

PERSISTENT BORDERLAND:
FREEDOM AND CITIZENSHIP IN TERRITORIAL FLORIDA

A Dissertation

by

PHILIP MATTHEW SMITH

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of requirements for the degree of

DOCTOR OF PHILOSOPHY

August 2007

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ABSTRACT

Persistent Borderland:

Freedom and Citizenship in Territorial Florida. (August 2007)

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Chair of Advisory Committee: Dr. Walter L. Buenger

Florida's Spanish borderland was the result of over two hundred and fifty years of cooperation and contention among Indians, Spain, Britain, the United States and Africans who lived with them all. The borderland was shaped by the differing cultural definitions of color and how color affected laws about manumission, miscegenation, legitimacy, citizenship or degrees of rights for free people of color and to some extent for slaves themselves.

The borderland did not vanish after the United States acquired Florida. It persisted in three ways. First, in advocacy for the former Spanish system by some white patriachs who fathered mixed race families. Free blacks and people of color also had an interest in maintaining their property and liberties. Second, Indians in Florida and escaped slaves who allied with them well knew how whites treated non-whites, and they fiercely resisted white authority. Third, the United States reacted to both of these in the context of fear that further slave revolutions in the Caribbean, colluding with the Indian-African alliance in Florida, might destabilize slavery in the United States.

In the new Florida Territory, Spanish era practices based on a less severe construction of race were soon quashed, but not without the articulate objections of a cadre of whites. Led by Zephaniah Kingsley, their arguments challenged the strict

biracial system of the United States. This was a component of the persistent borderland, but their arguments were, in the end, also in the service of slavery and white patriarchy.

The persistent border included this ongoing resistance to strict biracialism, but it was even more distinct because of the Indian-African resistance to the United States that was not in the service of slavery. To defend slavery and whiteness, the United States sent thousands of its military, millions of its treasure, and spent years to subdue the Indian-African alliance and to make Florida and its long shorelines a barrier to protect whiteness and patriarchy in the Deep South.

ACKNOWLEDGMENTS

This dissertation would not have been possible without the encouragement and knowledge of many scholars and friends. One of the pleasures of this project was to combine the two and to make friends with so many excellent scholars.

My academic committee was always supportive and steered me toward asking fruitful questions and away from making disastrous overstatements. Without elaborating, I will let them chuckle over their memories of my blank face when asked, “And what does this have to do with your thesis?” This project first came to mind in a graduate seminar taught by April Hatfield, and I owe her special thanks for the initial impulse to take Florida seriously and for her strong-minded guidance.

Soon thereafter I met Jane Landers and Daniel Schafer, who had been taking Florida seriously for decades, to say the least. Their works are critical to the field, their advice has been most important to me, and their friendship has been a wonderful added bonus to my life as a graduate student.

Archivist Charles Tingley and staff at the St. Augustine Historical Society and curator James Cusick at the P. K. Yonge Library of Florida History at the University of Florida responded to my frequent questions. Staff at the State Archives of Florida, the Amelia Island Historical Society, the Jacksonville Public Library, and the county courthouses in Duval, Nassau and St. Johns counties provided much appreciated assistance.

Years ago, a number of teachers and associates inspired me to look deeper and harder at assumptions, which is of course the bread-and-butter of academic work. I want to thank especially Archibald Carey and Charles Hosmer at Principia College, Paul

Bookbinder at the University of Massachusetts at Boston, Rudolph Binion at Brandeis University, Peter Keen at Massachusetts Institute of Technology, and David Lubin at Wake Forest University. The graduate faculty at Texas A&M University have freely shared their wisdom and advice, and I am grateful for their examples of scholarship and teaching. Errors and omissions in this dissertation are certainly my own and not in any way attributable to all those to whom I am so thankful.

Along the way, I have been fortunate that mentors and friends guided me from time to time. The influence of Gregory Lamb, Brent Nettle and Ronald Ballard surely shows up in all that I do.

My father, Percy M. Smith, Jr., and mother, Elizabeth Camp Smith, spent most of their lives in Jacksonville, Florida. My father always read books and kept books in the house. I sometimes wonder what would have happened to me if I had not come to love books and ideas the way he did.

I look forward to finishing this project so I can spend time with my children, Molly, Andy and Lucy, whose passion for life, justice and art give me inspiration. I am very grateful to their mother, Jennifer Holman, with whom I share many of my life's greatest memories.

There could be no better guide and partner through this process than Harriet Vardiman Smith. She supported me at every step. Her ability to have a successful career, raise a family and tend to a sometimes grumpy, sometimes perplexed, occasionally elated graduate student makes her overqualified to be Queen of Everything.

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CHAPTER I

INTRODUCTION

The problem

This dissertation examines the resistance of Indians and former Spanish subjects to the type of freedom and citizenship imposed by the United States in the new Territory of Florida. It also examines the reaction by the United States to the real and perceived threats to its sovereignty and society resulting from this resistance. The purchase of Florida from Spain in 1821 occurred at a time of increasing national debate over territorial expansion, slavery and Indian removal. The dissertation concludes that even though Spanish era practices regarding miscegenation, manumission, and rights for free people of color differed from those of the United States, the differences were reconciled or eliminated because of the common commitment to slavery. Resistance to white control that was not in the service of slavery came from Indians, their African allies and kin, free people of color and from slaves themselves. Even after its acquisition, Florida was a complex former Spanish borderland that continued to threaten the United States, somewhat because of the racial customs of its Spanish past but mostly because of United States' fear that Indians allied with Africans, perhaps colluding with Caribbean revolutionaries, might destabilize slavery.

This dissertation follows the style of *The Florida Historical Quarterly*.

In 1821, the political border of old Spanish Florida disappeared, but other aspects of a borderland persisted at least until the Second Seminole War. For two and a half centuries, Indians, Europeans and Africans interacted with and opposed one another in an area that extended from Florida's north Atlantic and Gulf coasts to southern Georgia and Alabama. This part of Spanish Florida was bounded by British colonies to the north and French far to the west. Between and among them, the consequent opportunities and risks for Indians greatly changed the structure of Indian life. More broadly conceived, the Florida borderland extended westward to the Mississippi River, but this study focuses on East Florida, which contained the entire peninsula and had a small white population mostly on the Atlantic coast from St. Augustine north to Jacksonville and Amelia Island.

