured. “We are poor and want money,” was the constant complaint. A friend of Wade is said to have gone to one of the Florida delegates with the request that he and his *confrères* support

<sup>1</sup> *Constitution*, 1868, Art. VI.

<sup>2</sup> Wallace, *op. cit.*, pp. 82-83.

<sup>3</sup> *N. Y. Herald*, May 21 and July 8, 1868.

<sup>4</sup> *N. Y. Times*, May 21, 1868; *N. Y. World*, May 29, 1868.

Wade. The thrifty Floridian wished to know what Wade would do for him. "Why," said he, "if I go for Fenton I can get my expenses paid to this convention."<sup>1</sup> However, when the acclaim went up for Grant, it is recorded that "Florida, the land of flowers, casts her vote for U. S. Grant."<sup>2</sup> It is not recorded that the expenses were paid.

The Conservatives of Florida sent a group of locally-prominent and able men to represent the state at the Democratic convention in New York. Several of them were ex-Confederates and ante-bellum leaders.<sup>3</sup> They took an active part in the work of the convention.<sup>4</sup> In the long balloting for a nominee the vote of Florida swung from Johnson to Hancock, then to Doolittle, then to Hendricks, then back to Hancock, again to Hendricks, and finally with the others, the Florida delegation followed the political law of the "band wagon" and went for Seymour, the nominee.<sup>5</sup>

The Presidential campaign in Florida opened with a Republican ratification meeting in Tallahassee July 4th. On this day the Republican legislature and administration

<sup>1</sup> *N. Y. World*, May 29, 1861; H. M. Moody of Fla. was one of the vice-presidents of the Chicago Convention,—*N. Y. Herald*, May 21, 1861.

<sup>2</sup> *N. Y. Herald*, May 22, 1868.

<sup>3</sup> The Florida delegates were 22 in number,—*N. Y. World*, June 30, 1868.

<sup>4</sup> C. E. Dyke was appointed to Nat. Dem. Ex. Commit.,—*N. Y. Times*, July 8, 1868. C. H. Smith was a Sect. of Convention; Thos. Randall, a vice-pres.; Wilk. Call, member of Commit. on Resolutions and Platform; A. J. Peeler, of Commit. on Organization; A. H. Hewling, of Comit. on Credentials,—*N. Y. Herald*, July 5 and 7, 1868. Dyke delivered an address before the Metropolitan Club in New York City on the political situation,—*N. Y. World*, July 29, 1868.

<sup>5</sup> *N. Y. Herald*, July 8 and 9, 1868; *N. Y. Times*, July 8 and 10, 1868.

formally took over from the military the direction of the state government. A special train was run from Jacksonville. "Probably the largest crowd was here, ever before at any time," the *Floridian* announced. Negroes streamed up and down the streets. There was "much marching and counter-marching, beating of drums and shouting. The chief object was the ratification of the nomination of Grant and Colfax." A large platform was built on the west side of the capitol building, around which were various inscriptions, such as "Grant and Colfax", "Liberty and Union, We'll have or Die", *etc.* During all of that scorching, sun-baked July day the "Capitol Square" was a mass of moving, odoriferous, and garrulous humanity, and "as the procession moved down the streets there could be seen various covered boxes carried on poles bearing Radical inscriptions."<sup>1</sup>

In spite of two crushing defeats within nine months the Conservative party seemed to take on a greater activity and a new aggressiveness. Over the entire state many persons previously passive in a sort of political hibernation now crept out of their holes and exhibited interest in that which their more pugnacious friends had been trying to make interesting. The Presidential campaign promised to produce a solid and full alignment of native whites in support of the Democratic party. The Conservative forces of the state now coalesced into an integral part of the Democracy of the nation. In more than a score of localities, from extreme West to East, Democratic campaign clubs were formed; "Seymour and Blair Clubs", they were popularly called.<sup>2</sup> Democratic orators stumped Florida,

<sup>1</sup> *Floridian*, July 7, 1868.

<sup>2</sup> *Floridian*, Aug. 11, 18; Sept. 5, 22, 29; Oct. 20, 1868. At Orlando, Florida, on Aug. 29th a Conservative mass meeting was followed by a parade with inscribed banners borne by young girls.



and county after county, catching from the nation at large the political note in the air, awoke to the contest.<sup>1</sup>

On August 1st a Democratic state convention assembled at Tallahassee. The heat of summer enveloped the land. It burned up enthusiasm as it distilled the last odors from fast fading flowers. Yet delegates from twenty-six counties came through the heat over Florida's crude routes of travel to talk politics at the capital.<sup>2</sup> Nearby counties sent big delegations to swell the crowd. "Whigs, Democrats, and Conservatives mingled in a common cause." Ex-Governor Walker was nominated for Congress, but on account of failing health he declined. William D. Barnes, of Jackson County, West Florida, received the nomination.<sup>3</sup> The day was blatant with political speeches. In the evening a "torch-light procession" wound its course along the principal streets and lanes. The way was well shadowed from the pale glow of the stars by monster live oaks—twisted, knarled, vaguely outspreading and draped in the grey Spanish moss of the far South. The very obscurity and suggested mystery of the shadows made the political transparencies the more brilliant. They gleamed out grotesquely with such fierce aphorisms as: "No Compromise with the Carpet-baggers", "Military Subordinate to the Civil", "One Currency for All", "Freedmen's Bureau and Robbery", "Put in 300 Ticks. in the Ballot-Box and Count

<sup>1</sup> *Floridian*, July 21, Sept. 22, 25, 1868. Mass meetings in Gainesville, Aug. 2,—extract from *Gainesville Commercial*; speeches by W. D. Bloxham, St. George Rogers, C. E. Dyke and Wilk. Call. Barbecue and speeches at Centre; orators were Barnes of Jackson Co., Dyke of Leon Co., Stanley of Escambia Co. Similar meetings at Waukeena, Marianna, Madison, and Crawfordsville,—*Floridian*, Oct. 27 and Nov. 5, 1868. The *Floridian* contained many excerpts from the accounts of local press.

<sup>2</sup> *Floridian*, Aug. 4, 1868.

<sup>3</sup> *N. Y. Tribune*, Aug. 15, 1868; *N. Y. World*, Aug. 10, 1868—letter from Tallahassee; *Floridian*, Aug. 4, 1868.

out 500. Gadsden Is the Place Where Ticks Propagate", or even worse, such witticisms as "Radicals, You Have Seen much but you Shall *See-More* in November", "Democrats, *Grant-less* and *See-More*". A string band seated in a wagon attracted attention away from the poorness of the puns. From vine-covered verandas people watched the crowd move by through the dim light. Straggling troops of negroes, who a few weeks before had marched with the Radicals, now followed the music of the other procession. To-morrow they would be Radicals if a procession and music came along.

The Republican party had secured control of the state government. They intended not to risk this control, but to withdraw from the realm of uncertainty the electoral vote of Florida. Accordingly the legislature enacted a law on August the 6th which left to the joint action of the senate and house the choice of presidential electors.<sup>1</sup> Both bodies were overwhelmingly Republican. Therefore the Democratic campaigning in Florida, so far as the national election was concerned, amounted to nothing more than a series of indignation meetings against the Radical party.<sup>2</sup>

<sup>1</sup> *Laws of Florida*, 15th Assembly, 1st Sess. See Comment *N. Y. Times*, Aug. 8, 1868; *N. Y. World*, Aug. 11, 1868; *N. Y. Tribune*, Oct. 27, 1868.

<sup>2</sup> Threats were made by conservatives to have an election regardless of the state law. A letter from Jacksonville, Sept. 11, discussing the situation says: "The [Democratic] Executive Committee will appoint the necessary judges and inspectors of election for Nov. 3 next. At sundown the polls will be closed, votes counted, and the votes sent to Washington. The Radicals laugh at this plan, saying that there is no possibility of Congress receiving these votes. The Democrats are carrying on a vigorous campaign. The Radicals make no opposition. They consider the plan Quixotic. Whether the State Government will permit the vote to be taken is a question not yet answered. The carpet-bag officials regard the entire movement as illegal and a revolutionary defiance of the laws of Florida, but opinions differ as to what course they will pursue." *N. Y. Herald*, Sept. 26, 1868.

Governor Reed claimed that the state at that time could not stand the expense of another election. The Democrats claimed that the Republicans feared that they would lose the election. Negro registration was several thousand greater than white registration. Yet the local Republican party was then subject to serious internal dissension. It had been divided in the last election. Also the operations of Democratic regulators were in several localities a terrifying menace to Republican activity. The governor and the legislature had already requested the President to put Federal troops at the disposal of Governor Reed in order to protect the state government and the lives and property of Republicans. The President, on the advice of General Schofield, Secretary of War, refused to grant so radical a request.<sup>1</sup>

Local conditions, therefore, might have defeated the Republicans. What actually happened however was that on November 2nd the legislature convened in joint session and by a safe vote chose three Republican electors for Grant and Colfax. One of them was a negro.<sup>2</sup>

<sup>1</sup> *Johnson Papers*,—Resolution of Fla. Legislature, July 9; letter of Reed to Johnson, July 13; Johnson to Schofield, July 22; Schofield to Johnson, July 23.

<sup>2</sup> *N. Y. Herald*, Nov. 5, 1868. The electors were: Jas. D. Green (white), J. W. Butler (white), Rbt. Meacham (Black). The Democrats put up candidates for each place;—W. D. Bloxham, Wilk. Call, G. A. Stanley.

## CHAPTER XXI

### CONFLICT AMONG RADICALS—TWO GOVERNORS OF FLORIDA

THE next few days witnessed the development in Tallahassee of an interesting imbroglio among Republican politicians. Its origin is to be sought in the flat failure from the first of Florida Radicals to work together harmoniously. When they gained control of the state government and the restraint of military rule was removed, the discord became more pronounced. Leaders fought viciously over the control of Federal patronage, legislative favors (franchises, land-grants, *etc.*) and the many positions at the disposal of the state administration. The legislature elected Thomas W. Osborn to the United States Senate for the long term ending in March, 1873. His previous experience in Florida as bureau commissioner and politician as well as his ability and talent for intrigue made him the senator through whose hands passed most of the scanty but much-desired Federal patronage for the state. He used this privilege to build-up his own influence within his party.

Governor Reed had been a Federal office-holder of local importance for several years. As general postal agent for Florida he had played a part in distributing Federal favors. Reed was considered a Johnson man. Osborn acted in harmony with the Radical majority in Congress. He had left the Freedmen's Bureau to fill the more remunerative place of Federal commissioner of bankruptcy. He obtained this

position through the efforts of Chief Justice Chase.<sup>1</sup> Reed was bitterly opposed to Chase and those allied with him. Thus these two men—Osborn and Reed—both seeking to manage the award of Federal patronage, were allied with antagonistic factions in Washington.

Within the state almost one hundred post-masters, six judicial offices in two district courts, a commissioner of bankruptcy, about fifty customs employees, fifty treasury employees, two public land officers and two internal revenue officers held their places and received their salaries from the Federal government. Their salaries amounted to about \$75,000 per year; their total earnings, to far more than this. Mail contracts amounted to \$50,000 more.<sup>2</sup> Osborn sought to control the award of places and funds. So did Reed. The senator and the governor were neither like-minded nor friendly.<sup>3</sup> They both sought ultimately the same thing—state leadership among the Republicans.

The appointing power of Reed under the new constitution undoubtedly put into his hands a means for building-up a strong personal following. More than 500 officers held their places under commissions from the governor. But he was forced to regard the likes, dislikes and advice of the state senate, which ratified his appointments. A number of that body were in close sympathy politically with United States Senator Osborn. He had given or promised them

<sup>1</sup> *Floridian*, June 23, 1868.

<sup>2</sup> *U. S. Official Register*, 1867.

<sup>3</sup> Reed to Wallace, Feb. 1867—Wallace, *op. cit.*, p. 441. Reed wrote: "On that occasion a conspiracy was formed by Osborn and his military satraps—to depose me by violence and take possession of the Capitol. This was within a few months after my inauguration in consequence of my refusal to obey their dictation to vandalize the State . . . It embraced all the prominent Federal office-holders in the State, from the marshal down, most of whom were in the legislature, subject to orders from Osborn under penalty of removal." -

and others Federal positions or jobs. He could help the worthy to places beyond the state. The United States government paid in greenbacks and gold; the state government, in depreciating scrip. Cash was scarce in Florida. The favors at Osborn's disposal were worth more than those at the disposal of Reed. The political influence of the governor tended to be neutralized by the United States senator.<sup>1</sup> Reed was combative and troublesome. Osborn would see him eliminated. So would many in the legislature who feared his veto when there was legislation to be sold.

The governor was not smooth. In his efforts to produce a state government respected and forceful he went too far for his own good. He soon offended not only the mass of native whites, who were prejudiced against him because he was a Republican and a Northern man, but also a portion of his own party. His request of the legislature for a law authorizing him to employ secret police,<sup>2</sup> his issue of a circular calling for an enumeration of outrages suffered by Republicans, and his purchase of fire-arms in the North for the arming of the state militia—partly black—offended the native whites. They professed to see in these measures a dangerous and offensive design to spy on them, and to enforce tyrannically the will of Republican politicians by the barbarous means of a negro militia. There was plausibility in this point of view.

On the other hand, the governor offended the Republican legislature by his efforts to conduct the state government in what he considered an honest manner and in accord with sound principles of public finance. In face of unpopu-

<sup>1</sup> See Reed's estimate of the part Osborn played;—*Floridian*, Dec. 15, 1868.

<sup>2</sup> *Laws of Florida*, 15 Assembly, 1st Sess., Chapt. 1660. See Comment in *N. Y. Herald*, Aug. 5, 1868.

larity with those politicians who wished to hold two or more offices at once, Reed declared vacant the seats in the legislature occupied by men who had subsequently accepted state or county office.<sup>1</sup> This action was open to question from the standpoint of constitutional law. Nothing in the constitution directly bestowed on the chief executive this sweeping power of removal.

Other incidents soon demonstrated the breach between executive and legislature. A bill for the incorporation of the "Florida Savings Bank" was vetoed by Reed because he considered it part of a dishonest scheme of New York "money sharks".<sup>2</sup> Another bill came to him giving negroes all the privileges of whites on railway trains. He vetoed it.<sup>3</sup> A third bill was hurried through granting judges their salaries per diem instead of by the year. The governor vetoed it.<sup>4</sup> Finally a bill was passed calling on the comptroller to pay the legislators their salaries at once in state scrip. Reed vetoed it, claiming that there was then no money in the treasury to pay salaries and that it was neither expedient nor wise to issue scrip. August the 6th, the bill was passed over his veto.<sup>5</sup> The chambers promptly adjourned. The war between governor and legislature had fairly begun.

<sup>1</sup> Proclamation of Reed;—*Floridian*, Nov. 3, 1868. There were 14 vacancies according to the governor's view—9 in the senate and 5 in the house.

<sup>2</sup> Wallace, *op. cit.*, p. 83. Wallace states that "the bill was telegraphed from New York by L. D. Stickney, one of Sec. Chase's Direct Tax Commissioners for Florida. A check for \$500 was sent to Knight to secure its passage."

<sup>3</sup> *Floridian*, Aug. 11, 1868. *N. Y. Herald*, Aug. 4, 1868, letter from Tallahassee.

<sup>4</sup> *Floridian*, Aug. 11, 1868.

<sup>5</sup> *Laws of Florida*, 15th Assembly, 1st Sess., Chapt. 1683; *N. Y. Herald*, Aug. 8, 1868.

A few weeks later Reed went North. Among his objects was the purchase of arms for the state militia.<sup>1</sup> During his absence politics went against him. Lieutenant-governor Gleason and the other confederates of Senator Osborn were determined to get rid of Reed by impeachment. He hampered the legislature and had offended both Gleason and Osborn personally by his refusal to aid them in certain financial undertakings which smacked of outrageous graft. During the July-August session of the legislature, provision had been made for the issue of \$300,000 in bonds.<sup>2</sup> The governor had control of the emission of these bonds. Gleason wished to earn money out of this transaction. His plan was to buy the bonds with scrip which he could purchase at 30 to 50 cents on the dollar and then to sell these bonds in the North for 70 cents. He claimed that arrangements were completed in Washington for the disposal of the bonds at this figure. The estimated profits would be from \$80,000 to \$100,000, which Gleason was willing to divide with Reed. The governor refused to sell him the bonds.<sup>3</sup>

In regard to the personal difference with Osborn, Governor Reed was asked by that individual "to influence the surveyor-general so that" a large tract of timber land in West Florida "might be sold at a nominal price to Senator Osborn." Reed refused to act.<sup>4</sup>

When the legislature assembled on November 3rd, 1868, Reed was on strained terms with the lieutenant-governor,

<sup>1</sup> *Floridian*, Sept. 15; Dec. 15, 1868.

<sup>2</sup> *Laws of Florida*, 15th Assembly, 1st Sess., Chapt. 1634—passed Aug. 6, Aug. 8, 1868.

<sup>3</sup> *Floridian*, Dec. 15, 1868. *N. Y. World*, Dec. 22, 1868. Gov. Reed discussed the details of this transaction in public speeches delivered in Jacksonville and Tallahassee.

<sup>4</sup> *Floridian*, Sept. 15, Dec. 15, 1868; *N. Y. World*, Dec. 22, 1868.



with Senator Osborn and with many of the legislators. The chambers, sitting to choose presidential electors, called upon the governor to convene them in special session in order that money might be appropriated by law for extra pay. The governor was informed by friends that the legislature intended not only to pass a money bill, but also to impeach him.<sup>1</sup> Wishing to force the question to an immediate issue he convoked the legislature.<sup>2</sup>

The money bill came to him. He promptly sent it back, November 6th, with his veto.<sup>3</sup> The legislators had received their salaries and nothing in the constitution or in the unwritten law of ordinary probity justified such demand on their part for extra pay. The bill was passed over the veto.<sup>4</sup>

At the beginning of the afternoon session of the house, Horatio Jenkins, Jr., a member of the senate, presented charges, as "a private citizen", against Governor Reed. He accused him of "falsehood and lying" in transacting business with the legislature; of "incompetency" in appointing state and county officials; of lawlessness in declaring seats in the legislature vacant; of "embezzling" state securities; of corruption in the disposal of state offices. For these "high crimes and misdemeanors" Jenkins demanded the impeachment of the governor at the hands of the house.<sup>5</sup> J. W. Butler, of Santa Rosa County, West Flor-

<sup>1</sup> *Floridian*, Dec. 15, 1868.

<sup>2</sup> Governor's Proclamation, *An. Cyclop.*, 1868-9. See preamble.

<sup>3</sup> *Floridian*, Nov. 10, 1868. *An. Cyclo.*, 1868-9. See Reed's veto message.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.* Reed claimed that the charges presented against him by Jenkins were fabricated by Osborn. Wallace, *op. cit.*, pp. 88-89.

ida, moved that Reed be impeached, and the house promptly voted in the affirmative, twenty-five to six.<sup>1</sup>

It is worthy of notice that the man who made these charges, Jenkins, and the man who moved their acceptance by the house, Butler, both had accepted office by appointment from Governor Reed and both were in danger therefore of losing their places in the legislature by the action of the governor in declaring these places vacant. Also, of the twelve senators who sat waiting to receive the accusations of the house, three besides Jenkins were in the same predicament.<sup>2</sup> A house committee was promptly appointed to go before the senate to impeach Reed; and another, to prepare definite articles of impeachment with power to examine witnesses and take evidence.

The dramatic contest between President Johnson and Congress, which had occurred but a few months before, served as an example for these commonwealth impeachers. The house committee proceeded into the senate chamber and there formally impeached the governor. The upper house took under consideration the question of the trial. On the following day, November 7th, both houses adjourned until the first Tuesday after the first Monday in January, 1869, when the process of ousting the governor would proceed.<sup>3</sup>

Reed, in the meantime, was little inclined to be passive or compromising. The last two charges made by Jenkins were grave and concrete enough to put the governor in the state penitentiary if they could be substantiated with

<sup>1</sup> *An. Cyclo*, 1868-9; *N. Y. Herald*, Nov. 7, 1868; *N. Y. Times*, Nov. 9, 1868.

<sup>2</sup> *Floridian*, Nov. 3, 10. Dec. 1, 1868. The senators were Alden, Jenkins, Meacham (negro) and Mobley. The first two were carpet-baggers. The last was a scalawag.

<sup>3</sup> *An. Cyclo.*, 1868-9.

reasonably good proof. As a matter of fact no good evidence was ever forthcoming substantiating any of the charges. The state accounts up to that time did not yield proof of executive embezzlement. If Reed traded in local offices he kept the proof of such transactions profoundly to himself. If the appointees were bad or incompetent, the senate was equally guilty with the governor. It had ratified his choice.

Seated in his office at the capitol building Reed stroked his bushy beard and looked out of the window. Wisconsin, his old home, would have been a better place for him. In the yellow glow of the afternoon sun the live oaks were casting their shadows far across the square. He probably balanced well in his thoughts the factors in the delicate situation. How much he knew, we know not. He himself was doubtful of what he thought he knew. In Florida he was an "outsider" and by the Southern whites would never be judged from any other standpoint. Most of his cabinet would be loyal to him—Carse, the adjutant-general, Robert Gamble, the aristocratic comptroller, and the others maybe, except the secretary of state, Alden, from Massachusetts.<sup>1</sup> He had reason to distrust Alden by this time. That gentleman had been elected to the state senate. According to Reed's proclamation his seat there was vacant because he held another office, secretary of state; yet Alden hung to his position in the legislature and was thick with Gleason, the lieutenant-governor. The legislature had been called in special session for a particular object defined in the executive proclamation assembling it. Could that body

<sup>1</sup> Alden was an ex-officer of the Fed. Army who after the War became an express agent in Pensacola. See *N. Y. World*, Sept. 17, 1868—letter from Tallahassee; *Floridian*, Nov. 3, 1868; *H. Rpts.*, 39th C., 1st S., no. 30, pt. 4, p. 3.

lawfully impeach while assembled to pass a money bill? <sup>1</sup> Who were against the governor? Reed knew that the majority of his own party were as uncertain in their public principles as the autumn wind that blew gently through the live oaks outside. The Democrats in the legislature would try to convict a Republican governor for the sake of party politics and because he was a meddling "Yankee".

News came to Reed on that afternoon that Gleason had issued a proclamation declaring him suspended from office pending his impeachment trial, and stating that Gleason was lawful governor of Florida.<sup>2</sup> The proclamation bore the imprint of the "Great Seal of the State". The secretary of state's office was vacant. Alden had deserted his chief and taken the seal with him.<sup>3</sup> Were there now two governors of Florida?

Reed had a strong helper in his adjutant-general, Carse. Carse swore out a warrant before Circuit Judge Cocke affirming that Gleason and Alden had "conspired" to interfere forcibly with the government of Florida.<sup>4</sup> The judge

<sup>1</sup> *The Constitution*, Art. 6, Sec. 8 stated: "The Governor may on extraordinary occasions convene the Legislature by proclamation, and shall state to both houses, when organized, the purpose for which they have been convened, and the legislature shall transact no legislative business except that for which they are specially convened or such other legislative business as the Governor may call to the attention of the legislature while in session, except by the unanimous consent of both houses." *H. Misc. Docs.*, 40th C., 2nd S., no. 114, pp. 11-31.

<sup>2</sup> *Floridian*, Nov. 10, 1868; *Am. Cyclo.*, 1868-9.

<sup>3</sup> *N. Y. Tribune*, Dec. 8, 1868, letter from Tallahassee: "Gov. Reed sent North for a duplicate seal. It came and was exactly like the original except the figure of an Indian which should have been a female was a male."

<sup>4</sup> See *Laws of Florida*, 15th Assembly, 1st Sess., Chapt. 1637, Sec. 5—"If two or more persons form a combination to usurp the Government of the State by force they shall be imprisoned on conviction for a period not exceeding 10 years or less than one year."

issued a warrant for their arrest, and the sheriff of the county, loyal to Reed who had appointed him, brought Gleason and Alden before the judge. He bound them over to appear before him on Friday. They were allowed to go at liberty without bond.<sup>1</sup>

Reed was determined to get rid of Alden. He requested his resignation, but the secretary refused to resign.<sup>2</sup> The governor searched about and trumped up a charge of embezzlement against Alden, which was about as flimsy as those charges brought by the impeachers against himself.<sup>3</sup> He thereupon declared the office of secretary of state vacant and appointed a negro, Johnathan Gibbs, to fill the vacancy. This was a politic move on Reed's part. He had created some hostility among the blacks by his veto of the negro-equality railway bill. The appointment won for him some applause from the negro members of the legislature and the negro populace.<sup>4</sup>

Adjutant-General Carse and the county sheriff raised a volunteer picket guard and picketed the capitol building day and night to prevent forcible entry by the Gleason party.<sup>5</sup> For more than six weeks this citizen picket line was continued—a critical and disgraceful condition certainly for a government in time of peace.<sup>6</sup>

Gleason, finding it impossible to gain possession of the regular executive offices, took his seat as governor of Florida at the principal hotel of the town, surrounded, it

<sup>1</sup> *Floridian*, Nov. 10, 1868.

<sup>2</sup> *Floridian*, Nov. 17, 1868.

<sup>3</sup> *Floridian*, Nov. 24, 1868.

<sup>4</sup> Wallace, *op. cit.*, p. 90.

<sup>5</sup> *Ibid.*, p. 442—Letter of Reed to Wallace, Feb. 9, 1887.

<sup>6</sup> During this period Reed continued to act as Governor. See proclamation, *Floridian*, Nov. 10, 24, 1868.

is said, by lobbyists buying future favors.<sup>1</sup> From there he issued orders and signed proclamations as governor of Florida, with Alden acting as his secretary of state.<sup>2</sup>

The Democrats looked on and smiled. Congressional reconstruction was not resulting well. Some one depicted the situation thus:

"Mister Alden had managed—He's good on the steal—  
To cunningly carry away the State seal;  
And Gleason and he—what a prodigious sell—  
Tried to run the machine at McGuffin's Hotel." <sup>3</sup>

Alden's relations with Reed suggested the episode of Secretary Stanton and President Johnson—then fresh in people's minds. Alden was represented by a hostile critic as saying:

"I thank my noble hearted friend, his compliments accept;  
The Stanton of this crowd I'll be (and here the trait'or wept);  
Napoleon's motto shall be ours—we may not now withdraw—  
Let us march on to victory 'gainst justice, peace, and law." <sup>4</sup>

Senator Sumner had laconically told Stanton to "stick" when President Johnson was attempting to get rid of him. Although the situation in Florida was different in important details, there was sufficient similarity to bring out this: "Though scripture tells us it is hard to 'kick against the

<sup>1</sup> *Floridian* for month of Nov., 1868; *An. Cyclo.*, 1868-9.

<sup>2</sup> See for instance notice of proclamation of Gleason and Alden, *N. Y. Herald*, Nov. 18, 1868, Tallahassee letter. Gleason attempted to form a regular cabinet; *N. Y. Tribune*, Dec. 8, 1868, Tallahassee letter. Gleason and Alden signed the electoral certificate of Grant and Colfax electors from Florida,—*Floridian*, Dec. 8, 1868. On Nov. 16 Gleason issued a proclamation declaring a second time that Reed was deposed from office, and stating that he was under arrest because of his impeachment,—*An. Cyclo.*, 1868-9.

<sup>3</sup> From "The Impeachment Farce," *Floridian*, Dec. 8, 1868.

<sup>4</sup> From "The Impeachment Caucus, a Satirical Dramatic Poem", *Floridian*, Dec. 8, 1868.

pricks', Three cheers for the impeachment game—Once more, friend Alden, 'Stick'." <sup>1</sup>

Unable, or unwilling, to drive Reed from office by votes or open force, his enemies attempted to frighten him into resigning. "Signal rockets" were sent up near the capitol hotel as supposed signals to the surrounding country that something unusual was going to happen—mob attack or similar dangerous demonstration. Negro loafers, black razor-carrying prostitutes, and political "bums" crowded the little town's few streets like scavengers. A mob under such circumstances was no impossibility. In the dead of night guns were discharged near the house of the governor. Stories were circulated of the evil that would come to pass if Reed persisted in occupying his office. He was followed about the streets by a notorious character accused of more than one paid assassination. Adjutant-General Carse stated that the assassination of Reed was deliberately planned by his political enemies within his own party—by Republicans—who when the deed had been perpetrated intended to lay the blame on "Southern Ku Klux".<sup>2</sup> The murder of a Republican governor by disloyal and criminal Southerners would be fortunate news for the more blood-thirsty agitators among the Radicals in the North.

Reed doggedly held his ground. He was a stubborn man as well as a canny one, and by bringing about the interposition of the judiciary he accomplished what President Johnson in his contest with Stanton attempted unsuccessfully to do. He managed to shift the quarrel over the governorship to the courts. The new constitution required the supreme court to render the governor on his demand a written opinion interpreting "any portion of the constitu-

<sup>1</sup> *Floridian*, Dec. 8, 1868.

<sup>2</sup> Reed to Wallace, Feb. 9, 1887,—Wallace, *op. cit.*, p. 442.

tion" or "any point of law".<sup>1</sup> Reed took advantage of this provision.<sup>2</sup> "I feel it my duty to bring before your attention that I am continuing to act as governor," he stated to the court on November 3rd,

and that said Gleason is also assuming to act as Governor; that the officers of the State do not know in this unsettled and anomalous condition of things whom to recognize as the head of the Executive Department; that the administration of the State Government is obstructed, and the peace and safety of the whole state jeopardized. It is but natural that I should, therefore, under such circumstances seek your counsel and opinion at the earliest moment, and you will pardon me for urging you, in view of the possible momentous results of these issues, to furnish me your opinion at the earliest possible moment.<sup>3</sup>

The supreme court rendered an opinion, November 24th, 1868, fully sustaining Reed—which, in brief, declared that the governor had not been impeached because the senate at the time that the charges were preferred was without a quorum.<sup>4</sup> The senate was composed of twenty-four members. Twelve of the twenty-four elected had been present,<sup>5</sup> who with the lieutenant-governor, as president of the senate, made up a constitutional quorum, thir-

<sup>1</sup> *Constitution*, Art. 5, Sec. 16,—*H. Misc. Docs.*, 40th C., 2nd C., no. 114, pp. 11-31.

<sup>2</sup> See comment in *N. Y. Herald*, Nov. 16, 1868—Tallahassee letter.

<sup>3</sup> *Fla. Reports*, v. 12, pp. 658-9, Ex. Communication, Nov. 9, 1868.

<sup>4</sup> *Fla. Reports*, v. 12, pp. 661-685, Ex. Communications. Also see *Floridian*, Nov. 17, Dec. 1, 1868; *N. Y. Tribune*, Dec. 8, 1868.

<sup>5</sup> The 12 Senators present were: Alden (Commissioned by Reed Sect. of State), Jenkins, (Judge, Alachua Co.), Mobley (State's Attorney), Meacham, a negro (Clerk of the Court, Jefferson Co.), Krimminger, Katzenberg, Morange, Underwood, Smith, Bradwell, and Pearce,—*Floridian*, Nov. 3, Dec. 1, 1868.



teen. But four of the twelve had accepted state office and by proclamation of the governor their seats in the legislature were vacant. When Reed had declared vacant the places of these legislators he had wrought for his own interests better than he knew. The supreme court sustained him in his removals and his action therefore helped save him from impeachment.

The pronouncement of the supreme court proved to be the end of this first effort by fellow Republicans to drive out their chief executive. When the legislature assembled in January, 1869, it hesitated to combat the judiciary.

Governor Reed on receiving the opinion of the court became aggressive. Through his attorney-general he instituted *quo warranto* proceedings in the supreme court on November 19th against the lieutenant-governor.<sup>1</sup> Gleason was called upon to show cause, why he, not having been a citizen of Florida for three years before his election, should not be *ousted* from office. The case was duly tried before the supreme court and Gleason lost.<sup>2</sup> The ouster was issued on December 14th,<sup>3</sup> and the place of lieutenant-governor became temporarily vacant.

Reed had won in this initial contest against a faction of his own party. "On that occasion," he afterward stated, "a conspiracy was formed by Osborn and his military satraps and the Richards-Billings faction to depose me by violence and take possession of the capitol. This was

<sup>1</sup> *Fla. Reports*, v. 12, p. 193; *Floridian*, Nov. 17, 1868; *N. Y. Herald*, Nov. 17, 1868; *An. Cyclo.*, 1868-9; Wallace, *op. cit.*, p. 90.

<sup>2</sup> *Fla. Rpts.*, v. 12, *passim*. Press record, see *N. Y. Herald*, Nov. 20, 25, 28, 30. Dec. 1, 1868; *N. Y. Tribune*, Dec. 8, 1868; *Floridian*, Dec. 8, 15, 1868. Col. H. Bisbee of Jacksonville, an ex-soldier of the Fed. Army, and ex-Gov. Walker were the counsel for Gleason. Gleason tried to get his case before the Fed. Courts, *Floridian*, Dec. 22, 1868.

<sup>3</sup> *Floridian*, Dec. 15, 1868.

within a few months after my inauguration, in consequence of my refusal to obey their dictation to vandalize the State".<sup>1</sup> This of course was his view of the trouble. Wherever the merits in the case might have resided, the few Democrats in the legislature divided on the question of impeachment. Reed's chief refuge had proven to be the state courts. A Southern ex-slave-holding circuit judge, William A. Cocke, and a supreme court two-thirds Southern in its personnel had sustained him. The justice who rendered the most pronounced opinion in his favor was a Democrat and a Southerner. The men who fought out successfully the case of Reed and the state against Gleason were J. P. Sanderson, M. D. Papy, and A. J. Peeler, ex-Confederates, Conservatives and Southerners.<sup>2</sup> The last two had framed Florida's Black Code three years before. And "through the intervention" of William D. Bloxham, Conservative leader, the notorious Luke Lott, said to have been sent by Republicans to Tallahassee to assassinate Reed, was persuaded "to abandon it".<sup>3</sup>

<sup>1</sup> Wallace, *op. cit.*, p. 441.

<sup>2</sup> *Fla. Reports*, v. 12, p. 192.

<sup>3</sup> Written Statement of Reed to Wallace, Feb. 9, 1887,—Wallace, *op. cit.*, p. 442.

## CHAPTER XXII

### THE OUTBREAK OF LAWLESSNESS

RADICAL rule was accompanied by bloody lawlessness. Physical violence characterized the period. In the South old party lines had been almost destroyed by the Civil War. A common calamity became the foundation of a common political faith for most Southern whites. The Reconstruction Acts helped on this unfortunate tendency South—they furthered rigid sectionalism. Conservative Southerners believed that the local government, the courts, and the laws were administered in most cases by people hostile to them, and that the powerful Federal government stood ready to protect the Radical Southern governments. A common consciousness among Southern whites of overpowering injustice borne, inevitably led, in every Southern state, to a toleration by usually peaceable citizens of violence against Radicals—black and white—because such violence was considered necessary, if not righteous. “Human life is counted cheap when passion or politics call for its sacrifice,” wrote one carpet-bagger from Florida in the midst of trouble, “and the frequency and cold blood which have characterized our murders has not been to me so fearful a fact as the carelessness with which the public learn a new outrage.”<sup>1</sup> Out of such a dangerous public opinion in the South grew extended secret leagues and societies whose object was to combat Radical rule.

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 221-22,—Dickinson to Gibbs, Feb. 23, 1871.

In other Southern states actual organization among Southern whites to oppose real and fancied oppression was probably more complete and widespread than in Florida. The sinister fame of the "Invisible Empire"—the Ku Klux Klan—spread far beyond its actual field of operations. Its existence in Florida was openly avowed by men who evidently possessed very vague knowledge of the subject. The terror which this brotherhood soon excited tempted local regulators in this state to employ the three K's when serving notices against the proscribed.

"It was just eight days after the election that I got up one morning and found a piece of paper lying inside of my gate informing me that if I remained three days longer I was in danger," testified a native white Republican, "scalawag", before the Joint Select Committee of Congress in 1871.

"I went to the store and there was a negro man standing on the store steps with a gun in his hand. There was a big notice on the store that they would give me 24 hours to leave. . . . It was signed 'K K K' and made up of little words cut out of paper, not in writing."<sup>1</sup>

The negro secretary of state, Jonathan Gibbs, presented to the same committee a report from Taylor County, "that a body of men had come into Taylor County with a flag with three K's on it; that they had alarmed the people very much; had committed acts of violence".<sup>2</sup>

Emanuel Fortune, a negro shoemaker-politician of Jackson County, affirmed under oath that while he had person-

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd C., no. 22, v. 13, p. 70. Testimony of Cone, a scalawag. He claimed to have experienced this in Jan., 1871. He gave his testimony in November.

<sup>2</sup> *Ibid.*, p. 221. This appearance in Taylor County was in August or September, 1871. Gibbs stated that he knew a man who knew the ritual of the Klan.

ally never seen any "Ku Klux", yet he believed in their existence in Florida. "There is a man," he said, "who saw two disguised men eight feet high sitting in the moonlight in the place where they finally killed a man".<sup>1</sup> Many other negroes gave similar semi-spectral testimony.<sup>2</sup>

L. G. Dennis, the intelligent white Republican boss of Alachua County, testified that he had been "threatened many times. I have two letters here," he said, "as follows—'K K K. No man e'er felt the halter draw with good opinion of the law. K K K. Twice the secret report was heard. When again you hear this voice your doom is sealed. Dead men tell no tales. K K K. Dead! Dead! under the roses. K K K. Our motto is death to Radicals. Beware. K K K.'" <sup>3</sup>

E. G. Johnson, a white Republican of Columbia County, presented to the Congressional committee a letter, received in the spring of 1871, containing the following statements:

It is the united and sworn voice of over 4,000 Floridians to preserve their rights or lose their lives in its defense; and what is resolved is not the effect of inconsiderate rashness, but the sound result of sober deliberation in brotherhoods and the representatives of brotherhoods in council. . . . All the Ku Klux laws, all the courts, all the soldiers, all the devils in hell cannot stop the resolves of the brotherhoods. The destroyers of our rights—that is, unprincipled leaders such as you, if they persist, will fall one by one; it is sworn to by

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 94. Fortune's impressions were received in Jackson County (W. Fla.) in 1868-70.

<sup>2</sup> *Ibid.*, p. 54, Sam. Tutson, 1871, Clay Co.; p. 109, Hy. Reed, Jackson Co., 1868; p. 169, C. H. Pearce, Leon Co.; p. 221, J. C. Gibbs; p. 272, Rich. Pooser, Jackson Co., 1868-9; p. 279, Doc. Roundtree, Suwanee Co., 1868; p. 302, H. Byron, Jackson Co.; p. 309, L. White, Jackson Co.

<sup>3</sup> *Ibid.*, pp. 269-271.

brave men who are obliged to act in secrecy from the power of circumstances. It is left to you whether you choose death or peace. Krimminger had warning, so had Dickinson, so had Mahoney; so now have you; and there is not a glimmer of hope left for you if you persist in your course of pretending to be elected.<sup>1</sup>

Johnson was murdered in the dark as Krimminger, Mahoney and Dickinson had been murdered.

The seeming impossibility of bringing law-breakers to punishment, the frightful stories of weird and awful experiences which originated from no man knew just where, the silent cavalcades of horsemen in strange disguise who went abroad over the Black Belt with halter and whip at night, the bodies of dead men found putrefying in "sinks" and ponds, and such threatening notices as the foregoing with the symbolic *K K K* often attached,—induced a speculative opinion even among men of moderation and intelligence that Florida was under the hand of the great Klan. Republican politicians exaggerated reports because they wished the Federal government to aid them in combating "the conspiracy".