Even though the subject of this dissertation is East Florida during its territorial period, conditions prior to the 1821 United States' acquisition are critical to understanding Florida's territorial issues. Florida history is usually divided into the following eras: First Spanish Period (1565-1763), British Period (1763-1784), Second Spanish Period (1784-1821), the United States Territorial Period (1821-1845), and statehood. The significance of Florida as a borderland changed through each of these periods, particularly because of economic development and how it affected Indians who lived near the Spanish, British and French. The white and black population grew, and American episodes of European conflicts from the Reformation to the American and French Revolutions all resonated in Florida. The War of 1812, the Patriot War, the Mexican War for Independence, and the First Seminole War brought invaders and

provocateurs to Florida, some with plans to use Indians and Africans to destabilize the United States, others to prevent Indians and Africans from such destabilization.¹

Many scholars have studied the Spanish borderlands and Florida as a borderland. The most well-known early model of border studies was Frederick Jackson Turner's frontier thesis that focused attention on white European movement across North America on an east-west axis, as if curtains sweeping horizontally across a stage were the metaphor for whitening the United States and closing the frontier. The term "frontier" carried a meaning of an entitled white civilization versus Indians and a sense of the inevitability of white supremacy. Herbert Bolton, who did graduate work under Turner, altered the model, virtually eliminating the utility of such a concept by focusing on the mix of peoples in borderland areas over long periods of time and their mutual effects on one another. Bolton replaced the model of triumphant conquest with a model of changing cultural complexity among indigenous and colonial peoples over a period of generations. His principal field of study was the Spanish borderlands, which looked at the European peopling of North America generally along a south-north axis.²

Verner Crane emphasized the multicultural nature of the southeastern frontier, where Spanish, English and French hedged Indians from all directions and created a

¹ After the First Spanish Period, Britain divided Florida into two colonies of East and West Florida, with the Apalachicola River as the dividing line. Spain continued this division during the Second Spanish Period. The United States followed the same pattern and created two superior court districts for East and West Florida. In 1824, a third middle district was added between the Suwannee and Apalachicola Rivers, thus creating three political divisions. After this time, the term East Florida referred to that portion of Florida east of the Suwannee River, including the entire peninsula. During the territorial era, the majority of East Florida's population lived in the three northeast coastal counties of Nassau, Duval and St. Johns. The Second Seminole War occurred almost entirely in East Florida.

² Frederick Jackson Turner, *The Frontier in American History* (New York: Henry Holt, 1920) contains Turner's 1893 essay, "The Significance of the Frontier in American History," that proclaimed the significance and closing of the frontier in the United States. Herbert Bolton's works include, *The Spanish Borderlands: A Chronicle of Old Florida and the Southwest* (New Haven: Yale University Press, 1921), and a thorough treatment of his and other borderlands historians is in Jeremy Adelman and Stephen Aron, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History," *The American Historical Review* (104:3) June 1999, 814-841.

unique North American interaction and opportunities for Indians, Africans and Europeans. Peter Wood's work on the founding of South Carolina by planters from Barbados showed how slavery and the presence of Africans in large numbers became a chief determinant of southeastern economic strategy for England and how this created a particular political and social border between Spanish and English North America. Wood highlighted the growing significance of the Florida border in his treatment of the Stono Rebellion.

In Florida specifically, John TePaske and later Amy Turner Bushnell extensively explored the Spanish archives in Seville for studies of Spanish Florida policy. Bushnell revealed the dependence of Florida on subsidies during the First Spanish Period. The subsidies indicated that Florida was a defensive post rather than a self-sustaining colonial enterprise, dependant on its sea connections with Spain's Caribbean ports. David Weber put Florida in perspective on the eastern edge of the continent-wide North American Spanish borderland, and Bonnie McEwan explored the role of Spanish missions. In the 1980s, archeologist Kathleen Deagan found material culture evidence of an eighteenth-century free black enclave near St. Augustine. One of her research team members, Jane Landers, combed the archives in Seville and Havana and wrote persuasively about the strength and importance of free blacks in the economic vitality and military defense of Spanish Florida, and in doing so she highlighted the consequent threat this posed to British colonial slavery in North America. Another of Deagan's students, James Cusick, used archeological artifacts to impute information about class and the market economy of colonial St. Augustine. Cusick also studied black loyalties, the viability of Spanish

Florida and the role of Indians on both sides and of Spain's free black defenders during the 1812 Patriot War invasion by the United States.

Daniel Schafer challenged the notion that Florida could not have become a prosperous and successful civilian colony and found robust evidence of enterprise among planters during the British and Second Spanish Periods. Schafer's findings point to the successes and near-successes of economic investment in Florida during its British period and the consequent allure to non-Spanish immigrants during the Second Spanish Period. Schafer is also the primary scholar of the life of white Florida planter Zephaniah Kingsley, his African wife Anna, and their family. His monograph on Anna Kingsley and other articles are among the best works on East Florida's territorial era.

John Hahn and John Worth added to our knowledge of the pre-Seminole Indian history of Florida, and the lower Creek Indians are the subject of much new scholarship. Recently, there has been an increase in scholarship about Florida, much of which comes from investigation of southeastern Indians. Larry Rivers' book on slavery in Florida forwards the claim that the Second Seminole War (1835-1842) was the largest slave uprising in the United States. One of the generals in the war wrote, "This is a negro, not an Indian war." This dissertation tends to support these claims, not only because there were large numbers of blacks among the Seminole but because of United States fears of a wider threat from the Caribbean.³

³ Verner Crane, *The Southern Frontier, 1670-1732* (Ann Arbor: University of Michigan Press, 1929); John J. TePaske, *The Governorship of Florida, 1700-1763* (Durham: Duke University Press, 1964); Amy Turner Bushnell, *The King's Coffin: Proprietors of the Spanish Florida Treasury, 1565-1702* (Gainesville: University Presses of Florida, 1981); David J. Weber, *The Spanish Frontier in North America* (New Haven: Yale University Press, 1992); Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Norton, 1975); John K. Thornton, "African Dimensions of the Stono Rebellion," *American Historical Review* (96:4) October 1991. Kathleen A. Deagan, *Spanish St. Augustine: The Archeology of a Colonial Creole Community* (New York: Academic Press, 1983); Jane A. Landers, *Black Society in Spanish Florida* (Urbana: University of Illinois Press, 1999); Bonnie G.

An imaginary line

Presidents James Madison and James Monroe responded to that threat by authorizing repeated violations of Spanish sovereignty. In an 1818 letter justifying his actions in Florida, Monroe wrote about "...the imaginary line which separates Florida from the United States.... Throughout the whole of those provinces [East and West Florida], to which the Spanish title extends, the government of Spain has been scarcely felt. Its authority has been confined almost exclusively to the walls of Pensacola and St. Augustine within which only small garrisons have been maintained. Adventurers from every country, fugitives from justice, & absconding slaves, have found an asylum there." The president's image of Florida as a thinly protected refuge for Indians, escaped slaves and other fugitives served as the rationale for numerous United States military adventures

McEwan, *The Spanish Missions of La Florida* (Gainesville: University Press of Florida, 1993); James G. Cusick, "Ethnic Groups and Class in an Emerging Market Economy: Spaniards and Minorcans in Late Colonial St. Augustine," PhD dissertation, University of Florida, 1993. Cusick, *The Other War of 1812: The Patriot War and the American Invasion of Spanish East Florida* (Gainesville: University Press of Florida, 2003). Daniel L. Schafer, "'A Swamp of Investment'? Richard Oswald's British East Florida Plantation Experiment," in Jane Landers, ed., *Colonial Plantations and Economy in Florida* (Gainesville: University Press of Florida, 2000) 11-38. Schafer, *Anna Madgigine Jai Kingsley: African Princess, Florida Slave, Plantation Owner* (Gainesville: University Press of Florida, 2003). Schafer, "'A Class of People Neither Freeman nor Slaves': From Spanish to American Race Relations in Florida, 1821-1861," *Journal of Social History* (26:3) spring 1993. John Hahn, *A History of the Timucua Indians and Missions* (Gainesville: University Press of Florida, 1996); John E. Worth, *The Timucuan Chiefdoms of Spanish Florida*, Vol. 1 and 2 (Gainesville: University Press of Florida, 1998); Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (Cambridge University Press, 1999). Larry Eugene Rivers, *Slavery in Florida: Territorial Days to Emancipation* (Gainesville: University Press of Florida, 2000). Paul E. Hoffman, *Florida's Frontiers* (Bloomington: Indiana University Press, 2002). A recent dissertation by Shane Alan Runyon, "Border and Rumors: The Georgia Frontier in the Atlantic World," University of Florida, 2005, explores Georgia as a contested borderland between British, Spanish, French and Indians. Another by Angela Pulley Hudson, "Reading between the Lines: Indians, Slaves, and Surveyors in the Southeastern Borderlands, 1790s-1820s," Yale University, 2007, examines racialization among these four groups. Ernest F. Dibble, *Joseph Mills White: Anti-Jacksonian Floridian* (Cocoa, Florida: Florida Historical Society Press, 2003, 78, cites the quote from General Thomas Jessup.

in Spanish Florida during the 1810s, a decade of revolutionary challenge for Spanish colonies throughout the Americas.⁴

Despite President Monroe's wishful thinking, the border was anything but imaginary. Florida's Spanish history mattered. It had long been a challenge to British North America before the United States. Spanish Florida was over one hundred years old before the English founded Charles Town in 1670, and the border area between the United States and Spanish Florida grew increasingly complex after the founding of the Carolina colony. However, James Monroe was correct in his view that Spanish authority was thinly spread across the vast coastlines that constituted the northern boundary of the Caribbean, and he was also correct about the primarily urban nature of Spanish settlement. The Spanish established St. Augustine as a *presidio* to defend the highly profitable Spanish Caribbean and Central American colonies. Some broader settlement occurred during the First Spanish Period, and a mission system flourished for a while before it was destroyed in the early eighteenth century as a consequence of the Yamasee War. But for the most part, the Spanish in Florida were isolated at a few coastal points. During the short British Period and Second Spanish Period, white settlement expanded somewhat and inland trading with Indians grew more robust. But prior to the cession of Florida to the United States, effective Spanish authority in Florida was strong only in the fortress town of St. Augustine and to a lesser degree in Pensacola and Fernandina.

⁴ James Monroe, letter "Acquiring Florida," in The Gilder Lehrman Institute of American History collection, GLC 5569, November 16, 1818, online document <http://www.gilderlehrman.org/search/display_results.php?id=GLC05569>. Monroe's letter was a protest against claims by Florida citizens for repayment after property losses during United States military incursions during the War of 1812, the First Seminole War and the occupation of Amelia Island. Debate over the validity of such claims continued into the 1840s, when the general government did finally pay partial remuneration for damages.

Over the six years before President Monroe's statement, both Britain and the United States compromised Spanish control from Pensacola in the west to Amelia Island on the Atlantic coast. In the course of those six years, the British used Pensacola as a staging point to support their attack on New Orleans; United States militia destroyed planter holdings on the St. Johns River; the United States army invaded and conducted the First Seminole War within Spanish territory and in the process destroyed the largest black maroon settlement in North America; filibusterers declared Fernandina on Amelia Island to be an independent republic, giving the United States navy a reason to seize the port under a claim of protective custody.

The vulnerability of Florida plus the waning Spanish American colonial world convinced Spain to cede Florida in the Transcontinental, or Adams-Onís Treaty, that affirmed Texas as Spanish but gave up both Florida and Spanish claims to Oregon. The treaty stipulated that the inhabitants of Florida would become citizens under terms consistent with the Constitution. Former Spanish subjects had to make decisions and faced a period of adjustment. Florida's free people of color were excluded from citizenship, and during the territorial period they found it harder and harder to maintain their freedoms. Spanish America had racial slavery just as did the United States. Other aspects of the Spanish racial system challenged the constructions of race and color in the United States. The way that Andrew Jackson as first governor, and later under his presidency, responded to these differences – in dealing with the former Spanish government, their military, and with Indians – was perhaps rooted in United States' insecurities about patriarchy and white control.