"I don't know what it terms itself," said Republican Judge Bryson, "but it is generally termed the Ku Klux."<sup>2</sup>

"How can you state more than mere opinion upon this subject?" was asked of W. J. Purman, a Radical Bureau agent and politician. "Well," said he,

I might state it as my opinion, that it is the spring of the year because I see the leaves springing from the trees and the

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 261.

<sup>2</sup> *Ibid.*, p. 258. The counties of Lafayette, Taylor, Suwanee, Hamilton, Madison, and Taylor were embraced in the judicial circuit of Judge Bryson.

vegetation springing from the earth. I might give it as my opinion based upon facts as they show themselves about me that it is the spring of the year. In the same way I give it as my opinion that there is such an organization, and I base it upon the facts as they show themselves to me. They call themselves Invisible Empire, Ku Klux, or anything else they choose, but they are a combination.<sup>1</sup>

Purman had felt the iron hand of the "combination". His neck bore an ugly scar. His final conclusion was sound, although his method of demonstrating his mental process may have been more picturesque than convincing to the committee. Combinations did exist in Florida to combat secretly the Radical Republican party. The most powerful was the Young Men's Democratic Club.

This organization, founded in Leon County during the summer of 1868, shortly after the first election under the new Radical constitution, spread quickly over a large portion of Central and Southern Florida.<sup>2</sup> It seems to have been not a centralized, state-wide organization, but rather a loose confederation of county clubs, the group in each county being a unit complete in itself and independent of that in any other county. The use of practically the same written constitution for all made these various county Democratic clubs alike in essential characteristics.<sup>3</sup>

According to one of these "constitutions"—the parent document, evidently—a committee of "Observation and Safety" was directed to divide the white voters and disfranchised citizens of the county into sections of fifties, which were to be numbered and a chief appointed for each

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 153.

<sup>2</sup> *Floridian*, Sept. 15, 29, 1868. *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 156, 159, 160, 227, 228, 235, 236, 294, 295, 298.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 159-60.

fifty. The chief of each fifty divided it into tens and appointed a chief of each ten. The chief of the tens was expected to find out the name, place of residence, vocation, height, complexion, history, place of registration and political bias of every white and colored voter in his territory. This information was reported to the president of the club through the chiefs of fifties. Each member of the club must swear to "always conceal any proceedings of this club improper to be made public" and to "never divulge the words or signs of recognition or distress" and "to instantly respond in person and render all assistance to the member speaking the word or giving the sign".

The duty of leaders was "to mingle with the colored voters of their respective territorial limits sufficiently to learn their faces, and at the same time to educate them in the principles of the Democratic party". Democratic clubs were part of the response from Southern whites to prior secret organization among negroes and their confederates in Union Leagues and Lincoln Brotherhoods—those societies which under the tutelage of the Freedmen's Bureau and the Federal military taught the principles of the Republican party.<sup>1</sup>

Concerning the origin of the clubs, Judge Douglas stated that the

first object was to have some one that we [Democrats] could rely upon to watch and see that frauds were no longer committed upon the ballot-box. . . . Afterwards there was great discontent among the colored people. . . . They were very unquiet and used to go to Tallahassee in crowds of 1,000 at a time, armed with guns and clubs and other weapons, and

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 157-8. Text of constitution of Leon County organization presented by Mr. Meyers, a prominent Conservative.



parade the streets. I never believed there was any real danger, but the female portion of our community were very much afraid and a great many of our people believed that there would be a collision between the two races. The club was continued, and one of the objects was, if a collision did take place, they might be able, through the organization, to arrest it; . . . or if that could not be done, it was our duty, as we supposed, to be in a condition to defend our homes and firesides against any assault.<sup>1</sup>

"I know of nothing like the Ku Klux Klan in this part of Florida" (west), stated a gentleman of Pensacola who took an active part as a Democrat in local Reconstruction politics.

A number of us men here in Pensacola, feeling that we were living over a volcano that was likely to explode at any time, formed an organization for protection in case anything happened. We formed it in this way. A few of us had a talk, and passed word around to those who we thought would approve the idea to meet on a certain night quietly—the object being in no way to attract attention. Some twenty-five or thirty of us met, and one, acting as the spokesman, outlined the purpose of our coming together. He said that it was to form some sort of organization in case of trouble with the negroes. We elected officers and took an inventory of the firearms of the members. Fortunately, there was never any use for this organization.<sup>2</sup>

All evidence seems to indicate that Democratic clubs, "Ku Klux" bands, or local regulators sprang into existence almost simultaneously as means of defense or protection. Local initiative produced local regulators. If the

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 294; see also testimony of Mr. J. J. Williams, p. 227.

<sup>2</sup> Interview of author with Mr. W. E. Anderson of Pensacola, Florida, July 29, 1907. Mr. Anderson was mayor of Pensacola at the beginning of Radical Reconstruction.

agents of the "Invisible Empire" ever visited Florida it was probably after Conservative whites had formed local bands to coerce Radicals and protect white families.

Did Democratic clubs perpetrate whippings and assassinations? It would be very difficult to-day to prove that they did. It is worthy of notice, however, that within each club was a "secret service committee",<sup>1</sup> which was charged by its enemies with performing the special and violent function of "regulating". We know that in a half-dozen counties of Florida the operations of Conservative "regulators" were at times persistent and terrifying. The scant surviving record of violent Reconstruction lawlessness is indicative of a bloody régime.

During the years 1866 and 1867 the number of threats, midnight whippings, and murders in various parts of Florida constituted an inevitable part of the aftermath of civil conflict and political revolution. The year 1868 witnessed the beginning of that systematic and organized lawlessness which characterizes the Reconstruction period. So serious did social disorders appear that soon after the inauguration of the Republican government, Republicans themselves declared that the new local civil authorities could not maintain themselves without Federal aid. The Radicals realized that much of their prestige and strength lay in Federal bayonets. If the change from military to civil rule meant the retirement of the military from the task of actual government, it meant the decline of Republican strength.

In July, 1868, the legislature, by joint resolution, petitioned the President to "order the commanding officers of the United States to render such aid and assistance to preserve order and maintain law, as the governor of the state

<sup>1</sup> *Constitution*, Sec. 7; *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 157. See also pp. 160-161.

may from time to time require".<sup>1</sup> Radical Governor Reed, in transmitting this resolution to President Johnson, stated that "it is deemed expedient and essential to peace and security, that the present military force be retained for the present and subject to the call of the Executive". Reed would use the military only "in cases where civil power was resisted and found inadequate to execute the laws".<sup>2</sup>

Johnson referred the matter to Secretary of War Schofield, who responded the next day that the troops "in Florida and those in neighboring states are thought adequate to suppress any insurrection".<sup>3</sup> The Federal military was held in readiness to combat that lawlessness which the Republican legislature would exaggerate into the character of "insurrection".

By the autumn of 1868, the sentiment in Jackson County was fit for the development of bloody tragedy. The course followed by officials of the Freedmen's Bureau and the Federal military in garrison there, had produced profound dissatisfaction among the whites. The relations of white employers and negro laborers had been rudely interfered with by Federal officials;<sup>4</sup> white men had been incarcerated by Federal troops because they protested against these acts;<sup>5</sup> and in the elections, the blacks, under the leadership mainly of white men lately from the North, had insolently launched themselves politically against their former masters. They

<sup>1</sup> *Johnson Papers*,—Joint Resolution, July 9, 1868.

<sup>2</sup> *Ibid.*, Reed to Johnson, July 13, 1868.

<sup>3</sup> *Ibid.*, Schofield to Johnson, July 23, 1868.

<sup>4</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 281-2. *Floridian*, April 27, 1869. An open letter in the *Floridian* states that Purman, Radical politician, had made enemies among both Southerners and Northerners. He was charged with "collecting dues to discharged U. S. soldiers, who believed that he had been guilty of defrauding them out of large amounts." This charge was unsubstantiated with evidence.

<sup>5</sup> Wallace, *Carpetbag Rule*, p. 108; *Marianna Courier*, Aug. 18, 1870.

—the blacks—had been victorious at the polls. What was true of the relations of black and white in Jackson County, was true in many other localities in Florida.

One afternoon in the early autumn of this year, a white farmer of Jackson County, McGriff—a Conservative—was standing on his back gallery. It was near nightfall. The sun had sunk almost below the horizon. The tall trees which surrounded his house had cast deep shadows indefinitely eastward. Someone in the shadows beyond the fence fired on McGriff and badly wounded him. He had been recently in a dispute with a negro laborer, who had taken the case to the Freedmen's Bureau agent without reaching a settlement of the difficulty. Induced perhaps by fear, McGriff, as soon as his condition allowed, left the county. He sent back a young man, McDaniel, to take charge of his place. McDaniel, late at night, heard someone calling him. He evidently groped his way to the door and was there murdered.<sup>1</sup> These outrages were credited to negroes. They are mentioned because they mark the beginning of a period of assassination and unprecedented terror for the usually peaceful community of Marianna and environs.

The operation of white regulators in Jackson County and elsewhere in West and Central Florida, now began to assume a more severe character. Parties of young white men—some of them of the local aristocracy—constituted these illegal and marauding rural police. Any form of organization in such bands was very rudimentary, except perhaps when the regulators were a committee of a Democratic club.<sup>2</sup> "Before the War, years ago, we had a very similar process," said one Southern planter of Leon County. "We had down in this country what we called Regulators.

<sup>1</sup> Wallace, *op. cit.*, p. 109.

<sup>2</sup> I conclude this after discussing the matter with one of the most active regulators of Jackson County.

Whenever they notified a man to leave, he left. If it had not been for this organization with men at the head of it we could not have been protected".<sup>1</sup>

With guns across their saddle bows and halters around their pummels, Reconstruction regulators, sometimes grotesquely masked, followed the lonely country roads and plantation by-paths during the night, watching the movements of negroes, apprehending thieves, administering warnings and whippings, and sometimes taking criminal negroes off into the woods for the ghastly purpose of making-way with them.<sup>2</sup> Their operations affected not only negroes but white Republicans as well. The state government sometimes directly encountered their opposition. The destruction on the night of November 6th, 1868, of 2,000 rifles purchased by Governor Reed for the militia was in all probability the work of regulators. The arms were thrown from railway cars and broken up at night between Lake City and Madison while *en route* to Tallahassee.<sup>3</sup> They were destined for negro militia.

The regulators of Jackson County were comparatively few in number but particularly active. They deliberately determined to get rid of the local political leaders of the negroes. These leaders were Radicals—white men—lately from the North. The most prominent was W. J. Purman, of Marianna, state senator and one-time agent of the Freedmen's Bureau.<sup>4</sup> The assassination of Purman was planned deliberately and carefully even down to minor details.

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 230.

<sup>2</sup> From the Ku Klux testimony and conversation with those who took part in regulating.

<sup>3</sup> *Floridian*, Nov. 10, 1868. *N. Y. Times*, Nov. 7, 1868; Jan. 1, 1869. *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 122, 124, 167.

<sup>4</sup> *Ibid.*, p. 149. Purman had come into Florida in 1866. For two years he was Freedmen's Bureau agent, then a member of the constitutional convention, and next state senator.

On Friday evening, February 27th, 1869, Purman was on his way home from a concert. With him was Dr. Finlayson, the scalawag county clerk. Sometime before midnight the two men, engaged in conversation, were crossing the town square. A shot was fired by a man hidden in the darkness behind a log. He had been placed there and had been waiting for some time. Finlayson was instantly killed by the shot. Purman was dangerously wounded. The ball that pierced Finlayson's brain went through Purman's neck. The wrong man had fallen a victim.<sup>1</sup> Covered with blood from apparently a death-wound Purman was carried to his home. The little town was soon in a tremor. Scores of negroes collected about the homes of Purman and the murdered Finlayson. "The next night about ten o'clock," testified Purman three years later,

when I was lying at the point of death, a committee of a dozen, or perhaps more, black men came into my house. They were armed to the teeth, and said that there were six or eight hundred armed men around the town, and that they were going to come in and sack the town that night on account of the murder of their friends. . . . I begged of those men, for God's sake, not to do any such thing, . . . and made them hold up their right hands and swear to me to go and call off their friends and return home. Had I not done it there would have been a terrible calamity right at that time.<sup>2</sup>

The night passed quietly. But no one was punished for the killing of Dr. Finlayson, and the midnight excursions of regulators continued.<sup>3</sup> Within a week a white farmer

<sup>1</sup> *Floridian*, March 2, 9, April 27, 1869. *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 78, 94, 111, 144, 147, 188, 217, 303. There is some confusion as to the date of the incident. One report gives it Feb. 26, another Feb. 27.

<sup>2</sup> *Ibid.*, p. 155.

<sup>3</sup> *Floridian*, March 9, 1869. The governor by proclamation offered a reward of \$2,000.00 for the apprehension and conviction of the slayer of Finlayson.

near Marianna was murdered in his home by blacks.<sup>1</sup> Times were certainly not normal for this community. The bloated bodies of negroes were found floating on the placid Chipola.<sup>2</sup> Wild stories took strange, weird shape, distorted and enlarged by African imaginations and that painful uneasiness which must have filled the minds of the few white Republicans in the county. "Sat up late; saw somebody at my windows about 12 M", recorded one man afterwards brutally assassinated at night.<sup>3</sup> The Conservative white knew not what would be the next retaliatory move by his black neighbors, maybe his one-time slaves.

Other localities in the state began to experience like violent results of the political and racial conflict. During the autumn of 1868 negroes were killed in Alachua, Madison, and Columbia Counties. Scant record is left of circumstances or of even the names of the dead. They were credited with being Radicals. In reviewing to-day the case of Reconstruction violence it is possible only to point out special cases as specimens. Thomas Jacobs, negro of Columbia County, for instance, was called to his door at night and shot dead.<sup>4</sup> A few weeks later a crowd of blacks, assembled at night for a "social party", at the house of a locally-prominent negro politician, was fired on by a band of disguised men. A child was killed and three other negroes wounded.<sup>5</sup> Weaver, the negro host on this occasion, had been "holding political meetings" in this house and had been told by whites to discontinue the practice.

<sup>1</sup> *Floridian*, March 9, April 27, 1869.

<sup>2</sup> The Chipola is a beautiful stream flowing through Jackson County.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 81, Diary of Dickinson. For general conditions, see also *Floridian*, April 27, 1869, letter from Jackson County.

<sup>4</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 263.

<sup>5</sup> *Ibid.*, p. 263.

He persisted in his course and this tragedy resulted. In Alachua County, during the autumn and winter of 1868, several spectacular or notorious assassinations and lynchings occurred. Samuel Sullivan was killed by a mob at Newmansville; Moses Smith, at Gordon; and Henry Franklin, at Gainesville. All were negroes.<sup>1</sup> In the autumn of the following year, 1869, over the state generally affairs grew sensibly worse. The gravest trouble was again in Jackson County.

An incident occurred in Marianna (Jackson County) in May, 1869, which because of its peculiar and somewhat spectacular character, probably did much to heighten the animosity of the whites toward the negroes and the Freedmen's Bureau. It seems that some negroes reported to Bureau headquarters that two young white women—girls of refinement and elevated social position—had taken flowers from the graves of Union soldiers buried in the town. The flowers had been placed on the graves by negroes during their May-Day festival. Captain Hamilton, local Bureau agent in Marianna, peremptorily summoned these young women to appear before him and publicly answer to the strange charge of "desecrating the graves" of Union soldiers. The girls came into the Bureau court. They were accompanied by relatives and friends. The captain ordered them to lift the veils which they wore. They did so, and he then, in the presence of grinning negroes, administered what he termed "a lecture" on what their conduct must be in the future if they would avoid arrest.<sup>2</sup> Such a proceeding as this, coupled with the increasing activity of Democratic regulators, boded ill for peace.

The constable in Marianna at this time was a negro.

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 268.

<sup>2</sup> *Ibid.*, pp. 232, 282, 285.



Calvin Rogers<sup>1</sup>—aggressive, sharp and influential in local politics among his people. His electors and his deputies were black. He was feared and hated by many a Southern white. The assassination of Rogers was planned by the same men who attempted the life of Purman. Such killing then had to be managed with considerable circumspection because the Bureau agent could and would call in Federal troops to apprehend any who seriously imposed upon the freedmen. The courts were mostly Radical and the juries could be made black if necessary.

On Tuesday, September 28th (1869), a number of negroes were on their way to a picnic at Robinson's Spring, near Marianna. Calvin Rogers was of the party. He was seated in an ox-cart. As the picnickers approached a thicket, they were fired upon from ambush. A negro man and a little boy were killed outright. Rogers escaped.<sup>2</sup> Within two hours a posse of thirty armed blacks, with a white Republican justice of the peace at its head, was scouring the country for the assassins.<sup>3</sup>

The following day, about dark, two negroes were fired on and badly wounded near Marianna.<sup>4</sup> Two days later, October 1st, shortly after nightfall a more serious trouble befell the town.

A few minutes before nine o'clock two gentlemen and a lady were seated on the front piazza of the town hotel en-

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 148, 192. The only elective local office was "constable"—one for every 200 registered voters in a county—each county to have at least two and not more than 12.

<sup>2</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 78, 145, 289 (Letter of J. Q. Dickinson written two days later),—"Thirteen or fourteen shots in rapid succession. Rogers had but one load which he fired." Wallace, *op. cit.*, p. 110.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 290.

<sup>4</sup> *Ibid.*, p. 78.

gaged in conversation. One was Colonel James McClellan, a veteran of the Confederate Army, a cultured man, a good lawyer, and a Conservative politician of some influence. The worst his enemies could say of him was that he had "rugged, harsh ways" and "was a large man, a man of huge proportions, and called himself a 'Kentucky war-horse'".<sup>1</sup> The other man was Colonel J. P. Coker, a local planter-merchant, younger and more aggressive than the other and termed by Radicals "the generalissimo of the Ku Klux". The lady with them was Miss Maggie McClellan, a most amiable and lovable young woman, the daughter of Colonel McClellan. Coker was deeply hated by the Republican politicians of West Florida. His assassination was commonly believed afterwards to have been planned by Radical whites and negroes, probably in retaliation for the killing of Finlayson and the wounding of Purman. Calvin Rogers, negro constable at Marianna, was reputed to have been a leader in the plot to get rid of Coker.

On this particular evening a kerosene lamp in a window threw a broad beam of light across the darkened street in front of the hotel. A band of negroes sauntered down the street and across the beam of light. The night was calm, for the strumming of a banjo came up faintly from the distant negro quarters. Colonel McClellan and his daughter, seated now alone in the peaceful, cool darkness of the piazza might have noticed the passing negroes, for others across the street did. The negro constable Rogers was seen in this group of blacks that passed on into the shadows. Coker had left the McClellans a few minutes before. The Colonel turned to say something to his daughter. A click of gunlocks and a whisper came from out the darkness down the street. Instantly a volley followed, directed

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 150.

toward the piazza. McClellan, struck in the upper part of the body and bleeding profusely started up and then gripped the banisters to keep his feet. Miss McClellan was killed.<sup>1</sup>

As the reports of the guns echoed through the town, men jumped for their arms. Lights were put out and blinds were closed. Men and women stood, with straining ears, listening for the dreadful sounds which their wrought-up imaginations suggested. The assassins of Miss McClellan ran down the street and then into a lane, and were soon safe in the negro quarters or the open country. This was indeed retaliation by black Radicals. The racial and political conflict in Florida had claimed as its victims several persons only remotely responsible for trouble, and now "an innocent, inoffensive, and passingly lovely lady,"<sup>2</sup> had been stricken down by a volley from the darkness. Was this to be the first move in assaulting the homes of the whites? Race war had been talked about enough since 1866, to make some people believe that it might occur. In the plantation counties the blacks far outnumbered the whites—and the blacks were armed and organized. The white men of Jackson County then had reason to believe that murder, rape and rapine would engulf the whites if the semi-barbarous race obtained the upper hand in actual physical conflict.

"That night," said Joseph Barnes, a young Conservative regulator, "I rode almost to the Choctawhatchee" (more than forty miles away). In other directions mounted white men went out through the night to arouse and warn white families. Before daylight the country people began to arrive in Marianna. Most of the men were on horseback with guns across their saddle bows. Their women and children

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 78, 150, 188, 207, 290, 309.

<sup>2</sup> *Ibid.*, p. 283—from *Marianna Courier*.

came with them. Just a generation before, the fathers and grandfathers of some of these people had gathered together thus to protect themselves and their families against the Seminole Indians. "People kept gathering in from all parts of the country, armed mostly with double-barreled shotguns, and most of them mounted," wrote a white Republican in Marianna.<sup>1</sup> No inquest was allowed over the body of Miss McClellan.<sup>2</sup> The younger and more violent white men were bent on immediate revenge for this "damnable atrocity",<sup>3</sup> which, following the cruel, cold logic of events, their own violence had played no small part in producing.

J. Q. Dickinson, the white Republican justice of the peace in Marianna, sat gazing next morning out of his window at the people moving up and down the main street of the town. He had reason to be uneasy. He was witnessing the rapid local disintegration of constituted authority. This was a frequent and sinister phenomenon of the Reconstruction period. Rumor had fixed the guilt for the previous night's murder, and Dickinson had offered to issue a warrant for the arrest of the suspects, but no one seemed to want a warrant. The man to serve it was the negro constable, and he was suspected of the crime. The justice noticed the crowd move hurriedly toward the town square, and, leaving his office, he passed into the street among the excited people. He claimed that he heard Colonel Coker call out: "Come on, I'd soon lose my life now as any time". Some one else yelled out: "Come on, boys." "They are trying to kill Calvin" (the negro constable), Dickinson was told by several people as he made his way into the crowd.<sup>4</sup> Stepping up to a group in which was Colonel

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 290.    <sup>2</sup> *Ibid.*, p. 79.

<sup>3</sup> *Marianna Courier*.

<sup>4</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 79. The negro, Calvin

Coker, the justice of the peace said: "What is the row? I hope you will not be too hasty but will get out a warrant." Coker turned on him. "What right have you, sir, to say that?" he demanded of Dickinson. "We don't care a damn for what you think or what you say." Such a statement embodies in brief compass the ugly spirit roused by negro rule—and such a spirit worked for confusion and injustice. A crowd of white men with guns over their arms gathered about the Republican justice of the peace.<sup>1</sup> He had lost the authority which the law might confer. "I found everything in wild excitement. The young men were drunk and desperate," Dickinson jotted down in memoranda which survived his tragic death, "and the elder and better men were afraid and kept mostly out of sight".

During the morning Oscar Granbury and Matt Nickels, negroes, suspected of being implicated in the murder of Miss McClellan, were taken a short distance out of town by a group of armed whites. Granbury was killed. Nickels escaped to the woods.<sup>2</sup> "There was much danger of a riot before noon," recorded Dickinson.

For the next week the tension in and about Marianna continued amid murders and attempts at murder. The officers of the law were helpless. No law was operative beyond that of the mob. The sheriff of the county was a fugitive from justice, accused of murder and reported to be at the head of a band of desperate negroes. The elder men among the whites, seeking peace, were exerting them-

Rogers, was at the time only suspected of being implicated in the McClellan murder. He appeared in Marianna the morning after the killing and was directed by Dickinson, justice of the peace, to serve an inquest over the body of Miss McClellan. He soon after this left Marianna.

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 79. Diary of Dickinson.

<sup>2</sup> *Ibid.*, p. 79.

selves to control the younger men. On Monday, October 3rd, they attempted to bring about a friendly conference between blacks and whites, but their efforts proved futile, because no one came to their conference.<sup>1</sup> On this same day Samuel Fleishman, a Jewish merchant, was called before a committee of citizens and told that he must leave the country because he had expressed opinions derogatory to "white supremacy". Fleishman had been for twenty years a citizen of Jackson County. "They gave me two hours to arrange my affairs and get out of the town," he said. "I told them that if I had committed a crime I was willing to be tried and punished for it, . . . but that I would rather die than leave. They informed me that they would take me off at sundown, willing or unwilling."<sup>2</sup>

At sundown he was taken by a band of armed white men, carried out of the county, and told that if he should ever return he would be killed.<sup>3</sup> A week later the body of Fleishman was found in the public road twenty miles from Marianna. The corpse was stiff and cold and bloody from a gunshot wound. The man had met his death while returning home on foot. He had disregarded the warning of those who had expelled him. He told Malachi Martin, the prison warden at Chattahoochee who tried to turn him back from his fatal journey, that "all he had in the world was in Marianna, . . . his family and all his interests."<sup>4</sup>

In Marianna, meanwhile, the whites were dealing drastically with suspected negroes. On Thursday, October 4th, the white men met in mass-meeting. The older and more conservative men pleaded for peace. Their advice

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 80.

<sup>2</sup> *Ibid.*, p. 82, affidavit of Fleishman, Oct. 5, 1869.

<sup>3</sup> *Ibid.*, p. 291.

<sup>4</sup> *Ibid.*, pp. 78, 81, 145, 189, 217.

was flung back in their faces by the younger men. After the meeting, Matt Nickels, his wife and son—suspected of being implicated in the McClellan murder—were all three taken a short distance out of town, shot to death, and their bodies thrown into an old lime-sink.<sup>1</sup> At night came on word spread about that Calvin Rogers at the head of a band of armed negroes had been seen in the neighborhood. "The town was alarmed and slept on its arms."<sup>2</sup>

Governor Reed in Tallahassee followed the unfortunate course of events in Jackson County. He soon found himself in a difficult position. Conditions warranted the proclamation of martial law. White Radicals and black Radicals urged high-handed executive interposition with the aid of Federal bayonets, if necessary, but Reed hesitated to take this serious step. His "administration, now reeling and tottering from center to circumference," stated Wallace, "was called upon by Purman and others, . . . to declare martial law in Jackson County. The Governor informed them that if this were done it would be the end of Republican government in Florida, and refused peremptorily; first, because there were no circumstances that would justify it; and second, there were no means provided by which to pay expenses."<sup>3</sup> Through the efforts of W. J. Purman the state Republican executive committee demanded that Reed declare martial law and send militia into Jackson County. To have sent negro militia would have meant in all probability savage and desperate race war. The governor, hating Purman, proposed "that if Purman would take command a regiment should be raised. Of course he declined," says Wallace, "as the governor knew he would."

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 80, 110, 140, 145, 291.

<sup>2</sup> *Ibid.*, p. 81.

<sup>3</sup> Wallace, *op. cit.*, p. 111.

There was no white militia to send into Jackson County, and Reed knew it. The situation was a delicate one.

With remarkable poise the governor held to his decision that civil government, unaided by the military, could and must right affairs. He consistently declined to attempt any measures that would be considered by the native whites arbitrary and coercive. He was not in sympathy with the white Republican politicians of Jackson County, and at a later day expressed the opinion that they were responsible for the trouble there.<sup>1</sup>

After a week of semi-anarchy in Jackson County two leading Conservative whites joined J. Q. Dickinson, the Republican justice of the peace, in a letter to the governor stating that the local government could maintain itself. The governor appointed a new sheriff of Jackson County—a Conservative white, Thomas W. West—and sent to Marianna two gentlemen, Southerners, to represent him in conciliating and making peace.<sup>2</sup> At the same time the Federal war department, responsive to the call of local Republican officials in Florida, sent small detachments of troops to Marianna and Tallahassee, ostensibly to protect United States officials in the performance of their duties.<sup>3</sup> This temperate policy proved to be a wise one for both governor and Federal war department. The Federal soldiers and the new sheriff were hooted at first, but in time the tension subsided. "The detachments [of Federal troops] sent were generally quite small," stated Secretary Schofield, "but almost without exception, their presence has been productive of good results in preserving the public peace, and enabling the civil authorities to enforce the laws."<sup>4</sup> How-

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 205, 215.

<sup>2</sup> *Ibid.*, p. 81; Wallace, *op. cit.*, p. 111.

<sup>3</sup> *Rpt. Sect. of War*, 1869, v. 1, p. 85; 1870, v. 1, p. 39.

<sup>4</sup> *Ibid.*, 1870, v. 1, p. 39.



ever, it is true that the surveillance of night riders continued in West Florida and most of the prominent Radical politicians left the country.

During the year 1869 other portions of Florida experienced lawless, violent conflicts, only a little less notorious than the reign of terror in Jackson County. The encounters were usually very clearly between *blacks* and *whites*—and not always between *blacks* and *Southern whites*. For instance, a squad of Federal soldiers was ambushed by negroes near Jacksonville on February 22nd, 1869, and one soldier killed in the fighting. In retaliation a company of Federal soldiers under an officer but not under orders "shot up" the negro quarters of Jacksonville, killing one black boy and wounding two other negroes and a white man.<sup>1</sup>

The history of Lake City in Columbia County was almost as troubled as that of Marianna. Conservative white regulators or "Ku Klux" were active. Timothy Francis, for example, was threatened by the local organization because he was too active in politics. He left the county and found work in the railway pump-house at Sanderson. He was murdered near his place of labor just at dusk.<sup>2</sup> Republicans attributed his death to regulators. James Green, another black of Columbia County, was taken from his house at night, carried off into the woods, and there probably forced under torture to give the secrets of the local Union League. His bloated and scarred body was found in a pond sometime after.<sup>3</sup>

In Madison County (Central Florida), a white Republican, Allison, was called to his door at night and mur-

<sup>1</sup> *Floridian*, March 2, 9, 1869.

<sup>2</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 263.

<sup>3</sup> *Ibid.*, pp. 165, 263.

dered. In the same locality Richard Smith, a mulatto, was taken at night from his bed, murdered, and his body left in a frightful condition—as a warning, probably—near his own doorstep. Two white men killed a negro in the county road, “dragged his body off a piece, and threw it in an old lime-sink”.<sup>1</sup>

The foregoing are specimens of assassination, not a list of casualties. In Alachua, Lafayette, Hamilton, Hernando, Suwanee, Calhoun, and Taylor Counties during 1868-70 violent crime seems to have been very prevalent.<sup>2</sup> Few localities escaped without some violence. If it was not assassination it was whipping, incendiarism, or attempted assassination.

The whipping was sometimes disgustingly brutal. R. W. Cone, who experienced this form of outrage, tells the following typical story.

I went to bed as usual that night, and in the night the hammering on the door woke me up. I hollered out, “Who’s that?” and raised up in bed at the same time; as I raised up the door came open; these men came in, and when they got into the room they struck a match, which showed them where the door of the bed-room was. . . . They took hold of me and pulled me to the door. I had on a long night-shirt, and when they got me to the door they pulled it over my head and twisted it up around my head and arms. One took me by the shirt and another by the legs and arms, and so they pulled me along; my wife started to come after me, and one man turned round and told her that if she came out and made a disturbance he would blow her damn brains out. She stopped at that. She knew the man who made the threat. . . . They carried me out a piece and laid me across a log, one hold of each arm, one hold of my head, and one hold of my feet;

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 116, 121, 126, 259.

<sup>2</sup> *Ibid.*, pp. 54-57, 59-60, 65, 74, 83, 168, 177, 179, 190, 217, 223, etc.

then another took what I supposed to be a leather strap and commenced whipping me. . . . From my thighs to the back of my neck blood was drawn from skin all over.<sup>1</sup>

"They whipped me from the crown of my head to the soles of my feet," said a woman who claimed she had been punished by the "True-Klux". "I was just raw. The blood oozed out through my frock, all around my waist, clean through."<sup>2</sup>

The actual compass of this painful phase of Florida's Reconstruction experience—the killings and whippings under cover of darkness—will never be known. Dead men tell no tales and usually those who suffered were not sufficiently enlightened to leave personal record of their lives. Those who did the killing, or the whipping, or the house-burning sought effectively to leave no record of their deeds. The counties worst affected were Jackson, Alachua, Madison, Columbia, Hernando, Lafayette, Calhoun, Suwanee, and Hamilton. These counties are not all contiguous. Lawlessness was prevalent in localities in almost every part of the state. However, abutting those counties in which terror reigned there were comparatively law-abiding and peaceful counties, almost free from assassinations, incendiarism, and whipping.<sup>3</sup> The explanation of this phenomenon is a matter for sociological investigation. All counties were subjected to about the same fundamental economic, social, and political changes during the Reconstruction period, but the stress and strain on people differed with the character of the population and the character of the

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 65.

<sup>2</sup> *Ibid.*, p. 60, Hannah Tulson.

<sup>3</sup> Gadsden County, for instance, next to Jackson County, was relatively free from violent lawlessness, and so was Jefferson County, bordering Madison County. Lawlessness was not confined to the sparsely settled or poor white counties.

local political leaders. One aggressive and quarrelsome Radical could produce a reign of terror in any locality where the negro population was heavy.

As to the actual number of homicides in Florida during Reconstruction and under Republican rule—1867-1876—estimates can at best be little more than guesses. At the outset the investigator is confronted with two very fundamental facts: 1, only incomplete and scanty statistics of crime in Florida during this period survive; 2, most general evidence and opinions on the subject originated with Radicals, who for a very clear reason exaggerated conditions South, in order to prove "conspiracy".

Called before a committee of Congress in 1871, Jonathan Gibbs, the negro secretary of state, said: "Here is a brief abstract I have made from letters concerning outrages and murders in some eight counties; and that is not all. I am certain to the best of my belief that I understand the matter. You will see at the head of this list that I set down 153 murders for Jackson County." The list was as follows: Jackson County, 153, Madison County 20, Columbia County 16, Taylor County 7, Alachua County 16, Suwanee County 10, Hamilton County 9, Lafayette County 4.<sup>1</sup> The Radical white sheriff of Madison put the number in his county at 37, not 20.<sup>2</sup> J. Q. Dickinson, Radical, writing from Marianna early in 1871, estimated that about 75 persons had been murdered in Jackson County since the "beginning of Reconstruction";<sup>3</sup> while a former Conservative regulator of that locality in conversation with me concluded that probably 175 murders were perpetrated in Jackson County during the entire Reconstruction period.

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 222.

<sup>2</sup> *Ibid.*, p. 125.

<sup>3</sup> *Ibid.*, p. 221.

The statements in the Federal census for 1870 indicate a much smaller number of violent deaths than the foregoing statements imply. The census estimate of homicides, deaths from "causes unknown", and deaths from drowning and gunshot wounds in Florida for the year 1869-70 was only 106. Clearly many of such deaths were not caused by violent lawlessness. The population of the state then being 187,748, the proportional number of violent deaths was one in 1,800 persons. In 1860, it had been one in 4,000. One violent or "unknown" death in 1,800 population was in 1870, according to the Federal census, three or four times as high as the proportion in the states undisturbed by Reconstruction. In Iowa, for instance, about one in 7,000 met violent death.

Making allowance for partisan exaggeration and inadequate statistics, the conviction will probably remain with most investigators that under Radical rule the death rate in Florida from physical violence was alarmingly high for an American commonwealth in time of peace.

The culminating Reconstruction tragedy in Marianna was the killing of J. Q. Dickinson. He was a carpet-bagger from Vermont, of kindly and even temper, who occupied an important place in local Republican politics. He was justice of the peace, then county tax assessor, and finally county clerk. He had seen Marianna pass through race conflicts which very narrowly missed being great calamities. He evidently lived in terror. "Good God, Hamilton, isn't this awful," he had written of the local situation.<sup>1</sup> Though often threatened he stuck to his place with creditable nerve—trading actively meantime, his enemies said, in property sold for taxes. At last, one night in April, 1871, shortly after resigning his place as clerk of the

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 291.

county, he was crossing the same town square where two years before Finlayson—the wrong man—had been assassinated. The hour was nearly the same, ten o'clock. He had reached almost the same spot, deep in the shadows, where Finlayson and Purman had fallen, when a well-aimed shot, from out of the darkness somewhere, ended his career.

The body was sent North to the family and the murder furnished Radical politicians in Florida and out with added material for polemics against their political opponents.<sup>1</sup> "The United States Government has assigned two places in the hall of statuary, to each state, for two of its most distinguished citizens. I propose," announced Gibbs, negro secretary of state,

that the legislature, at its next session, take the proper steps to fill one of these places with a life-size statue of Hon. J. Q. Dickinson, the martyr, saint, hero, who was slain in defense of the Reconstruction laws, April 3, in Marianna. . . . He has acted his part nobly in the grandest tragedy of modern times.<sup>2</sup>

After 1871, violent lawlessness in Florida perceptibly diminished. The principal causes of this partial restoration of social order were the following. First, many of the most active local Republican leaders, black and white, were cowed, dead, or driven from the state by 1871. Second, the enactment by Congress in 1871 of the Enforcement or Ku Klux Act turned the strength of the national government to the aid and protection of Southern Radicals. Third, the vigorous steps taken by the representatives of a Radical Congress to prove "conspiracy" against Conser-

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 78, 85, 111, 148, 192, 198, 206, 217, 221.

<sup>2</sup> *Ibid.*, p. 175. Letter of Gibbs to editor of *Lake City Herald*, Oct. 29, 1871.

vative leaders in Florida, frightened or discouraged many who had successfully and boldly defied local law. Under concurrent resolution a joint committee of the Senate and House was appointed in April, 1871, "to inquire into the condition of the late insurrectionary States, so far as regards the execution of the laws and the safety of the lives and property of the citizens of the United States."<sup>1</sup> On September 22nd, this committee chose two sub-committees to visit the Southern states to obtain information concerning the violation of the Federal Enforcement Act there. The sub-committee that visited Florida was made up of Senator Bayard, and Representatives Maynard, Scofield, Lansing, and Voorhees.<sup>2</sup>

Witnesses were subpoenaed and rather full testimony taken. The sub-committee, sitting in Jacksonville from November 10th to November 14th, 1871, questioned thirty-three witnesses—Radicals and Conservatives—on lawlessness in Florida. Eleven of the persons thus examined were negroes.<sup>3</sup>

Fourteen cases of criminal prosecution under the Federal Enforcement Act were instituted in the Federal courts in Florida during the December term, 1871. Only one man was convicted. Two cases were dropped, one reached acquittal, and ten went over till the next year.<sup>4</sup> By 1875, thirty-eight such criminal cases under the Ku Klux Act had been tried in Florida, resulting in six convictions only.<sup>5</sup>

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 1, p. 589, Journ. of Select Committee.

<sup>2</sup> *Ibid.*, p. 613.

<sup>3</sup> *Ibid.*, v. 13.

<sup>4</sup> *Sen. Ex. Docs.*, 42nd C., 3rd S., no. 32, p. 24,—Rpt. of Fed. Dept. of Justice.

<sup>5</sup> *H. Ex. Docs.*, 43rd C., 1st S., no. 6, p. 26; 2nd S., no. 7, pp. 26-27, —Rpts. of atty. gen. 1873-5.

However, the Federal department of justice expended in Florida during 1871-75 more than \$30,000 annually for marshals, deputy-marshals, detectives, and testimony.<sup>1</sup> Such activity put a quietus on all but bold and very serious night-riders. In October, 1871, additional Federal troops were sent into Florida to help enforce the Ku Klux or Enforcement Act. The troops were stationed at Key West, Barrancas, St. Augustine, and Tallahassee.<sup>2</sup>

The criminal demoralization of the Reconstruction period was frightful. Men formed the habit of defying the law and resorting to violence to attain their ends. The Southerner was certainly face to face with negro domination foisted upon him by Federal law. He arose to protect his own unwritten laws in order that his property, his self-respect, and his family might not be injured or destroyed. He resorted to physical violence under cover, in one of the most sinister and interesting contests of modern times. And in this contest for a very necessary supremacy many a foul crime was committed by white against black. Innocent people suffered. There is no mercy and scant justice in social adjustment. The negro was first freed, then enfranchised, then launched in practical politics, and then mercilessly beaten into reasonable subjection. "All that goes up must come down, upon somebody's head or upon the ground," said one conventional fatalist in commenting on the situation.

<sup>1</sup> *H. Ex. Docs.*, 43rd C., 1st S., no. 6, p. 43; no. 7, p. 32.