To try to retain protections that they had under Spanish law, Florida's free blacks relied on strategies associated with Spanish era norms that created civic and sacred spaces for free blacks – and to some extent for slaves – in the town life of St. Augustine. These strategies included the protection from white kinship and having proof of property ownership. The United States rejected Spanish notions about the utility of free blacks in a slave society, precedents that were very much in the service of a slave society but that included a more liberal construction of race, families and manumission. Within ten years, with some exceptions, Florida territorial laws conformed with other southern states to take away the freedoms of free blacks and to limit the ability of slaveholders to manumit slaves, even those who were part of their own families.

The strongest threats perceived by the United States did not come from advocates of former Spanish practices benefiting free people of color or from miscegenation per se, but rather from the Indian-African alliance in Florida and from an imagined potential for a broader Indian-African-Caribbean alliance. However, both Indians and Africans knew how the United States treated the freedom of non-whites, and black revolution in the Caribbean was a reality. The perception that Indians and escaped slaves would collude with black revolutionaries from the Caribbean or with foreign powers somewhere on the long underprotected Florida coast was a deep threat to slavery, to the economic viability of the Deep South, and to the white men who benefited from both.

CHAPTER II

FLORIDA'S BORDERS

First-contact Florida

It is difficult to date first contact in Florida because European shipwrecks prior to the most recognized event, the 1513 expedition of Juan Ponce de León, left survivors among the Indians. In an earlier voyage in 1502, Ponce landed on the Florida Gulf coast and met a Calusa leader who already had a Spanish-speaking Indian interpreter who learned Spanish either from a shipwreck survivor or from Calusa voyages to Cuba. Unfriendly greetings, including Ponce's fatal wounding in 1521, may indicate Indian experience with Spanish slave raiders on Florida Indians. Diseases, languages, and slave raids created the ways early-contact Floridians conceived borders between themselves. Environmental difficulties, differing languages and conflict were not new to Florida Indians, but European religion and economic culture were new and created significant divides between Florida Indians and Europeans.⁵

Unknown to the Indians, but highly important for Spanish attitudes toward them, was the Spanish *Requerimiento* of 1514 that authorized that all Indians who did not become Christian could be killed or enslaved. A papal bull of 1537 softened this justification for slavery and cruelty, declaring that Indians were rational humans. One

⁵ James J. Miller, *An Environmental History of Northeast Florida* (Gainesville: University Press of Florida, 1998) 94, 117. Calusa had seafaring canoes. The Calusa in southwest Florida and the Timucua in northeast Florida were virtually extinct by the end of the First Spanish Period in 1763.

result of the protests of Bartolomé de las Casas, who served as a priest in the New World and protested atrocities committed against the Indians, was a provision in the 1542 New Laws of Emperor Charles V that outlawed Indian slavery. This change in approach to dealing with Indians and the role of the Catholic church in sanctifying and legalizing human relations between whites and people of color eventually came to define and delimit a new sense of border between Spanish and British North America.

By the end of the seventeenth century, Florida Indians along the coast south of St. Augustine knew enough about European politics and language to assess the risks and merits of how they treated Spaniards and Englishmen they encountered. In 1696, Jonathan Dickinson and twenty-three others shipwrecked two hundred and thirty miles south of St. Augustine. The ship's company included Dickinson's family and his ten slaves, a Quaker missionary, and eight crew members. Fearing harm if the Indians found out they were English, Dickinson's party claimed they were Spanish. Their fear was based on an assumption that Florida Indians were subject to Spanish authority. Dickinson's journal of his two months' captivity among the Indians expresses his constant fear that their nationality would be discovered, and only one member of the Dickinson group could speak Spanish. Indians in the chain of towns that housed Dickinson seemed confident that based on the Europeans' hair and skin color they were English and not Spanish. Using a chain of communications up and down the Atlantic coast, the Florida Indians determined the value of preserving the lives of their captives and decided to deliver them to Spanish authorities in St. Augustine. The Indians were well aware of who they held captive and of the wisdom of ascertaining the current alliance or antipathy between the two European rivals. All the while, the English

captives thought they were concealing their identity and thereby protecting themselves, even though they should have been more alarmed when one Indian leader, exasperated with the captives about mending a garment, blurted out, “English Son of a Bitch.”⁶

First Spanish Period, 1565-1763

The Gulf Stream and its proximity to wealth shipped from the Spanish Caribbean and New Spain made Florida a priority for Spain. The same strategic reason attracted the interest of rival Europeans, assuring from the outset that Florida would be a site of European contests. Florida had no accessible mineral wealth and no readily profitable basis for colonial economic development to satisfy the early Spanish model. There were few promising economic reasons to colonize and develop Florida, as compared with other opportunities in the Caribbean and Central America. The colonization of Florida was a function of Spain’s defensive strategy for the Caribbean and Mesoamerica.⁷

In 1562, France established a settlement at Port Royal Sound in South Carolina and a second in 1564 at Fort Caroline on the St. Johns River in present-day Jacksonville, both with intent to prey on Spanish shipping. Pedro Menéndez de Avilés, on a direct commission from the Spanish king rather than directed from New Spain, led a Spanish force that expelled the French, and with added brutality because the French were Huguenots. Menéndez’ base became St. Augustine. Notwithstanding Hernando de

⁶ Jonathan Dickinson, *Jonathan Dickinson’s Journal or, God’s protecting providence. Being the narrative of a journey from Port Royal in Jamaica to Philadelphia between August 23, 1696 and April 1, 1697*, edited by Evangeline Walker Andrews and Charles McLean Andrews (Stuart, Florida: Florida Classics Library, 1981) 15.

⁷ Miller, *op cit.*, 11, notes that Florida’s sandy soil was a deterrent to the *encomienda* system for agriculture.

Soto's march through southeastern North America and undefended claims that extended far into the North American continent (see Figure 1), the establishment of St. Augustine in 1565 was the first vigorous and sustained assertion of a northern border for Spanish America. The brief French presence on the Florida coastline caused Spain to fix itself on the North American mainland and to clarify its claim to *la Florida*.⁸

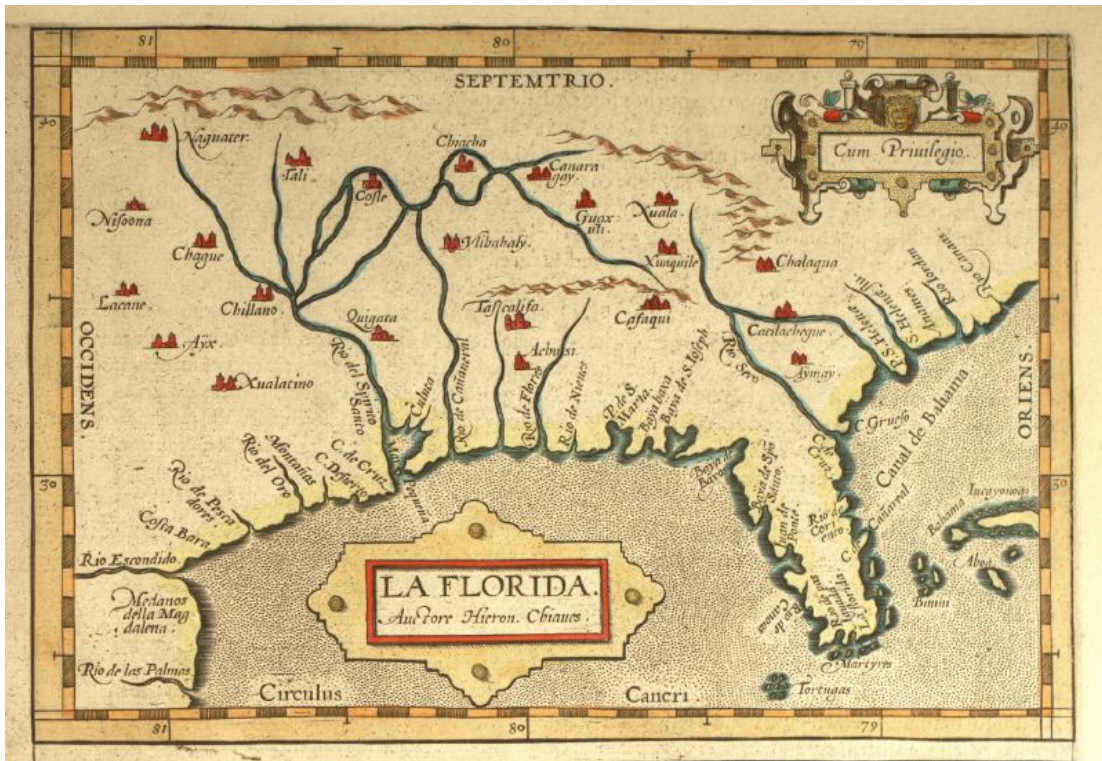


Figure 1. *La Florida* 1584.

Showing extent of Florida claims and Indian towns far into the interior.
 Abraham Ortelius, Antwerp, University of Florida, George A. Smathers Library.

⁸ Weber, op cit., 30-59. Weber discusses numerous Spanish expeditions along the Atlantic coast and into the southeastern interior from Ponce de Leon's 1513 voyage until the arrival of Menéndez. Kathleen Deagan, *Spanish St. Augustine*, op cit., 22. Karen Paar, "To Settle is to Conquer": Spaniards, Native Americans, and the Colonization of Santa Elena in Sixteenth-Century Florida," PhD dissertation, The University of North Carolina at Chapel Hill, 2000. Francis Luca, "Re-Interpreting the Role of the Cultural Broker in the Conquest of La Florida, 1513-1600," Kislak Prize lecture, 1999, <<http://www.kislakfoundation.org/prize/199901.html>>.

Spain made an attempt to extend their border northward by occupying the former French Huguenot site at Port Royal, but in 1587 they abandoned the location they had renamed Fort San Marcos. Throughout the First Spanish Period, St. Augustine was the primary fortification and last point of protection before the Gulf Stream flowed eastward toward Europe. In 1577, Indians destroyed the town, and in 1586, Francis Drake captured and burned St. Augustine during his punitive expedition against Spanish settlements in the Caribbean. A drawing of Drake's attack (Figure 2) is the earliest

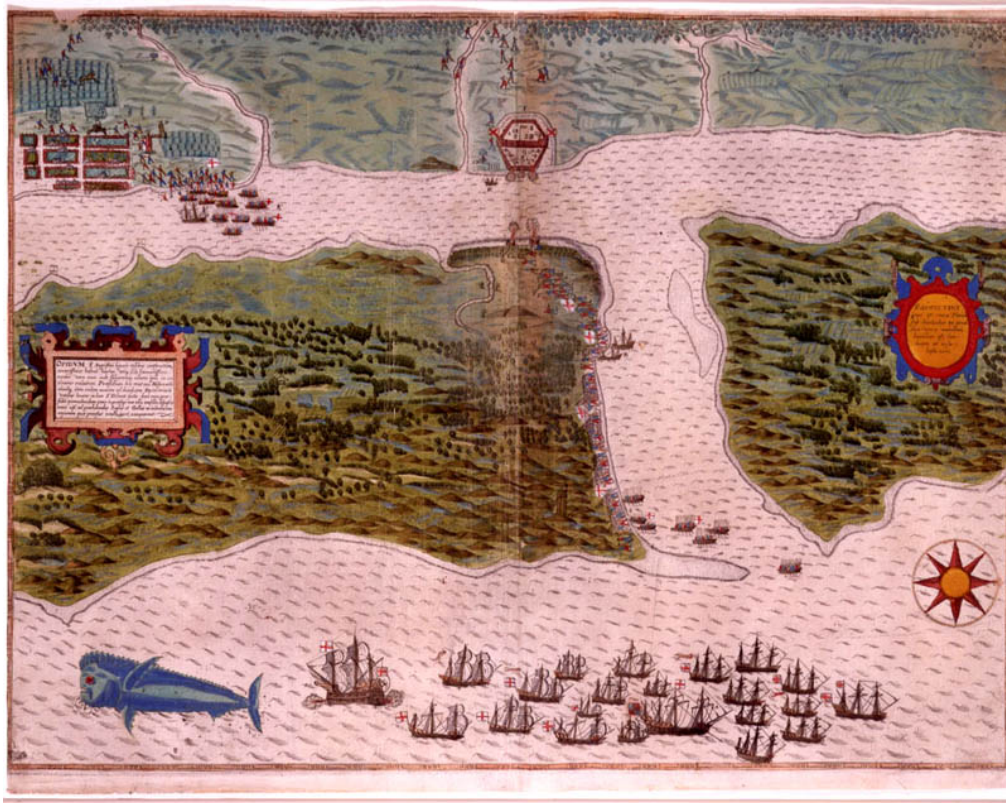


Figure 2. Drake's attack on St. Augustine, May 28 and 29, 1586. Baptista Boazio
State Library and Archives of Florida

depiction of a European town in what is now the United States.⁹

As a military post, St. Augustine relied on a *situado*, or royal subsidy and supplies, in order to meet its basic needs.¹⁰ Food production for the military population of between three and five hundred men was one problem, but salaries and manufactured goods had to come from the periodic *situado*. Indian assistance was sometimes adequate for the supply of food, especially during the period when Spanish missions were successful. The total European and African population peaked at two thousand just before the Spanish exodus at the start of the British period (Table 1.).