<sup>2</sup> *Rpt. Sect. of War*, 1871-2, v. 1, pp. 60-62.



## CHAPTER XXIII

### AN INQUIRY INTO THE CAUSES OF LAWLESSNESS

IT is seen that the inauguration of a Radical state government in Florida was quickly followed by a perceptible increase in violent disregard of law. Most of the offenders were native whites. In politics they were Conservatives, which meant Democrats. The lawlessness in question consisted usually of whipping or killing negroes and white men actively identified with the Radical Republican party. This situation suggests a certain sequence, namely, that the lawlessness was the effect of establishing a local government dominated by negroes and Radical whites. Moreover, it should be borne in mind that the increase of lawlessness was coincidental with the removal of Federal military control. As those persons attacked were very often Republican politicians, the assumption is warranted that the real cause of this social mal-adjustment was political.

Yet the conflict in Florida, on its face, was fundamentally a race conflict. The Conservative was a white man uniformly. The Radical was either a negro or a white man closely identified politically with the negroes. The existence of the Radical Republican party in Florida depended absolutely upon the negro vote. It was locally a black man's party. The native white became after 1865 more and more hostile to the black for many reasons, but primarily because the black had been roused to political class consciousness by the Radical Republican party.

Now the average Southern white was opposed to the

negro as a voter and office-holder because of half-instinctive, half-rational race prejudice against the negro assuming political functions and privileges from which he had been hitherto excluded. Would the native white have been opposed to the negro as a voter if the negro had cast the ballot only—had been excluded from office? Was it the fact that Radical politics elevated the negro to places of public trust, or the fact that negro votes elevated Radical politicians, black and white, to places of public trust, that produced such violent opposition among Southern whites to the Republican state government? Was the Southern white man opposed to Radicals or negroes? Obviously, he was opposed to each and therefore doubly opposed to a combination of the two, although the average Southern white man's point of view seems fairly summed-up in the chance statement of one that "the damned Republican Party has put the niggers to rule us and we will not suffer it."<sup>1</sup>

It is not the object of this inquiry to present the merits or demerits of the Conservative's contention. Certainly he resented bitterly the political elevation of the negro. When the negro justice issued writs and warrants or tried minor causes,<sup>2</sup> when negro legislators went to Tallahassee to dominate with their white confederates the making of state laws, when negro county commissioners took their seats beside white men,<sup>3</sup> when negro jurors sat in judgment, when negro rowdies with jeering crowded away the white voter at the polls, when negro tax officials put up for sale property forfeited because the white owners could not pay taxes, when negro posses hunted with guns for white offenders,<sup>4</sup> when negro constables arrested whites and dragged

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 94.

<sup>2</sup> *Ibid.*, p. 107.

<sup>3</sup> *Ibid.*, p. 108.

<sup>4</sup> *Ibid.*, p. 220.

them to jail,<sup>1</sup> when negro politicians and their white friends proclaimed in public meeting the arrival of racial equality, political and social,<sup>2</sup> and tried to clinch their assumptions with laws concerning hotels, theatres, and railway cars,—when these outward and visible signs of the Africanization of social institutions came under the eyes of whites, many individuals—rich and poor (most were poor), ignorant and enlightened—spoke and did things in a frenzy of race passion against the black. It made little difference how successful the black might have been in his elevated position. “To hell with arguments,” exclaimed many a Southerner, with a heat suggested by the record of an incident in Jackson County.

“It happened in this way,” testified a negro ex-constable.

I had some prisoners in charge by order of Judge Plantz [carpet-bagger] and I had my pistols buckled to me. He [a certain white man well known and well connected in the neighborhood] said: “What are you doing with that pistol buckled to you?” I said: “I have a prisoner in charge.” He said: “I have a mind to blow your God-damn brains out, you God-damn-Radical-son-of-a-bitch; you look pretty wearing a pistol buckled on you.” I said: “I am a lawful officer and by order of Judge Plantz I am taking charge of these prisoners.” He said: “If you say that word again I will blow your God-damn brains out, right now.” He then walked up, took a stick and struck me in the mouth.<sup>3</sup>

A similar homely outburst is recorded in connection with the sale of some forfeited property.

Mr. C—— was to cry off the land. I [a negro constable]

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, pp. 143. 273. *Floridian*, April 27, 1869. Statements by citizens of Florida who experienced Reconstruction.

<sup>2</sup> *Floridian*, May 21, 1867; *N. Y. Tribune*, Feb. 20, 1867.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 273.

went around to ring the bell and met Mr. E—— within twenty-five yards of the court house. He said: "What are you ringing that bell for?" I said: "Mr. D—— ordered me to ring it for the sale of the land. He said: "You God-damn-Radical-son-of-a-bitch, put that bell down or I will kill you." I let the bell fall.<sup>1</sup>

On matters pertaining to the negro in politics the native white was undoubtedly blindly prejudiced and consequently blindly uncompromising. But an explanation of the trouble between white Conservatives and white and black Radicals would be incomplete if such an explanation dealt only with the half-instinctive likes and dislikes of the Southerner as reflected in the political situation. There were other complicating factors in the general social and economic situation in Florida, which played an obvious part in giving form to the way in which race prejudice and class prejudice should assert themselves and become rational, or at least objectively explainable. What were these other factors in the causation of lawlessness?

In the first place, some of the lawlessness in Florida during Reconstruction was a direct heritage from the Civil War. It was part of the cost of war. White men had differed over the right or expediency of Florida's secession in 1861. They had fought among themselves then. The Confederate government, represented by local officials, had "sequestered" the property of "Union men". The Federal government represented by soldiers or grafters had "confiscated" the property of Confederates. Union men had led raiding and plundering parties to despoil and persecute one-time neighbors who had cast their lots with the Confederacy.<sup>2</sup> Confederate "irregulars" had mercilessly

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 275.

<sup>2</sup> For example, see *Off. Rcds. Rebell.*, s. i, v. 35, pt. 1, p. 390, Woodbury's report, May, 1864.

burned the property of Union men and had hounded deserters. When the war ceased the national government became the guardian of negro and Union man. Undoubtedly such conditions laid a sure foundation for bitter neighborhood quarrels, which, when the war had passed, were settled with stored-up malice, short shrift and bloodshed. Colonel Sprague, Federal commander in Florida, reported in 1866, for instance, that the local courts were not inclined to do justice in restoring sequestered property, because most of those composing the courts were "interested directly or indirectly in the sequestered sales and were exasperated against them [Union men] for being deserters". In August, 1866, he reported an "armed band of twelve mounted men in the vicinity of Tampa bay forcing the Union men to pay for cattle taken by Union troops during the War".<sup>1</sup> From Tampa during 1866 came reports of fierce neighborhood controversies over the title to property sequestered by the Confederate government, and in Fernandina and Jacksonville like controversy arose over property confiscated by the Federal government.<sup>2</sup> In both localities the quarreling led to physical violence. There was lawlessness culminating in killings in Bradford and Columbia Counties early in 1866. The social situation at Cedar Keys was declared in August to be "bad" for those hoping for peace.<sup>3</sup> Finally, because of assaults and murders arising evidently from neighborhood difficulties, the Federal military, in 1866, suspended the civil government in the counties of Escambia, Santa Rosa, Levy, Madison, and Alachua.<sup>4</sup>

<sup>1</sup> *H. Ex. Docs.*, 40th C., 2nd S., No. 57, p. 89.

<sup>2</sup> *N. Y. Tribune*, June 7; *N. Y. Herald*, May 31, 1866; *H. Ex. Docs.*, 40th C., 2nd S., No. 57.

<sup>3</sup> *H. Ex. Docs.*, 39th C., 1st S., No. 70; 40th C., 2nd S., No. 57.

<sup>4</sup> *N. Y. Times*, July 12, 1866; extract from *Pensacola Observer*.

Now the one-time Union man became in many instances a "scalawag" (Southern white Republican), which fact increased the hostility of his Conservative neighbors who already disliked him for what they believed he had done in the past. The "scalawag" saw an opportunity for bettering himself by becoming active in leading and organizing the Republican negro levies. He was forced to share this leadership with the "carpet-bagger" and the "educated negro". Here we have moving in a vicious circle the course of conflict among native whites—beginning with politics in the past, working up through the confiscation and destruction of war, and finally coming back again into politics, to be complicated and overshadowed by the race question.

There developed in Florida very soon after the war widespread causes for quarrels between negroes and Southern whites, which were fairly and squarely incidents in the working out of that new economic liberty which came to the black with his emancipation from slavery. For instance, from time to time white and black came into hot dispute over the ownership of land. Thousands of negroes sought to be landlords. Many occupied land as squatters, or purchased, or homesteaded land. In some localities within the state negro colonies were projected on government lands. The whites in the neighborhood of one such proposed settlement objected to negro landholders coming among them, and accordingly formed "combinations" to keep out negroes by fair means or foul.<sup>1</sup> The evident fact that the negro was backed and directed by the Freedmen's Bureau but increased the opposition of the Southern white to negro land-owners.

Furthermore, the black landseeker was generally ignor-

<sup>1</sup> *H. Ex. Docs.*, 39th C. 1st S., No. 70; 40th C., 2nd S., No. 57, p. 18; *Floridian*, Jan. 11, 1867.

ant and became often the victim of fraud or error in the location and status of his property. John Wallace, a former slave and a prominent figure locally during Reconstruction, states that

during the years 1865-67 there was much speculation among the freedmen as to what the government intended to do for them in regard to farms; and as most of them had to work for a portion of the crop, it induced them to seek homes of their own. One Stonelake, United States land register at Tallahassee, appointed soon after the surrender, knowing this fact and taking advantage of the ignorance of the freedmen, issued to them thousands of land certificates purporting to convey thousands of acres of land. For each certificate the freedman was required to pay not less than five dollars, and as much more as Stonelake could extort from the more ignorant. He induced the most influential men to make the first purchases, and, it was generally believed, gave them a portion of his fees to secure purchasers. The former masters warned our people against this fraud, but as Stonelake was one of the representatives of the paternal government, he was supposed by the freedmen to be incapable of fraud or deception. Many of them were led to believe that these lands consisted of their former masters' plantations, and that the certificates alone would oust the latter from possession.<sup>1</sup>

Negroes had little conception of the lawful way of settling land difficulties or of ousting the real owners, and their white disputants were sometimes almost as ignorant. The white was impatient with negro disputants, arrogant, and disinclined to enter into litigation with a negro backed by the Bureau. The whipping of Samuel Tutson is suggestive of how such quarrels often ended. "I bought a man's improvements," testified Tutson,

<sup>1</sup> Wallace, *Carpet-bag Rule*, pp. 39-40.

a man by the name of Free Thompson. Mr. Tire and Mr. Thompson were first cousins. After Thompson was gone with my money that I let him have for his improvements, Tire came here and said it was his land. I asked him why he did not let me know when I first came here, and he said he wanted me to do a heap of work here before he bothered me. I said, "Are you going to give me anything at all for what I gave for the land?" He said, "No." I said, "Are you going to give me anything for the crop in the ground?" He said, "No." He said that it was his land, that Free Thompson had sold it to me, and that he wanted me to give it up.

Tutson refused to give up the land and as a result he and his wife were whipped, their house pulled down, and they driven off the land.<sup>1</sup>

Similar controversies between white and black arose over the loss by whites of cotton, live stock, and plantation fixtures by theft, and outbuildings by fire. Dishonest and shiftless negroes and white men—particularly negroes—for several years following the war slaughtered in the woods hogs, sheep, and cattle which did not belong to them. Cotton was stolen from gin-houses and fields at night. Barns and gin-houses occasionally burned.<sup>2</sup> The exasperated owners looked about for the thief or the incendiary and not infrequently seized and punished without recourse to law some negroes in the neighborhood.<sup>3</sup> In Madison County, for instance, a negro man, his wife, and his daughter were all three severely whipped by whites as punishment for stealing hogs.<sup>4</sup>

Why did the white property-holders thus suffering from

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 56.

<sup>2</sup> For instances, see complaints in *Floridian*, Nov. 27, 1867; Dec. 8, 1868, etc.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 54.

<sup>4</sup> *Ibid.*, p. 127.



depredation not turn to the courts for redress? Such a course would have been followed in Massachusetts and Connecticut, probably. In many back counties of Florida, however, white men were not accustomed to deal through the courts with black men. In this way the ideas of a slavery régime projected themselves, after the destruction of the institution itself, into Southern society.

There were more immediate reasons which deterred some white men from criminally prosecuting in the courts. The juries were partly black after the spring of 1867; the judges were of a political stripe with the negro; and the Freedmen's Bureau might interfere. The native white felt that justice would not be done him in the courts.<sup>1</sup> Such a condition as this tended to produce a habit of personal punishment, outside of the law, that often degenerated into the worst form of persecution and brutality on the part of unscrupulous white men.

Another obvious economic cause for bad feeling between the races was the system of labor contracts as then administered under the eyes of the Freedmen's Bureau. This subject has been dealt with to some extent already. If most white men had been strictly honest; and most negroes moderately intelligent, honest, and thrifty; and most agents of the Freedmen's Bureau competent and disinterested servants of the law, there is no reason why the contract system should have caused much trouble. But unfortunately in many cases few of these conditions were true. Some white landlords were deliberately bent on getting the best of the negroes in the making of contracts for labor—bent on cheating them<sup>2</sup> —“but these are exceptional cases”,

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 65.

<sup>2</sup> *H. Ex. Docs.*, 39th C., 1st S., No. 70; 40th C., 2nd S., No. 57; *Sen. Ex. Docs.*, 39th C., 2nd S., No. 6; *H. Rpts.*, 41st C., 2nd S., No. 121. All of foregoing are *Freedmen's Bureau Rpts.*

testified the Bureau commissioner in 1865.<sup>1</sup> The black was generally very ignorant and seldom very honest.

A Florida negro in summing-up the situation said:

In the first place, a majority of the negroes did not know how to make a contract for their interests. The farmers who make the contracts with them draw up the contracts in writing and read it to them. The colored people are generally uneducated, and when a contract says this or that, they hardly know what it means. A great many of the contracts give the farmer a lien upon that portion of the crop that is coming to them [the negroes] for any debt they incur. Another reason why they do not get much is that in the months of August and September, mostly, when the crops are laid by, the slightest insult is sufficient to turn them off and, according to the contract, they get nothing. The contracts are made that way.<sup>2</sup>

This testimony contains the point of an important truth, but is partisan and would have been juster had it included reference to two things: first, the common practice of Bureau officials of passing on contracts before they were signed; second, the common practice of negroes of drawing in advance all that was to be paid them.<sup>3</sup> At the end of the season when the landlord refused to pay them more, they would carry a complaint to the Bureau.

This institution, the Bureau, we have seen, exercised control over contracts and was often arbitrary and unwise, and if not downright dishonest it was thought to be so by many reputable Southern whites.<sup>4</sup> In Jackson County, for

<sup>1</sup> *Sen. Ex. Docs.*, 39th C., 2nd S., No. 6, p. 273.

<sup>2</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 101.

<sup>3</sup> *Ibid.*, p. 106. Meacham, on being closely questioned, admitted the truth of this practice.

<sup>4</sup> See criticism of Bureau in Wallace, *op. cit.*, pp. 40-41; Rerick, *Memoirs of Florida*, v. 1, p. 315.

instance, contracts already made were broken by order of the local Bureau agent, charges levied for the making of new contracts, "and," said C. F. Hamilton, the agent, "I called a meeting of the citizens of the county before we went into the new contract movement, in order to devise some uniform system of free labor in the state". You say "a meeting of citizens. I suppose you mean the hired laborers?" (negroes), was asked of Hamilton. "Yes, sir," was the reply.<sup>1</sup> For a Federal official to call together in public meeting at that time the negroes, in order to devise with them what terms would be offered to the white landlords, their former masters, was not a measure fashioned toward making peace. In the eyes of the Southern planter it was putting the cart before the horse with vicious and cunning intent.

Underlying all economic causes for opposition by Conservative white to the negro and his white political associate, was the deplorable condition of state finances, public and private, after the first two or three years of Republican rule. The immediate questions for consideration here are: first, how did this bear upon the individual citizen? second, how did it help produce, directly or indirectly, physical violence?

Most property-holders in Florida were Conservative Southern whites. They found themselves obliged to pay taxes which mounted at a rate that was almost confiscatory because of the demoralization of Southern industry. This threatened to reduce some planters to a hopeless state of debt, and to bring to pass a widespread forced sale by offi-

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, pp. 281-2, testimony of Hamilton; also see testimony of J. J. Williams, Conservative, p. 232. *H. Ex. Docs.*, 40th C., 2nd S., No. 57, p. 77. Col. Flint (U. S. A.) declared in May, 1866, that "combinations" existed among blacks to force white landlords to pay high wages.

cers of the law. These officers, who were black and white Republicans, traded actively in forfeited property. The taxable property (real and personal) of the state in 1870 was estimated to represent a value of \$34,439,059. Upon this valuation, considered by many an arbitrary and raised valuation, were assessed for the fiscal year 1869-70 state taxes amounting to \$234,672; county taxes amounting to \$168,387; and town taxes amounting to \$79,000; in all \$482,070.<sup>1</sup> This tax of one-half million dollars had to be paid largely out of the income from personal property, because so much of the real property was not producing a surplus, and mortgages on relatively small bits of real estate in Florida could raise little money at this time. Personal property was assessed at \$11,721,521. Therefore it is seen that yearly taxes in Florida amounted to more than four per cent of the total value of personal property in the state, and probably 75 per cent of the gross income from such property. The taxes were rising. For 1871-72, state, county, and municipal taxes amounted to almost a million dollars,<sup>2</sup> more than eight per cent of the total value of personal property and almost two and one-half per cent of all property. The state tax rate alone mounted from fifty cents on the \$100 in 1867 to \$1.37 in 1871.<sup>3</sup>

"I do not think that the surplus of the state will pay the taxes of the state," said Republican Judge Long in 1871, before a Republican committee of Congress—"take the railroad tax, school tax, militia tax, county tax, state tax, and municipal tax. Owing to the recent storms here and the distress of the country I do not think there will be a surplus in the state to pay the taxes. The owner of a farm

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 1, p. 160.

<sup>2</sup> *Ibid.*, v. 13, p. 209.

<sup>3</sup> Herbert, *Why the Solid South?* [Pasco], p. 157.

will have to not pay his laborers if he pays his taxes. Farmers have failed in their crops." When asked if these taxes could be collected without a forced sale by the state, Long replied, "Not in a great many parts of the state."<sup>1</sup> Another white Republican—a man of property from the North, who had invested in Florida—declared, "It [the tax rate] has increased abominably. A year or two after the War the tax rate in this county [Leon] was \$5,000. Now [1871] it is \$30,000, and according to the estimate it may run up to \$60,000."<sup>2</sup>

The "Tax Payers Convention" composed of Republicans and Democrats, which met in September, 1871, declared that taxes were oppressively high, and the system of collection oppressively harsh in its operation. "The present exorbitant rate of taxation," ran its resolutions, "is not only detrimental to the prosperity of the State but an injustice to a large mass of the citizens who are compelled to bear the burdens of its payment, and which must from necessity militate against the poor as well as the rich, and especially upon the laboring and producing class of our citizens."<sup>3</sup>

A Democratic judge spoke of the situation as follows:

There is another thing I would like to speak of, and that is the deplorable condition of affairs in our State—a wasteful expenditure of public money, a reckless disregard for the interest of the State in creating obligations, that has grown out of the administration of the government under its head. I have no hesitation in saying so. . . . Our taxation has grown gradually from \$120,000 at the outside to \$460,000; the in-

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 211. The gross value of all products in Florida for 1871 was estimated to be \$9,000,000.00; v. 1, p. 161.

<sup>2</sup> *Ibid.*, v. 13, p. 242.

<sup>3</sup> *Ibid.*, p. 209; *Rerick, op. cit.*, v. 1, p. 321.

debtedness of the State from \$700,000 to from \$8,000,000 to \$9,000,000, including bonds authorized to be issued. The credit of the State of Florida to-day is utterly worthless and prostrate.<sup>1</sup>

The foregoing testimony from Democrats and Republicans is indicative that the fiscal program of the commonwealth government was, by 1871, bearing heavily upon the pockets of the property-holders. The property-holders were Conservatives. Most of the other people were negroes. The Conservatives were whites. They had once ruled the state. Having been driven from power by a hostile national government they were now merely the governed, not the governors. "Conquered states," once wrote Machiavelli, "that have been accustomed to liberty and the government of their own laws, can be held by the conqueror in three different ways. The first is to ruin them." The Italian's conclusion was, strangely enough, not a bad expression of the opinion of the average Southern property-holder in Florida. He had reason to believe that the state, now controlled by newcomers, was ruining him. Even discounting the accuracy of figures and making allowance for exaggeration and lying from political bias, the general conclusion will remain that in Florida many people at least thought taxes were high and heavy.<sup>2</sup>

"I hope there is a sentiment among the members of the legislature to relieve the people of Florida, for they are in a very critical condition so far as their finances are concerned," stated Republican Judge Long in 1871.<sup>3</sup>

Faced by a tax which either he could not pay at all, or

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 301; v. 1, pp. 160-7; 340-344.

<sup>2</sup> *Ibid.*, pp. 244-5; *Am. Cyclo.*, 1871.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 212.

could pay only with considerable sacrifice, the property-holder damned the government, or, more accurately, the political party administering that government. He was not inclined to combat violence directed against the rank and file of that party in efforts to drive it from power. Thus the onerousness of the tax rate aided in creating a dissatisfaction and an adverse public opinion among Southern whites against the Radical régime, and this public opinion countenanced a defiance of law for the accomplishment of a certain end. The end sought was the overthrow of Radical rule.

In examining the record of lawlessness in Florida during this period, account must be taken of those fundamental defects in human nature which in times of social unrest are apt to produce the phenomenon known as the "bad man". The malicious person comes quickly to the surface amid the demoralization of a revolution. Some persons enjoy being bullies and blackguards because fundamentally all persons get pleasure in being positively what they are. Some degenerates have the normal sense so far warped as physically to enjoy brutality. The man who rapes the corpse of his victim is such a pathological specimen. Many incidents in the course of Reconstruction violence were the work of bad men—pathological criminals—taking advantage of social disorder to wantonly work mischief or to satisfy private grudges of trifling import.<sup>1</sup>

Whiskey was a potent cause in making a malicious man more malicious, or of transforming for a time an ordinarily harmless citizen into a dangerous man.<sup>2</sup> The drunken negro

<sup>1</sup> The whipping of the Tutsons and of W. R. Cone seems to have been the work of thugs. Young white boys often played the part of rowdies. *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, pp. 54-60, 62-72, 96, 154.

<sup>2</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, pp. 176-184, 187, 204-5. The killing of Dr. Krimminger was probably the work of a man crazed with liquor.

in the little towns became insistently insolent and invited killing. The white man in a drunken row sought rather than avoided trouble—and usually with a pistol in his hip pocket.<sup>1</sup>

A certain circuit judge of that period said:

I will state further that there are bad men in our country, as I suppose there are in every country, who band themselves together, three or four at a time, and perform certain bad deeds. Two or three bad men will get together for malice or revenge or hatred and to carry out a certain object will do a great many bad deeds. . . . There are a few bad men in every county that I have been in.

The paralyzed condition of local government soon after the inauguration of Republican rule contributed considerably toward lawlessness and crime by offering weak combat against its development. It was often impossible to enforce the law because citizens refused to act in certain public capacities, or if they did act, they sought to hinder the operation of the law rather than to further its enforcement.<sup>2</sup>

“I believe the officers are disposed to do their duty,” testified Republican Judge Tidwell. “But I do not believe that everyone will give the officers the assistance necessary.”<sup>3</sup> “So far as the laws are concerned,” stated a negro preacher-politician, “the laws of this state are as good as any man can ask, but I am sorry to say that they have not been carried out in many cases.”<sup>4</sup>

<sup>1</sup> Many white men habitually went armed. See presentment of grand jury of Leon County, May, 1869; also proclamation of mayor of Tallahassee, *Floridian*, Nov. 12, 1867; also *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13.

<sup>2</sup> *Ibid.*, p. 258.

<sup>3</sup> *Ibid.*, p. 115.

<sup>4</sup> *Ibid.*, p. 165, C. H. Pearce.



A hostile public opinion among Southern whites sometimes deterred officers from acting. "I had a case that occurred a while ago with my deputy," said the Radical white sheriff of Madison County. "A man came in town named Packer, pulled a pistol on a colored man and said he was going to shoot him. The deputy said: 'Put that pistol up or I will arrest you.' Some half-dozen men stepped up and said he could not arrest him."<sup>1</sup>

The sheriff of Jackson County was unable often to serve warrants during 1868-70 because public sentiment was so strongly and dangerously against him. He claimed that he received threatening letters and that he feared for his life if he went out of Marianna to serve a warrant. On one occasion he was assaulted in the streets of that town and severely beaten.<sup>2</sup> The town marshal of Lake City was defied and fired upon. The Republican sheriff of Columbia County was driven from the village of Ellisville and forced to resign his office. The United States deputy marshal in Lake City was openly resisted and unable to make arrests.<sup>3</sup>

Government broke down in other directions, notably in the actions of coroners' juries, grand juries, and petit juries.<sup>4</sup> In the case of killings, the coroner's juries rendered almost invariably the verdict "killed by unknown", and the matter ended there. At Marianna on one occasion the crowd would not allow an inquest over the body of a murdered negro.<sup>5</sup> White men refused to act on coroner's juries and many negroes feared to do so, and feared to render a true decision if they did so.

Although the murders, attempts at murder, and whippings in Florida during the first three or four years of

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 130.

<sup>2</sup> *Ibid.*, p. 148.

<sup>3</sup> *Ibid.*, p. 263.

<sup>4</sup> *Ibid.*, p. 203.

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

Radical rule numbered at least many hundreds, the number of prosecutions attempted by the state and county courts were very few. In the vast majority of cases, the grand juries did not issue an indictment. When, for instance, the Jewish merchant Fleishman was openly seized and carried out of Jackson County by a band of armed citizens, the grand jury rendered this verdict: "We the grand jury have examined diligently into the within case and cannot find it a case of kidnapping."<sup>1</sup>

"If the grand juries could be brought to find true bills, they could do it upon the evidence which would be presented to them, but they are in fear and cannot be made to do it," stated W. J. Purman, Republican boss of Jackson County. "Petit juries will not convict these murderers because of the general sentiment which justifies their proceedings."<sup>2</sup>

"Do you think you could convict and punish a white man in your county to the extent of the law for killing a colored man?" was asked Colonel Lemuel Wilson, a reputable native white Republican of Alachua County. He replied:

I will tell you my opinion that I have expressed everywhere among our people. It is that I believe that a negro's rights—his rights of property—would be secure before a jury, that a jury of our country would grant him perfect rights in a court of law in a matter of property, but in criminal matters I do not think they would. I think it is a difficult matter to convict a white man of murder for killing a negro. I am sorry to say it, but that is my opinion.<sup>3</sup>

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, pp. 81-2.

<sup>2</sup> *Ibid.*, p. 148.

<sup>3</sup> *Ibid.*, p. 197; see also testimony of L. G. Dennis, p. 268, and of Wm. Bryson, p. 258.

These expressions of opinion were from white Republicans and hence are justly subject to criticism as partisan. They dealt with courts and juries controlled by Southern whites. Such courts and juries were not found in all parts of Florida. The Conservative whites were determined to avoid punishing those whites accused of killing or maltreating negroes or white Republicans, but, on the other hand, the Conservative whites were not inclined to seek to persecute the negro through the courts and juries which they might control.

Before the reconstruction of the state government by Congress the Freedmen's Bureau officials often denied that the black obtained justice in the state courts. General Foster, Federal commander in Florida, stated in July, 1866, that when Southern Conservatives constituted the court "the instances of injustice in the administration of the law by the courts have been so frequent as to lead the colored people generally to regard them as only engines of oppression to the race. This necessarily engenders in them a disposition to suspect, to evade, or even to combine for safety or resistance."<sup>1</sup>

Judge Douglas, an old resident of Florida, and a one-time supporter of the Confederacy, referred in 1871 to this question of juries and justices in the following observation.

I can say with the most perfect confidence and with all the solemnity which I could attach to my oath, that I have never seen justice more impartially administered to any race of men, than it has been to the colored man. There are two courts in the State which have criminal jurisdiction: one is the circuit

<sup>1</sup> *H. Ex. Docs.*, 40th C., 2nd S., No. 57, pp. 12-13. In 1871, R. W. Cone, scalawag, stated that it was impossible for a Republican to get justice in a state court when Conservatives were involved. "They always bring up evidence to clear themselves," he said.

court, which has jurisdiction of felonies, and the other is the county court, which has jurisdiction of misdemeanors. I practice in both the courts, and there are abundant men who can testify that I probably do more practice for the colored man than any other man in the State. I can say that since '68, since the organization of the government, I think I have defended over a hundred colored people, and I have not received for my services \$50. I do it without reward. There are other lawyers who do the same thing. During that time I have never seen a jury of white men exclusively. There are always some colored men on the jury. . . . Colored people have fair trials, and I think there is a disposition on the part of the jurors, especially white jurors, to treat with remarkable leniency all their shortcomings. In defending a colored man I would as soon have a jury of intelligent white men, former slaveholders, as black men. I would feel as confident of having justice done him.<sup>1</sup>

No mention has been made so far of two powerful causes of racial and political estrangement during Reconstruction times—namely, negro secret societies, and incendiary advice to blacks from Radical white leaders, among whom were many Freedmen's Bureau officials. The general character of Union Leagues and Lincoln Brotherhoods has been discussed in a previous chapter. The prime purpose of these leagues and brotherhoods was to defeat the Conservative whites at the polls. They helped compass this defeat but also helped arouse a fear and a resentment which shortly bore bitter and bloody fruit.

White and black Radical leaders were suspected by the Conservative Southerner of making to negro audiences, in churches and lodge-rooms, speeches full of criminal suggestions and revolutionary advice.<sup>2</sup> In a word, the black

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 299.

<sup>2</sup> *Floridian*, Aug. 30, Sept. 17, 1867. Wallace, *op. cit.*, p. 107. *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 231.

was sometimes counseled to get his so-called rights even if he had to commit a crime. Gin-houses of white landlords were burned. Negroes assumed a bold and threatening attitude. Black military companies were organized.<sup>1</sup> Assassinations were occasionally perpetrated by blacks. The following notice, found posted one spring morning in 1868 on the post-office door in Monticello, is suggestive of the insolent point of view of the negro. "We understand that the White PeoPle in This Place Say they iNTend to Kill some of the colored PeoPle in This Place if such a thing is started Hear We Would Not give much for this Place Town and PeoPle." <sup>2</sup>

Thus as an instigator of evil, the "bad man" among Republicans proved an unfortunate sort of counterpoise for the few reckless and dirty Southern whites among Conservatives who, hiding behind the issue of righteous conflict for the supremacy of the white race, carried on wanton persecution usually in the dark of the moon.

"We know that colored men are prejudiced and ignorant," observed a Southern white man at the time, "but generally willing to do right. They are led astray by bad and wicked men." He referred to the notorious white Radical leaders in Florida.

In seeking for some major cause underlying violent lawlessness in Florida during Reconstruction we are forced back to the conclusion begun with, that affecting in some fashion most cases of flagrant disregard for law was politics—the desperate contest waged between Conservative and Radical. It is true that society was in a demoralized condition after the war, and it is true that crime thrives amid social demoralization, but no such reign of assassina-

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 122.

<sup>2</sup> *Floridian*, May 5, 1868, from *Jefferson Gazette*, May 1.

tion and terror would have come to pass if the political contest within the state had not taken on the form of a racial and class contest. The Southern whites, as a class, were determined on driving the Republicans from political control because, to the Southerner, the rank and file of that party were for racial reasons obnoxious as voters or office-holders.

To the Republican politician this uncompromising attitude of the Southern white was strange and bad. "Judging from the demonstrations that are made," said W. J. Purman, "the object must be the extirpation of the prominent Republican and Union men in this country for the purpose of seizing hold of the state government and state offices. In other words, the object is the murder of the leaders of the Republican party in the state, and the intimidation of the other Republicans, and in this way to obtain possession and control of the state government."<sup>1</sup> This conclusion while painful was, in part, a correct view of the situation.

But what of the objects of the other side? What was the prime object of Radical Republican leaders? They were not in politics for their health. A question asked a Republican judge of Florida, and his answer, sum up fairly the situation. "Do I understand that you attribute the bad condition of feeling and lawlessness in your community to the causes that you have mentioned, that is to say, to the ambition of men lately come into your state to provide themselves with office, and their efforts to use the colored race as stepping stones to obtain them?" asked Senator Bayard of the judge. The judge, after a pause, replied: "That is the whole truth of the whole matter when you come to think it out."<sup>2</sup>

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 149.

<sup>2</sup> *Ibid.*, p. 208.

The political contest for the control of Florida drew more sharply the line between the races and accentuated the spirit of distrust between men of opposing parties. There was scant ground for compromise. The Conservatives, as one Radical put it, "make no distinction about men who have joined the Republican party. A Northern man is 'a damn Yankee who came here to rule us' and a Southern man who joined the Republican party is 'a damn scallawag' and there was no honesty about him; he was a traitor to his country and to his race."<sup>1</sup>

In the desperate effort to remove "the bottom rail" from the top, the average Southern white man was willing to try almost any expedient. "One man says that he would sooner have a king anyhow, that he would sooner have the King of Dahomey," declared Malachi Martin, the Radical Irish-American prison warden.<sup>2</sup> He had been almost overcome in recent rioting over the elections in Gadsden County. "While Mr. Meacham [a negro] was addressing a meeting at Quincy," said Martin, "I heard one gentleman say 'Damn him, I wish he and all the Radicals were in Hell and I had the key.' I was near him and asked him on which side of the door he wanted to be. He said he did not know but that he would be damned if he would not be willing to be inside if he could keep all the others in there."<sup>3</sup>

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 100.

<sup>2</sup> *Ibid.*, p. 195.

<sup>3</sup> *Ibid.*, p. 187.

## CHAPTER XXIV

### PARTY POLITICS TO THE BEGINNING OF REPUBLICAN DECLINE, AND AFTER

BEFORE Republicans succeeded in establishing a new government for Florida they were fiercely quarreling among themselves. It has been seen that the inauguration of a system which they completely controlled did not bring harmony either within the party or without. The negro politician and his seedy, aggressive white associate set bad examples, and their escapades helped fan into vicious flame any Conservative prejudices which might have been smouldering. The experiences of 1868-9 indicated several unpleasant things for most Southern whites: the state was being looted; they were receiving no part of the loot; bloody lawlessness was increasing; government was degenerating into a mockery. The Republican party, backed by crushing and well-drilled negro majorities, seemed safely established for a long period. The dissension among Radical leaders was for the time the white man's hope, and about his only hope. Radicals might become sufficiently divided to lose their grip upon the destinies of the state.

The negro, William U. Saunders—termed popularly "Colonel Saunders"—who soon after his arrival in Florida from Baltimore became a confederate of Billings and Richards in the constitutional convention, was induced to return to the regular Republican organization on the signal defeat of his faction in this convention. His suppression was only temporary, however. In the autumn of 1868, an organization entitled "The Unterrified Tiger Committee,"



announced him as an "independent candidate" for Congress in opposition to the regular Republican nominee, Hamilton, and the Democratic nominee, Barnes.<sup>1</sup> The Democrats encouraged Saunders's secession. "As a speaker we have never heard him equaled," stated the Conservative *Floridian*, with some truth, maybe. "His manner is genteel and his language is good. Between him and Hamilton there is no comparison." The regular Republican newspapers accused the Democratic state committee of bribing Saunders to become a candidate by the payment of \$500 and the gift of a pass over the Pensacola and Georgia Railroad.<sup>2</sup>

Saunders made a brisk campaign. "I will not seek for place or power through base, deceitful ends," he wrote, "or like my rival, Hamilton, go back upon my friends.

"'Tis said one of our senators [Osborn]

Was begged to lend his voice

To ask a grant, for Florida,

Of land both rich and choice.

And this, my white and colored friends, this was his sole reply:

'By God, I'll never ask for it without the chance to buy!'

My friends your votes for Congress I confidently claim,

And in return I pledge to you my hopes of wealth and fame;

That to the interests of all, I shall prove firm and true;

And any bill for your relief, why boys, I'll push her through."<sup>3</sup>

Colonel Saunders's trade in Baltimore had been that of barber, not poet. He was not elected to Congress. The regular Republican, Hamilton, was elected by more than 2,000 majority.<sup>4</sup>

<sup>1</sup> *Floridian*, Nov. 17, Dec. 8, 29, 1868; *N. Y. Herald*, Nov. 18, 1868.

<sup>2</sup> *Floridian*, Nov.-Dec., 1868, *passim*.

<sup>3</sup> *Floridian*, Dec. 8, 1868.

<sup>4</sup> *Floridian*, May 11, 1868. The vote in this election was: Hamilton (Republican), 9,749; Barnes (Democrat), 6,642; Saunders (Indep. Repub.), 877. Hamilton carried eleven out of the thirty-nine counties in Florida. Saunders carried one county, Alachua.

Lack of harmony among local Radicals was apparent in another quarter. Governor Reed had won his first contest with the legislature. He was not impeached and Lieutenant-Governor Gleason was legally driven from office. Yet when the legislature met on January 4th, 1869, Gleason was still acting as president of the senate, regardless of the "ouster" presented by the state supreme court on December 14th.<sup>1</sup> However, both houses sought an *entente cordiale* with the executive. The senate of twenty-four members by a vote of ten to one adopted resolutions amicable toward the governor.<sup>2</sup> The lower house, which had striven to impeach the governor, adopted resolutions of confidence and elected a new speaker, M. L. Stearns.<sup>3</sup> The quiet audacity of Stearns, a "military carpet-bagger", was to put him high in state politics. He arose to thank his electors and only one arm was used to punctuate his remarks. The other sleeve was empty. Stearns was a disabled veteran of the Union army. He had met his mishap in the Battle of Winchester. He had gone from the army to the Freedmen's Bureau in Florida in 1866. About thirty years of age, shrewd and physically courageous, he proved to be able to play well the complicated game of petty politics in Florida.<sup>4</sup>

<sup>1</sup> *Floridian*, Feb. 2, 1869; *N. Y. World*, Jan. 11, 1869; *N. Y. Herald*, Jan. 15, 1869. *An. Cyclo.*, 1869-70. On Jan. 10, 1869, Gleason vacated the Presidency of the Senate, having sent in his resignation. On Jan. 14, the Senate confirmed the appointments made by Governor Reed since his impeachment. The Senate before its adjournment also confirmed the removal by Reed of Jenkins as County Judge in Alachua County "for neglect of duty and for false and libellous charges against the Chief Magistrate."

<sup>2</sup> *An. Cyclo.*, 1868-9.

<sup>3</sup> *N. Y. Herald*, Jan. 9, 1869; *An. Cyclo.*, 1868-9.

<sup>4</sup> *H. Rpts.*, 42 C., 2nd S., no. 22, v. 13, pp. 75-93.

One Republican of this period infers that the "Federal office-holders" were still hostile to Governor Reed and were willing to combine with the Democrats to get rid of him.<sup>1</sup> The second effort to impeach originated in January, 1869, from a motion to investigate the doings of Governor Reed made by a Republican, Samuel Walker, an old ally of Liberty Billings and an old opponent of Reed. The house refused to entertain his motion, but when George P. Raney, a Democrat, moved that a committee be appointed to inquire into the activities of the chief executive, his motion was passed, thirty to five.<sup>2</sup>

The second attempt at impeachment had now begun. Tallahassee was at this time the place of rendezvous for numerous men who were seeking sundry favors of the legislature and who were willing to pay for what they got. The more prosperous of such lobbyists established themselves at the Capitol hotel. Champagne, oyster-suppers, an extra supply of whiskey and cigars, and well-equipped carriages were the vulgar physical evidences of these few promoters of legislation. Their presence helped to enliven the town as well as to debauch the slender reputations for honesty of some of the legislators.<sup>3</sup> Incidentally the resources of the state were being frittered away for a mess of poor pottage.

The friends of Governor Reed stated stoutly that the "lobbyists" were using money to create an opinion in the legislature for the impeachment of the governor. However, it is true that at this time the governor was on rather good terms with probably the most notorious and able of the extra-legal makers of law then in Florida—Milton S.

<sup>1</sup> Wallace, *op. cit.*, pp. 91 and 93.

<sup>2</sup> *An. Cyclo.*, 1868-9; Wallace, *op. cit.*, pp. 93-94.

<sup>3</sup> *Ibid.*, chaps. 7, 8 and 11. Wallace was an active Republican politician in Tallahassee at the time—a leader among the negroes.

Littlefield.<sup>1</sup> Compactly built, with an almost hypnotically clear eye, a ready tongue, an agile brain, a supply of money, and a lordly air which made the more humble among those who smoked his cigars and drank his whiskey feel honored if he deigned even to bribe them, this man, who came into Florida from Maine, bent the Florida legislature to his will and managed to place Governor Reed in a very compromising position.<sup>2</sup> Littlefield was seeking state aid for a certain railroad in Florida. The character of this incident will be considered later.

Before the end of the month of January, 1869, rumor had it that the house committee of investigation had found record of impeachable actions of the governor. So damaging were the reports that Reed was privately requested to resign.<sup>3</sup> With characteristic combativeness he refused to do so. His friends in the legislature managed to push through a motion for the appointment of a committee to investigate certain charges of bribery circulated against certain members of the legislature. It is highly probable that some men there found themselves awkwardly placed for investigation by the legislature or the courts. Reed probably had a club over the heads of some of his enemies.<sup>4</sup>

<sup>1</sup> See letter of Swepson to Reed, May 31, 1869, Wallace, *op. cit.*, p. 119. Wallace states that it was a forged document—forged by U. S. Senator Osborn to discredit Reed. On its face and coupled with the success of Littlefield in dealing with the Governor it constitutes a damaging piece of evidence against Reed.

<sup>2</sup> *Floridian*, April 29, Dec. 16, 1873; Nov. 9, Dec. 21, Dec. 28, 1875. Efforts had been made by Governor Holden, of N. C., to arrest Littlefield and have him sent to N. C., where in Buncombe County he was indicted for embezzlement. The *Raleigh Daily News*, April 10, 1873, stated that "Littlefield is a great offender and together with his confederate Swepson has swindled N. C. out of several million dollars."

<sup>3</sup> Wallace, *op. cit.*, p. 96.

<sup>4</sup> Wallace, *op. cit.*, p. 95.

On January 26th, United States Senator Osborn appeared in the hall of the house. He had come from Washington.<sup>1</sup> On this day the committee of investigation brought in its expected report. Among other things it charged the governor with having been bribed by the payment of \$500 for the appointment of a clerk of Leon County and of unlawfully using state funds to the amount of \$6,948. The report recommended the impeachment of the executive. By a vote of forty-three to five the house refused to impeach.<sup>2</sup>

The governor, a second time triumphant, summoned the legislature to meet in special session on June 8th, in order to consider the proposed Fifteenth Amendment to the United States Constitution and the question of extending aid to the Pensacola, Jacksonville, and Mobile Railroad.<sup>3</sup> The proposed Fifteenth Amendment, which had passed the national Congress on February 26th, was duly ratified by the Florida legislature—in the house, June 11th, by a vote of twenty-six to thirteen; in the senate, June 16th, by a vote of thirteen to eight.<sup>4</sup> The Conservative whites of Florida, as helpless for the time as their fellow whites in neighboring states, saw with sad disgust the national government bind with one more band the burden of negro suffrage upon the country. The black's participation in politics had already reduced enormously the efficiency of government in Florida.

When on January 4th, 1870, the legislature convened in regular session the governor had become sufficiently con-

<sup>1</sup> Wallace, *op. cit.*, p. 99.

<sup>2</sup> *An. Cyclo.*, 1869-70. The vote was taken Jan. 26, 1869.

<sup>3</sup> *An. Cyclo.*, 1869-70.

<sup>4</sup> *An. Cyclo.*, 1869-70. This session of the legislature ended June 24, 1869.

vinced that bribery had been going on to refer pointedly in his message to "conspiracies formed to secure control of the financial policy of the state in the interests of corrupt men."<sup>1</sup> Some of the legislators professed to think as Governor Reed thought, but they considered him guilty of collusion with the grafters. On January 21st, 1870, a white Republican moved that a committee of five be appointed to investigate the doings of the executive. The motion passed.<sup>2</sup> The senate voiced its hostility to Reed by expelling from the senate the appointee of Reed to the lieutenant-governorship, Edwin Weeks. The investigating committee of the house brought in its report on February 4th.

The governor was accused of having been bribed to call the special session of 1869; of having received \$7,500 from one George Swepson, through the hands of Littlefield, for the approval of legislation favorable to a railroad; and of having embezzled various sums of money belonging to the state.<sup>3</sup> A minority report was presented exonerating the governor and declaring that the charges against him were not substantiated and furthermore could not be substantiated. The house by a vote of twenty-seven to twenty-two adopted the minority report and thus refused to impeach.<sup>4</sup> This vote of twenty-seven to twenty-two left a narrower margin for Reed than had the previous vote of forty-three to five. The Democratic members all voted for impeachment.

<sup>1</sup> Governor's Message, Wallace, *op. cit.*, p. 114.

<sup>2</sup> *Ibid.*, p. 116.

<sup>3</sup> Wallace, *op. cit.*, pp. 118-120. The committee was composed of J. D. Green, G. P. Raney, Jno. Simpson, H. H. Forward, and a Mr. White.

<sup>4</sup> Wallace, *op. cit.*, pp. 120-124; see full report. The minority consisted of only one man, White, of Clay Co. *Am. Cyclo.*, 1869-70. Before adopting Minority Report the House refused to adopt Majority Report by a vote of 29 to 21.

"The effort to impeach Governor Reed thus failed," observes S. S. Cox.

Its promoters were members of the Republican party. They are reported to have expressed the sentiment, in a caucus held the next day "to harmonize Republicans and concentrate Republican effort, that they had been fairly and thoroughly whipped"; that "they accepted the result as a finality and as directory of the wishes of their party"; that "they had misunderstood the wishes of the party"; and they pledged themselves to sustain Mr. Reed's administration. If this report can be relied upon, these penitent impeachers are as base as the men whom they charge with having embezzled the public money.<sup>1</sup>

Probably the significance of these impeachment episodes, which like the seasons seemed to recur with some regularity, was the serious dissension which was exhibited within Republican ranks. This failure to agree was evident not only between governor and legislature. It manifested itself in the relationship between governor and cabinet and between the legislature and certain of the state judiciary. For instance, Judge Magbee, of the fourth circuit, was impeached on a charge of petty theft and "vindictive and arbitrary" use of his judicial power in selecting juries.<sup>2</sup> The differences between Governor Reed and his comptroller, Major Robert Gamble, became so acute that Gamble finally threatened to resign.<sup>3</sup> Several of the Republican members of the

<sup>1</sup> Cox, *Three Decades of Federal Legislation*, p. 521.

<sup>2</sup> *An. Cyclo.*, 1869-70. The vote on impeachment was taken February 18. It stood 24 to 3. The senate resolved to sit as a court of impeachment at its next regular session for a trial of the case.

<sup>3</sup> *House Journal*, June 21, 1869. The legislature put the control of certain state bonds in Gamble's hands, and not in the Governor's, as formerly. The quarrel over the sale of these bonds was one reason for disagreement. See Wallace, *op. cit.*, p. 126.

cabinet did likewise. The state legislature voiced the situation in resolutions. "We have been painfully convinced," ran the house resolutions, "of the want of that agreement and co-operation between governor and cabinet which should prevail".<sup>1</sup> On February 5th, the day after the failure to impeach, occurred the Republican caucus in Tallahassee to "harmonize" the party. It was here proposed that the governor's cabinet or the governor resign. Nor did passing months bring peace. A Radical convention met in Tallahassee on October 27th following, for the purpose of "better organizing the Republican party". It passed resolutions deeply deploring "the alienation and division in Republican ranks in this state".<sup>2</sup>

The Radical party was in a precarious condition when the campaign of 1870 opened for the election of a lieutenant-governor, a congressman, and a new legislature. This election was to prove the turning-point in the career of the Republican party in Florida, and foretold in a fashion what was to happen six years later.

The Republican state convention assembled in Gainesville on August 17th, 1870. A sharp contest began between negro and carpet-bag leaders for control.<sup>3</sup> Samuel T. Day, a carpet-bagger, was nominated for lieutenant-governor; and Charles M. Hamilton, carpet-bagger and ex-Freedmen's Bureau agent, was put forward by the whites as a can-

<sup>1</sup> Wallace, *op. cit.*, p. 126, resolutions. According to the Const., art. 6, the Governor's cabinet consisted of the Sect. of State, Atty.-Gen., Comptr., Treas., Surveyor-Gen., Supt. Pub. Instr., Adj.-Gen., and Commis. of Immigration, all appointed by the Governor.

<sup>2</sup> *An. Cyclo.*, 1869-70. The action of this "convention" probably had some effect. On Nov. 28, the Republican state executive committee met in Tallahassee to more completely organize the Republican party. A circular was issued by the committee calling county mass-meetings.

<sup>3</sup> *An. Cyclo.*, 1869-70; Wallace, *op. cit.*, pp. 126-127.



didate for re-election to Congress. The blacks opposed Hamilton and, hanging together, forced the nomination of Josiah T. Walls, one of their own color. The scalawag or native white element in this meeting seems to have played a passive part. Walls's career was to prove a troubled one. He was three times to enter the national House of Representatives and twice to be unseated.<sup>1</sup> The nomination of Walls was a distinct concession forced from the whites by the blacks. Negro leaders from practical experience in politics were gaining in aggressiveness and independence. This phenomenon accompanied the decline of Republican power. As the government became Africanized it became weaker.

On August 31st, the Democrats assembled in convention in Tallahassee as "The Reform Conservative Party of Florida".<sup>2</sup> This name was assumed to accommodate those Republicans who might be willing to drive the controlling party from local power, but who did not care to enlist definitely in Democratic ranks even to accomplish this. The rising tax-rate and the stories of disreputable proceedings in Tallahassee, together with the sentiment for reform from abroad, made some of the property-holding Republicans not unwilling to support political reform.<sup>3</sup>

William D. Bloxham, a Floridian and veteran of the Confederate army, was nominated for lieutenant-governor, and Silas Niblack, a one-time "Union man", for Congress.

<sup>1</sup> The first time, Jan. 29, 1873; the second time, April 19, 1876. See cases of Niblack *vs.* Walls and Finly *vs.* Walls, *H. Misc. Docs.*, 45th C., 2nd S., No. 52, pp. 101, *etc.*, and 367, *etc.*

<sup>2</sup> *Am. Cyclo.*, 1869-70.

<sup>3</sup> The Taxpayers' Convention which convened in the summer of 1871, several months after the election, indicated that some prominent Republicans were dissatisfied with the party's record. See testimony of Republicans in *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, pp. 208, 214, 215, 219, 244, 245, *etc.*

The platforms of the two parties were substantially the same on most points. Both favored state aid to internal improvement. Both endorsed the establishment of a good system of public schools. The Republicans were in favor of "retrenchment and honesty in government". The Democrats wished "an honest and economic state government".

The political contest rapidly took shape. Through the mists of the years it looms up to-day as a crucial bit of Florida's political history. With the election machinery completely in the hands of the Republican party; with post-masters, mail agents, county officials, and most Federal court officers attached to the same organization; with very little money to spend; and with a party at his back badly beaten three times in two years, Bloxham began to "swing round the circle".<sup>1</sup> He was an aristocratic young planter who had served in the Confederate army. He was optimistic, aggressive, active, and effective as an orator—of medium height and erect carriage; with a high, broad forehead and small, bright eyes and thin, compressed lips. He was a thoroughly likable man. When the war ceased he established a school on his plantation, where his one-time slaves might acquire that new learning which the blacks sought so diligently for the first few months of the new régime. The negro teacher of this school afterwards became a prominent Radical politician and the first historian of the Reconstruction period in Florida.

The Democratic leader began the campaign aggressively. He was not seeking so much to answer questions as he was to ask them. The theme of his many speeches was Republican mismanagement of state affairs, bribery, electoral corruption and the semi-anarchy which existed in some locali-

<sup>1</sup> See reference to campaign in Wallace, *op. cit.*, p. 127.

ties because of the conflict between the races. The mounting tax-rate, the accusations which the Republican legislature had brought against the Republican governor, the open references of the governor to legislative corruption, the actual record of reckless law-making at Tallahassee,—all served Bloxham and his lieutenants with telling and very definite illustrations. This political campaign for peace, public decency and economy was carried into every county of Florida, Bloxham personally visiting almost every county in the state. Some people were affected, probably, by reasonable exhortations, but the mass of Republican voters were impervious to such methods. However, the work of Democratic clubs and Conservative regulators both in organizing the Conservative vote and in ruthlessly suppressing the negroes with halter, shot-gun and whip, conspired to gather strength unto the Democratic cause. The Republican party was active, but factional fighting continued.<sup>1</sup>

On November 8th, 1870, occurred the election. The whites in many localities deliberately prepared to deter by force the negroes from voting. The negroes, on the other hand, in some parts of the state, came to the polls in an unpleasantly bellicose attitude, prepared, according to the words of one of their own color, to continue "the war with the ballot and with the tongue".<sup>2</sup> Inevitably this led to the disgraceful continuation of the war with halter and shotgun. When distances were great, crowds of negroes under leaders came to the polling places a day in advance and camped out like soldiers on the march. In Columbia, Jefferson, Gadsden, and Jackson Counties violence played a more or less important part in the election.

<sup>1</sup> Wallace, *op. cit.*, pp. 128-131; *Am. Cyclo.*, 1869-70.

<sup>2</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 103, words of Robert Meacham.

"We had quite a sharp political canvass, and there was a great deal of bitter feeling one way or the other," said a white Republican candidate of Columbia County. On the night before the election, the blacks formed in procession and boisterously marched through the streets of Lake City. A collision was provoked with the whites, who "ran off quite a number of the colored men". The candidate in question continued: "When I made my appearance in the public square the next morning I was surrounded by almost 100 men, mostly armed with pistols; I saw but few guns. They claimed that I was the cause of the riot that was got up the night preceding, and they threatened me and said that I had better go into my house and stay there." The result of the election in this county, which had previously gone Republican, was a slight majority for the Democrats.

At Monticello in Jefferson County the negroes attempted to "crowd in" upon one of the three polling places. "Angry words ensued, and in about ten minutes," testified a negro participant,

the voting places were closed on account of the excitement. Then you could see any number of white men coming up with arms. I suppose in about ten or fifteen minutes there were about 1,000 colored men on the ground with arms, but not near so many whites. I suppose there were nearly 1,000 shots fired off in the air, but no one was hurt. When the voting was over and the polls were closed, about 500 people went home that night without having had a chance to vote.<sup>1</sup>

At Quincy, in Gadsden County, a riot was narrowly averted. "There was considerable disturbance at the precinct in Quincy," said M. L. Stearns a year later. "On the morning of the election, before daylight, several persons came to my house and said that the Democrats were coming

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 103.

into town armed. I got up, dressed myself, and went down town and found that quite a large number had come there with arms and had deposited them in different stores around the court-house square." Late in the afternoon the negroes attempted to crowd in on a polling place reserved for whites. The sheriff attempted to clear the polls. "Some one struck him over the head with a cane," stated Stearns.

Then a general row began. I must say that it is almost a mystery to me how it was stopped without bloodshed. It was a fearful sight. The tumult lasted two hours. The result was that about two or three hundred were standing in line with tickets in their hands when the polls closed, and our Republican majority in that county was reduced from 400 to 16.<sup>1</sup>

In Jackson County several personal collisions occurred at the polls, harsh language was used, and it was claimed that a few Radical voters were frightened away.<sup>2</sup> In Duval County, the ballot-box of the Yellow Bluff precinct was unlawfully seized by Republicans, the returns altered in their favor and the result sent in to headquarters. Thus amid rough practice and an exhibition of brute force did the elections of 1870 pass.

The first announced results were a surprise. The Democratic journals claimed confidently a victory for the Conservative party. Most of the new state senators and an increased proportion of the house were Democratic. The final pronouncement on the vote for lieutenant-governor and congressmen lay with the state canvassing board at Tallahassee. This board was composed of three of the cabinet of the governor: namely, the secretary of state,

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 76, 236.

<sup>2</sup> *H. Misc. Docs.*, 45th C., 2nd S., no. 52, p. 106, case of Niblack vs. Walls.

the attorney-general, and the comptroller.<sup>1</sup> Was the decline in Republican power to evidence itself by defeat in a general election? The question was clear and the issue one of more than ordinary interest to the people of Florida. The decision in a close and troubled election lay with a Republican board.<sup>2</sup>

The election occurred on the 8th of November. By law the board was to meet in Tallahassee to canvass the votes on the 29th of November.<sup>3</sup> It has been stated by a Republican politician, active at the time, that his party leaders—probably meaning Purman, Conant, Stearns, Dennis, Mobley, Billings, and Gleason—hearing the news of how the election had resulted, promptly sent into the Democratic counties messengers to instruct the local election officers, who were Republicans, to keep the ballot-boxes until after the canvassing board had met in Tallahassee and adjourned.<sup>4</sup> If this be true, it is not improbable that these same officers were instructed to alter the returns if possible, or to render them sufficiently irregular in character to give the canvassing board a technical legal basis for throwing them out. But this is a supposition. How well these supposed instructions might have been followed, events were soon to suggest.

Two of the three members of the state canvassing board were Republicans. The third member was Robert Gamble, the comptroller, a native Southerner and veteran of the Confederate army. Gamble and his political friends surmised sadly what would probably happen when the door

<sup>1</sup> *Fla. Rpts.*, v. 13, p. 56, *State ex rel. Bloxham vs. Bd. State Canvassers*. See letter of R. B. Hilton to Geo. Couch, Oct. 12, 1876, Wallace, *op. cit.*, p. 437.

<sup>2</sup> Wallace, *ibid.*, p. 437,—Hilton's letter, Oct. 12, 1876.

<sup>3</sup> *Fla. Rpts.*, v. 13, *State ex rel. Bloxham vs. State Board Canvassers*.

<sup>4</sup> Wallace, *op. cit.*, pp. 133-134.

of the secretary of state's office closed on the canvassing board on November 29th. Gamble would be out-voted by the other two members on every doubtful question. He had reason to believe that neither of his two associates had serious compunctions about receiving forged election returns if they were forged to favor their side.

With Charles E. Dyke, editor of the *Floridian*, Gamble prepared to hold up the action of the board. Dyke was a crafty, canny politician. As a political leader and a maker of public opinion he had seen Florida pass through the turmoil of secession, the tragedy of war, and into the disgraceful intrigues of Reconstruction. With each change Dyke, a Southerner, had been on the losing side. Yet he managed somehow to keep his optimistic suppleness of mind through it all.

On November 29th, the door closed on the Canvassing Board in session.<sup>1</sup> Outside "at the key-hole" was Dyke. Inside the three cabinet members—two white men and a negro—watching each other narrowly, settled down to the preliminary work of counting the electoral returns for lieutenant-governor and congressmen. Nine counties, considered Democratic, had not been heard from. Attorney-General Meek and the negro secretary, Gibbs, decided to proceed with the count on the next day without these returns.<sup>2</sup> Gamble hurriedly wrote a note to this effect, and slipped it, unseen by his associates inside, beneath the door to Dyke outside.<sup>3</sup>

<sup>1</sup> *Fla. Rpts.*, v. 13, State *ex rel.* Bloxham *vs.* Bd. State Canvassers, p. 58.

<sup>2</sup> *Ibid.*, p. 58.

<sup>3</sup> Wallace, *op. cit.*, pp. 135-136. This account by Wallace seems to be the only authority for the key-hole incident of Dyke and Gamble. Ex-Governor Bloxham told me that he aided Wallace in the compilation of his work. He knew intimately both Dyke and Gamble and it is probable that he suggested including the incident in the account.

One reasonable course of action for Democrats was open: namely, an appeal to the courts for an injunction to restrain the board from proceeding with the count. Dyke set out at once to obtain this legal aid. The nearest circuit judge was P. W. White, in Quincy, thirty miles away. Evidently Judge White had been warned by Dyke and Gamble of what would happen. It was afternoon when Gamble slipped the note under the door. The judge was reached before morning and the injunction procured. The next day, November 30th, it was served on the canvassing board.<sup>1</sup> They were forbidden by the court to proceed with the count until all the returns were in. The board, respecting the court's orders, adjourned until the 26th of December.

The Radical outlook for the moment was distinctly gloomy. The tactics of Gamble and Dyke had proven successful in checking the board, but their opponents proceeded to dissolve the injunction—and their methods were novel. The Republican machine fairly controlled the Federal judiciary in Florida. Republican leaders quickly determined to have recourse to this arm of the Federal government to crush the state's injunction issued by Judge White. "Party leaders, bold and unscrupulous in their resources to prevent a breach in their official stronghold," states Mr. Rerick, "perpetrated the outrage of procuring the arrest of Judge White by process of the Federal Court upon the charge of violating the Federal election laws."<sup>2</sup> The statute supposed to have been violated by the injunction was the Federal Enforcement Act of May 31st, 1870. Under the humiliating escort of a United States deputy marshal the judge was carried to Jacksonville. The Re-

<sup>1</sup> *Flo. Rpts.*, v. 13, *State ex rel. Bloxham vs. Bd. State Canvassers*, p. 59.

<sup>2</sup> Rerick, *Memoirs of Florida*, v. 1, p. 320.



publican majority of the state canvassing board now considered the injunction dissolved, and forthwith proceeded "in contempt of the injunction", said Conservatives, to count votes. The place of Attorney-General Meek on the board had been taken by Sherman Conant, a carpet-bag Federal deputy marshal. Conant and the negro Gibbs, needing privacy to carry their point, "withdrew from Gamble (the Conservative) and behind the doors of the secretary of state's office," made the canvass.<sup>1</sup> They declared Day and Walls elected respectively lieutenant-governor and congressman—each by a majority of a little more than 600.<sup>2</sup>

The returns from the nine Democratic counties in question were not counted.<sup>3</sup> The board succeeded therefore in its "purpose of counting in the Republican candidates," concludes Mr. Rerick. "Thereupon the prosecution of Judge White was abandoned."<sup>4</sup> Judged by the later findings of the state supreme court, and of a committee of the national House of Representatives, the decision of the canvassing board was in defiance of honesty and law. The arrest of Judge White was a weird travesty of justice.

<sup>1</sup> *Fla. Rpts.*, v. 13, *State ex rel. Bloxham vs. Bd. State Canvassers*, pp. 59-61. Wallace, *Carpet-bag Rule*, p. 440, letter of R. B. Hilton to Geo. Couch, Oct. 12, 1876.

<sup>2</sup> *Am. Cyclo.*, 1869-70. *Fla. Rpts.*, v. 13, *State ex rel. Bloxham vs. Bd. State Canvassers*. According to this decision of the Board the votes were: for lieutenant-governor, Republican 12,446, Democratic 11,832; for Congress, Republican 12,439, Democratic 11,810. See Wallace, *op. cit.*, p. 138.

<sup>3</sup> Refused to count votes from Brevard, Columbia, Dade, Lafayette, Manatee, Monroe, Sumter, Suwanee, and Taylor counties. Gamble refused to sign the electoral certificate of the board, claiming that it was obtained by fraud.

<sup>4</sup> Rerick, *op. cit.*, v. 1, p. 320; Wallace, *op. cit.*, p. 136. I personally discussed this incident in 1907 with Judge White who issued the injunction. He was judge of the 2nd Circuit. Judge White was kept under bond until the "fraudulent count" had been perpetrated.

Bloxham, the defeated Democratic candidate, called upon the state courts for help. Through attorneys he applied to the supreme court for a writ of *mandamus* to compel the board to make a recount of the votes. He presented an elaborate and strong case. He claimed that in the nine counties whose votes were thrown out 1,630 Democratic votes were cast and 952 Republican, giving him, Bloxham, a majority of 678. The total vote of the state for Bloxham, including these counties, would be 13,462; for Day, Republican, 13,398—a Democratic majority of 64.<sup>1</sup> The Democratic estimate of the votes for congressmen was 137 majority for Niblack, Democrat.

The supreme court found a technical defect in Bloxham's petition, and this necessitated three or four days' delay before resuming the case.<sup>2</sup> The Democratic case was well presented and the court was an honest one. The Republican outlook was again clouded. But during this interval of three or four days' delay the legislature intervened. A bill was quietly hurried through abolishing the state canvassing board.<sup>3</sup> This was indeed sharp practice, but it enacted law, and the supreme court threw the case out because no action could be continued against a canvassing board which did not exist.<sup>4</sup> Day became lieutenant

<sup>1</sup> *Fla. Rpts.*, v. 13, State of Fla. *ex rel.* Bloxham *vs.* Bd. State Canvassers. *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 300. Judge Sam. J. Douglas was one of the two attorneys representing Bloxham. He said of the Canvassing Board: "They refused those nine counties on two grounds; one was that some of the returns were informal, another was that the returns had not been received in time. I was employed, together with other counsel, to apply for a mandamus to the Supreme Court of the State, to compel the Board of Canvassers to canvass those counties."

<sup>2</sup> Wallace, *op. cit.*, p. 438—Hilton's letter.

<sup>3</sup> *Fla. Rpts.*, v. 13, p. 76; Wallace, *op. cit.*, p. 438; *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 300.

<sup>4</sup> *Fla. Rpts.*, v. 13, p. 77.

ant-governor and Walls went to Congress. The Democrats were beaten.

The state senate and house, constitutionally exercising the power of judgment on the electoral credentials of those seeking admission to them, refused to admit the senators and representatives from the irregular counties in question. These counties, it will be remembered, had gone Democratic. In the new senate were eleven Republicans and ten Democrats; in the house, twenty-three Republicans and twenty Democrats.<sup>1</sup>

The election of 1870 clearly marks the beginning of Republican decline in Florida. Most elections at the polls had been carried by the Democrats. To accomplish their purpose they had resorted in some places to violence or an exhibition of violent intent to deter Republican voters, who were mostly negroes. But Republicans had been bellicose. Crowds of negroes had come to the polls armed, had paraded the streets of towns, and had dared opposition by the whites. A heavy vote was cast—more than 2,000 in advance of the state vote in 1868 and about 10,000 in advance of the congressional vote of 1869. The Republican vote was about 1,000 less than in 1868, while the Democratic vote had advanced about 6,000. The party in power, by skillful and unscrupulous use of the election officials, the courts, the canvassing board, and the legislature had managed to keep its grip on things.

This was by no means the end of the dreary and hopeless muddle into which public affairs in Florida had fallen. Bloxham continued his efforts before the supreme court to obtain the position of lieutenant-governor, and—strange *impasse* within a party!—Lieutenant-Governor Weeks, holding his commission from Reed, refused to quit his place for the new lieutenant-governor-elect, Day. The

<sup>1</sup> *Am. Cyclo.*, 1869-70.

senate recognized Day. It had expelled Weeks.<sup>1</sup> The supreme court, however, pronounced Weeks's position as president *pro tem* of the senate valid.<sup>2</sup> Rumors were already afloat of another impeachment contest with the governor. Here we have an insight into the depth of the intricate discord among Republicans. Negroes, carpet-baggers, and scalawags could not agree. Lines of sectional and race prejudice cut deeper than some men had estimated. If Radicals could have worked in harmony the South would have been longer under Republican rule.

The result of the election of 1870 indicated how narrow was the margin of votes by which the Republicans controlled Florida. Conservative and Radical power in the legislature was approaching a balance. Realization of the absolute need of harmony and party discipline affords a partial explanation of the demands made upon Governor Reed early in 1872. He was repeatedly asked to reform his cabinet and certain important groups of county officials in conformity with the desires of various party leaders. Under Florida's constitution the governor appointed all county officials except constables. Senator Osborn demanded changes. L. G. Dennis, boss of Alachua County, who during the troubled years to come was to appear prominently, asked for the removal of officials in his county and the appointment of others at his dictation. W. J. Purman made the same request for Jackson County.<sup>3</sup> None of these three men was friendly with Governor Reed, and Reed was not pliant to

<sup>1</sup> *Am. Cyclo.*, 1869-70. A motion was first offered in the Senate that the "Sergeant-at-arms be instructed to arrest Mr. E. C. Weeks and keep him under arrest till released by the Senate." Two negro senators remonstrated against this as "indecent," and a substitute, more mild, was adopted.

<sup>2</sup> Wallace, *op. cit.*, p. 118.

<sup>3</sup> Wallace, *op. cit.*, pp. 141-142.

their wishes. He considered himself the party leader. He was certainly the head of a strong faction. Neither the governor nor his enemies seemed willing to make a compromise. Thus any attempts at harmonious reformation but led toward a repetition of increased discord and more efforts to get rid of Reed. Soon after the legislature met in January, 1872, the impeachment farce began again.<sup>1</sup>

The Democratic members of the legislature willingly joined with the Republicans in the assault on the executive. The proceedings of the impeachers by this time are so "darkly hidden" that melodrama is suggested. Resolutions of impeachment were hurried through at one night session after the sergeant-at-arms had been sent out into the town and had forcibly brought in some absent members.<sup>2</sup> The next day Reed was informed of what had happened, and on February 10th, the house formally presented to the senate resolutions of impeachment.<sup>3</sup>

The charges against Reed were contained in sixteen formal articles. The substance of these articles was about as follows: that the governor had, without authority of law, issued various amounts of state bonds—\$528,000 on one occasion, \$1,000,000 on another; that he had put his signature to a bill for the issue of \$4,000,000 of bonds to a railroad, knowing the fraudulent character of the transaction; that he had embezzled various sums from the state; that he had been bribed to favor the passage of certain legislation; and that he had sought on one occasion to corruptly influence a justice.<sup>4</sup> These charges were specific and definite enough, but the trial did not develop any substantial proof of the allegations.

<sup>1</sup> *Am. Cyclo.*, 1872-73.

<sup>2</sup> Wallace, *op. cit.*, pp. 142-143.

<sup>3</sup> *Am. Cyclo.*, 1872-73.

<sup>4</sup> Formal articles, Wallace, *op. cit.*, pp. 160-171.

That the governor had been careless in handling state funds; that he had favored state aid to enterprises which were found to be dominated by scoundrels; and that he was very friendly with some of these scoundrels; this is about as far as closely substantiated judgment can go. "The most singular aspect of this whole impeachment scheme," says a defender of the governor, "was that while the investigating committee could find sufficient witnesses in Florida upon whose evidence to base thirteen articles of impeachment, the board of managers could not find witnesses in the state to prove one of these charges."<sup>1</sup>

The senate convened as a high court for the trial of the accused executive on February 10th. Governor Reed requested that the trial proceed, but the impeachment managers refrained from pressing their case and the high court and the legislature adjourned *sine die*.<sup>2</sup> What was the object of this strange procedure? The case had not been dismissed. No judgment had been pronounced. The state constitution contained the explicit provision that "any officer when impeached by the assembly shall be deemed under arrest and shall be disqualified from performing any duties of his office until acquittal by the Senate."<sup>3</sup>

The impeachment of Governor Reed, therefore, by the house, legally suspended him from office. But why did the the senate and the managers put off indefinitely his trial? If we believe that those who impeached him, and a majority of those who would try him, wished to get rid of him, only one reasonable conclusion concerning the senate's adjournment *sine die* remains. The senate mistrusted its ability to convict the governor without doing great injury

<sup>1</sup> Wallace, *op. cit.*, p. 171.

<sup>2</sup> *Ibid.*, pp. 177-180.

<sup>3</sup> Const. of 1868 in *H. Docs.*, 59th C., 2nd S., no. 357, v. 2.

to itself and believed that his suspension from office because of his impeachment could be extended to the fast approaching end of his term as governor. Thus Reed might be disposed of without being expelled. But who was now governor of Florida? The state constitution provided that "in case of the impeachment of the governor or his removal from office, death, inability to discharge his duties, or resignation, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term or until the disability shall cease."<sup>1</sup> Lieutenant-Governor Day, who was president *pro tem* of the senate, was strongly identified with the faction of the local Republican party opposed to Reed. With Reed impeached and therefore suspended, Day became *ipso facto* acting governor.

Another factor entered into the situation. The state supreme court was believed at the time to be about to render a decision which would give to William D. Bloxham, the Democratic candidate of more than twelve months before, the lieutenant-governorship. He claimed to have been duly elected and had instituted proceedings before the supreme court to gain possession of the office. If Reed were driven from office by the impeachment of a Republican legislature and Day driven from office by a Republican supreme court, a Democrat, Bloxham, might become governor of Florida, because constitutionally the "powers and duties" of the governor devolved upon the lieutenant-governor in case of impeachment. If Bloxham should become acting governor in place of Reed, expelled, it is highly probable that he would appoint a Democratic lieutenant-governor because the office of lieutenant-governor would be vacant, and the state constitution stipulated that "when any office for any cause shall become vacant the governor shall have the

<sup>1</sup> Art. 6, sec. 15.

power to fill such vacancy.”<sup>1</sup> This would mean that Republican control of the senate would be lost, for at the time the Republicans controlled it by only one vote. The lieutenant-governor had the casting vote in the case of a tie. With the chief executive a Conservative and the senate dominated by Conservatives the whole superstructure of local Republican government would be changed. Most state administrative offices, all judicial offices, and all county offices except constable were filled by the governor and the senate. Therefore thoughtful Republicans had reason to make haste slowly in expelling Reed. For them, he would be preferable to a Democrat.

Soon after his impeachment by the house, Reed quit the executive offices at Tallahassee, considering himself duly suspended from office because he was constitutionally “disqualified from performing any duties of his office”. He repaired to his farm near Jacksonville. When, however, the legislature adjourned *sine die* without bringing him to trial he saw fit to construe its action as equivalent to acquittal. He watched for a chance to emphasize this conclusion. It soon came. Acting-Governor Day went to Jacksonville to attend a party caucus and Reed thereupon went to Tallahassee, entered the executive offices, issued a proclamation declaring himself to be governor of Florida, appointed a new attorney-general and a circuit judge, and then returned quietly to his home in Jacksonville to await results. Gibbs, the negro secretary of state, who had played a fraudulent part in counting in Day against Bloxham, approved with the stamp of the great seal of the commonwealth the proclamation of Reed. The document stated that Acting-Governor Day was “making removals from office and appointments thereto without authority”

<sup>1</sup> Art. 6, sec. 7.



and that it was necessary to intervene "to the end that the rights of the people, in the proper exercise of lawful authority shall be maintained, that the property of the state shall be preserved, that the imposition and collection of oppressive taxes without authority of law shall be stopped, that the free and equal exercise of political rights, in the election soon to occur, shall be had."<sup>1</sup> Two days later, April 10th, Reed proposed to Day that they both turn to the supreme court for a decision as to who was governor of Florida. Day paid no attention to the proposal, whereupon Reed requested an opinion of the supreme court. That tribunal responded on April 29th that Lieutenant-Governor Day was "neither *de jure* nor *de facto* governor of Florida. He is in no sense governor. He is lieutenant-governor exercising the functions of the office of governor. You are still *de jure* governor."<sup>2</sup>

Meantime, April 22nd, Day, who declared Reed's action "attempted usurpation in total disregard of law and good government and revolutionary in its tendencies," called an extra session of the legislature, probably expecting to push the trial and finally drive Reed from office. The Democrats were eager that the trial proceed because its result might mean the governorship for Bloxham. The Republican managers opposed the re-opening of the trial. Mr. Samuel Pasco, Democrat, states that the two Republican factions headed respectively by Reed and Day put aside their differences. "Terms were made with Reed," he says.<sup>3</sup>

On May 2nd, the senate again sat as a high court of impeachment with Chief Justice Randall in the chair. Five

<sup>1</sup> *An. Cyclo.*, 1872-3; Wallace, *op. cit.*, p. 183.

<sup>2</sup> *An. Cyclo.*, 1872-3.

<sup>3</sup> Herbert, *Why the Solid South?* p. 159.

out of six of the prosecuting attorneys were Democrats prominently opposed to the Radical party.<sup>1</sup> There was grotesque irony for some present on that occasion in the call of the sergeant-at-arms. "Hear ye! Hear ye! Hear ye!" he thundered out when the last senator had been sworn in and the court stood convened. "All persons are ordered to keep silence under penalty of imprisonment while the Senate of Florida is sitting for the trial of Harrison Reed, Governor of Florida, for high crimes and misdemeanors. God save the State of Florida and this honorable Senate." Certainly there was need of some interposition, not political, for this pending trial was a political and not a judicial proceeding.

The trial did not materialize. On May 4th, the senate chamber was crowded by those awaiting the decision of the court. The counsel for Reed presented a motion that the accused governor be "discharged from arrest" and that the indictments against him be dismissed. The senate passed the motion by a vote of ten to seven. "Men could be seen in every direction running and shouting at the top of their voices," states Wallace.

Day, now filled with anguish, was pacing back and forth, first to the door of the executive chamber and peeping out for his messenger, and then back into his office. When the messenger came running with the dreadful intelligence, which was the end of his career as governor, so anxious was he to know the result that he did not wait his arrival but ran to meet him and asked: "How is it?" "Reed's discharged." He turned his back on the messenger and wept.<sup>2</sup>

<sup>1</sup> The Democratic attorneys were: ex-Gov. Walker, M. A. Peeler (who had helped frame the Black Code), Geo. P. Raney (of the Dem. minority in the legislature), T. W. Brevard (a veteran of the Confederate Army), and Bolling Baker (one-time member of the Confederate Government).

<sup>2</sup> *Op. cit.*, pp. 209-10.

The hurraing which accompanied the announcement of the vote marked the end of a contest between governor and legislature which had been stretched over four years and which by 1872 had lost enough of its novelty to become tiresome.

The contest which had just ended, occurred on the eve of the campaign of 1872. The situation was very similar to that in 1870. From a Democratic standpoint the opening was full of encouragement. The Republican party was racked by continued strife among its leaders. The legislature was nearly balanced between Radical and Conservative. The last election had witnessed a heavy falling-off of Republican strength. The Liberal Republican movement, which in national affairs was so promising at first, touched Florida affairs here and there.

The "Conservative State Central Committee," in appointing delegates to the Democratic national convention at Baltimore, instructed them to favor "a Liberal Republican nominee".<sup>1</sup> On August 14th, 1872, the Democratic state convention met in Jacksonville. Amid very little exhibition of conflict or of asperity of feeling Bloxham was nominated for governor; Robert W. Bullock, for lieutenant-governor; and Silas Niblack and Charles M. Jones, for congress.<sup>2</sup> The convention endorsed the "Cincinnati" or Liberal Republican platform and the "National Democratic Ticket", which was the Liberal Republican ticket.<sup>3</sup> A "Liberal Republican Convention" convened in Jacksonville and endorsed the Democratic state ticket.<sup>4</sup> Was there to be in Florida a happy fusion of Democrats and discon-

<sup>1</sup> *An. Cyclo.*, 1872-3.

<sup>2</sup> *Floridian*, Aug. 20, 1872. The convention was in session three days, adjourning, Aug. 16.

<sup>3</sup> *An. Cyclo.*, 1872-3.