By 1616, a system of fourteen missions traversed coastal and northeast Florida to Christianize, assimilate and utilize the Indian population for tasks that were critical to the economic survival of the Spanish outpost. The *situado* shipments were not always on time or adequate. The Spanish mission system stretching across what is now northern Florida was the primary expression of the Spanish border in the southeast. Throughout Spanish America, missions indoctrinated and exploited Indians; and, as in other Spanish missions, the attempt to bring Indians into the colonial system antagonized intra-Indian relations and rivalries.¹¹ The peak year for the Florida mission population was 1635, with perhaps thirty thousand Indians living as part of the missions. At its peak during the mid-

⁹ Walter Bigges, *A Summarie and True Discourse of Sir Francis Drakes West Indian Voyage Wherein Were Taken the Townes of Santiago, Santo Domingo, Cartagena & St. Augustine* (London: Richard Feld, 1589) reprinted by DaCapo Press, New York, 1969. Kathleen Deagan, "The Archeology of Sixteenth-Century St. Augustine," *The Florida Archeologist*, (38:1-2) March-June 1985, 6-33. John Nobel Wilford, "Long-Lost Spanish Fort Found in St. Augustine," *The New York Times*, July 27, 1993, B5, announced the discovery of Menéndez' first fortified position.

¹⁰ Bushnell, op cit.

¹¹ Herbert E. Bolton, "The Mission as a Frontier Institution in the Spanish-American Colonies," *The American Historical Review*, (23:1), October 1917, 43. Bolton argued that the Spanish mission system was more important than the *encomienda* system for understanding the colonial frontier.

Table 1. Northeast Florida non-Indian population.¹²

1600	175
1607	400
1620	450
1640	575
1660	725
1680	988
1700	912
1720	925
1740	1,325
1761	2,750
1770	2,800
1780	11,000
1784	2,187
1793	1,729
1811	1,400
1815	2,238
1830	4,508
1840	6,850

1656, a Timucua revolt interrupted Florida mission building (see figure 3). A 1702 British and Creek Indian invasion during Queen Anne's War destroyed Spanish missions outside the vicinity of St. Augustine. All others were ruined or abandoned, and by 1727, the population of mission Indians was only four hundred. In 1763, the last known Timucuan speaking Indians, descendants of the original inhabitants of northeast Florida, departed with the Spanish for Cuba when the First Spanish Period came to an end.¹³

¹² Miller, op cit., 187-188. This data differs from Second Spanish Period population reported by Landers. Miller and Landers' data probably differ on slave and garrison totals between 1784-1821. The large population increase in 1780, during the British period, were fleeing loyalists during the American Revolution.

¹³ John H. Hahn, "Summary Guide to Spanish Florida Missions and *Visitas*, with Churches in the Sixteenth and Seventeenth Centuries, *The Americas*, Vol 46:4 (April 1990) 417-513. Hahn identifies one hundred and twenty-eight sites. McEwan, op cit., xx. Verne E. Chatelaine, *The Defenses of Spanish Florida, 1565-1763* (Washington: The Carnegie Institution of Washington, 1941) 24-26. Worth, op cit., Vol. 1, 1-18. John Eugene Worth, "The Timucuan Missions of Spanish Florida and the Rebellion of 1656," PhD

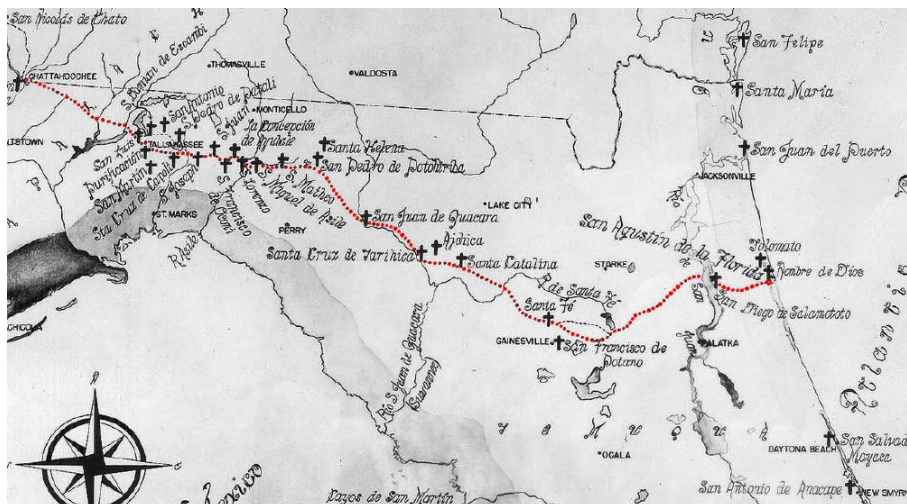


Figure 3. Spanish missions in Florida, 1680.

The significance of the Florida border changed dramatically in the last decades of the seventeenth century. In 1670, English investors brought settlers from Barbados to Carolina to establish Charles Town as the southernmost English colony on the North American coast, only two hundred miles from St. Augustine. The appearance of a European rival so close to Spanish Florida created a new borderland. As Peter Wood noted, the proprietors who funded and planned the movement of English settlers from Barbados to Carolina did so with the intent to put their new colony “in the very chaps of the Spaniard.”¹⁴ Very soon after the appearance of Charles Town, Spain began construction of a massive thirty-year project to build a *castillo* in St. Augustine. To this day it is a strong visible symbol of the Spanish intent to defend their claims (figure 4).

dissertation, University of Florida, 1992. Amy Turner Bushnell, “Missions and Moral Judgment,” *OAH Magazine of History*, Vol. 14, summer 2000. Paul E. Hoffman, op cit., 154.