<sup>4</sup> Wallace, *op. cit.*, p. 216.

tented Republicans? The thought was no doubt pleasing to certain optimistic Democrats.

The Republican state convention had met on August 7th, at Tallahassee. Memories of riotous 1868 were revived. A big crowd congregated in the town. Fairly good order prevailed on the streets, but this was not true of the assembly hall in the capitol building where the convention was in session. Seven different individuals were competing for the governorship. The most prominent were Reed, Stearns, and Hart. The first ballot indicated that Stearns, carpet-bagger, had the greater number of white supporters.<sup>1</sup> Reed had lost that leadership of the Republicans which back in the years 1867 and 1868 he had been reputed to have.

Most of the negroes supported Justice Hart of the Supreme Court. Hart was a Southern Republican or "scal-away". On the second ballot Stearns was nominated by a small majority. "The scene which followed beggars description," chronicled the *Floridian*.

Many of the Hart men, mostly colored, became frantic. They rushed about the room, mounted desks, chairs, *etc.*, yelled, bawled, and swore that they would not submit to any such nomination. Persons on the street thought that the convention had broken up in a general row and expected any minute to see the delegates come tumbling out into the streets.<sup>2</sup>

<sup>1</sup> *Floridian*, Aug. 13, 1872. There was considerable wrangling over the credentials of delegates. The regular business was carried on behind closed doors. The contest for the two nominations to Congress was closely contested by negroes, who obtained one place (Walls). The negro Methodist Church was opposed to certain carpet-bag leaders, particularly Purman and Gleason, because of the part they had taken in expelling the negro Bishop Pearce from the legislature. See resolutions of A. M. E. Church, Hamilton Co., *Floridian*, Aug. 20, 1872.

<sup>2</sup> *Floridian*, Aug. 13, 1872.

The nominee tried to speak. His voice was drowned by the howls of the delegates. When order was partly restored, Stearns announced that he withdrew in favor of Judge Hart. He thereupon received second place on the ticket. Thus did the negroes play an important rôle in dictating party nominations.<sup>1</sup> Josiah T. Walls, negro, and W. J. Purman, carpet-bagger, were nominated for Congress. The platforms of the two parties were rather colorless and much alike. The issue as seen by the average Conservative can be deduced from the headlines of the leading Conservative journal—"If you want an honest state government vote for Bloxham to-day."<sup>2</sup> There was nothing strikingly original in this.

As the autumn approached the Democratic outlook in Florida failed to brighten. It took on the pale gloom of the Conservative cause in the nation at large. Yet the local campaign was hard fought and somewhat bitter in regard to the race question.<sup>3</sup> Strenuous speeches were made by Democratic stumpers, but the operation of the Federal Enforcement Act through the Federal courts had a subduing effect upon Democratic regulators. The whip, halter, and shot-gun were less in evidence and the influence, therefore, of the Conservative campaign thunder upon the black was less. The "liberal" element in the Republican party for Florida amounted practically to nothing.

The result at the polls on November 5th, 1872, showed that the heaviest vote in the history of Florida had been cast but that the Democratic state ticket had been defeated

<sup>1</sup> Wallace, *op. cit.*, pp. 214-215. Wallace infers that Stearns and his friends arranged in advance this method of securing second place for Stearns.

<sup>2</sup> *Floridian*, Nov. 5, 1872.

<sup>3</sup> See *Floridian*, Aug. 6, 13, 20, Sept. 10, Oct. 1, 15, 1872; Wallace, *op. cit.*, p. 216.

by 1,599 votes, and the national ticket by more than 2,000. Grant and Wilson received 17,763 votes; Greeley and Brown, 15,427. Purman and Walls, Republican candidates for Congress, each received a majority of more than 1,700. The Republican ticket, state and national, therefore prevailed decidedly.<sup>1</sup>

The general character of proceedings at the polls was very like that in 1870. To keep order squads of Federal troops were distributed over the state on the day of election—a colonel and thirty-six men at Jacksonville; a major and twenty men at Marianna; a major and twenty men at Tallahassee; a lieutenant and twelve men at Lake City; a lieutenant and twelve men at Quincy; and smaller squads of men at other points.<sup>2</sup> These Federal soldiers were the auxiliaries of the Republican party, and were appreciable factors in winning the election.

“Federal arrests” played some part in carrying the polls. United States Senator Osborn and United States Marshal Conant, upon hearing that the boards of canvassers for Alachua and Marion Counties were considering throwing out several precincts for gross irregularity in the voting, telegraphed Dennis and Le Cain, Republican bosses for these localities, to arrest the canvassers who would not “go with them” in an illegal canvass. The board of Alachua County consisted of William Birney, county judge; H. S. Harmon, county clerk; and R. W. Roberts, justice of the peace—all Republicans. The returns from two pre-

<sup>1</sup> *Floridian*, Dec. 17, 1872, for formal returns by counties. The Republican presidential electors were Knight, Stewart, Tannerhill, and Montgomery. Each received more than 17,700 votes. The Democratic candidates for electors were Call, McLeod, Davidson, and Allan, each receiving over 15,400 votes. Hart and the victorious Republican ticket carried only 12 of the 39 counties.

<sup>2</sup> *Floridian*, Nov. 5, 1872.

cincts, favorable to Republicans but forged, were thrown out by this board. Thereupon Judge Birney was arrested by Deputy United States Marshal Childs upon warrant issued upon affidavit of L. G. Dennis, charging Birney with violation of the Federal Enforcement Act. He was carried to Jacksonville under arrest. Roberts and Harmon were threatened with violence by Dennis's "Liberty Hill Gang" of negro toughs if they should fail to count the fraudulent votes.<sup>1</sup>

The foregoing is a sample of what went on. Conservatives resorted to threats of lawless violence to keep negroes from the polls. Radicals resorted to chicanery and the violent execution of Federal law, to make elections turn out the way they wished.

The composition of the new state legislature showed a slight development in favor of the party in power. In the house were now twenty-nine Republicans and twenty-three Democrats; in the senate, thirteen Republicans and eleven Democrats.<sup>2</sup> The Democratic members were white. About half of the Republicans were black.

During the next four years only slight changes took place in the political situation. The Radical party continued to control the state government with a power in votes slightly on the decrease. The general movement of politics was again toward such a balance as existed in 1870.

The congressional and legislative elections of 1874 showed a Democratic gain.<sup>3</sup> W. J. Purman, Republican, was elected to Congress over John A. Henderson, Democrat, in the First District. The votes cast stood 10,045 to

<sup>1</sup> *Jacksonville Republican*, Nov. 16, 1872; *Floridian*, Nov. 19, 1872.

<sup>2</sup> *Am. Cyclo.*, 1872-3.

<sup>3</sup> *Floridian*, July 21, Aug. 11, 18, Sept. 22, 1874, for preliminaries of party organization in this election.

9,377. In the Second District, comprising the more eastern counties and less of the Black Belt, Josiah T. Walls, negro, was returned over J. J. Finley, a veteran Brigadier-General of the Confederate army. The finding of the state returning board was 8,549 votes for Walls and 8,178 for Finley.<sup>1</sup> The contest in this district was accompanied by sharp and lawless practice on the part of the Republican election officials—particularly in Columbia and Alachua Counties. In Alachua County a negro deputy Federal marshal, "Colonel" Saunders, acted in a strangely obstreperous manner. He threatened with arrest election officials and some would-be Democratic voters. They fled from the polls without casting their ballots, fearing apprehension by the United States government, which Saunders personified.<sup>2</sup>

In Columbia County the polls of an important precinct were opened by irresponsible persons, who were Republicans, one hour before the announced time and before the arrival of the regular election officials. It was claimed by Democrats that during this hour a safe number of illegal ballots for Walls, Republican, was dropped into the ballot-box.<sup>3</sup> Finley claimed that fraud had been perpetrated in sixteen precincts of his district. He presented his case to Congress and twenty-three months after the election a committee, Democratic in majority, made a recount of five precincts, reversed the findings of the state canvassing board,

<sup>1</sup> *An. Cyclo.*, 1873-4.

<sup>2</sup> *H. Misc. Docs.*, 45th C., 2nd S., no. 52 (contested election case, *Finley vs. Walls*), p. 377. It was claimed also that "a large and excited crowd (negroes) armed with clubs, *etc.* . . . surrounded said poll and so boisterously and violently demeaned themselves that a number of my supporters (Democrats) left without voting."

<sup>3</sup> *H. Misc. Docs.*, 45th C., 2nd S., no. 52, pp. 382-388.



and awarded Finley, Democrat, the seat by a majority of 343 votes.<sup>1</sup>

The Florida legislature after the election of 1874 was very near a balance between Radical and Conservative. In the senate, Democrats and Republicans were equal, twelve each. In the house were twenty-eight Republicans and twenty-five Democrats.<sup>2</sup> Thus politics in Florida was substantially in accord with that change in public opinion, the nation over, which has been aptly termed the "Democratic Tidal-wave of '74".<sup>3</sup> Republican strength was pretty well restricted to the plantation counties with large negro population. Purman, in the First Congressional District of twenty-two counties, carried in 1874 only four counties, but was elected because of heavy negro majorities. Walls carried only four of the seventeen counties making up the Second District. Thirty out of thirty-nine counties of the state in 1874 were represented in the lower house of the legislature by Democrats.<sup>4</sup>

The last four years of Republican rule in Florida developed greater harmony between executive and legislature. Impeachment was a thing of the past. But these years witnessed a decline in harmonious actions of negro and white politicians, and increase in the Southern white man's ability to keep the black from voting. The basis of Radical power was negro votes. Radical power was therefore declining. The election of United States senators by the state assembly indicated the direction of the local politi-

<sup>1</sup> *H. Misc. Docs.*, 45th C., 2nd S., no. 52, pp. 367-390. Finley was sworn on April 19, 1876.

<sup>2</sup> *Floridian*, Dec. 15, 1874; *An. Cyclo.*, 1873-4.

<sup>3</sup> See Dunning, *Reconst. Polit. and Ec.*, chap. 15. The term originated in the journals of the time.

<sup>4</sup> *Floridian*, Nov. 10, Dec. 15, 1874; *H. Misc. Docs.*, 45th C., 2nd S., No. 52.

cal wind during these four years. When Radical Senator Osborn's term was finished in 1873 the lively balloting for a successor included several Democrats of prominence. Simon B. Conover, a moderate Republican, was finally elected.<sup>1</sup> He had come into the state with the Union army in 1866. Both Democrats and Republicans voted for him.<sup>2</sup>

Two years later, in 1875, the assembly convened to elect a senator to succeed Abijah Gilbert. No fewer than ten possibilities developed during the balloting. Almost every class of political timber was included—the aristocratic Democrat, the plebeian Democrat, the one-time Whig, the white Republican carpet-bagger, the scalawag, and a negro, George W. Witherspoon. The last was a current type of the negro orator-politician. Deep-chested, jet-black, full-throated, and darkly imposing in manner—he claimed to be the ‘silver-tongued orator of the South’ and really did partly make up in a certain eloquent and sonorous cadence of sound what he lacked in knowledge. He put the ever-interesting phantoms and longings of a negro imagination in place of constructive political ideas, maybe—but this was suited to campaigning in negro churches and camp meetings.

Ballot after ballot brought no decisive result. At last on the twenty-fifth attempt Charles M. Jones, of Escambia County, came within one of a majority. He arose before his electors and stated: “In behalf of 1,500 voters whom I have the honor to represent I cast my vote for Charles M. Jones”.<sup>3</sup> He was elected. Thus did Florida Democracy after fourteen years of absence win representation again in the national congress—the candidate voting for himself.

<sup>1</sup> *Tribune Almanac*, 1875, pp. 46-47.

<sup>2</sup> *An. Cyclo.*, 1873-4. Conover came originally from Middlesex Co., N. J. He entered the Federal Army as a surgeon in 1863.

<sup>3</sup> Rerick, *op. cit.*, pp. 332.

Jones was a remarkable individual—"of stalwart form," loose-jointed, shuffling, crude—some said—a bit Lincoln-like in gait and manner and viewpoint, with an eloquent tongue, a necktie that often surreptitiously sought the top of his collar, coat sleeves usually a trifle short, a deep fund of bright, shady stories at his command when necessary, and a marvelously quick and able grasp of the essentials in politics and law. He began life a very poor boy. He developed into a carpenter and once hearing a fairly prosperous lawyer make a fool of himself in court, he decided to study law himself, for lawyers usually thrive better than carpenters. He was almost unlettered when he began to acquire law. This was not an auspicious beginning. Cox recalls him in after years as an Irishman of "gentle manners, accomplished talent, rare genius for law and comprehension of fact and philosophy. He was one of the first to aid in lifting the South out of its quagmire."<sup>1</sup>

1875. The end of Republican rule in Florida was drawing near. The tenure of this party had been a troubled one. In every state-wide election since 1868, four in all, the opponent political organization, a white man's party, had accused it, a black and white party, of gross fraud and tyranny. During the four years of Governor Reed's administration no fewer than four unsuccessful attempts had been made by the legislature to drive him from office. That for which Democrat strove against Republican and very possibly for which Republicans contested among themselves was primarily the control of state finance and resources. Was this position of control being improperly or dishonestly used by the Republican party? This raises at once the question of the actual character of much administrative and legislative activity during the period. The re-

<sup>1</sup> Cox, *Three Decades of Federal Legislation*, p. 524.

view of politics so far attempted offers some explanation of conditions. Too scant record remains to ever conclusively answer how well and honestly the Republicans made and administered the laws. Yet, some ideas can be gleaned from even a cursory examination of what is left of the dominant party's record—the record of Republican rule.

## CHAPTER XXV

### THE RECORD OF REPUBLICAN RULE

THE Republicans gained complete control of Florida's government in June, 1868. Most of the Republican voters were negroes hardly above barbarism. Most of the local Republican leaders were whites who had lately come into the South from the North. This was the black and white combination which in the judgment of the native white Conservative gave a distinctly sombre character to the Republican party South. That party controlled the government of Florida till 1877. Its career in Florida has been sufficiently criticised and condemned to call for a more conclusive investigation than is possible to-day. Records are meager and some are clearly *ex parte*. It is, in fact, difficult to eliminate bias from judgments of politics during the Reconstruction period. The end of any such attempted investigation should be to establish the character of the dominant party.

A political party's positive character is probably best reflected in the administration of public affairs by its leaders. Record of such administration tends to show what principles and policies were actually adhered to. Campaign platforms and pre-election pledges are obviously of secondary value as guides to the truth. When reviewed long after the election they sometimes indicate what principles and policies were not adhered to, although their platitudes are usually sufficiently broad to admit of almost any explanation. The prime object of this chapter is to inquire

into some aspects of Republican legislation and administration. It is not the object of the chapter to set forth that which Republicans promised to do, nor to explain the difficulties of their position.

The constitution which was drawn up in 1868 by a Republican convention and ratified by negro votes extended the suffrage and the right to hold political office to the black. It made provision for a fairly enlightened government, but a government which in its local application over the entire state could be effectively controlled by a few party leaders. It provided that all local officials, except constables, should be appointed by the governor and senate instead of elected by the people.<sup>1</sup> This insured Republican local supremacy in white sections and was accordingly loudly condemned by some white Conservatives living in such sections. But in practice the appointive principle proved not a particularly bad one for the state because of the peculiar condition of the suffrage and of party alignment. The governor appointed to office better men in the populous black sections than the negroes would have elected. Florida had undergone so many vicissitudes by 1868, that the adoption of this constitution did not work a revolution. The negroes were then already voting and holding office. The state had already undergone two periods of centralized military rule.

In this Republican constitution, probably the most significant characteristics not already mentioned were: 1, the increase in the number of higher government offices; 2, the decided advance in salaries of higher officials; 3, the general preparation for an expansion of the state government's activities. The critics of Republican rule point this out as an indication of preparation to exploit the state by unduly

<sup>1</sup> Constitution of 1868, sec. vi, arts. 17-20—*H. Misc. Docs.*, 40th C., 2nd S., No. 114, pp. 11-31.

elevating salaries and multiplying offices. Such a conclusion is open to question. As to multiplication of offices: the number of circuit judges was increased from five to seven; the governor's cabinet, from five to eight; the position of lieutenant-governor was created; and the legislature, slightly augmented. As to advance in salaries: in 1860 the governor received \$2,500; in 1868, \$5,000; in 1860 the secretary of state received \$800; in 1868, he and the other seven members of the cabinet received each \$3,000; in 1860, the chief justice received \$2,500; in 1868, \$4,500. In 1860, the salaries paid by the state to maintain the executive department and the judiciary amounted to \$26,200. By 1868, these salaries had risen to \$68,500. The legislature cost \$12,637 in 1860; in 1869, it cost \$48,615.70.<sup>1</sup>

Thus the Republicans provided for more and better-paid state officials. In doing so they might have acted in reasonable response to necessity. The Conservatives who ruled the state between 1865-67 had increased the number of justices, created county courts, and advanced the salaries of governor and judges. Florida government salaries have never been outrageously high—even under Republican rule. Most officials, like other people, have families to support and few then enjoyed much income from rents. In merely raising salaries the ruling party did not act recklessly, and, furthermore, it showed a willingness to rectify any mistake in this regard. The first Republican legislature proposed that a constitutional amendment be adopted scaling down salaries. In 1870, such an amendment was adopted, reducing by one-third all salaries which had been augmented.<sup>2</sup>

<sup>1</sup> Herbert, *Why the Solid South?* pp. 142-3, 150; Const. of 1868.

<sup>2</sup> *Am. Cyclo.*, 1870, "Florida." The governor was to receive \$3,500

But this increase in expenditure provided for in the constitution proved to be but a sign of the times, an indication of Republican policy, which proved disastrous for Southern tax-payers. Republican leaders in Florida, as in the other Southern states, desired to expand tremendously the activities of the state. "Things must be done they believed on a larger, nobler, freer scale than under the debased régime of slavery. Accordingly, both by the new constitutions and by legislation the expenses of the new governments were largely increased; offices were multiplied in all departments; salaries were made more worthy of the now regenerated and progressive commonwealths."<sup>1</sup> The dreams of honest Republicans were no doubt worthy, but dishonest individuals took advantage of conditions to unmercifully exploit the expanding government. Humanitarians found it impossible to carry out adequately plans for social regeneration with a semi-barbarous electorate and a graft-eaten government. The expenditure by the state for printing and stationery alone in 1869 was \$1,500 more than the entire cost of the state government—legislation included—in 1860;<sup>2</sup> and yet it is safe to say that a majority of those persons engaged in making and enforcing the laws in 1869 could neither read nor write.

The Republican administration in Florida began with big ideas. Governor Reed soon after his inauguration formulated some of these vague expectations.<sup>3</sup> He declared that the taxable property under the old system had been

instead of \$5,000; all of the supreme court \$3,000 each instead of \$4,500 and \$4,000; the circuit judges \$2,500 instead of \$3,500; the cabinet officers \$2,000 instead of \$3,000; and the members of the legislature "per diem" and "mileage".

<sup>1</sup> Dunning, *Reconst. Polit. and Econ.*, p. 205.

<sup>2</sup> Herbert, *op. cit.* (Pasco), p. 150.

<sup>3</sup> Governor's Message, *An. Cyclo.*, 1870-71.



greatly undervalued. In the new system which began with his inauguration he proposed that the tax-assessors, appointed by the governor, and not the owners of the property, should swear to the value of the property.<sup>1</sup> He would tax the 400 miles of railway hitherto free of taxation, the 1,000 miles of telegraph line within the state, and the thousands of acres of land held by the railways which paid no taxes. He proposed, in a word, that the corporations be made to pay up—and this proposal on its face was reasonable and right. He estimated the value of taxable property in Florida at \$50,000,000. He pointed out that a state tax of one-half of one per cent should yield an income of \$250,000. He called attention further to the 11,000,000 acres of public land belonging to the state, which might be made to yield, in some fashion, immediate revenue to the state.<sup>2</sup>

Governor Reed addressed a memorial to congress praying for the restoration of those lands lost to Florida by secession. The lands were desired, he wrote, "to induce capitalists to enter again upon the work of completing

<sup>1</sup> *Floridian*, June 15, 1869. "The system of the assessment of property should be thoroughly reorganized," stated the governor in his message of June 9. "In one locality by means of a committee of appraisers appointed outside the constituted authorities, to aid the assessor, property heretofore assessed at \$600,000 will for the current year be returned for \$1,500,000. This shows one of two things,—either that property has heretofore been exempted on the part of assessors, or that the persons who should render true statements of their property have under oath rendered it at much less than its value."

<sup>2</sup> *Floridian*, April 6, 1869. It was estimated by the *Floridian* that 14,166,378 acres of land had been given the state by the Federal government. Of this amount 10,910,000 acres were designated "swamp land". 1,760,468 acres were granted to aid railroad construction. See *House Journal*, 1st session, 1868, pp. 55-58, for Reed's ideas about the taxable strength of the state.

Florida's internal improvement system".<sup>1</sup> In subsidizing internal improvement, the new Republican administration would begin practically where the Democrats had left off before the outbreak of the Civil War. The proposal to extend state aid to capitalists was, therefore, not a new thing for Florida. A senate committee in 1869, entrusted with investigating internal improvement, suspected what might be the outcome. "Men do not organize themselves into railroad companies for glory, but for personal interest," stated the committee. "No bonds should be issued to any railroad company by the state, or the company's bonds endorsed by the state except as work progresses and is approved by the state engineer."<sup>2</sup>

The Republicans found an empty treasury, society in a pathetically impoverished condition and a number of bankrupt railway systems. The administration addressed itself at once to the development of the railways. The governor memorialized the Federal Congress for land to aid in completing the railway lines from the Atlantic to Pensacola on the Gulf, as an "eastern link" in the line of the Southern Pacific Railroad from New Orleans. "Down the Peninsula to Charlotte Harbor and Key West, is also of national importance," he declared,

in contemplation of the more intimate relations with Cuba. The connection of the St. Johns River and the Indian River by canal and the opening of navigation to Biscayne Bay, will give an inland navigation of near 1,000 miles, extending from Savannah to Key West. The State has granted liberal fran-

<sup>1</sup> *Floridian*, April (?), 1869. The *Floridian*, a leading Democratic journal, applauded this memorial. The state legislature in its July-August session (1868) passed resolutions requesting the Federal government to regrant lands to the state,—see *Laws of Florida*, 15th Assembly, Nos. 7, 8.

<sup>2</sup> *Floridian*, June 22, 1869. Report of committee.

chises to these enterprises, and if the Federal Government will renew the former grants with some necessary additions, four years will complete the entire system of internal improvements in Florida <sup>1</sup>

In the definite aid asked by the governor is exposed the internal improvement contemplated by him. He wished the grant of alternate sections of Federal lands for six miles on each side of the following projected railway lines and canals. 1, A railway from Quincy to Pensacola, about 150 miles. 2, A railway from Chattahoochee toward Eufaula (Ala.), about 50 miles. 3, A railway from Baldwin to Charlotte harbor, about 250 miles. 4, A railway from St. Augustine to Jacksonville, 40 miles. 5, A canal from the St. Johns river to the Indian river, 12 miles. 6, A canal from the Indian river toward Biscayne bay, 20 miles.

Being without transportation, most of the land to be traversed by the railways and canals was for the time a dead resource to the state. Once these sections were pierced by railways, the optimistic believed that the revenue realty of the state would be hugely increased. In a word, the Republican governor proposed that the lands of the state be developed by the efforts of the government in order that the government might be strengthened by the consequent development of the state. What finally came to pass was hardly this. The lands of the state were appropriated by dishonest corporations and individuals and the government, in turn, weakened by the gross exploitation of the resources of the state. Railway franchises, land, and timber were in fact sold for a song.

The immediate problem before the Florida administration was to raise money to sustain itself. In doing this,

<sup>1</sup> *Floridian*, April 6, 1869, memorial of Governor Reed dated Washington, March 18, 1869.

whether by issuing scrip, floating regular loans, or collecting taxes, mismanagement and graft developed. On August 6th, 1868, the legislature authorized the issue of \$300,000 six per cent bonds,<sup>1</sup> and in September Governor Reed went North to make inquiries among bankers concerning the sale or hypothecation of these securities.<sup>2</sup> From first to last the Republicans turned to New York City for credit. The state treasury was empty in 1868. The public debt amounted to more than a half-million dollars. The expenses of government for the year 1866-7 had been \$25,000 in excess of receipts. The Republicans were but newly installed, and were savagely opposed by the majority of Southern whites. In fact the political and economic future of the entire South was extremely uncertain. The task therefore of readily financing Florida, though involving a comparatively small amount, proved to be difficult because bankers and other investors lacked confidence in the state's ability or future willingness to pay interest on its bonds and notes.<sup>3</sup>

With some difficulty the bonds authorized in August were partly disposed of. Some were sold in New York and some in Florida.<sup>4</sup> Many of the bonds were not sold for cash, but exchanged for old state bonds (those of 1867) or for outstanding state scrip.<sup>5</sup> Other bonds were not sold

<sup>1</sup> *Laws of Florida*, 15th Assembly, chap. 1634.

<sup>2</sup> *Floridian*, Sept. 15, 1868.

<sup>3</sup> See comptroller's report, *House Journal*, 3rd Session, 1870, Appendix, p. 8.

<sup>4</sup> See correspondence relative to the sale of bonds, *H. Journal*, June 21, 1869. Among the purchasers in Florida were Gov. Reed, a Mr. Hawkins, and a Mr. Austin. See reference to Osborn's attempt to sell the bonds, *Floridian*, Dec. 15, 1868.

<sup>5</sup> See report Comptroller Gamble, *H. Journal*, June 21, 1869. For example, A. B. Hawkins received 36 bonds for which he exchanged bonds

but hypothecated as collateral for loans to the state. George W. Swepson, of North Carolina, for instance, advanced the government \$50,000 at 8 per cent on \$100,000 face value of bonds. Securities which should have sold at 80 or 90 were disposed of at 50, or hypothecated for less at a high rate of interest, to be paid by the state. In this fashion did the efforts of the government to obtain ready money, quickly tend to increase its burden of indebtedness.

The quarrel between Governor Reed and the legislature caused the latter to vest the control of the next bond issue—\$200,000 in January, 1869—not in the governor but in the comptroller, Gamble.<sup>1</sup> Reed went North during the spring of 1869,<sup>2</sup> and evidently thought that he had obtained the consent of the comptroller to sell the bonds.<sup>3</sup> However, United States Senator Thomas W. Osborn applied to the comptroller for authority to sell the bonds, and Mr. Gamble, in good faith, entered into negotiations with him while Governor Reed was away.<sup>4</sup> Reed and Osborn were bitter enemies. The governor arranged with Jay Cooke and Co., of New York, to dispose of the \$200,000 issue at 75.<sup>5</sup> He

of 1867 to the amount of \$28,208.34 and state scrip for \$8,158.50. Governor Reed on Feb. 27, 1869, purchased four bonds at 80 cents in Florida scrip, etc.

<sup>1</sup> *H. Journal*, June 21, 1869.

<sup>2</sup> He left early in March and was in the North about 30 days. *Floridian*, April 6, 1869.

<sup>3</sup> *H. Journal*, June 21, 1869. "When about to leave" (for the North), wrote Gamble in 1869, "he [the Governor] remarked to me in substance: 'I can be of service to you in Washington by selling the bonds'. I recalled feeling embarrassed for the moment but I had fully made up my mind that I could not authorize him to sell, and after a moment's reflection I simply replied that I would be glad to hear from him what could be done, or words to that effect," etc.

<sup>4</sup> *Floridian*, Dec. 15, 1868; *H. Journal*, June 21, 1869.

<sup>5</sup> *Floridian*, June 29, 1869. The *Floridian* was skeptical about the

wrote Gamble for formal authority to sell the bonds. The reply which he received, informed him that the bonds would be sold through Senator Osborn. Reed's despairing reply is an interesting side-light on this aspect of state politics. "Your arrangement will be ruinous to me and compel my resignation if carried out," he wrote the comptroller. "I was offered 75 by Jay Cooke and Co., and agreed to deliver if I could not get more here. I acted on your direction given at the moment of starting and my faith is pledged. The negotiation by Osborn will give him entire control of political affairs if sanctioned, and my honor is gone."<sup>1</sup> Neither Reed nor Osborn sold the bonds and the comptroller at this time refused to hypothecate them with the National Loan and Trust Co. of New York—in touch with Reed—because the terms were too unfavorable to the state. The foregoing incident is typical of the inharmonious methods of the Republican administration.

Several banks and brokerage houses of New York City were more or less connected with the financial fortunes of Florida during these years, such institutions as Jay Cooke and Co., the First National Bank, the New York Warehouse and Security Co., Soultter and Co., and S. W. Hopkins and Co.<sup>2</sup> The last-named house was the agent for a group of railroad promoters in the largest and costliest blunder or misdeed of the Republican government—namely,

quoted offer of Jay Cooke and Co. "Tenn., N. C., and Va. 6's are from 55 to 61 while between Georgia 6's and 7's there is a marked difference of 8 per cent. If securities of these rich states are so much below the price for which Florida bonds are expected to be sold, it is reasonable to suppose that without some misunderstanding by which the State is to be swindled a sale could not be effected so much above the general price of Southern securities."

<sup>1</sup> *H. Journal*, June 21, 1869—Rpt. Compt. Gamble; Reed to Gamble, March 11, 1869, from Empire House, Washington.

<sup>2</sup> *H. Journal*, June 21, 1869.

the issue of bonds to the Jacksonville, Pensacola, and Mobile Railroad.

This transaction affords an example of how respectable thieves and shrewd manipulators of securities profit at the hands of American state governments and at the ultimate expense of the taxpayers. It is typical of Reconstruction administration. The principals in the transaction were: the Republican legislature; certain Republican county commissioners; the Republican trustees of a state railway fund, known as the Internal Improvement Fund; and lastly, a group of promoters, financed by George W. Swepson, of North Carolina, led by Milton S. Littlefield, of Maine, and aided by certain business men in New York City.

The railways of Florida had been built partly by state aid. The commonwealth was represented by the trustees of the Internal Improvement Fund, created in 1855.<sup>1</sup> They held for the state the bonds of the subsidized railways. At the close of the war the roads of Florida were in a very bad condition—burdened by heavy debts, hampered by run-down equipment, and not doing a heavy business. They defaulted on their bonds. The trustees of the Internal Improvement Fund were, under the law, the governor and his cabinet. In 1868, the Republicans gained control of the government. The new trustees, soon after taking office in 1868, sold under execution the Central Railroad (from Lake City to Tallahassee) for \$110,000 to a group of men represented by a Mr. W. E. Jackson.<sup>2</sup> The purchasers straightway obtained a new charter from the legislature and their road became the "Florida Central".<sup>3</sup>

<sup>1</sup> *Minutes Trustees Internal Improvement Fund*, v. i (Fla. Hist. Soc., Jacksonville).

<sup>2</sup> *U. S. Reports*, 103, R. R. Cos. *vs.* Schutte, p. 120.

<sup>3</sup> R. R. Cos. *vs.* Schutte, p. 120.

On February 6th, 1869, the trustees sold under execution for defaulting two more railroads: the Pensacola and Georgia Railroad (from Lake City to Quincy) and the Tallahassee Railroad (from Tallahassee to the port of St. Marks).<sup>1</sup> This forced sale was advertised "for cash" and the roads were disposed of nominally for \$1,415,000; yet "the purchasers were allowed the privilege of paying the purchase money by delivering the road's bonds at their par value".<sup>2</sup> About a million dollars worth of these bonds had been quietly bought up at a very low figure—35 cents on the dollar—by those who ultimately used them to buy the roads from the state.<sup>3</sup>

The man who furnished the money for the purchase of the bonds was George W. Swepson, of North Carolina, who in turn obtained the money by embezzling the funds of a railway in North Carolina, of which he was president.<sup>4</sup> Many of these old bonds were held by the counties in Florida through which the roads passed. The counties had before the war aided the building of railways by purchasing their bonds. These county governments were partly Africanized in 1868, and the new Republican county commissioners sold for a song the railway bonds owned by the counties.<sup>5</sup>

<sup>1</sup> R. R. Cos. *vs.* Schutte, p. 120. *H. Rpts.* (U. S.), 42nd C., 2nd S., No. 22, v. 1, p. 164. *Rpt. Trustees Int. Impr. Fund in Floridian*, July 13, 1869. The P. & G. R. R. went for \$1,220,000; the Tall. R. R. for \$195,000. Also see *Floridian*, March 23, 1869.

<sup>2</sup> *U. S. Rpts.*, 1, Otto, pp. 667-690, *State of Florida vs. Anderson et al.*

<sup>3</sup> *Floridian*, March 23, July 13, 1869.

<sup>4</sup> R. R. Cos. *vs.* Schutte, U. S. 103, pp. 120, 137. "Its [W. Div. of N. C. R. R.] moneys were wrongfully invested in that stock by an embezzler. Swepson was the embezzler," *etc.*—Justice Bradley of the Federal Supreme Court.

<sup>5</sup> *U. S. Rpts.*, 1, Otto, p. 673—*Fla. vs. Anderson. Fla. Rpts.*, v. 13,



Swepson, railway promoter of North Carolina, is said to have gone before the trustees of the Fund "with more than a million dollars first-mortgage bonds stuffed in his breeches pockets, which had been purchased by him at from 30 to 35 cents on the dollar."<sup>1</sup>

When the time came for settlement the purchasers were \$472,065 short of cash or bonds;<sup>2</sup> but "by some contrivance," stated Justice Bradley, of the Federal supreme court, "this balance was not paid at all, but was only formally settled by inducing the agents of the trustees to accept a check for the amount". Swepson, Littlefield, and their associates thereupon "obtained a deed for and took possession of the property". The check (for \$472,065) proved to be "worthless".<sup>3</sup> The purchasers, however, now owned three railway lines free of old encumbrances and costing them about \$2,000 of embezzled cash per mile.

They went at once to the Republican legislators and in June, 1869, obtained a charter consolidating the Tallahassee Railroad and the Pensacola and Georgia Railroad into a single corporation known as the "Jacksonville, Pensacola and Mobile Railroad Company". The capital stock was fixed at \$6,000,000, which Swepson, Littlefield, and friends issued to themselves.<sup>4</sup>

The new corporation at once solicited state aid. The Florida legislature was partly black, partly illiterate, and then grossly venal. "Littlefield handled plenty of money

pp. 280-288, "Commissioners of Columbia County *vs.* Wm. Bryson", pp. 452-481. "Commissioners of Columbia County *vs.* King," *etc.* *H. Rpts.*, 42nd C., 2nd S., No. 22 v. 13, p. 211. Herbert, *op. cit.*, p. 148.

<sup>1</sup> *Floridian*, July 13, 1869.

<sup>2</sup> *R. R. Co. vs. Schutte*, U. S. 103, p. 121; *Fla. vs. Anderson*, 1, Otto, p. 668.

<sup>3</sup> *R. R. Cos. vs. Schutte*, U. S. 103, p. 121.

<sup>4</sup> *Ibid.*, pp. 122-126.

and the statesmen of all shades and color were unwilling to bestow upon him as a gratuity, privileges which he was able and willing to pay for".<sup>1</sup> He bribed the bribable to support his railway project, which was in brief legislative authority for the heavy endorsement of railway securities by the state. "General Littlefield was lobbyist for this bill," reported a witness of the proceedings in Tallahassee. "He is supposed to have distributed several thousand dollars of railroad transportation bills, current here as money, which were deposited to his credit, to the order of Mr. Swepson, and drawn out by Littlefield. He followed this by drafts on Soultter and Co., of New York, payable to himself and endorsed to members of the legislature to the amount of \$250 and up to thousands".<sup>2</sup>

Wholesale bribery went on lustily in Tallahassee. Legislators were selling the credit of the state. Governor Reed was accused of being a party to the trading. A letter reputed to have been written by Swepson to Reed, May 31st, 1869, states:

You remember when in New York our agreement was this: You were to call the Legislature together and use your influence to have our bills passed as drawn by us; and if you were successful in this, you were to be paid \$12,500 in cash, out of which amount was to be deducted the \$7,500 you have heretofore received, leaving a balance of \$5,000 to be paid at an early day. Should our bills, as drawn, pass, we want you to go to New York and sign and issue to us the State bonds, and receive the bonds of our roads in exchange for them.<sup>3</sup>

Under such stimulation a bill expeditiously became law in January, 1870, amending the original charter of the Jack-

<sup>1</sup> Herbert, *op. cit.*, p. 148.

<sup>2</sup> *Floridian*, July 13, 1869; Wallace, *op. cit.*, chap. ix.

<sup>3</sup> Letter in S. S. Cox's *Three Decades of Federal Legislation*, p. 520.

sonville, Pensacola and Mobile Railroad and authorizing the issue to this corporation of eight per cent thirty-year state bonds, to the amount of \$16,000 for each mile of road in the system.<sup>1</sup> The trustees of the Internal Improvement Fund were to receive from the succored railway its bonds in exchange for these guarantee bonds of the state.<sup>2</sup> The professed object of this subsidy was "to complete, equip, and maintain the road". The legislature also authorized the issue in like manner of state bonds, to seven other railway lines partly built or projected. The aid to be granted varied from \$10,000 to \$16,000 per mile.

And now Littlefield becomes the controlling figure in the two reorganized railway systems—namely, the "Florida Central" and the "Jacksonville, Pensacola, and Mobile".<sup>3</sup> He obtained from Governor Reed \$3,000,000 of state bonds for the latter line, and \$1,000,000 for the former; in all \$4,000,000.<sup>4</sup> In exchange, he gave the governor a like amount of railroad bonds. With the state securities in his possession, Littlefield left for New York, and the final move in fleecing the state began.

<sup>1</sup> *U. S. Rpts.*, 1, Otto, p. 668—*Fla. vs. Anderson*. Also *H. Rpts.*, 42nd C., 2nd S., No. 22, v. 1, p. 344.

<sup>2</sup> *R. R. Cos. vs. Schutte*, U. S. 103, p. 126. The form of the State bond was as follows: "It is hereby certified that the State of Florida justly owes to ———, or bearer, one thousand dollars redeemable in gold coin of the United States at the Florida State agency in the city of New York on the first day of January, 1900, with interest thereon at the rate of 8 per cent per annum, payable half-yearly at the said Florida State agency in gold on the first days of July and January in each year from the date of this bond until the principal be paid on surrendering the proper coupons hereto annexed." H. Reed, Gov.

Tallahassee, Jan. 1, 1870.

S. B. Conover, Treas.

(Great Seal.)

<sup>3</sup> *R. R. Cos. vs. Schutte*, *passim*; Wallace, *op. cit.*, p. 284.

<sup>4</sup> *R. R. Cos. vs. Schutte*, pp. 126, 129; *Fla. vs. Anderson*, p. 673; *State of Florida et al. vs. Florida Central R. R., et al., Fla. Rpts.*, v. 15, p. 692.

He put the bonds into the hands of a New York and London brokerage firm, S. W. Hopkins and Co.<sup>1</sup> They

were taken at once to London, and from there put on the market in Holland, where most or all of the sales appear to have been made. The bonds were undoubtedly steeped in fraud at their inception, but they were nevertheless apparently State bonds on the market in a foreign country, among a people largely unacquainted with the English language, and offering tempting inducements by reason of their liberal interest (8%) to those who were seeking investment.<sup>2</sup>

The \$4,000,000 of bonds were sold for about 70 cents on the dollar, netting some \$2,800,000;<sup>3</sup> and then the proceeds of this sale, instead of being put into building and bettering the railroads in Florida, were dissipated in a most extraordinary fashion.