¹⁴ Wood, op cit., 15.

In 1696, when Jonathan Dickinson's shipwrecked party came into St. Augustine, he observed the military nature of the town, "The town we saw from one end to the other. It is about three quarters of a mile in length, not regularly built, the houses not very thick; they having large orchards, in which are plenty of oranges, lemons, pome-citrons, limes, figs, and peaches: the houses most of them old building and not half of them inhabited. The number of men being about three hundred that belong to the government and many of them are kept as sentinels at their look-outs." But Dickinson was not allowed to come near the newly built large *castillo*.¹⁵



Figure 4. Castillo de San Marcos, St. Augustine.
United States National Park Service photo

The presence of Charles Town empowered Indians by giving them a new option to negotiate, trade and ally with the English or the Spanish. Conversely, Europeans in the southeast had to curry favor with Indians as trading partners and allies. During the huge

¹⁵ Dickinson, *op cit.*, 63.

castillo construction project, Indian laborers earned the same peso per day as white workers.¹⁶ Ten years after Charles Town's founding, in 1680, a new French presence at the mouth of the Mississippi River had a similar effect by creating a borderland of negotiated contacts in the lands between Louisiana, Florida and Carolina as well as west and southward between Louisiana and New Spain.¹⁷

In 1687, eight men, two women and a nursing child – all escaped African slaves from the new Carolina colony – sought refuge in St. Augustine. The following year an agent from Carolina sought the return of the escapees, but the Spanish governor instead offered to pay for their freedom when the colony's subsidy arrived. The agent returned to Carolina with this promise but no payment and no recovered slaves, and he never received compensation. Over the next few years more and more slaves escaped to St. Augustine from the English colony. When local authorities petitioned Spain for instructions about how to handle the influx of escapees, Charles II issued a proclamation of sanctuary in 1693 for any slaves who came to Florida and converted to Catholicism. Obviously, Spain's motives were political and military as much as religious or humanitarian, and some of the refugees remained enslaved in Spanish Florida. Some British slaves escaped by sea. Others crossed Indian lands, drawing Indians into the decision-making about borders, sovereignty, race and freedom. There was never a large flow of slaves into Florida from the British colonies, but there were reports of groups as large as a dozen arriving at a time. This and the threat of larger runaway groups seeking sanctuary in Florida gave new meaning to the boundary between Spanish and English

¹⁶ Jason B. Palmer, "Forgotten Sacrifice: Native American Involvement in the Construction of the Castillo de San Marcos," *Florida Historical Quarterly* (80:4) spring 2002, 437-454. At least three hundred Indians labored on the fortress. The *castillo* was sieged several times but was only "captured" once, single-handedly, by actor Gary Cooper in the film *Distant Drums* (1951).

¹⁷ Adelman, op cit., 832.

America. It was a dividing line, too, between the biracial slave society developing in English North America in contrast with the differently blended racial life in Hispanic America.¹⁸

On one side of this border, slaves were chattel property, bound for life and for all generations thereafter to slavery with scarce opportunities for freedom, much less citizenship. On the other side, slavery was no less harsh, but practical needs in overwhelmingly black Caribbean colonies and the policies of the Catholic church produced a functioning multiracial society that acknowledged the advantages and need for degrees of freedom and citizenship for non-whites. In the case of Spanish Florida with its small population, everyone with skills was a valuable asset to the community. Slaves with useful skills for town life might earn enough to buy their freedom and continue in their trade. By law, a slave could become free by *coartación*, or a contract with his master for a purchase price. There were other aspects to African and mixed race life in Florida. Indians took and retained escaped Africans as labor or as fictive kin, and some Africans freed themselves, ran away, and lived in maroon communities.¹⁹

Spanish America had dual legal authorities in civil and church rules. The church baptized slaves and free blacks, carefully noting the status and color of each child or adult, and it was not uncommon for people of color to have white godparents who may have a biological or protective kinship relation. Another safeguard for slaves was the protection offered by the church against separating families by sale. The separation and

¹⁸ Landers, *Black Society*, 29-60; Wood, op cit., 304-311; John J. TePaske, "The Fugitive Slave: Intercolonial Rivalry and Spanish Slave Policy, 1687-1764," in Samuel Proctor, ed., *Eighteenth-Century Florida and Its Borderlands* (Gainesville: The University Presses of Florida, 1975) 1-12. Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill: University of North Carolina Press, 1996), 17-36, provides a background for English slavery in North America.

¹⁹ Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford: Stanford University Press, 1999) 10-11. Sue Peabody and Keila Grinberg, *Slavery, Freedom, and the Law in the Atlantic World* (Boston: Bedford/St. Martins, 2007) 15-16.

sale of enslaved family members had to be approved by a priest. Kinship bonds between whites, blacks and mulattos were not uncommon, and the resulting mixed race families and the community acceptance of them was quite unlike the legal structure of slavery developing in eighteenth-century British North America.

Peter Wood pointed out the type of interaction between Indians and Africans that was a threatening and destabilizing feature of the Florida borderland. For example, he described a case in which Indians stole slaves from Carolina and took them to Florida where these Africans taught the Spanish an aspect of naval stores production.²⁰ Jane Landers greatly deepened our understanding of black society in Spanish Florida by revealing how black labor, not just as slaves, was important to the Spanish colony. Once in Florida, one of the most important roles for those blacks who fled from British North America and became free was to perform service as militia and soldiers. In 1683, even before the royal sanctuary decree, Governor Cabrera formed a *pardo* and *moreno* militia company in St. Augustine composed of forty-eight men and officers, noting that many soldiers sent from Cuba were mulattos. In that year and again in 1686 the black militia defended the town from pirate attacks. In 1702, black militia defended the *castillo* when British invaders burned St. Augustine. Four years later, Spanish forces, including black and Indian auxiliaries, unsuccessfully attacked Charles Town. Slaves ran away and joined with or were stolen by Indians during the Yamasee War (1715-1718), after which some Yamasees and escaped Africans sought refuge in Spanish Florida. In 1728, St. Augustine again repulsed a Carolina attack, and its black militia received decorations for bravery. Landers explains the situation well: “The provocation inherent in the Spanish