Only \$308,938 of the amount were even nominally applied to building and equipping Florida roads. The remaining two and a half-millions were paid to a multitude of persons and corporations, for unspecified or foolish services and claims. Littlefield charged to the fund his traveling expenses while in England as agent—about \$24,000, a round sum for a little tour of a few months. The traveling expenses of certain agents of Hopkins and Co. came from the same source—\$6,216. Bayne and Co. of London, was paid \$200,000; George W. Swepson, of North Carolina, \$50,000; the Western Division of the Western Carolina Railroad Co., \$350,000; the “commissioners” of this North Carolina corporation, \$48,600; Governor Reed, of Florida, \$223,750; and so on. Only \$153,938 were spent for

<sup>1</sup> State of Florida, *et al.*, vs. Fla. Central R. R., *et al.*, pp. 690-732.

<sup>2</sup> R. R. Cos. vs. Schutte, p. 132. Opinion of Justice Waite.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. I, p. 342; v. I3, p. 250-1.

railway iron, and about the same amount for building nineteen and one-half miles of road.<sup>1</sup>

"The report of Hopkins and Co. is a remarkable exposure for the people of this state who are expected to pay the bonds at maturity," declared the *Tallahassee Sentinel* in October, 1871. Whatever had really happened, whether the proceeds of the bond sale had been honestly paid to honest claimants or stolen for debts contracted in purchasing the roads and bribing the legislature, the net result for the state was the same. Its public debt was increased \$4,000,000, and it had nothing to show for it. In final analysis what had come to pass was this: Littlefield and his friends, working in harmony with a band of respectable thieves in New York and North Carolina, had bought with depreciated bonds and a worthless check, several bankrupt railway lines from the Republican administration, and then the administration had bought back these lines for \$4,000,000. The state officials had been either fools or knaves, or both. The Republican governor of Florida finally acknowledged the disastrous outcome of this railway transaction. "It appears," he wrote, "that the bonds of the company were entrusted to one of the firms of swindlers who abound in New York, who by fraud and villany have diverted the proceeds from the work for which issued."<sup>2</sup>

So far this discussion has involved, in the main, the executive branch of the government. What of the legislature? It has been charged that Reconstruction legislators were generally incompetent and corrupt, openly and scandalously subject to bribery, and guilty with Republican administrators of increasing the burdens of the state. Legis-

<sup>1</sup> "Schedule F," statement of Hopkins & Co.,—*H. Rpts.*, 42nd C., 2nd S., No. 22, v. 13, p. 250; Wallace, *op. cit.*, pp. 277-285; *Floridian*, Feb. 25, 1873.

<sup>2</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 1, p. 163—Governor's Message.

lative bodies are apt to fall often from a high plane of righteousness and fairness. The investigators of their actions should make some allowance, for a certain amount of *normal badness*. Was the Florida legislature of this period abnormally bad? Certainly the bitter political strife South threw into the lime-light the short-comings of the ruling party. The Conservative was inclined to ascribe to sinister motive most things attempted by the Republicans. He mentioned religiously in the same breath Republicans and sinners. He probably forgot that ante-bellum quarrels between Democrats and Whigs, or even between factions of the Democratic party, had produced ugly charges of dishonesty, of a deliberate seeking after monopolistic control of the state's resources, of the exploitation of the state's credit for individual or partisan ends. Some of these charges were based on truth.

In reviewing the record of the Reconstruction period—however unbiased be the outlook—that which will certainly impress the most buoyant investigator, is not the certain existence of partisan politics, but rather the amount and shameless nature of corruption in handling public funds or performing a public trust. Legislators in Florida for once were openly thrifty. "Voters are said to have a market value," has written a Conservative who knew well the times.<sup>1</sup> When the Republican historian of the Florida legislature casually wrote, "a large crowd of lobbyists was on hand, as usual, to aid in getting through corrupt measures," he but repeated the central theme of his Reconstruction recollections.<sup>2</sup>

Bribery was open and shameless—so much so that Governor Reed and Governor Hart openly condemned mem-

<sup>1</sup> Herbert, *op. cit.*, p. 147.

<sup>2</sup> Wallace, *op. cit.*, p. 113.

bers of their own party,<sup>1</sup> while the Republican legislature with grotesque insincerity attempted to expel one governor for accepting bribes.<sup>2</sup> The legislature had sufficient conscience left to pass on two occasions resolutions condemning this practice and formally calling for investigation.<sup>3</sup> Matters came to such a pass in Tallahassee that the grand jury of Leon County indicted for bribery the most prominent lobbyist, Littlefield, two state senators, and a member of the governor's cabinet.<sup>4</sup> One senator, Charles Pearce, a negro Methodist preacher, was expelled from the senate, tried in the circuit court and found guilty. He appealed to the state supreme court, but that tribunal sustained the decision of the lower court. Thereupon Acting-Governor Day pardoned the guilty man<sup>5</sup> and Reed removed the state's attorney who was prosecuting him.<sup>6</sup> Pearce was a locally powerful negro leader. His escape from the penitentiary indicated that political reasons were in the way of suppressing that evil which was bringing the Republican administration and legislature and local government into disrepute even among Republicans. But why should the governor not be sympathetic with a legislator accused of bribery? It will be remembered that the Republican legislature formally charged the governor with bribery and tried hard to remove him.

<sup>1</sup> Message of Hart discussing bribery, *H. Journal*, 1873, p. 44.

<sup>2</sup> Wallace, *op. cit.*, pp. 160-66—particularly art. 8.

<sup>3</sup> *An. Cyclo.*, 1873-4. The senate appointed a committee to investigate acts of bribery in connection with the election of Senator Conover. The committee reported that it "had not been able to find direct proof of bribery".

<sup>4</sup> Indictment, County Court House, Leon Co., Florida.

<sup>5</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 387.

<sup>6</sup> *H. Rpts.*, 42d C., 2nd S., no. 22, v. 13, p. 299; Herbert, *op. cit.*, pp. 148-149.

Akin to bribery was the ancient practice of selling offices. Those who did the trading were the various local bosses—such as Purman in Jackson County, Billings in Nassau County, Pearce in Leon County, Dennis in Alachua County, Krimminger in Lafayette County, Stearns in Gadsden County, Meacham in Jefferson County, *etc.* The county offices were appointive. “The men who pay the most get the offices—the judgeships and all the subordinate offices, high sheriffs, commissioners, *etc.*,” testified a disgruntled Republican.<sup>1</sup> The paying in such cases was to the boss. The governor consulted the political leader of the locality whose “man” usually “got in”. The appointees seem to have paid portions of their salaries regularly to the boss. Dennis of Alachua County is said to have required the signed resignation of an applicant ere he was appointed to office. With this document he could force the delinquent to pay up. Governor Reed himself was accused of receiving money for appointments.

A very insidious form of purchasing the few high-class prizes, was the common and genteel practice of contributing heavily to campaign funds. Abijah Gilbert, a certain rich man of St. Augustine, is said to have contributed \$10,000 to the Republican campaign fund before he was elected to the United States Senate by the legislature.<sup>2</sup> “They came near breaking the old man,” has written one of the legislators. “Men who came to the capitol with scarcely money enough to pay their fare on the railroad could now be seen with rolls of bills, evidently extracted from Gilbert.”<sup>3</sup>

The bad legislation which bribery produced is somewhat difficult to point out definitely to-day. Probably the worst

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 243, 244.

<sup>2</sup> *Ibid.*, pp. 244, 254.

<sup>3</sup> Wallace, *op. cit.*, p. 97.



acts of the legislature were granting extremely favorable franchises without due regard for the reputations of the men seeking the charters, or the object of the corporation, or the ultimate cost to the state; the reckless authorization of bonds in support of unbuilt railroads; the passage of too large and "graft-laden" general appropriation bills; and the enactment of laws, partisan in intent, which made more secure the position of the Republican party in Florida.<sup>1</sup> "I think the legislature has been reckless in making an appropriation of bonds and appropriating money," testified a Republican judge in 1871.<sup>2</sup>

What should be borne in mind is the obvious fact, that on the boards of directors of various corporations created by the state, and aided by the state, were members of the legislature, both United States Senators Osborn and Gilbert, Lieutenant-Governor Gleason, and Governor Reed.<sup>3</sup> The Jacksonville and St. Augustine Railroad Co. of which Governor Reed was a director along with Littlefield and Swepson, was authorized to receive \$640,000 from the state.

The question of the courts under Republican rule has been dealt with in a foregoing chapter. State's attorneys were not eager to unearth the wrong-doing practiced by members of their party. This is such a widespread failing in politics that it calls for little comment here. The su-

<sup>1</sup> For instance, the electoral law of 1868, *Laws of Fla.*, 15th Assembly, chap. 1625; also the electoral law of 1870; the law abolishing the state Canvassing Board of 1868, and the law which put the state printing and advertising in the hands of journals favorable to the administration. Herbert, *op. cit.*, p. 144.

<sup>2</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 218.

<sup>3</sup> *Laws of Florida*, 15th Assembly, chap. 1644—organization of "Inland Navigation and Improvement Co."; chap. 1645—"Jack. and St. August. R. R. Co."; chap. 1651, "St. Johns and Halifax Navigation and Improvement Co.", *etc.*

preme court was honest and creditably sound in its decisions. The county and district courts managed to dispense justice without calling forth undue complaint from litigants. Governor Reed declared in June, 1869, "that the present system of leaving the state to pay for criminal prosecutions is not good. It means that law-abiding counties are taxed to attend to crimes in other localities. Local officers are inclined to prefer charges on frivolous grounds just for the profit that comes from the fees."<sup>1</sup> Many of the justices of the peace and constables in the counties were negroes.

The state judiciary under Republican rule was better than the legislative or the administrative departments, but even Republican judges were thrifty. They opposed retrenchment and certain reforms proposed by the legislature, because such reforms threatened to decrease fees collected by officers of the law. The statute of 1870 to "decrease the expenditures of the state and to regulate the fees of officers" was declared by several circuit judges to be unconstitutional because it had been passed at an extra session of the legislature.<sup>2</sup> One judge overruled the operations of the law in his circuit. Governor Reed counseled economy. "Now is the time to begin a true system of economy," he virtuously wrote. "Reduce the fees of county clerks and judges." But when the legislature reduced his salary by the amendment of 1871 he strongly demurred.<sup>3</sup> Republican judges, legislators, and executives as public men did not object to the idea of reform, provided the re-

<sup>1</sup> *Floridian*, June 15, 1869. The governor claimed that the cost of criminal prosecutions due to the activity of Democratic regulators, was a heavy expense to the state, in 1870 amounting to \$58,408.59,—*H. Rpts.*, 42nd C., 2nd S., No. 22, v. I, p. 164.

<sup>2</sup> *An. Cyclo.*, 1871-2.

<sup>3</sup> Governor's Message, 1872; Wallace, *op. cit.*, p. 146.

form did not injure their several incomes. Their several attitudes were suggestive of the Lion's in La Fontaine's fable:

"Je me devouerai donc, s'il le faut; mais je pense  
Qu'il est bon que chacun s'accuse ainsi que moi:  
Car on doit souhaiter, selon toute justice  
Que le plus coupable périsse."

The Republicans in Florida sometimes used the courts for political ends and not juridical ends. The justice of the Federal district court of Northern Florida, pliant to the needs of his party, adapted his court orders on several occasions to the political situation. It will be remembered that Judge White, of Gadsden County, was arrested by order of this official, and taken to Jacksonville in order that his injunction might be disregarded by the state canvassing board. In 1872 some of the Alachua County canvassing board were taken by the Federal marshal to Jacksonville, in order that the vote of the county which had been carried by Democrats might be thrown out—to the advantage of Republicans. In 1874 two Democratic State senators, McCaskill and Crawford, were summoned by this court to Jacksonville. The state senate at Tallahassee was at a tie between Democrats and Republicans, and the absence of McCaskill and Crawford made it possible for the senate to unseat two undesirables—which was done.<sup>1</sup> Such action as the foregoing needs no comment, yet it was the Federal court which restrained the reckless career of the trustees of the Internal Improvement Fund and thereby saved millions of acres of land to the state.

The trustees of the Internal Improvement Fund were

<sup>1</sup> Herbert, *op. cit.*, p. 165. Pasco refers to this court deliberately aiding the Republicans in a local election in Tallahassee by calling a number of Democratic leaders away as witnesses.

the legal guardians of state lands.<sup>1</sup> These lands constituted a reserve fund for making good the interest and principal of railway bonds guaranteed by the state. They were therefore lands held in trust. Yet the enterprising Republican administration, immediately on assuming the reins of government, began to transfer portions of trust lands to various corporations—such, for instance, as the Southern Inland Navigation and Improvement Company.<sup>2</sup>

The prize sought was not really land, but rather the timber on the land. In March, 1870, the trustees conveyed to the New York and Florida Lumber Company 1,100,000 acres of land.<sup>3</sup> The market value of such lands then was

<sup>1</sup> See *Internal Improvement Act*, Jan. 6, 1855. For interpretation of Act at this time see *Un. Trust Co. vs. So. Navigation Co., U. S. Rpts.*, 103, p. 567: "The companies after completing their roads, were to pay, besides interest on their bonds, one per cent per annum on the amount thereof to form a sinking fund for the ultimate payment of the principle. The Act declared, that the bonds should constitute a first lien or mortgage on the roads, their equipment and franchises, and upon a failure upon the part of any railroad company accepting the Act to provide the interest and the payments to the sinking fund as required thereby, it was made the duty of the Trustees to take possession of the railroad and all its property and advertise the same for sale at public auction."

<sup>2</sup> *Un. Trust Co. vs. So. Navigation Co., U. S. Rpts.*, 103. On Nov. 3, 1870, Francis Vose, of Mass., brought suit in the Federal Circuit Court for No. Florida against the Trustees and others (Fla. Canal and Inland Improvement Transportation Co., So. In. Navigation Co., etc.), to obtain an injunction and decree "protecting the Internal Improvement Fund against waste and misappropriation by the Trustees, to the injury of Vose and others who held unpaid bonds issued by the Florida R. R. Co. in conformity with the Act of 1855. The bill charged that the Trustees had violated the law of their trust by misappropriating money received by them, leaving unpaid past-due coupons, by neglecting to collect the amount due the sinking fund created by the Act of 1855, and by illegally conveying millions of acres of land to corporations that had no right to receive them," etc.

<sup>3</sup> *Un. Trust Co. vs. Inland Nav. Co., U. S.*, 103, p. 568.

at least \$1.25 per acre. To-day it is selling for \$25 per acre. The New York and Florida Lumber Company obtained it for ten cents per acre, paid largely with depreciated scrip bought up at a discount of 50 per cent or more.<sup>1</sup> In this way were the state's resources being frittered away into the hands of Northern capitalists.<sup>2</sup> After such fashion were the Southern people robbed of a goodly portion of their birth-right after the war. Verily the Republican administration was following a course which would fulfil Governor Reed's desire "to induce capitalists to enter upon the work of completing Florida's internal improvement system".

In December, 1870, nine months after the foregoing transfer to the New York and Florida Lumber Company, the Federal court for the northern district of Florida issued an injunction against the trustees, ordering them to desist from selling trust land "for scrip or state warrant of any kind, or for aught other than the current money of the United States".<sup>3</sup>

The trustees were evidently little impressed with the injunction of a Federal court. On February 10th, 1871, sixty days after the injunction was issued, they transferred to the Southern Inland and Navigation Company "for, and in consideration of the sum of \$1 to them in hand paid" (and no other considerations) 1,360,600 acres of land; and the corporation so enriched mortgaged this land "for a very large amount".<sup>4</sup> Who got the money for the mortgage? Evidently the state did not receive it. The most influential members of the state trustees (including the governor)

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 252.

<sup>2</sup> See also case of Trustees *vs.* Greenough, *U. S.*, 105, pp. 528-532.

<sup>3</sup> *Un. Trust Co. vs. So. Nav. Co.*, *U. S.*, 103, p. 568.

<sup>4</sup> *Ibid.*, pp. 569-70.

were directors in this Southern Inland and Navigation Company. Justice Woods of the Federal district court for North Florida summoned the enjoined trustees to answer for contempt of court. He declared the conveyance of the land void and put the Internal Improvement Fund in the hands of a receiver to keep it from the hands of the Republican government. There it remained until after the restoration of Democratic rule.<sup>1</sup>

A succinct generalization of the financial results of Republican rule is contained in the state government's formal financial record. Reckless expenditure and increased indebtedness produced a sharp rise in the amount of taxes assessed and collected by the state and local governments. In 1860, the receipts by the state treasury were \$115,-894.89; in 1867, \$161,806.21; in 1868 (the first year of Republican rule), \$223,433.67; in 1869, \$347,097.12; in 1870, \$192,488.60; in 1871, \$275,005.59; in 1872, \$257,-233.54; in 1873, \$664,405.81; in 1874, \$401,679.68; in 1875, \$384,735.24; in 1876 (the last year of Republican rule), \$286,280.58.<sup>2</sup>

A considerable rise was experienced also in the government's expenditures, exclusive of bond issues. In 1860, it was \$117,808.85; in 1867, \$187,667.63; in 1868, \$234,-233.80; in 1869, \$374,973.23; in 1870, \$295,078.50; in 1871, \$410,491.19; in 1872, \$304,214.35; in 1873, \$536,-192.55; in 1874, \$292,037.37; in 1875, \$290,261.43; in 1876, \$260,187.19.<sup>3</sup>

From the foregoing it is seen, that for the first four years of Republican rule, the actual expenditures of the state government ran in advance of receipts \$11,000 in 1868;

<sup>1</sup> Herbert, *op. cit.*, p. 152; *Un. Trust Co. vs. So. Nav. Co.*, U. S., 103.

<sup>2</sup> Herbert, *op. cit.*, p. 143; *Am. Cyclo.*, 1873-4.

<sup>3</sup> Herbert, *op. cit.*, p. 143; *Am. Cyclo.*, 1873-4.

\$27,000 in 1869; \$103,000 in 1870; and \$47,000 in 1872.<sup>1</sup> From 1873 to the end of the Republican régime in 1876, receipts amounted to more than expenditures, and expenditures declined each year by a few thousand dollars. Yet during these last four years the sum total of expenditure was more than \$250,000 in advance of the total expenditure of Reed's administration (1868-1872). This tendency indicates that the financial steadiness of the state government increased toward the end of Republican rule. The state was made to yield more taxes.

The amount of taxes assessed was, as a rule, considerably in advance of the amount collected. Many of the tax-collectors were behind in their accounts. During the year 1873 a large amount of back taxes was paid in, making the funds received by the state government amount to \$664,405, while the amount assessed for this year was \$422,994. In 1874 the assessed taxation was \$429,308, and the amount collected, \$401,679; in 1875, \$408,684 assessed and \$286,280 collected; 1876, \$380,858 assessed and \$286,280 collected.<sup>2</sup>

A significant general index of how the commonwealth taxpayers were faring financially at the hands of the government, is furnished by the movement of the state tax-rate. In 1860, it was sixteen and two-thirds cents per annum on the \$100.<sup>3</sup> The emancipation of the slaves at the end of the war produced an enormous shrinkage in what was considered personal property. According to the Federal census and the "Ku Klux" Committee of Congress, the total value of property in Florida in 1860, real and personal (including slaves), was \$68,929,685. The value of slaves was

<sup>1</sup> Rpt. Comptroller, *An. Cyclo.*, 1873-4.

<sup>2</sup> Herbert, *op. cit.*, p. 168.

<sup>3</sup> Herbert, *op. cit.*, p. 157.

estimated to be \$21,610,750.<sup>1</sup> Therefore, about one-third of the property in the state available for taxation in 1860, was lost in 1865. The emancipated did not at once become property-holders. This shrinkage in tangible property was accompanied by a greater demand for money to meet the obligations of the government, with the consequent rise in tax-rate. By 1867 it had risen from sixteen and two-thirds cents to fifty cents per year on the \$100. By 1872, it had risen to \$1.37 on the \$100. This estimate is exclusive of municipal and county taxes, which more than equaled the state rate.<sup>2</sup> County governments were absolutely subject to the state administration in Tallahassee.

The Republican government, in order more effectually to collect taxes, greatly centralized the system by creating the "State Equalization Board" on January 27th, 1871.<sup>3</sup> Governor Reed proposed the measure. It was stoutly opposed by the few Democrats in the state legislature. The minority of the senate committee that reported the bill stated that,

the ruthless reign of the late war disorganized the people, the staid denizens, the real and most reliable people of Florida; the labor of the country is neither systematic nor reliable; the current crops upon which the success and support of the people depend, are not flattering; and therefore an impartial, patriotic, and patient investigation has produced the clearest conscious-

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 1, p. 161.

<sup>2</sup> In 1871 county taxes were estimated to be about \$1.00 on the \$100.00. *Am. Cyclo.*, 1871-72.

<sup>3</sup> Governor's Messages, *Floridian*, Jan. 19, June 9, 15, 1869. Reed discussed at length the question of taxation. "A Board of State Equalization, having before it the total value of property assessed and the average value per acre as returned for each county, should apportion upon equitable principles, the amount of revenue required for each county necessary to defray the annual current expenses of the State," *etc.*



ness in our minds, that the passage of the bill under consideration would result in widespread and irreparable embarrassment to the people.<sup>1</sup>

By the creation of this "Equalization Board" a state committee was given the authority to pronounce on the value of property and to fix the rate of taxation by counties.<sup>2</sup> On the board were several of the most active as well as notorious Republican leaders—namely, W. J. Purman, Liberty Billings, and William H. Gleason. Many property-holders among Republicans as well as Democrats, accused them and their associates on the board of fixing the rate to suit their financial operations in the various counties.<sup>3</sup> The state comptroller in 1872 declared the board to be "an entirely incompetent body".<sup>4</sup> However questionable might have been the methods of these tax-equalizers, it is worthy of notice that following the establishment of the "Equalization Board", the receipts of taxes by the state treasury increased. The government obtained more money from the people, and the people who paid taxes were soon aroused to united protest.<sup>5</sup>

<sup>1</sup> Senate Proceedings, session June 9, 1869, *Floridian*, June 15, 1869.

<sup>2</sup> The Board was composed of 8 members, 3 appointed by the president of the senate and 5 by the speaker of the house, *Am. Cyclo.*, 1871-2.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 209, *etc.*

<sup>4</sup> *Comptroller's Report*, 1872.

<sup>5</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 1, p. 342. The minority of the House committee summed-up the taxation grievances of the people of Florida as follows: 1. The law which placed the immense power of taxation in the hands of a few men (the Equalization Board) unacquainted with the character and value of the property, except in the immediate vicinity. 2. A tax rate imposed on an assumed valuation of property which is without a parallel in any other State and which cannot be borne without great distress, *etc.* 3. The forcing of people to pay taxes to meet appropriations which are not necessary. 4. The

A manifestation of dissatisfaction was the meeting of the "Tax-Payers Convention" in Lake City in September, 1871. "Both Republicans and Democrats, colored men and white men, men of all classes and grades and politics came there", states a Republican Federal judge who took part.<sup>1</sup> The convention affirmed that "the deplorable condition of state as well as county finances and affairs is a consequence of the loose and reckless legislation of men formed into governing cliques—'rings and caucuses', banded to sustain such organizations, independent and destructive of the principles of free American government."<sup>2</sup>

The tax situation in Florida was in truth not a happy one. The value of real and personal property (exclusive of slaves) had shrunk from \$47,000,000 in 1860, to \$34,000,000 in 1870,<sup>3</sup> and the critics of the Republican administration claimed that the latter figure was "an arbitrary and raised valuation." Of this amount approximately \$11,700,000 was personal property, and, because of local conditions, practically the only property available for meeting the tax levies. Certainly we are confronted with a startling reduction in the declared value of personal property.

paying out to people of two descriptions of obligations or scrip, one of which is received by the State while the other is repudiated for public dues. 5. In leaving nothing exempt from sale for taxes. 6. In the provision of the law which permits the collection of the entire tax from the personal property of citizens. 7. In exacting this large tax at a time when it is unnecessary for the due administration of the state government.

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 208—Judge T. T. Long before "Ku Klux" committee. Also pp. 214, 215, 219, 244, 245.

<sup>2</sup> *Ibid.*, p. 208—preamble of Convention's resolutions.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 1, p. 162.

County	1867	1870	1873	1875
Jackson .....	\$667,361	\$544,940	\$495,400	\$415,912
Jefferson .....	816,858	753,302	506,325	415,512
Madison .....	493,195	446,256	372,647	363,478
Marion .....	694,291	539,489	515,143	444,347
Alachua .....	750,944	542,674	317,422	348,349
Gadsden .....	835,666	493,848	392,805	338,760
Leon .....	1,260,820	945,623	903,088	662,884 <sup>1</sup>

These seven counties were the richest and most populous of the state. The tax rate increased; the taxpayers soon found themselves financially hard pressed; and the amount of personal property accordingly perceptibly diminished. The regime of greater personal liberty which came as a result of the Civil War was not without accompanying expense. Montesquieu's conception of the ultimate relationship between liberty and taxes, if not construed too literally, tends to fit the case of Florida. "Liberty", he says, "produces excessive taxes; the effect of excessive taxes is slavery; and slavery produces a diminution of tribute."<sup>2</sup> Before the end of Radical rule the value of property in Florida had declined. The government was facing a "diminution of tribute."

Opposition to paying taxes continued and became violent in some sections. In November, 1871 the governor issued a proclamation openly charging that men of influence were striving to bring the state laws into contempt, to discountenance the state government, and to initiate civil commotion "by taking advantage of a partial failure in the cotton crop and consequent monetary stringency to encourage seditious sentiments. He called on all citizens 'to forget the rancor and hate of the past' and unite for the public good", but he closed with the statement, that the laws would be enforced and the taxes must be paid.<sup>3</sup>

<sup>1</sup> Herbert, *op. cit.*, p. 166.

<sup>2</sup> *l'Esprit des Lois*, bk. 13, chap. 15.

<sup>3</sup> Rerick, *Memoirs of Florida*, v. 2, p. 321, Governor's Message.

Opposition to the government was strengthened by the steady disclosure of outrageous grafting—sometimes petty and sometimes great. Government officials, including tax-assessors and collectors, traded in foreclosed lands, state scrip, county bonds and stocks. The cost to the state of such proceedings added to the burden of public indebtedness and general discontent. The collection of state and county taxes was particularly productive of graft. In 1872 Governor Hart announced that \$598,000 in taxes had not reached the state treasury. He, a Republican governor, charged his Republican tax-collectors with substituting scrip for money collected and falsely swearing that these identical warrants had been received.<sup>1</sup> Scrip was worth anywhere from 30 to 50 cents on the dollar. "You can have my scrip for \$.30 on the dollar", stated Judge Long (Republican) in November, 1871. "That is the most I have got for it this year".<sup>2</sup> In thus returning scrip and withholding currency with which some taxes were paid, the tax-collectors were charged by the governor with "setting at defiance the criminal code, cheating and thieving the public for the purpose of pocketing the difference".<sup>3</sup>

Some of the collectors were as much as \$40,000 behind in their accounts. They were accused, even by fellow Republicans, of profiting by the use of these state and county funds. "For four years", declared a prominent Republican property-holder to a Republican committee of Congress, "they have been buying scrip to pay into the Treasury at 40 or 50 cents on the \$1.00. Some are loaning money at three per cent a month. There are men here living like millionaires, getting only \$50 a month to my knowledge".<sup>4</sup>

<sup>1</sup> *H. Journal*, 1873, p. 41.

<sup>2</sup> *H. Rpts.*, 42d C., 2nd S., no. 22, v. 13, p. 212.

<sup>3</sup> *H. Journal*, 1873, p. 41.

<sup>4</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, pp. 243, 244, 246.

The issue of scrip by the state and county governments in paying their bills, put into circulation a medium which thus encouraged speculation and graft and enormously decreased the revenues of the state. Governor Reed had seen this danger. In his first message to the legislature, he earnestly advised a "cash basis", claiming that from 25 to 50 per cent could be saved and the state securities put at par.<sup>1</sup> But actual conditions proved more powerful in shaping the government's policy than theory of what was best. The government had little money. In lieu thereof it issued scrip to meet the deficiency, and its credit was in turn depressed while its debt mounted.<sup>2</sup>

The public debt in 1866 was \$638,681. By July 1868 it was reduced to \$523,856.95, but by January, 1869, it had risen to \$1,011,756.00. Two years later, January, 1871, it stood at \$5,288,697.76; and in January, 1872, it stood at \$5,311,469.97; in January, 1874 it reached the highest point during the Republican regime, \$5,620,809.55. The state debt was increased under Republican rule about 900 per cent in eight years.<sup>3</sup>

<sup>1</sup> *An. Cyclo.*, 1870-71.

<sup>2</sup> *Floridian*, June 15, 1869. Gov. Reed in his message of June 9th stated that, "scrip encourages speculation, hurts the State's credit, and causes those people who do things for the State to charge the State more than if they were paid. Thus there is a continuous and ever-increasing expense."

*An. Cyclo.*, 1870-71, states that, "the peculiar feature of the financial system of Florida seems to be that the medium most used in making payments by the state, as well as by the people of all classes and for all purposes, consists in treasury certificates of various descriptions.

Most of what was designated "floating debt" was contracted by issue of "scrip" (Treas. warrants and certificates). On Jan. 1, 1870, it was \$151,825.32; on Jan. 1, 1871, \$276,325.28; Jan. 1, 1872, \$563,524.89. In 1868, when the Republicans took control of the state, the floating debt was only \$57,492.32. See Comptroller's Report, 1872.

<sup>3</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 1, p. 343. *An. Cyclo.*, 1868-69-

Most of this debt was bonded. The total amount of bonds issued by the government from 1868 to 1876, exclusive of railway guarantee bonds, was \$1,850,000. In 1868, \$300,000 6 per cent bonds were authorized; in 1869, \$200,000 6 per cent bonds;<sup>1</sup> in 1871, \$350,000 7 per cent bonds; and finally in 1873 came the most important fiscal measure of the last Republican administration, namely, the Funding Act.<sup>2</sup> By it \$1,000,000 of 6 per cent thirty year bonds were authorized, and a special property tax of four mills on the dollar, was levied for the interest and sinking fund of this issue. These bonds of 1873 were meant to fund the warrants and treasury certificates outstanding, and to redeem State bonds held in hypothecation. A salutary effect of the Funding Act was the introduction of some order, in the chaotic condition of the government's finances. The first two bond issues—\$300,000 in 1868 and \$200,000 in 1869—were mostly hypothecated. \$100,000 (face value) of them were sold. The other \$400,000 were hypothecated in various amounts for a total of about \$135,000 cash. The bonds of 1871 (\$350,000) were all sold.<sup>3</sup>

Where did the money go which was received from collecting taxes, selling state lands, and selling state securities? The debt increased. A public debt might be a "public blessing", and is not in itself necessarily indicative of a bad government. But it is a truism that a government wisely administered should give to the taxpayers the equivalent in service and safety for the taxes collected—

70-71-72-73-74-75. Cox, *Three Decades of Federal Legislation*, p. 524, presents different figures and concludes that the "prospective" and contingent liabilities of the state in 1872 amounted to \$17,588,287.

<sup>1</sup> *Laws of Florida*, 1869, chap. 1701.

<sup>2</sup> *An. Cyclo.*, 1871-72-73-74.

<sup>3</sup> *An. Cyclo.*, 1868-75. *Fla. Rpts.*, v. 14 (1874), Cheney and wife vs. Jones, pp. 589-620, regarding constitutionality of bond issues.

roads, bridges, public buildings, asylums for the helpless, police protection, schools, hospitals, *etc.* Writing for men of an earlier generation and a different land Montesquieu never presented a political fundamental more clearly than when he undertook to discuss the public revenue. The experience of Florida vitalizes the Frenchman's conclusion. "The public revenues", he wrote,

are a portion that each subject gives of his property in order to secure and enjoy the remainder. To fix these revenues in a proper manner regard should be had both for the necessities of the State and those of the subject. The real wants of the people ought never give way to the imaginary wants of the State. Imaginary wants are those which flow from the passions and weakness of the governors.<sup>1</sup>

The passing years witnessed a very inadequate return to the people of Florida for the money expended. The grand jury presentments of the various counties indicate an execrable condition of public roads.<sup>2</sup> The county court houses became seedier and dirtier each year. The state and county archives for the Reconstruction period are in an abominable condition. The state prison was reorganized by an elaborate and wise law, but what went on there was scandalous.<sup>3</sup> A Republican member of the legislature who took part in investigating the prison, concluded that the warden, a carpet-bagger, "made thousands of dollars for himself out of the prisoners, while the state lost thousands by his management."<sup>4</sup>

"There are no improvements here", declared an irate

<sup>1</sup> *L'Esprit des Lois*, bk. 13, chap. 1.

<sup>2</sup> *Grand Jury Presentments* for counties of Central Florida: Leon, Jackson, Wakulla, Gadsden, Jefferson. These records are very incomplete and fragmentary but enough remains to indicate a general truth.

<sup>3</sup> *Laws of Fla.*, 1868, chap. 1635.

<sup>4</sup> Wallace, *op. cit.*, p. 249.

Republican from the North living in Leon County—"no court house and no jail fit to put a hog in".<sup>1</sup> When asked if there was a poorhouse in the county he answered: "There is a place in the city that is nasty, filthy, hot, and everything else. It was said before Judge Long's court that men there were rotting with lice and filth because the county would not do anything."<sup>2</sup> Railroads were built and repaired very slowly, although the state extended heavy aid. Honest capital, the most timid of all commodities, avoided the state. "People who have money and can live where they please are not coming here to support such a gang", declared a Republican property-holder.<sup>3</sup>

Mr. Pasco's rather depressing conclusion, gained partly from personal experience as a citizen of Florida, seems an historically sound one. He says:

No public buildings, no institutions for the unfortunate, no colleges, normal schools, or seminaries were built or aided from the State treasury during this period. The school system, though liberally supported by taxation, had disappointed the reasonable expectations of the people. Crime had gone unpunished. Property was unsafe. Farmers almost abandoned the effort to raise meat because of the constant depredations upon their stock. Many of the magistrates were incompetent, some were notoriously corrupt, and thieves and depredators were not seriously alarmed at the prospect of a conviction before a negro jury.<sup>4</sup>

While the general record of Republican legislation and administration was disastrous for the state, yet many measures were meant honestly and were wise. For example,

<sup>1</sup> *H. Rpts.*, 42nd C., 2nd S., no. 22, v. 13, p. 242.

<sup>2</sup> *Ibid.*, p. 246.

<sup>3</sup> *Ibid.*, p. 244.

<sup>4</sup> Herbert, *op. cit.*, p. 166.



the school law of 1869 was not bad; <sup>1</sup> the law of 1871, concerning defaulting insurance companies, was meant to protect the interest of the individual citizen; and the law of 1870, to "decrease expenditures of the State and to regulate fees of officers," was certainly a step toward a sound reform and retrenchment.<sup>2</sup> In establishing and maintaining public schools, the Republican administration was doing fair work, although the Conservative property-holders were paying the bills.

The field for primary education in Florida was virgin. 71,000 inhabitants over ten years of age were denominated illiterate; 18,000 of them were white.<sup>3</sup> The total population of the State was less than 200,000. By the end of the first year of Republican rule (1869), 250 public schools were in operation with 7,575 pupils enrolled from the approximately 60,000 children of school age,—white and black.<sup>4</sup> By the end of the second year (1870), 331 schools were open with 14,000 pupils in attendance, one-third of whom were negroes. The amount expended by the state during this year was \$70,284.<sup>5</sup> Three years later the number of pupils enrolled was 19,610 and the expenditure \$111,389.

"Men bitterly opposed to the school system a few years ago, regarding it as a political hobby to be used for party purposes", stated the negro superintendent of public instruction, J. C. Gibbs, "now see the necessity of educating the masses and willingly co-operate in school work."<sup>6</sup>

<sup>1</sup> *Laws of Florida*, 1869; see shrewd analysis of law, *Floridian*, March 30, 1869.

<sup>2</sup> *Am. Cyclo.*, 1871-2.

<sup>3</sup> *H. Ex. Docs.*, 42nd C., 3rd S., no. 1, pt. 5 (Rpt. Sect. Int.), p. 61.

<sup>4</sup> *H. Ex. Docs.*, 41st C., 3rd S., no. 1, pt. 4, pp. 105-8.

<sup>5</sup> *Ibid.*, pt. 5, p. 58.

<sup>6</sup> *Ibid.*, 1st Sess., no. 1, p. 65.

Practically every county levied a school tax and in addition the state government collected a yearly mill tax for public instruction. In 1876 when the Republicans were driven from power 676 public schools were established with 28,444 pupils, black and white, enrolled—the expenditure for that year being \$158,846.36. The school terms were short (under six months), the teachers poorly trained, if trained at all, and the buildings crude. Practically all of the money expended for public instruction was collected from Southern whites, who as Conservatives were allowed little voice in directing the school system which they supported.

The eight years of the Republican party's lease of power in Florida were not happy ones for the state. Undoubtedly the reorganized government in 1868 faced a difficult situation. The state had pressing need in 1868 of a careful and honest government to help society regain its strength. The government did not perform any such valuable function. In explaining failures the Republicans were prone to the exaggeration of initial difficulties. "We received the high trust now held by us with the State desolated by seven years of anarchy and misrule", wrote Governor Reed in 1870,

with an empty treasury, with \$600,000 acknowledged debt, and a much larger amount repudiated and hanging like a cloud upon our financial escutcheon, with bonds dishonored by years of neglected interest, with a school fund robbed of its last dollar to aid in a war upon the republic, with a railroad system half completed, bankrupted, and at the mercy of an adjoining State, with revenue laws inadequate to the current expenses of the government, and which contemplated no payment of interest upon the State debt; with no schools or school system; no benevolent institutions, no alms-houses, no penitentiary and scarcely a jail. Such was the inheritance bequeathed to us [Republicans] by the fortunes of war.<sup>1</sup>

<sup>1</sup> Herbert, *op. cit.* p. 267.

The governor's statements were either palpable mis-statements or half-truths or irrelevant. They do not explain why the public debt increased enormously during the Republican administration; why the state was robbed of valuable resources in land, timber, and franchises; why Reconstruction jails and alms-houses were gruesome jokes; why bloody lawlessness increased; why prosperity languished while bribery and ballot box stuffing become the order of the day. The failure of the Republican government was hardly due to the poverty of the state and the bitter opposition of disgruntled Southern whites. It was the failure incident to the operations of a lot of self-seeking, reckless, shrewd, and grafting politicians, who were in local politics for all they could squeeze out of it, who controlled, by fair means or foul, the ignorant and often vicious negro majorities and therefore controlled the government and therefore the public purse-strings. Florida's sorrow was the inevitable result of the bad national legislation of 1867. Congressional reconstruction, wrought under these laws of a national government, put people in control of local government and therefore taxation who had little property in Florida or out of Florida. Those in control saw fit to levy heavy taxes and burden the state with heavy debt. Why not? they might have reasoned; they did not pay the taxes. The final and future incidence of such taxes did not disturb them because they either did not understand the question or did not care. "Those who pay no taxes", says John Stuart Mill, "disposing by their votes of other people's money, have every motive to be lavish and none to economize". The truth of this is obvious. "As far as money matters are concerned", continues Mill,

any power of voting possessed by them is a violation of the fundamental principles of free government, a severance of the power of control from the interest in its beneficial exercise.

It amounts to allowing them to put their hands into other people's pockets for any purpose which they see fit to call a public one, which in the great towns of the United States is known to have produced a scale of local taxation onerous beyond example.<sup>1</sup>

The truth of this latter observation is open to question, but Mr. Mill might have chosen Reconstruction government in the United States to drive home the principle which he here sets forth.

<sup>1</sup> *Representative Government*, p. 176.

## CHAPTER XXVI

### THE ELECTION OF 1876

THE election of 1876 in Florida being the logical product of Reconstruction politics was very ugly. It was, in fact, the bitter developed fruit of eight gnarled and twisted years. Every important incident and issue and condition in the campaign and the aftermath was foreshadowed in the experiences of these eight years. It would have been very strange if politics in Florida in 1876 had been clean and straight. "Do men gather grapes of thorns, or figs of thistles?" Things as they were, though ugly, had about them the eternal quality of fitness; for, as Edmund Burke once put it, "though ugliness be the opposite to beauty, it is not the opposite to proportion and fitness".<sup>1</sup> Florida's electorate was well trained by sad experience for this disgraceful finale of Reconstruction and Radical rule.

The campaign was to prove the most memorable since the autumn canvass of 1860 preceding secession. Then the radical Democratic party which controlled the local government had controlled the elections and amid hosannas had swept the state out of the Union. In 1876 the radical Republican party which controlled the local government lost the elections and amid bitter recrimination was swept permanently from power. 1860 inaugurated the revolution which 1876 closed. During these sixteen eventful years—the most strenuous in our national history—the political pendulum swung back and forth from active revolution to

<sup>1</sup> Burke, *An Essay on the Sublime and Beautiful*.

revolutionary reaction—and each time Florida was the poorer. There is small virtue in abrupt change of the constitution, particularly with a powerful ignorant electorate dictating it or opposing it. This commonwealth's experience demonstrated Walter Bagehot's conclusion that amid a primitive electorate "most change is an evil" in itself.

Early in February, 1876, the Democratic state executive committee issued a call for the "Conservative State Convention" to assemble in Quincy on June 21st.<sup>1</sup> The call opened "the memorable campaign". The Conservative committee in taking this step acted a month ahead of its Radical contemporary. Among Southern whites in Florida political hopes were mounting high. Such sentiment moved over the entire South like a great ground swell which presages some storm. "The exciting prospect of escape from the clutch of a hostile national administration," states Professor Dunning, "set the hearts of the whites throbbing wildly from the Potomac to the Rio Grande".<sup>2</sup>

The expected representation in the Conservative convention was published by the committee issuing the call. One hundred and seventeen delegates were apportioned among the thirty-nine counties. County conventions would choose the delegations. The local Conservative party was in fairly compact and efficient shape. It had not been always thus. The change had been wrought slowly amid defeats and the dirty but illuminating conditions of Reconstruction politics. Experience is a hard, merciless, but withal logical teacher. The green-horn leaders of 1868 were veterans in 1876. Some were unscrupulous past-masters in the cunning and demoralizing art of combating rascality and crushing numbers by counter rascality.

<sup>1</sup> *Floridian*, Feb. 15, 1876.

<sup>2</sup> *Reconst. Polit. and Ec.*, p. 303.

The Republican executive committee issued a call on the 17th of March for a state convention to assemble on the 31st of May.<sup>1</sup> It was soon patent to even the casual observer that the contest for nominations would be sharp. Congressman W. J. Purman and United States Senator S. B. Conover, both termed "carpet-baggers", headed factions in Florida which bitterly assailed the public career as well as the private character of Governor Stearns.<sup>2</sup> Stearns was the reputed leader of the Republican "ring" profiting financially from public land deals, railroad bond issues, and tax receipts. The Democrats magnified and advertised in their journals and on the stump the trouble within the Radical party.

The Republican state convention assembled at Madison on May 31st. "From the issuance of the call for the convention until and during its riotous sessions," states John Wallace, Republican, "whiskey was the strongest argument used to demoralize the colored people, with now and then a little money thrown in to keep up the hired loafers, who did nothing but follow up white carpet-bag ballot-box stuffers and halloo themselves hoarse for Stearns."<sup>3</sup>

For the first three days out of a four days' session the convention was engaged in a bitter factional contest. Governor Stearns was desperately opposed by the friends of Senator Conover and Congressman Purman. These two men were the reputed leaders of reform within the local Republican party. Just what shape reform would take is not clear, and probably was not clear then. Governor Stearns had arranged for his own renomination. He had

<sup>1</sup> *An. Cyclo.*, 1876.

<sup>2</sup> *Floridian*, March 28, 1876; also letter of Purman published in *Floridian*, Sept. 26, 1876; and *Cong. Record*, March 8, 1876.

<sup>3</sup> Wallace, *op. cit.*, p. 329.

called the "members of the ring together in Jacksonville" before the assembling of the Madison convention, and at this pre-convention caucus it had been determined that he should be the Republican gubernatorial candidate.<sup>1</sup>

The organization which managed to dictate to the Madison convention was the "Central State Committee". The committee was ably handled by its chairman, ex-Lieutenant-Governor Gleason, lately back from Europe, where he had gone after his expulsion from office in Florida. One duty of the "Central State Committee" was to pass on the credentials of county delegates. It refused to admit "Conover men" from seven counties. By thus ruthlessly shutting out hostile delegations the Stearns managers compassed the governor's renomination. David Montgomery, carpet-bagger, late delinquent tax-collector of Madison County, and close friend of Stearns, was nominated for lieutenant-governor.<sup>2</sup> The so-called "ring" therefore triumphed at Madison. The liberal element in the party was suppressed. In district conventions, W. J. Purman and Horatio Bisbee, carpet-baggers, were nominated by the Republicans for Congress from the First and Second Districts, respectively.<sup>3</sup>

On their failure to make themselves heard in the state convention, the "Conover men" withdrew and nominated Conover for governor and J. A. Lee, of Sumter County, for lieutenant-governor.<sup>4</sup>

This break among Republicans threatened to be very serious, and in the end was probably a decisive factor in the campaign. Conover undertook an independent campaign

<sup>1</sup> Wallace, *op. cit.*, p. 325.

<sup>2</sup> *Floridian*, May 3, June 6, 1876; *Am. Cyclo.*, 1876.

<sup>3</sup> Wallace, *op. cit.*, pp. 332-333.

<sup>4</sup> *Floridian*, June 6, 13, 1876.



for the governorship. He is reputed to have requested campaign funds from the Conservative party.<sup>1</sup> The breach was nominally closed before election day, November 7th. "A private consultation was had between Stearns and Conover," states Wallace, "and an agreement was entered into, that in consideration of twelve or fifteen hundred dollars Conover should withdraw and advise his friends to support Stearns".<sup>2</sup>

Early in September, Conover gave up his canvass and came again into the folds of the regular organization.<sup>3</sup> However, the effect of this traditional disagreement among Republicans was prejudicial to united and enthusiastic effort on the stump and at the polls. Both the Conover convention and the regular state convention chose delegates to the national Republican convention, and the latter body, strangely enough, refused to admit the regular or Stearns delegation.<sup>4</sup>

The Democrats assembled in state convention at Quincy, on June 7th, two weeks before the date first set. Some Conservatives termed this gathering "the largest and most intelligent ever held in the state". It proved to be at least more peaceful and harmonious than the Republican meeting. The representation exceeded the number called for in February. One hundred and ninety delegates were present from thirty-five of the thirty-nine counties in the state. Without serious controversy or division they nominated George B. Drew for governor, N. A. Hull for lieutenant-governor, R. H. M. Davidson for congressman from the First District, and J. J. Finley for congressman from the Second District.<sup>5</sup>

<sup>1</sup> Wallace, *op. cit.*, p. 333.

<sup>2</sup> *Ibid.*, p. 333.

<sup>3</sup> *Am. Cyclo.*, 1876.

<sup>4</sup> Wallace, *op. cit.*, p. 331.

<sup>5</sup> *Floridian*, June 13, 1876.

Drew was a native of New Hampshire. He had settled in Florida twenty years before the Civil War, and during that conflict was counted an original opponent of secession, but was neither an aggressive supporter of the Confederacy nor a very pronounced "Union man". He did not serve in the Confederate army but he had supplied the Confederate war department with bridge timbers.<sup>1</sup> He had prospered financially in the lumber business and in 1876 was referred to sometimes as "millionaire Drew". His nomination at this crisis by Florida Democrats was expedient.

After two days' session the convention adjourned. Drew and Hull campaign clubs quickly sprang up over the country like mushrooms of a night. These organizations spread abroad and gave some vitality to the Conservative platform.<sup>2</sup>

"We arraign the state government," ran the resolutions,

for its corruption, oppression and extravagance, for its reckless disregard of the rights of the people; for administering the government as if created for the benefit of the rulers and not the people. For these and other considerations we pledge ourselves to work unceasingly and earnestly for the overthrow of this party in power, and we cordially invite the coöperation of honest men of all shades of political opinion to unite with us in sustaining and enforcing the following principles:

1. Fidelity to the constitution and all its amendments.
2. Retrenchment and economy in Federal and State administration.
3. Lessening burdens of labor by a reduction of taxes and offices.
4. Free schools exempt from sectarian control.
5. Opposition to centralization as well as Federal interference in local government.

<sup>1</sup> *Floridian*, June 20, 1876; *Rerick, Memoirs of Florida*, v. 1.

<sup>2</sup> *Floridian*, Aug. 8, 15, 22, 1876.

6. Exposure and punishment of corruption in officials.
7. Equal rights and equal justice to all irrespective of race.<sup>1</sup>

The advent of summer saw the campaign actively and bitterly in progress. Benjamin Hill, of Georgia, among others, came into Florida to speak for the Conservative party.<sup>2</sup> The cry of Democratic campaign orators and editors was in principle little different from what it had been for six years past. No new issue was in fact before the people of Florida. The national Republican party was charged with keeping alive the Southern question for the sake of politics, and the local Republican administration was charged with "dishonesty and incapacity".<sup>3</sup>

The Republican platform, though put forth by men accused by even fellow Republicans of defrauding the state, assumed nevertheless a lofty tone. Formal and smug hypocrisy is too often a part of successful politics. The platform declared the Republican party "to be in accord with the just and enlightened sentiment of mankind and largely answerable for material, intellectual and moral progress throughout the world." Furthermore, it endorsed the administration of the state government as being "wise, just, economical, and progressive."<sup>4</sup> There was little difference in principle between Republican and Democratic platforms. Men were in fact not wrangling over principles, but rather over the actual measures of government which constituted the local Republican record, and as Edmund Burke once put it: "Whether a measure of government be right or wrong is no matter of fact but a mere affair of

<sup>1</sup> *An. Cyclo.*, 1876.

<sup>2</sup> Wallace, *op. cit.*, p. 336.

<sup>3</sup> *Floridian*, Aug. 29, 1876, open letter of Wm. A. Cocke entitled "Why Governor Stearns Should not be Elected."

<sup>4</sup> *An. Cyclo.*, 1876.

opinion on which men may, as they do, dispute and wrangle without end".<sup>1</sup>

When confronted by embarrassing facts concerning "measures of government", the general tenor of Republican reply was that the party in Florida "had to encounter organized opposition surrounded by influences of the most baneful and malign character",<sup>2</sup> and that the Democratic method in the coming campaign would be "the shot-gun policy pursued in Mississippi".<sup>3</sup> Both of these conclusions were true, but neither had much to do with what the state needed and what the mass of the whites demanded. The Republican position was a negative one.

To the practical Democratic politician the important points in the campaign were "to get out" the torpid white vote, to suppress in some fashion a portion of the eager negro majority which backed the Republican party, and to force Radical election officials to refrain on election day from stuffing ballot-boxes, using spurious poll lists, and purposely miscounting votes. Platforms, formulated issues, and trite arguments were of very little importance to the vast mass of voters in Florida. People *felt* rather than *reasoned* the issues, and probably most meant to support, and did support, one party or the other regardless of arguments.

Conservatives deliberately set to work in many localities to intimidate would-be Radical negro voters. Local bands of white regulators—somewhat suppressed since the congressional Ku Klux laws and Federal prosecutions of 1871-1873—became active again. Blacks were warned that if

<sup>1</sup> *Thoughts on the Causes of the Present Discontent.*

<sup>2</sup> *Floridian*, Aug. 31, 1876, containing statements from the *Florida Sentinel*, Republican journal of Tallahassee.

<sup>3</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 45.

they supported the Republican ticket they would be punished. Robert Meacham, a Radical negro leader of Jefferson County, was called to his door at night and fired on.<sup>1</sup> He escaped, and the Democratic club of Monticello offered \$100 reward for the arrest of the would-be assassin.<sup>2</sup>

In Columbia County a band of armed whites took several negro leaders into the woods and after putting halters about their necks preparatory to hanging them, desisted on obtaining from the blacks promises not only to vote the Democratic ticket and join the Democratic club in the neighborhood, but to persuade a certain number of friends to do likewise. "Every one of you promise how many men you will fetch over to the Democratic party besides yourselves, and name them out", the regulator chief was represented as saying, "and fetch them over, and you join the Democratic club right away just the first meeting called".<sup>3</sup>

This form of intimidation broke up the Republican clubs of Columbia County and other counties. Former black Radicals were referred to as "good Democrats".<sup>4</sup> Why this change in politics and affiliations? Was there really considerable change? Some negroes afterwards solemnly affirmed, that at the point of a gun they had been forced to swear to vote the Democratic ticket, and then forced to swear before witnesses that they had never been forced to swear to do so. Being unable to remember just what they had sworn to do or not to do and being threatened with disaster if they voted or foreswore, some hesitated to vote at all.

Furthermore, the more aggressive negro leaders threatened to beat or shoot those blacks known to have gone over

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, pp. 333-338.

<sup>2</sup> *H. Misc. Docs.*, 44th C., 2nd S., no. 35, pt. 2, p. 213.

<sup>3</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 242.

<sup>4</sup> *Ibid.*, pp. 241-253.

to the Democrats. "They are afraid of their own color," affirmed one white man. "A large portion of them would not acknowledge under any circumstances that they voted the Democratic ticket".<sup>1</sup> One negro testified that "he was beaten and severely cut, previous to the election, by colored Republicans, because he dared to express his Democratic principles, and that he now considers his life in danger as there have been threats made concerning him, in the neighborhood where he lives".<sup>2</sup> Such testimony as this was characteristic of the Reconstruction period, particularly of the political canvass of 1876. Many a negro must have felt that to exercise the suffrage he must choose between the Devil and the deep sea.

Threatened and actual physical violence was only one of the methods employed by Conservatives to influence the black's political activity. Most landlords and employers of negro labor were Conservative whites. Negroes were threatened with dismissal from employment if they voted the Republican ticket.<sup>3</sup> "We pledge ourselves to each other by our sacred honor," publicly announced the Democratic Club of Monticello,

to give the first preference in all things to those men who vote for reform; and to give second preference in all things to those who do not vote at all; that in employing or hiring, or renting land to any such persons [as vote the Republican ticket] a distinction of 25% will be made against such persons; that merchants, lawyers and doctors, in extending credit to such persons, make the same distinction.<sup>4</sup>

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 180.

<sup>2</sup> *Ibid.*, p. 228. See also pp. 136, 138, 207, 233, 241, 307, 310, 385, etc.

<sup>3</sup> *Ibid.*, pp. 292, 338, 339, 341, etc. The mass of testimony taken by Congressional committees during the next two years on the Florida situation contains references to this.

<sup>4</sup> *H. Misc. Docs.*, 44th C., 2nd S., No. 35, pt. 2, p. 214; *Sen. Rpts.*, 44th C., 2nd S., No. 611, pt. 2, p. 46.

This is a fair sample of the economic coercion attempted in Florida. It had been attempted before. One negro leader summed up the situation very well when he said:

The substance [of the matter] was about like this: that all colored people that vote the Republican ticket were to be starved out next year. We colored people down here have to go to the merchants and farmers to have advances made us. What we call advances is to let us have meat and corn.<sup>1</sup>

Some Conservative householders who rented to negroes told their tenants to vote the Democratic ticket or seek another domicile. Negro cooks were ordered by their mistresses to induce husbands either to stay away from the polls or to vote the Democratic ticket, on pain of dismissal from their places as cooks.<sup>2</sup> The force of such a threat is obvious to all who understand the importance of kitchen privileges to the Southern negro.

In East Florida, Democratic county committees issued thousands of marked and numbered Democratic ballots, which were delivered to employers of negro labor. On the eve of election the employers handed them to their men with little more than the simple injunction "vote it". "Dennis, I give you this ballot. I want to see it come out of the ballot-box to-morrow night". The numbers were recorded opposite the names of the men receiving the ballots. Those who did not vote as told would presumably lose their jobs. "We have been friends a long time," said one employer. "If you don't vote those tickets we will fall out".<sup>3</sup>

The officials of a railroad in East Florida were accused

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 336; testimony of Geo. W. Witherspoon.

<sup>2</sup> *Ibid.*, pp. 338-342.

<sup>3</sup> *Ibid.*, pp. 429-433.

of distributing these numbered Democratic ballots among the road's negro laborers. Ex-Senator David L. Yulee, president of the corporation, declared that the allegation was "unfounded and untrue," but added that,

if the company had done what is alleged, it would have done only what it had a right to do. If, in view of its own interest, it was important to secure a certain government policy, as for instance, to remedy oppressive taxation and unfit appointments to office, there is no reason in morals or law why it should not prefer in its services those who are disposed to promote and sustain its policy and interests.<sup>1</sup>

The Republican managers were directing the Radical campaign with large activity and small scruple. They were preparing shrewdly to overcome by fraud what Democrats might gain by force. Rumors were abroad of ugly plans entered into by local Republican bosses to unfairly influence the elections. Vindictive partisanship colors most surviving stories. John Wallace, Republican, states on fairly credible authority that Governor Stearns and his political lieutenants outlined the following scheme:

First: that the ring county officers whose duty it was to appoint the inspectors of election, should appoint only those as Republican inspectors who would commit all the fraud that possibly could be committed on the ballot-box in favor of Stearns. Second: in large Democratic precincts, where the ring inspectors would be watched so closely that they could not commit fraud, gross irregularities were to be committed, so that the precinct returns could be thrown out by the board of county canvassers. Third: in Democratic counties having a full set of Republican officers or a majority of the board of county canvassers, Democratic precincts were to be thrown out on account of these irregularities if the people would sub-

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 439.



mit to it without violence. Fourth: if the throwing out process raised too much excitement, these irregularities were to be sent immediately to E. M. Cheney, chairman of the fraudulent returning board of the party at Jacksonville, who would prepare papers for the final count. Fifth: in the black-belt counties, general repeating was to be resorted to by the freedmen, and, if detected, Stearns, the Governor-elect, would protect them.<sup>1</sup>

The election machinery was in Republican hands, because most of the men who had anything to do with directing the election and counting the votes were the appointees of the Republican governor or boards of county commissioners of like politics. A visitor from the North did not exaggerate much when he described the situation thus:

From the precinct ballot-boxes to the Tallahassee state-house, the place of voting, the precinct officers who receive the vote, the officer who records the vote, the county officers whose judgment affects the certificate of the vote, the State officers who by law canvass the county returns of the vote, all are Republicans or under Republican control. Such is the law, such is the fact. The Florida Democratic Committee are unaware that county returns have been stolen from the mails, which are under Republican control.<sup>2</sup>

The public school teachers, the majority of local officials, and the Federal office-holders were more or less active in organizing the Radical vote. "The whole public school system", says Wallace,

was made a powerful auxiliary to the campaign fund of Stearns. The State Superintendent, while possessing unquestionable ability relative to the duties of his office, devoted his

<sup>1</sup> Wallace, *op. cit.*, p. 435.

<sup>2</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, v. 2, p. 227. Manton Marble.

whole energy and time to the nefarious canvass for the nomination of Stearns, to the utter neglect of the education of the masses. The same is true of some of the superintendents of the black belt and other counties—organizing political clubs instead of schools.<sup>1</sup>

The local Radical leaders strove to keep their grip upon the individual negro voter for the November test. "Two weeks before election time the colored brothers in every precinct were notified by Saunders, Bowes and other leaders that unless they voted as many times as they could on the day of election they would be put back into slavery".<sup>2</sup> Bowes, superintendent of schools for Leon County, ordered printed a quantity of small thin Republican ballots called "little jokers", with which to stuff the ballot boxes on election day.<sup>3</sup> He jocularly told his friends of the project and later used the ballots to good effect.

Negroes in the densely black sections were as usual inclined to be aggressive in their political declarations, and were even bellicose and insolent. In Key West a notice charged to negroes was found posted one morning before the home of a local Conservative leader. "My name is Hell", it ran, "and I will burn your property to the ground. It may be three months, six months, twelve months, eighteen months, but I will burn it to the ground for my name is Hell".<sup>4</sup>

The half-serious reference by Wallace to the Florida negro public school catechism, furnishes an insight into the temper of the times. "'Who is the 'Publican Governor of Florida?'" was the first question.

<sup>1</sup> Wallace, *op. cit.*, p. 326.

<sup>2</sup> *Ibid.*, p. 337.

<sup>3</sup> *H. Misc. Docs.*, 44th C., 2nd S., no. 35, pt. 1, pp. 12-24.

<sup>4</sup> <sup>†</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 384; *H. Rpts.* 45th C., 3rd S., No. 140, p. 12.

Answer: "Governor Stearns." "Who made him Governor?"

Ans.: "The colored people." "Who is trying to get him out of his seat?" Ans.: "The Democrats, Conover, and some white and black liberal Republicans." "What should the colored people do with men who are trying to get Governor Stearns out of his seat?" Ans.: "They should kill them."<sup>1</sup>

As the fateful November 7th drew near, wilder and uglier rumors spread abroad. The contest was a real one. In some localities it was a rough one. Republican campaign managers sought to make it seem a desperate one for the physical safety of Radicals in Florida. "The coming election is the crisis of free government in Florida", declared the Republican state campaign committee, on October 23rd, in an address sent broadcast over the state.

Our Democratic opponents realize already that their defeat is inevitable unless they can stifle the voice of the people by fraud and violence and deter the masses of our party from casting their ballots on the day of election.

Information absolutely reliable has been received at these headquarters that evil, designing men in the South counties of Georgia are preparing to invade our State in armed bands on the 7th of November next for the purpose of intimidating Republicans from casting their ballots and to stir up riots and bloodshed. Georgia, now Democratic by 80,000 majority, proposes to assist the Democrats of Florida in wresting from our people the rights guaranteed us by the constitution and laws of our common country.<sup>2</sup>

Popular excitement increased as the days passed. Radical leaders helped it on for a purpose. Negroes were restless and mass meetings were frequent. "In view of the excited condition of the public mind", announced Governor

<sup>1</sup> Wallace, *op. cit.*, p. 326.

<sup>2</sup> *Am. Cyclo.*, 1876.

Stearns on October 31st, "and the in some degree well-founded apprehension of coming trouble growing out of the bitter political canvass now in progress in this State . . . I earnestly call upon all citizens to temper zeal with discretion and to deprecate fraud, violence, and disorder."<sup>1</sup>

The distribution of Federal troops over the state was desired by Radicals, and the troops were readily obtained. Several weeks before election day the war department began to distribute squads of regulars over the state. The presence of a few United States soldiers went a long way toward protecting black Radicals from possible onslaughts by exasperated and excited whites.

On the 8th of October a battery of the Fifth United States Artillery was ordered to move from Tampa to Gainesville (in the midst of the Black Belt)—"to arrive between the 1st and 7th [of November], to go into encampment, and to remain until the 14th."<sup>2</sup> Squads of ten soldiers each were ordered from St. Augustine to Lake City and Quincy, and twenty soldiers were sent to Madison. A battery of the Fifth Artillery was sent from Barrancas to Marianna and another battery to Pensacola.<sup>3</sup>

Did the situation in Florida merit the presence of national troops? The soldiers did little positive harm of their own accord. No one was killed. Probably no one was even arrested by them. No serious rioting occurred. Police were necessary, but was it the function of the national government to police polling places? Both Republicans and Democrats asked for Federal troops. "Can you not have troops at Tallahassee and Monticello, Florida, on election day", telegraphed Mr. Drew, Democratic candidate for governor, to General Ruger three days before the elec-

<sup>1</sup> *An. Cyclo.*, 1876.

<sup>2</sup> *H. Ex. Docs.*, 44th C., 2nd S., no. 30, p. 45.

<sup>3</sup> *Ibid.*, pp. 45-47.

tion. "We desire them".<sup>1</sup> Republican leaders took advantage of this situation to frighten faint-hearted negro constituents. Federal uniforms stood for Republicanism with the black. He was told that if he did not vote the Republican ticket the soldiers would put him in the "chain gang".<sup>2</sup>

The presence of soldiers was useful in restraining Democrats who were, as a rule, seeking to carry the elections at almost any cost. They were not over-scrupulous about means. They sought results primarily. The key-note of their campaign method was not persuasion. That had failed. The key-note was threatened violence and economic coercion. That was positive, and that had already partially succeeded. The Democrats stood for a white man's government. They promised honest and inexpensive reform. "Such reform was needed, God knows", said one man. It is true that Florida had been undergoing reform since 1867, but the result had not been satisfactory to the whites. The State was very poor, taxes were very high, and society was in a bitter turmoil.

The election methods of Conservative reformers in 1876 when judged apart from environment and in the light of exalted ethics, were rather bad. Democrats did not forge election returns, because being out of office that privilege accrued to Republicans; but they bulldozed opponents at the end of a halter or the point of a gun into voting with them or not voting at all. They did not manufacture spurious poll lists because that too was a Republican privilege, but they distributed spurious ballots to illiterate blacks and some did not hesitate to vote twice or three times on election day.

<sup>1</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, pt. 4, p. 343. Ruger was in command of the military department and was stationed at Atlanta, Ga.

<sup>2</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, Doc. Ev., pp. 194, 244, 246, etc.

This canvass was primarily between a black man's party and a white man's party. The whites of Florida in 1876 outnumbered the blacks by more than 5,000.<sup>1</sup> The Republican party was split and former Republicans, black and white, were of their own volition either supporting the Conservative party or not voting at all.<sup>2</sup> The local Republican party had been losing ground since 1870. These facts indicate that in 1876 registered Conservative voters considerably outnumbered Radical voters. The election was therefore not only a fight by the whites to obtain control of the government, but a fight by the majority—the people—to obtain control of their government held by the entrenched representatives of the minority. These representatives had it within their power by sharp and high-handed practice in manipulating election returns to hold their control and their offices. The affirmation sometimes made that a fair election would have resulted in a Republican victory is not supported by the more patent and fundamental facts in the case. A fair election would have resulted in a more complete Democratic victory.

It is true, nevertheless, that Democratic regulators deterred by violence Radical voters and it is equally true that Republican election officials threw out by fraud honest Conservative votes. The average Democrat of Florida in this election, if profane—and most were—believed that he was “fighting the Devil with fire” and that political salvation lay through sinning; if a sentimentalist or a philosopher he was wont to believe that he was voting for the “su-

<sup>1</sup> *Census of 1870* gave white population of 96,057; black, 91,689. See reference to this question in E. W. R. Ewing, *Hayes-Tilden Contest*, p. 22; McClure, *Our Presidents*, p. 265; Blaine, *Twenty Years*, v. 2, p. 581.

<sup>2</sup> Wallace, *op. cit.*, chap. 19; *Sen. Docs.*, 44th C., 2nd S., no. 611, pt. 2, *Doc. Ev.*, pp. 181-183, 193, 197, 198.

premacv of Caucasian civilization"; if historically minded, he could well express on his own question the ringing opinion of Edmund Burke on the first great American question: "If other ideas should prevail things must remain in their present confusion, until they are hurried on into the rage of civil violence or until they sink into the dead repose of despotism".

On election day, November 7th, from early morning till sundown, Democratic watchers closely surrounded most of the important polling places. Dishonesty by election officials was expected because it had occurred before, and conditions had not materially changed since it had occurred. Conservatives came prepared to challenge those suspected of "repeating" or plural voting, but Radical election officials found ways and means to overcome quickly such obstruction. "We had a list of names to be challenged," stated one Conservative, "names of persons whom we believed to be disqualified. That list we had there and it was impossible to do that. They [election inspectors—Radicals] did the thing so rapidly that we could not find the names. Before we could begin to look for them they would call out '*check*', and the vote was passed in and the voter gone."<sup>1</sup>

At the precinct polling places the three inspectors of election who conducted the actual voting were stationed usually in a room before an open window near the ground. The ballot box was in view of those outside. The voter passed his ballot openly to an inspector who dropped it in the box through a slit in the top of the box.<sup>2</sup> "The voter usually stood by the window", stated one election official in describing the process of voting at one precinct. "I

<sup>1</sup> *H. Misc. Docs.*, 44th C., 2nd S., no. 35, pt. 2, p. 7.

<sup>2</sup> For electoral methods, see *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 310.

think the top of the window is about six feet from the ground. A tall man could possibly look over the window sill. The voter was standing below. The person administering the oath was standing probably three feet from the window, one person between. The inspector who received the vote was standing next the window.”<sup>1</sup>

Democratic regulators on election day picketed the roads and country by-paths, with shot-guns across their saddles, to prevent negroes from marching across country from one polling place to the other and repeating their votes. In Leon county, for instance, bands of negroes began to vote “early and often. They started early in the morning” and it is claimed, voted at every precinct from Tallahassee to the State line—“and each time the same man would vote under an assumed name”.<sup>2</sup>

At Monticello in Jefferson County “500 armed horse-men” paraded the streets. The polls in Monticello “opened about 8 o’clock” testified a special election policeman.

Within a few minutes of that time, and for some time before—an hour and a half, or two hours perhaps—there was a great deal of noise and confusion about the polls—noise of hammering at the windows and people crowding up to look in. At the time the polls were opened there was a dense crowd round the polls, so much so that they were thrown over one another’s heads and climbed up to get out, and for, well, an hour I suppose, it was impossible to get any order there at all.<sup>3</sup>

In Jackson County, also, some uproar accompanied the voting at the more important polling places. Obstreperous whites and insolent negroes frequently “had words”. Under such circumstances the black was wont to threaten to

<sup>1</sup> *H. Misc. Docs.*, 44th C., 2nd S., no. 35, pt. 2, p. 8.

<sup>2</sup> Wallace, *op. cit.*, p. 338.

<sup>3</sup> *H. Misc. Docs.*, 44th C., 2nd S., no. 35, pt. 2, p. 15.



call the marshal — usually a Republican — for protection. One negro in describing what happened in Friendship Church precinct said :

And then Lewis Godwin [black] called the marshal, and then Shumaker and Tommy Davis [whites] said, "God damn you, let the marshal start, and there will not be a piece of him as big as a rag, and there will not be a piece of you found as big as my hat." Then Tommy Davis yelled and put his hand down to his hip as if for a pistol, and we all drawed back, and Squire Parker then came up—a good, clever old fellow, a justice of the peace there, a good Democrat—and he talked to them, and said there ought not to be any trouble there, and we all listened to him.<sup>1</sup>

The attempt to associate negroes and Southern whites on precinct election boards only added to the confusion of the election in some localities and caused much of the aftermath of recrimination. The two white election inspectors of Friendship Church precinct, for instance, objected to the presence of the third member, Henry Long, a negro. "We all went into the room", said Long, and when the hour arrived to go to voting Mr. Stephens said, "Where is Long?" I says, "Here I am," and he said, "You belong outside." I said, "No; I reckon not, if I know what is right!" He says, "No, you do belong outdoors." I says, "No, I don't," and I pulled out my authority and showed it. He says, "Well, you do belong outdoors," and I says, "I don't." And he says, "Well, I know you do belong out there and you must go out there," and, of course, I went out.

"Did Mr. Stephens display a pistol at that time?" asked the chairman of the Congressional committee questioning Long. "Yes, Sir", replied Long, "just before that he pulled out

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 325, testimony of Thos. Miller.

a pistol and laid his pistol on the table". "When you went out how did you go?" was asked. "I went out doors right by the window", Long answered.<sup>1</sup>

In Jackson County and elsewhere "galvanized" ballots were quietly issued by Democrats to illiterate negroes. These ballots had the Republican insignia engraved above and the names of the Democratic candidates printed beneath.<sup>2</sup> The Radical blacks knew their party emblem. They had been taught that. Most of them could not read. This ruse did not work well. Republican leaders who could read usually took these semi-Democratic ballots away from the negroes before they reached the ballot box.

In Escambia County Democrats repeated votes by rail. After voting in Pensacola a carload of Conservatives traveled to Bluff Springs and another car-load to Perdido. The Republican Federal marshal attempted to head them off by telegraphing that they were coming, but the repeaters managed to recast some of their votes.<sup>3</sup>

At Waldo in Alachua County a passenger train is said to have stopped while the passengers amused themselves by voting for both Democrats and Republicans at the local polling place.

In West Florida a Democratic railroad official sent several gangs of negro workmen out of the state into Alabama to work on the railroad. The blacks left Florida with the expectation of coming back the day before the election, but their train "broke down" a hundred miles away in the woods, and they spent election day in Alabama.

In Leon County, the Republican county superintendent of Schools, Joseph Bowes, managed to slip into the ballot

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 312.

<sup>2</sup> *Ibid.*, p. 321.

<sup>3</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, Doc. Ev., pp. 146-149.

box of one precinct a sufficient number of his spurious ballots termed "little jokers" prepared in advance.<sup>1</sup>

In Key West, Monroe County, the report was spread abroad early in the day that the negroes were being armed by their white leaders and meant to drive the Conservatives from the polls. The mayor of the town made inquiries among the Federal office-holders concerning this report. The Democrats of the Third Precinct, "the Conchs", were boisterous and turbulent. The Republicans of Key West claimed that unregistered persons voted the Democratic ticket; that the surrounding crowd of Conservatives would yell out when such an individual was challenged: "He's all right. Let him vote"—and that he usually voted. As the editor of the *Key West Dispatch*—a Radical journal—approached the polls, amid the hooting of the crowd some one called out: "Can't you give that spectacled son-of-a-bitch a clip in the snoot?"—which passed as election humor.<sup>2</sup> In Jackson County despite the presence of Federal troops "plenty of pistols and double-barrelled shot-guns" were in evidence among the whites.

Yet in the majority of the polling places over the state, nothing out of the ordinary transpired on November 7th. The day passed in Florida with remarkably little violence and commotion, when what was expected is taken into consideration. Armed Georgians did not come over the state line, and native whites did not ride rough-shod over the negroes. The general tone of the mass of surviving testimony concerning the conduct of the election and the proceedings at the polls is that "everything passed quietly and peaceably". "It was just like a picnic", stated one witness. "The election was peaceable and quiet and with-

<sup>1</sup> *H. Misc. Docs.*, 44th C., 2nd S., no. 35, pt. 1, pp. 12-24.

<sup>2</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, pp. 370, 382.

out any intimidation, threat, or violence of any character whatever", stated another from a county in which Republicans claimed that there had been violence and intimidation. "No man was prevented from voting as he pleased", he continued, "and there was no citizen of Alabama voted at said precinct, as far as my knowledge of the parties goes, and I have resided in the neighborhood 27 years".<sup>1</sup> W. J. Purman, Republican Congressman, telegraphed a fellow Republican from Jackson County on election day: "Election passing off gloriously. Everybody peaceable and unobstructed."<sup>2</sup> In this very county, when it was found that the election had gone against them, the Republicans claimed that fraud, violence, and obstruction had been perpetrated by the Democrats.

The election proceeded under the law of August 6th, 1868, materially amended in 1872. This statute provided for the registration of voters by the county commissioners and for the conduct of the election at each polling place by three "inspectors" appointed by the commissioners. The commissioners were appointed by the governor. At the close of the polls the inspectors were required to "canvass" or count the votes publicly at once. They were required to make out certificates in duplicate showing the result of the voting, to have these certificates securely sealed, and to deliver one copy to the county judge and one copy with the ballot box to the clerk of the circuit court. Within six days after the election, the county judge, the clerk of the circuit court and a justice of the peace, sitting as a special board, were to consolidate the precinct returns and canvass the votes for the county. Their finding was to be made out in triplicate, signed, and one copy sent to the secretary of state at Tallahassee, one to the governor, and one kept by

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 181.

<sup>2</sup> *H. Misc. Docs.*, 44th C., 2nd S., no. 42, p. 434.

the clerk of the circuit court. The "Board of State Canvassers", composed of the secretary of state, the comptroller, and the attorney-general, would consolidate and canvass the votes for the entire state.<sup>1</sup> Such was the legal scheme for counting the votes cast.

As the momentous election day drew to a close the precinct officers prepared to give out the result. Before midnight their announcements had been flashed over the country by telegraph. That tremor of excitement and uncertainty which soon shook the entire nation as a sick man with a chill began at an early date to convulse Florida. "Laus Deo", announced the Tallahassee *Floridian*. "Democratic Victory. George F. Drew elected. 2,000 majority for Drew. Startling frauds contemplated."<sup>2</sup> Senator Conover in Florida, however, complacently telegraphed George McCormick of the Republican national executive committee in New York: "Hayes has carried the State".<sup>3</sup>

Whatever the result had been in truth the pronouncement of the vote as a finality bade fair to be far from a simple matter. The phrase "Startling Frauds Contemplated" was but a harbinger of the coming storm. There was about to develop in Florida a contest of affidavits, swearing, wits, and downright lying hard to parallel in our political history. The national election was very close. "The uncertainty of the result of the election in Louisiana and the uncertainty of the result in Florida produced the most intense excitement."<sup>4</sup> A prominent Northern Republican telegraphed Governor Stearns, November 8th,—“Our New York dispatches make everything depending on Florida”. On the same day Mr. Chandler of the Republi-

<sup>1</sup> *Laws of Florida*, Aug. 6, 1868, Feb. 27, 1872.

<sup>2</sup> *Floridian*, Nov. 14, 1876.

<sup>3</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, v. 1, p. 527.

<sup>4</sup> *H. Rpts.*, 45th C., 3rd S., no. 140, p. 80.

can national executive committee telegraphed Malachi Martin, chairman of the Florida state committee,—“Hayes defeated without Florida”; and Martin immediately telegraphed the chairman of the Republican national executive committee,—“In order to prevent frauds we must have money. If Florida is important authorize me to draw on you for \$2,000.”<sup>4</sup> The *New York Times* early on Wednesday morning, November 8th, after accounting politically for every State in the Union but Florida, concluded: “This leaves Florida alone still in doubt. If the Republicans have carried that State, as they claim, they will have 185 votes, a majority of one.”<sup>1</sup> Political results in Florida for once had become of decisive importance in national politics.

<sup>1</sup> Haworth, *The Hayes-Tilden Disputed Presidential Election*, p. 49.

<sup>2</sup> The foregoing telegrams exhibited in *H. Misc. Docs.*, 44th C., 2nd S., no. 42, pp. 434-435.

## CHAPTER XXVII

### THE RESULT OF THE ELECTION OF 1876

THE situation in Florida being a critical one and the control of the Presidency of the Republic for the next four years being involved in the adjustment of this situation, leading politicians beyond the state quickly showed a remarkably live interest in Florida's electoral troubles. Governor Stearns in Tallahassee telegraphed President Grant on November 13th, that "Eminent Democratic politicians are gathering rapidly here from adjoining states, and are expected from the North. I feel that I should have the counsel of eminent men in our own party."<sup>1</sup>

On November 8th, the day following the election, W. E. Chandler left New York for Florida. He was a Republican of some prominence and went South at the behest of certain members of the Republican national committee.<sup>2</sup> He reached Tallahassee on the 12th of November, and telegraphed immediately to several local Republican bosses over the state: "State is close and you must make efforts to render every possible assistance. Funds will be on hand to meet every requirement". He then sent a cipher telegram to Zachariah Chandler in New York, of the Republican national committee: "Send \$2,000 to Centennial Bank of Philadelphia so I can draw for it". Two days later he telegraphed in cipher: "Florida needs immediate counsel

<sup>1</sup> *H. Misc. Docs.*, 44th C., 2nd S., no. 42, p. 438.

<sup>2</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, v. 1, p. 470; Haworth, *The Hayes-Tilden Disputed Presidential Election*, p. 54.

and help. Can you send \$3,000 as well as \$2,000—making \$5,000? Danger grave here.”<sup>1</sup> The money was quickly transferred to Mr. Chandler.<sup>2</sup>

Governor Stearns professed to think also that the “danger was grave”. He telegraphed the President of the United States for help. The Secretary of War, on November 9th, ordered General Sherman to concentrate at Tallahassee “four companies of soldiers at once”. “Telegraph Ruger to order troops to be at my disposal,” stated a dispatch sent to the governor on the same day by the Federal marshal at Pensacola.<sup>3</sup>

Leaders in the Democratic party beyond the confines of Florida exhibited about the same interest in the situation as did their friends, the Republicans. When Mr. Chandler reached Tallahassee, he found a number of “visiting Democratic statesmen” ahead of him. His excitement was evident in his message to Mr. W. A. Clancy, of the Fifth Avenue hotel in New York. “Florida swarming with prominent Democrats,” he telegraphed. “Send some Republican lawyers and eminent men.”<sup>4</sup> He also telegraphed the private secretary of presidential candidate Hayes, to send to Florida “Stanley Matthews and others of high character”.<sup>5</sup> Chandler’s request was promptly forwarded to Matthews at New Orleans, and a group of Republican “visiting statesmen” of the desired high character, probably, set out at once for Florida. The group included ex-Governor Noyes,

<sup>1</sup> *H. Misc. Docs.*, 44th C., 2nd S., no. 42, pp. 438-9. In the messages “Robinson” meant \$3,000 and “Jones” \$2,000. See Holden Rpt. to Potter Committee, *H. Misc. Docs.*, 45th C., 3rd S., no. 31, pt. 4, pp. 325-85.

<sup>2</sup> *H. Misc. Docs.*, 45 h C., 3rd S., no. 31, pt. 4, p. 471.

<sup>3</sup> *H. Misc. Docs.*, 44th C., 2nd S., no. 42, pp. 435-6.

<sup>4</sup> *Ibid.*, p. 438.

<sup>5</sup> *Ibid.*, 45th C., 3rd S., no. 31, v. 1, p. 470.



of Ohio; Attorney-General John Little, of Ohio; John A. Kasson, of Iowa; and General Lew Wallace, of Indiana. General Francis Barlow, Republican, of New York, arrived a few days ahead of them. Barlow claimed that he visited Florida at the request of President Grant.<sup>1</sup> Ex-Governor Noyes was the intimate friend of Mr. Hayes and at the time it was considered that his presence was particularly encouraging to aspiring local politicians in Florida.

The electoral situation in Florida was as follows: the face of returns as polled and announced by precincts gave the state to the Democrats by a small majority for both state and national tickets.<sup>2</sup> It was the object of the Republican managers to prove fraud by Democrats in the casting or counting of the votes, or to induce by other means the Board of State Canvassers to refuse to count a sufficient number of Democratic votes to give the state to the Republicans. Although Radicals controlled the polling and counting of votes, the Conservatives had carried the election. Thereupon the Radicals who controlled both the final pronouncement on the vote and the national government sought to reverse the election. Stripped of hair-splitting this was the situation.

Each party divided the state into groups of counties and put each group in the hands of attorneys stationed at Tallahassee. Local leaders, Radical and Conservative, set about obtaining affidavits and other forms of evidence from indi-

<sup>1</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, v. 1, pp. 1361, 1398.

<sup>2</sup> *Sen. Rpts.*, 44th C., 2nd S., r.o. 611, pt. 2, p. 17. Tilden presidential electors 24,441, Hayes electors 24,350. Drew (Dem.) State ticket 24,661, Stearns (Repub.) State ticket 24,119. This estimate is based upon the precinct returns as announced from the polling places. It therefore includes such fraudulent returns as that from Archer Precinct, No. 2, Alachua County. The Democratic claim of 2,000 majority was based upon purged returns from Alachua and Jefferson Counties.

vidual voters, precinct officials, and county officials to support their respective cases before the Board of State Canvassers when that body prepared to decide officially on Florida's vote. The obtaining of affidavits by both parties was wholesale—scores, hundreds, thousands piling up in the hands of political managers. All in all, it was an extraordinary and colossal exhibition of mendacity. Almost everything sworn to by one side, was sworn to in opposite fashion by the other. It is possible to prove almost anything by logically following good and selected sworn testimony. Sheafs of affidavits were gathered by Republicans from electors who could not sign their names, who were under the whip of unscrupulous local leaders, and who probably never witnessed or heard of the affidavits to which they were reputed to have so glibly and solemnly “fixed their mark”. Even the “marks” from some were omitted. But all of this farce and trouble was taken to break down and change the announced result of the election—and the body to pronounce was two-thirds Republican. It was the Board of State Canvassers.

This board met pursuant to law on November 27th, in the office of Samuel B. McLin, secretary of state.<sup>1</sup> McLin was a native of Tennessee, and a one-time deserter from the Confederate army. The second member of the board was Dr. C. A. Cowgill, carpet-bagger from Delaware. He had served in the Union army. Both were Republicans.<sup>2</sup> The third member was Attorney-General William A. Cocke, a native Virginian, an old resident of Florida, a lawyer of some repute, an historian, and a Democrat. Times were tense. As the three men took their seats about the table in the secretary of state's office on this particular Novem-

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 413.

<sup>2</sup> *An. Cyclo.*, 1876.

ber morning, they no doubt realized themselves to be the center of a political storm that swept far beyond the horizon of Florida. McLin called Cowgill's attention to the press copy of a telegram in a Baltimore paper signed by Cocke. The two men looked at the telegram and then bitterly regarded Cocke. They passed it to him. It read: "I do not think the Radicals can cheat the Democrats out of the State". Cocke, glaring at his two glaring friends, stated that his opinion had not changed.<sup>1</sup>

On its first day of meeting the Board of State Canvassers did little more than adopt rules of procedure. It decided that visitors might be admitted to the sessions, that as the various county returns were announced, notice might be served that the returns would be contested, that the cases would be heard, and that no oral testimony would be allowed.<sup>2</sup>

The following day, November 28th, the returns for presidential electors were canvassed in the presence of the "visitors" and counsel for the two parties. As the vote from each county was announced notice was given by the leading attorney of one party or the other that the count would be contested. Every county heard from was contested in this fashion—the Democrats serving notice on ten and the Republicans on twenty-seven.<sup>3</sup> Following the announcement of the Presidential vote came that for state officials.

County by county, during the week which followed the first sitting of the board, the returns were contested. The time was short. On December 6th, according to Federal

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, pp. 413-414.

<sup>2</sup> *Ibid.*, p. 415. The rule concerning oral testimony was not adhered to.

<sup>3</sup> *Ibid.*, pp. 418-423.

law, the Presidential vote must be cast, and therefore much of the collected evidence, not worth its weight in paper for establishing the truth, but useful as a sham, was wisely passed over in a hurry. Issue was actually joined between Democrats and Republicans over fourteen counties, and of these fourteen, the counties which proved of deciding importance were Alachua, Jackson, Baker, Hamilton, Monroe, and Manatee. It became evident at an early date that the Republican case would be directed mainly to breaking down, and throwing out, if possible, the returns from Jackson County, and to establishing the returns from Alachua County.<sup>1</sup>

The canvassing board for Alachua County announced the county vote to be 1,984 Republican to 1,267 Democratic.<sup>2</sup> Alachua had gone Republican in 1872 and 1874 by about 800 votes.<sup>3</sup> Both tickets in 1876 were more than 400 votes ahead of the returns in 1874. The Democrats in 1876 did not claim that they had carried the county. They claimed that their opponents had dishonestly added votes in certain precincts in order to swell the total Republican vote for the state. The greatest difference of opinion developed over Archer Precinct No. 2. The announced result there was 399 Republican votes and 136 Democratic.<sup>4</sup> The Democrats claimed that the ballots actually cast at Archer Precinct No. 2 gave them a majority, but that the county canvassers, who were Radicals, had dishonestly changed the true returns by adding 219 to the Republican vote. L. G. Dennis, the Republican chairman of the Alachua County board,

<sup>1</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, v. 1, p. 1399.

<sup>2</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, Doc. Ev., p. 24.

<sup>3</sup> *Ibid.*, pt. 2, p. 20.

<sup>4</sup> *Ibid.*, Doc. Ev., p. 25.

afterwards admitted on oath that forgery had been perpetrated to increase the Republican vote in this county.<sup>1</sup>

The proof offered by Democrats to the state canvassing board of fraud perpetrated at Archer consisted of a number of carefully-drawn affidavits and the original poll list. The most important affidavit was that of Samuel T. Fleming, a Democratic "watcher" at the polls. Fleming was a respected merchant in Alachua County, and claimed that he knew by sight the voters at Archer Precinct. He had been present at the polls all day and had methodically counted the voters as they cast their ballots. He affirmed on oath that the Republican report for the precinct was 230 votes more than the number who voted.<sup>2</sup> If Fleming was right, the ballot-box had been "stuffed" or a miscount had been made. The Democratic counsel further presented the *original poll list of registered voters signed by the Republican inspectors themselves*. The poll list accompanying the Republican announcement of the returns was a copy unsigned and containing 219 names more than were on the original list.<sup>3</sup> The Democrats claimed that these names had been fraudulently added to correspond with the Republican declaration of the vote. To clinch this contention a sworn statement was presented from one precinct official who assisted in making-up the precinct returns. He declared that 318 ballots had been found in the box from Archer Precinct No. 2, and not 535 as announced by the county board. Furthermore, one of the county canvassers declared that the Archer Precinct return "had been clearly and conclusively proven, and shown to this board to have been fraudulently and falsely increased, changed, altered, and forged".<sup>4</sup>

<sup>1</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, v. 1, pp. 490-95.

<sup>2</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 426.

<sup>3</sup> *Ibid.*, pp. 60-70, 177.

<sup>4</sup> *Ibid.*, Doc. Ev., pp. 31, 41, 49, 53.

The backbone of Republican defense for this county consisted of affidavits from persons saying simply that they had voted at the election. On its face the defense was weak because of the character of the documents submitted. "Batches of affidavits" were submitted, "the text, signatures, and cross-marks all in the same handwriting, the names duplicated and the cross marks sometimes omitted—made by men so densely ignorant as to be unable to verify the truth of their statements".<sup>1</sup>

Did fraud occur in Archer Precinct? If so, where and how? Did the alleged fraud in itself vitally affect the outcome in Florida? In regard to the last query, if the alleged fraudulent votes had not been counted, the Republicans would have lost the state. *They needed them to win.* The point of the Democratic contention was that fraud had been perpetrated not in the voting but in the announcement of the results of the voting. The point of the Republican reply was that the apparent "irregularities" in the Republican position were due to robbery of the ballot-box by Democrats before it reached the county canvassing board. The Republican precinct inspectors swore that their announcement of the vote at the closing of the polls at Archer Precinct was 535, which corresponded to the pronouncement by the county board. Several Democrats present when the announcement was made swore that the election inspectors had announced 316 votes cast. Somebody lied. Democratic witnesses later stood the test of cross-examination better than Republican witnesses, and Republican officials afterwards swore that they had cheated. Most investigators will be inclined to conclude after examining the evidence in the case, that the fraud was perpetrated in counting up the vote of Archer Precinct No. 2 and that the Republicans perpetrated it.

<sup>1</sup> *Sen. Rpts.*, 44th C., no. 611, Doc. Ev., p. 11.

In Jackson County the face of returns as they were presented to the state canvassing board was regular, complied with the law, and gave the Democrats a majority of about 100 on state and national tickets.<sup>1</sup> The Republicans claimed that fraud and violence had been perpetrated by Democrats, and that such procedure had both deterred Republicans from voting and changed the vote in the ballot-boxes of two precincts after it had been cast. They claimed that in the Campbellton Precinct and the Friendship Church Precinct either the ballot-boxes had been robbed by Democrats or many of the Republican votes cast had not been counted; that the election officials had not complied with the law in conducting the election at the polls; that one of the ballot-boxes had been "out of sight of the voter and the public"; and that the final counting of the votes cast in Friendship Church Precinct had been irregular, careless, and conducted "two miles away" from the polling place.<sup>2</sup> The last charge—*i. e.*, counting the votes at a place other than the polling place—was substantiated by the proven facts in the case as set forth by the election inspectors themselves. The evening being chilly and the polling room being without fireplaces or proper lights, the three inspectors had gone to count the votes in a nearby house, in a room which they swore was "open to the access of any person or persons."<sup>3</sup>

Republican affidavits attempted to prove that the Friendship Church and Campbellton Precincts' returns were vitiated by intimidation of Republican voters and irregularity of election officials. There had been no serious intima-

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, Doc. Ev., p. 164. Drew received 1,397; Stearns, 1,295. The Republican electors 1,299; the Democratic electors 1,397.

<sup>2</sup> *Ibid.*, pp. 165-260.

<sup>3</sup> *Ibid.*, p. 205.

tion; there had been some irregularity. The irregularity in question did not in itself indicate fraud. *If the Friendship Church and Campbellton returns were thrown out, the Republicans would gain 315 votes and could carry the state without altering the face of returns from the other counties.*<sup>1</sup> The assault on Jackson County was, therefore, of peculiar importance.

In Hamilton County, the Republicans charged the precinct election officials with irregularity in canvassing the vote in Jasper Precinct No. 2. This precinct had given the Democrats a majority of 138 votes out of the 508 cast there.<sup>2</sup> The entire county had gone Democratic by 290 votes out of 940 votes cast.<sup>3</sup> The irregularity charged consisted in the adjournment of the precinct board before it had technically completed a canvass of the votes. It was also charged that legally unauthorized persons had been allowed to assist in counting the votes. The attack on Hamilton County was extremely weak. The face of returns was regular and gave the Democrats a substantial majority. There is no very credible evidence of either intimidation or fraud.<sup>4</sup>

For Monroe County the Republicans claimed that the Democrats had won by fraud and violence. The Democratic state ticket had received 1,052 votes to the Republican 970. The Democratic Presidential ticket had received 1,047 votes to the Republican 990.<sup>5</sup> The principal point in controversy was the return of Precinct No. 3 in Key West.

<sup>1</sup> Compare tables of Jackson County precinct returns and state vote, *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, pp. 18-19; *Doc. Ev.*, p. 204.

<sup>2</sup> *Ibid.*, pp. 151-155.

<sup>3</sup> *Ibid.*, pt. 2, pp. 18-19.

<sup>4</sup> *H. Misc. Docs.*, 45th C., 1st S., no. 10, pp. 59-75; 44th C., 2nd S., no. 35, pt. 1, pp. 131-151.

<sup>5</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, *Doc. Ev.*, p. 408.



The Republicans would throw out this precinct because of irregularity in the counting of the votes. The board had adjourned before the count was technically complete.<sup>1</sup> Polling officers were hungry and tired out by nightfall on November 7th, and the more easy-going officials in Monroe County and elsewhere might well have put off formally counting and certifying votes until next morning. The claim was made by Democrats and even Republicans, however, that such irregularity was purposely arranged before the election in order to give the Republican county and state canvassers legal grounds for changing election results in their favor when such changes were necessary.

In Manatee the returns were regular on their face and gave the Democrats a heavy majority. The Republicans claimed that the election had not been regular because the county officials had not complied with the law in revising the registration lists or in properly designating the polling places or in appointing the precinct election boards. These allegations were well substantiated; but the Democratic reply was that the people of Manatee had been honest in their actions, and had been forced to proceed in irregular fashion in order to be heard, as the Republican state administration had refused deliberately to appoint a county judge, who under the law was the official to make preparations for elections.<sup>2</sup>

In Baker County the situation was more complex. From that county three sets of returns had been sent to the canvassing board at Tallahassee. According to the state law the county canvassing board was composed of the county

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, Doc. Ev., p. 411; *H. Misc. Docs.*, 44th C., 2nd S., no. 35, pt. 1, pp. 81-96.

<sup>2</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, Doc. Ev., pp. 401-407; *H. Misc. Docs.*, 44th C., 2nd S., no. 35, pt. 1, pp. 97-110.

judge, the clerk of the circuit court, and a justice of the peace. The judge must call the board together, and the board must convene and canvass within six days after the election. In case the judge or the clerk were unable to act the sheriff was to take the place of either. The judge in Baker County was a Republican; the clerk and the justice of the peace were Democrats.<sup>1</sup> The judge, Driggers, calling a meeting of the board on the 13th,<sup>2</sup> the last day possible under the law, left the county. Baker County had gone Democratic by a 140 majority out of the 380 votes cast. The clerk suspected that the object of the judge in postponing the counting, was to have the returns forfeited by not being canvassed within the legal time. He therefore met with the justice of the peace on November the 10th, made up a set of returns, and sent them to Tallahassee. This was certificate number one.<sup>3</sup>

Judge Driggers in the meantime returned to Baker County, but on November 13th he refused to canvass the votes with the clerk and the justice of the peace. The sheriff likewise refused. Both Driggers and the sheriff were Republicans.<sup>4</sup> This day was the last day to act legally. The clerk and the justice, complying with the call of the judge but not meeting with him, because he would not meet with them, met, canvassed the votes a second time, and sent the returns to Tallahassee. This was certificate number two.<sup>5</sup>

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, pp. 236, 239.

<sup>2</sup> *Ibid.*, Doc. Ev., p. 77; *H. Misc. Docs.*, 44th C., 2nd S., no. 35, pt. 3, p. 69.

<sup>3</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, Doc. Ev., p. 78; *H. Misc. Docs.*, 45th C., 1st S., no. 10, pp. 40-48; 44th C., 2nd S., no. 35, pt. 1, pp. 284-300.

<sup>4</sup> *H. Misc. Docs.*, 45th C., 1st S., no. 10, pp. 40-41.

<sup>5</sup> *H. Misc. Docs.*, 45th C., 1st S., no. 10, pp. 41-42.

The judge on this day ordered the sheriff to take the place of the clerk on the county canvassing board, saying that "they [Republicans] were beat in the State and something must be done" and that "he proposed to have a canvass by himself". The Sheriff inquired how he could obtain a justice of the peace to act with him. Driggers replied that "he had got it alright, that he had a commission for Bill Green as a justice of the peace".<sup>1</sup> The Governor could create such officers at pleasure. Bill Green was a negro of the locality who for the occasion became a justice of the peace.

The Republican judge and the purged and reconstituted board consisting of himself, the Sheriff, and Bill Green met, canvassed the votes, threw out completely the returns from the two important precincts which had been carried by the Democrats—because, said the sheriff, "*we heard there was intimidation*"<sup>2</sup>—and declaring the vote of Baker County to be 130 Republicans to 89 Democrats sent the returns in to Tallahassee.<sup>3</sup> This was certificate number three, and this was the certificate accepted by Republicans and the state canvassing board. If this third canvass were accepted, *the Republican party, on the face of the returns, would have a majority of the state's votes; if rejected and the Democratic canvass accepted, the Democratic party would have a majority on the face of returns.*<sup>4</sup> Thus the vote of Baker County was important in the legal scheme of things, and as Bill Green, negro, was the deciding factor in making the Republican certificate regular on its face, Bill Green nominally played a telling part in electing a president of the

<sup>1</sup> *H. Rpts.*, 45th C., 3rd S., no. 140, pp. 13-14.

<sup>2</sup> *H. Misc. Docs.*, 45th C., 1st S., no. 10, p. 46.

<sup>3</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, Doc. Ev., p. 76.

<sup>4</sup> Compare with official statement of canvassing board, *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, pp. 17-19.

United States. Yet there is good reason to believe that the Radical state canvassing board in Tallahassee would have decided as it did regardless of Bill Green or even Baker County.

What principle would be adhered to by the Board of State Canvassers at Tallahassee in determining the disputed returns?

Under the state electoral law as amended February 2nd, 1872, the board was given authority to omit a return from the count "if any such return shall be shown or shall appear to be so irregular, false or fraudulent that the board shall be unable to determine the true vote."<sup>1</sup> How far the canvassers might go in establishing the true character of the returns was not set forth in the law. Should the board exercise judicial powers, that is, go behind the face of returns as received in Tallahassee from the county canvassers, throwing out only those *county returns* "irregular, false, and fraudulent" *on their face*?

Precedent could be found for either interpretation of the board's powers, but, as clearly shown by Dr. Haworth, the latest and strongest precedent supported *discretionary* and not *ministerial* powers.<sup>2</sup> Attorney-General Cocke, who now sat as the Democratic member of the board, had rendered an opinion two years before that the state canvassers might lawfully go behind county returns,<sup>3</sup> and acting upon this interpretation, the board had in 1874 used discretionary powers in deciding a disputed election.<sup>4</sup>

The final arguments by attorneys—Republican and Democratic—before the Board of State Canvassers, were presented on December 4th. General Biddle of Philadelphia

<sup>1</sup> *Laws of Florida*, chap. 1868, sec. 4.

<sup>2</sup> Haworth, *The Hayes-Tilden Disputed Presidential Election*, p. 66.

<sup>3</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, pp. 27-28.

<sup>4</sup> *Ibid.*, p. 5.

closed the Democratic case. He claimed for the Tilden electors 23,034 votes against 21,767 for the Hayes electors. "If the return of Jefferson County is purged, as suggested", he concluded, "there will be deducted from the Hayes vote 952, which would leave the majority of the Tilden electors in the State 2,219".<sup>1</sup>

The Board of State Canvassers took final action on December 5th and 6th. Cocke combated Cowgill and McLin on the more important points.<sup>2</sup> The vote stood two to one. Cowgill wavered several times in giving his decision. The board refused to throw out the returns from Archer Precinct No. 2, in Alachua County, in the face of glaring proof of disgraceful fraud, but rejected entirely Friendship Church Precinct and Campbellton Precinct in Jackson County on less worthy evidence. It refused to accept the clerk's returns from Baker County, but accepted the Republican judge's returns with the two precincts carried by Democrats omitted. It deducted Democratic votes from the Hamilton County returns and threw out entirely Democratic Precinct No. 3 in Monroe County, but refused to consider the same irregularities and more palpable fraud charged against Republicans in Leon County, Jefferson County, and Duval County.

The board did not use discretionary powers consistently in merely *purging* the precinct returns of dishonest votes. When to the advantage of the majority, precinct returns were *purged*, or when to the advantage of the majority precinct returns were *thrown out* entirely. The proceedings suggested strongly the simple principle of "tails I win and heads you lose".<sup>3</sup>

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, Doc. Ev., pp. 8-18.

<sup>2</sup> *Ibid.*, pt. 2, pp. 9-10.

<sup>3</sup> See an interesting comment made after the canvass by Sam. B. McLin, *H. Misc. Docs.*, 45th C., 3rd S., no. 31, v. 2, pp. 98-99.

The board canvassed the returns from twenty-six out of the thirty-eight counties on the face of the returns.<sup>1</sup> The returns from the other twelve counties were changed materially. It deducted 489 Republican votes from the twelve counties, and 1519 Democratic votes. The reduction of the Democratic vote was as follows: 29 votes from Clay County; 236 from Manatee County; 404 from Hamilton County; 401 from Monroe County; 13 from Alachua County; and 436 from Jackson County.

"At a little after twelve o'clock, Tuesday night (December 6th), the board by a unanimous vote declared the State canvass concluded", stated McLin. The Clerk was "ordered to prepare a certificate of the result".<sup>2</sup>

By thus judiciously shearing down the Conservative vote the canvassing board announced on December 6th that the Republicans had elected their National ticket by a majority of 920 votes, the Governor by 458 votes, the Lieutenant Governor by 283 votes, the Congressman from the First District by 294 votes, and the Congressman from the Second District by 141 votes.<sup>3</sup>

The board adjourned after regularly issuing certificates of election to the Republican presidential electors, one of whom was a negro. On December 6th these electors met and cast their votes for Hayes and Wheeler.<sup>4</sup> On this same day the Democratic electoral candidates, claiming that they had been lawfully elected in spite of the pronouncement of the board against them, met and cast their votes for Tilden and Hendricks.<sup>5</sup> Each group of electors forwarded its decision to Washington.

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, pp. 9-10.

<sup>2</sup> *Ibid.*, p. 10.

<sup>3</sup> *Ibid.*, p. 18.

<sup>4</sup> *Ibid.*, p. 29.

<sup>5</sup> *H. Rpts.*, 45th C., 3rd S., no. 140, p. 8.

The first chapter in the electoral contest thus closed with victory for the Radicals. Disgraceful dealing had gone on in Florida. Both Democratic and Republican "visiting statesmen", some of them of reputed high position intellectually and socially, came to Florida in the interests of their party. Most of them, particularly the Republicans, succeeded before leaving in playing the parts of pettifogging and hair-splitting politicians and rank partisans. The Democrats were at least dealing with a better case in law and in fact. They had won the election on the face of returns and were able to show good proof of having won it fairly.

The record that remains of the activity of "visiting statesmen" in Florida on this occasion plainly shows that most, if not all, of them were utterly unscrupulous in their efforts to achieve victory. Both groups received funds from beyond the state to aid them in producing political results within the state. Both groups kept up constant communication through cipher telegrams with party leaders in the North. Both groups said in these cipher messages things which they could not say publicly then or after without compromising somebody's personal reputation.<sup>1</sup> The Democratic agents attempted to induce Colonel Pelton—Mr. Tilden's nephew—and Mr. Henry Havemeyer of New York, to bribe a Republican member of the State Canvassing Board by the payment of first \$100,000 and then \$50,000.<sup>2</sup> The

<sup>1</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, pt. 4, pp. 325-85. Telegrams from Democrats asking for money, see pp. 345, 346, 350, 360.

<sup>2</sup> *H. Rpts.*, 45th C., 3rd S., no. 140, p. 73; *H. Misc. Docs.*, 45th C., 3rd S., no. 31, pt. 2, pp. 221-246; pt. 4, pp. 176, 177, 352, 353, 357. Manton Marble and C. W. Wooley were the Democratic agents in Florida who exchanged the dispatches with Col. Pelton and Mr. Havemeyer. The former was acting secretary of the Democratic national committee. Pelton approved of the proposition but owing to dissension between Wooley and Marble the attempted bribing was delayed until too late. See Haworth, *Hayes-Tilden Disputed Presidential Election*, pp. 318-319.

Republican agents offered the Democratic member of the canvassing board a "foreign mission" if he would cease his opposition.<sup>1</sup> Probably payments of money by Republican managers and certainly promises of political office from the Republican administration helped the Republican canvassing board to reach the decision it did reach and helped local party workers throughout the State to manufacture evidence for the reversing of electoral results where unfavorable.<sup>2</sup> The Republican chairman of the canvassing board testified shortly after the election: "Wm. E. Chandler came to me and stated that if the State went and was canvassed for Mr. Hayes . . . Dr. Cowgill and myself would be taken care of and there was no doubt of it".

Most of the Republicans prominently identified with the Florida case—whether in stuffing ballot boxes, falsifying certificates and poll lists, swearing to lies, or superintending the case at Tallahassee in sanctimonious and high-minded fashion—most of such received substantial office. In political parlance they were "taken care of".

General Francis C. Barlow of New York became disgusted with his work before it was over. He confessed to his fellow Republicans that the Democrats had fairly elected the state ticket and very probably the Presidential ticket.<sup>3</sup> Barlow lost favor among his fellow Republicans and became a suspect from that moment. "I cannot answer for the idiosyncrasies of Barlow", said Chandler. Barlow was simply trying to be honest. He received no recompense from the Republican party. Mr. Chandler, himself, unfortunately wrote a pamphlet reflecting upon Mr. Hayes.

<sup>1</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, pt. 4, p. 357.

<sup>2</sup> For example see testimony of L. G. Dennis, *H. Misc. Docs.*, 45th C., 3rd S., no. 31, pt. 4, p. 555.

<sup>3</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, v. 1, pp. 1362, 1366, 1369, 1388; *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 4, pp. 12-13.



He received nothing. Mr. Cowgill of the canvassing board had wavered in giving his decision. He received nothing.<sup>1</sup>

On the other hand ex-Governor Noyes was appointed Minister to France; Mr. Kasson, Minister to Austria; General Lew Wallace, Minister to Turkey; Governor Stearns, Federal Commissioner at Hot Springs, Arkansas; John Varnum, a good position in the Federal land office; Samuel B. McLin of the state canvassing board, justice of New Mexico; Joseph Bowes, who stuffed a ballot box in Leon County and to escape arrest, fled the state, a position in the treasury department, Washington; R. H. Black, who helped forge the registration list in Alachua County, a position in the custom house, Philadelphia; Thomas W. Vance, who aided Black, a position in the auditor's office, Washington; L. G. Dennis, Republican boss of Alachua County who confessed to fraud, a position in the Federal treasury department<sup>2</sup>—and so on. Little is to be gained by increasing the list of rewards.

What happened in the case of the foregoing was logical and does not in itself prove reward for fraud perpetrated in Florida. The persons in question were Republicans, their party had gained control of the government and according to the fixed principles of party government as generally practiced many of the offices of government are apportioned out as rewards for industry. There is some truth in the observation made at that time by a disgusted politician. "The American people," he said, "arrange themselves into political parties struggling in name to choose a President but in fact to control the enormous pat-

<sup>1</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, v. 2, p. 118; also testimony of Cowgill and Barlow, v. 1, pp. 1361-65.

<sup>2</sup> *H. Rpts.*, 45th C., 3rd S., no. 140, pp. 21-22.

ronage (in 1876, 110,000 offices) which the President when elected is obliged to distribute to his party because he was elected to distribute it.”<sup>1</sup>

Mr. McLin, the rewarded member of the Board of State Canvassers, afterwards said:

At the time the canvass was made I was not at any time conscious of acting otherwise than right and proper. I entered upon the canvass with the conviction that it was my privilege and duty, in a political sense, to give the benefit of every doubt in favor of the Republican party. Looking back now at that time, I feel that there was a combination of influences that must have operated most powerfully in blinding my judgments and swaying my action. The conclusion is irresistible that Mr. Tilden was entitled to the electoral vote of Florida and not Mr. Hayes.<sup>2</sup>

Mr. McLin and others in Florida found themselves confronted by a pressing situation and not a simple theory. Engulfed in party passions they drifted with the stream. Self-interest prompted them so to drift. Men are apt to act in this way. “For the manner in which men live is so different from the way in which they ought to live,” said Machiavelli to men of an earlier age, “that he who leaves the common course for that which he ought to follow will find it leads to ruin rather than safety. For a man who in all respects will carry out only his professions of good, will be apt to be ruined among so many who are evil.”<sup>3</sup>

However, any adverse judgment of the canvassing board's decision should be tempered by this fact, namely, that after the board rendered its decision which ultimately elected a president of the United States, far more conclusive

<sup>1</sup> *H. Rpts.*, 45th C., 3rd S., no. 140, p. 64.

<sup>2</sup> *H. Misc. Docs.*, 45th C., 3rd S., no. 31, v. 2, pp. 98-99.

<sup>3</sup> *The Prince*, chap. 15.

proof impeaching its decisions was obtained by the House committee appointed December 4th, 1876; the House committee of February 5th, 1879, and the so-called "Potter Committee of the House", which reported in 1879. These committees examined and cross-examined hundreds of persons who had taken part in the election. The historian to-day is in possession of more conclusive facts than was the Florida canvassing board on December 5th, 1876.

Mr. Drew, the Democratic candidate for governor, now appealed to the state supreme court through his attorneys, George P. Rainey, R. B. Hilton, and R. L. Campbell, for a writ of *mandamus*. He filed his petition for the writ on December 13th, claiming in it that he had received 24,613 votes to his opponent's 24,116, and praying that the court order the board to meet and recanvass the vote according to the face of the returns received from the counties.<sup>1</sup>

The supreme court immediately granted the writ of *mandamus*, which commanded the members of the board of state canvassers to reconvene and recount the votes on the face of returns.<sup>2</sup> McLin and Cowgill, Republican members of the board, replied that the board had ceased to exist after the result of the vote was declared and that therefore the board being non-existent could not reconvene. They further stated that action had been taken after due consideration of worthy evidence and that the decision of the board was reached unanimously.<sup>3</sup> This last claim of unanimity was wrong, and McLin and Cowgill knew it. The Democratic member, Judge Cocke, had voted against them in the cases of Duval County, Jefferson County, Manatee County, Jackson County, Monroe County, Hamilton County, and Ala-

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., r.o. 611, pt. 2, p. 388.

<sup>2</sup> *Ibid.*, pp. 390-91.

<sup>3</sup> *Ibid.*, pp. 393-95.

chua County.<sup>1</sup> Cocke now issued a statement favoring a recount of the votes on their face, although he had previously interpreted the law to give *discretionary* powers to the board.<sup>2</sup> He too was feeling the weight of party pressure by this time.

The supreme court quickly put aside the quibbling of McLin and Cowgill concerning the existence of the board. The court declared that they had possessed no authority to go behind the face of the returns, stating that "whether irregularities or fraud in an election will authorize the rejection of a vote cast is a question of law not within the power of the board to determine".<sup>3</sup> It ordered the board to reassemble and recanvass the vote for governor and lieutenant-governor on or before December 27th and in accordance with the court decision rendered.<sup>4</sup> The board obeyed the court. Stearns, Republican, was given 23,984 votes and Drew, Democrat, 24,179.<sup>5</sup> A shout went up from Conservatives in Florida. Through this pronouncement the executive branch of the government passed into their hands. The autumn elections had given them control of the lower house of the legislature. Since the murder of Senator Johnson in 1875 the Conservatives had controlled the Senate. Radical rule had ended therefore for the state, but the Republicans seated both Congressmen in 1876,<sup>6</sup> and both the United States senators were Republicans.

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, pp. 9-10.

<sup>2</sup> *An. Cyclo.*, 1876.

<sup>3</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, pp. 396-399.

<sup>4</sup> *Ibid.*, p. 400.

<sup>5</sup> *Ibid.*, Doc. Ev., pp. 400-1.

<sup>6</sup> Horatio Bisbee, Republican, over J. J. Finley, Democrat; W. J. Purman, Republican, over R. H. M. Davidson, Democrat. Both Davidson and Finley preferred charges of fraud in the election and

Some people professed to fear violence at the inauguration of Drew. Tallahassee was filled with a motley mob of blacks and whites more or less under the influence of cheap liquor and wild political talk. Would Stearns attempt to disregard the ruling of the supreme court? "He called a consultation of the ring chiefs at the City Hotel," says Wallace,

and required to know from them whether they would support him should he maintain that he was Governor, the decision of the Supreme Court to the contrary notwithstanding. With one voice they all answered, "Yea!" The understanding was that all the colored people in the surrounding country should be notified that Stearns would be inaugurated on the day set apart by the constitution, and they were notified accordingly. Some of the carpet-baggers doubted the propriety of defying a Republican Supreme Court, but the "Little Giant" [L. G. Dennis] declared that if Stearns did not hold on to the government he would kill him. The day before Drew was to be inaugurated Stearns saw many strange faces in Tallahassee among the whites, and he began to grow pale and talk weak. The "Little Giant" now seeing that Stearns was about to yield up the ghost, went out and filled himself with the red beverage of hell and came to the hotel to murder him, and he would have attempted to do so if he had not been locked in a room and detained until he fell asleep.<sup>1</sup>

The Democratic governor-elect was peacefully sworn into office at noon on January 2nd, with due ceremony but amid considerable suppressed excitement.<sup>2</sup> Several hundred white Conservatives armed with shot-guns and rifles were

Finley was admitted to Congress after Bisbee had served most of the term. See *H. Misc. Docs.*, 45th C., 1st S., no. 10; *H. Rpts.*, 45th C., 3rd S., no. 95, *passim*.

<sup>1</sup> Wallace, *Carpet-bag Rule*, p. 343.

<sup>2</sup> *Floridian*, Jan. 2, 1877.

stationed in nearby warehouses during the inauguration.<sup>1</sup> Governor Drew struck the fundamental note of the new period then beginning when in his inaugural address he declared: "A Northern man by birth and a Union man from principle, I recognize that the Democracy of Florida in placing me in this position demonstrates their desire for a true and fraternal union of all sections of our common country".<sup>2</sup>

Soon after the inauguration ceremonies the new secretary of state, the new comptroller, and the new attorney-general met as the Board of State Canvassers and recounted the votes for Presidential electors. They declared the Democratic electors chosen by 24,437 to 24,343, whereupon the Democratic electors cast their votes a second time for Mr. Tilden, obtained the endorsement of the new governor to their certificate, and forwarded their decision to Washington.<sup>3</sup> Three returns were therefore received at the national capital from Florida—one Republican and two Democratic.<sup>4</sup> The only return which satisfied the provisions of the Federal and state laws was the one Republican return. It was regular in every respect, although dependent on unscrupulous decisions by the Florida canvassing board. The Democratic electors who cast their votes on December 6th, the legal day, had received no certificate of election, and legally they were not entitled to vote. Furthermore, their certificate sent to Washington lacked the endorsement of

<sup>1</sup> Wallace, *op. cit.*, p. 344.

<sup>2</sup> Rerick, *Memoirs of Florida*, p. 340.

<sup>3</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, pt. 2, p. 409. The highest vote for a Democratic elector was 24,440; the highest for a Republican elector, 23,350. The lowest vote for a Democratic elector was 24,437; for a Republican elector, 23,344.

<sup>4</sup> Ewing, E. W. R., *History and Law of the Hayes-Tilden Contest*, pp. 46-65.

the governor. The Democratic electors who voted in January had been declared elected by a legal canvassing board in a regular way and their certificate had the endorsement of the new governor, but the electors had not voted on the legal day, December 6th. They voted January 19th, 1877.<sup>1</sup>

Therefore, when the Electoral Commission at Washington came to the Florida case in February, by a strict party vote but in accordance with a very reasonable interpretation of law and fact, it refused to go behind the electoral vote in Florida, and counted that state for Hayes.<sup>2</sup> Thus was Florida divided in 1876 between Democrats and Republicans. The state supreme court appointed under a Republican administration was the chief factor in forcing the canvassing board, appointed by a Republican administration, to turn the government over finally to the Democratic party.

As the Reconstruction period is measured in terms of military rule and Republican local supremacy, this episode—the election of 1876—marks the end of the period for Florida. Reconstruction had been a sad experience, and is not yet forgotten. For nine years the state was racked by political wrangling, violence, and mutual suspicion. “The first prerequisite of elective government is the mutual confidence of the electors,” states Walter Bagehot. This is almost a political axiom. Certainly Florida lacked this prerequisite during Reconstruction. The attempt to found a commonwealth government upon the votes of an ignorant negro electorate proved a failure. It was an injustice to blacks and whites. It made the Solid South. Crystallized political opinion in this Union or any other is the sure indication of impending trouble. The sure tendency in Florida

<sup>1</sup> *Sen. Rpts.*, 44th C., 2nd S., no. 611, Doc. Ev., p. 402.

<sup>2</sup> Haworth, *op. cit.*, pp. 223-238.

and the other Southern states for many years now has been toward eradicating this trouble. The resolutions adopted by a negro political meeting in Tallahassee on the first Fourth of July following the defeat of the Republican party in 1876, reflect both the impending trouble then and the slow but sure tendency for peace since.

"We are aware that recently in our State as well as throughout the whole South a political revolution has taken place," ran the resolutions, "and it is our hope that now the race issue in politics, with all its accompanying evils will pass away, and that intelligence and integrity will dominate without regard to color or previous condition."<sup>1</sup>

<sup>1</sup> Rerick, *op. cit.*, p. 341.



## BIBLIOGRAPHICAL NOTE

The material for the history of the Civil War and Reconstruction in Florida is comparatively limited, fragmentary, and scattered. The most important collections of both source and secondary material are to be found in the Congressional Library, Washington; the State House, Tallahassee; the library of the Florida Historical Society, Jacksonville; the library of Columbia University, New York City; and the private library of Mr. Philip Keyes Yonge, Pensacola.

This monograph is based upon the following secondary works and sources:

### COLONIAL FLORIDA

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