²⁰ Wood, op cit., 113-114, 304.

sanctuary policy increasingly challenged the Carolinians.”²¹ Spanish sanctuary policy threatened if not destabilized Carolina, and the new Georgia colony, established in 1733 without slavery, was partly intended as a white buffer between increasingly black Carolina and Spanish Florida.²²

Impressed with the fighting skills of the black militia, and in need of stronger security, in 1738 Spanish Governor Manuel de Montiano authorized a black military outpost two miles north of St. Augustine, *Gracia Real de Santa Teresa de Mose*, under the command of a black militia officer named Francisco Menéndez. As many as one hundred free blacks lived at Fort *Mose*, and the site included a chapel and housing for a visiting priest. A later British Period map showed the position of *Mose* with the indicator “Nergroe Fort” (figure 5). Landers notes that Spanish colonial authorities also previously approved free black towns in other colonies, in Panama, Venezuela, New Spain and Hispaniola. Some were legitimized former maroon towns and others were authorized especially for defensive purposes.

There were serious slave uprisings in South Carolina one year after Spanish free blacks built *Mose*. About fifty Carolina slaves in this Stono Revolt were en route to sanctuary in Florida, and likely would have found themselves at *Mose* had they survived and made their escape. In 1740, the year after the Stono escapees were captured and executed, and in context of what the British called the War of Jenkins’ Ear, James Oglethorpe invaded Florida with a force of Highlanders and Rangers plus six hundred

²¹ Landers, *Black Society in Spanish Florida*, op cit., 22-26.

²² Wood, op cit., 305, quoted Carolina Acting Governor Arthur Middleton in 1728, “They [Spanish] are continually fitting out Partys of Indians from St. Augustine to Murder our White People, Rob our Plantations and carry off our slaves.” The physical border between Georgia and Florida became the St. Marys River, one of two rivers that have their headwaters in the Okefenokee Swamp that straddles the border. The St. Marys River flows eastward into the Atlantic Ocean at Fernandina on the northern tip of Amelia Island. The Sewanee River flows southward to the Gulf of Mexico and is the western border of East Florida.

Creek and Uchise Indians and eight hundred slaves. The British successfully captured outlying fortifications on the way to St. Augustine, and the Spanish governor ordered *Mose* residents to abandon their town and seek safety at the *castillo*. British forces occupied *Mose*. After a siege, the Spanish, including Menéndez' command of blacks, retook *Mose* in the largest battle of the invasion. Seventy-five of the British died in hand-to-hand combat at “Bloody *Mose*,” and Oglethorpe’s attempt to take Florida failed. The next year, Spanish invaders mounted a failed attack on the Georgia with a thousand troops, 486 colored soldiers from Cuba and one hundred black militia from St. Augustine. Then, in 1742 and 1743, Oglethorpe tried and failed again to defeat the Spanish, and black militia continued to play an important role in the defense of Florida.²³

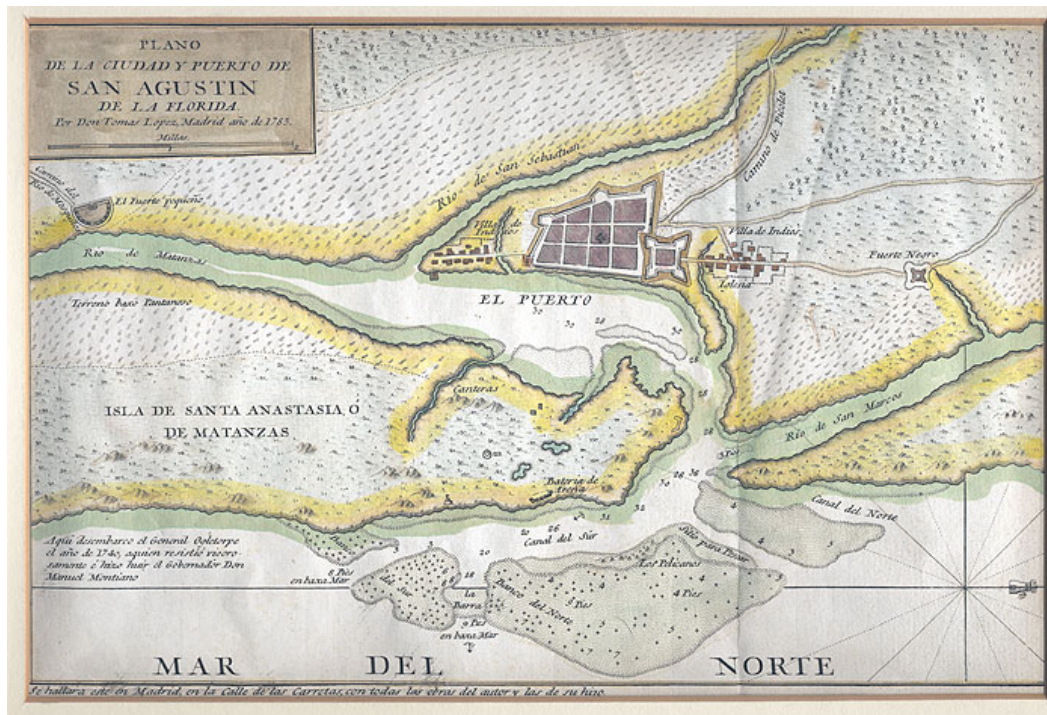


Figure 5. *Fuerte Negro*. 1783 map by Thomas Lopez, Madrid, showing *Mose*. University of Florida, George A. Smathers Libraries

²³ Landers, 32-39. Also, *An Impartial Account of the Late Expedition Against St. Augustine under General Oglethorpe* (London: J. Huggonson, 1742) reprinted by University Presses of Florida, 1978.

Throughout the sixteenth and seventeenth centuries, Spain sought to control the entire coast of Atlantic Florida and the Gulf of Mexico. After the Spanish settlement at Pensacola in 1698, France established Biloxi in 1699 and Mobile in 1702. The capital of French Louisiana moved between these two settlements until 1723 when New Orleans became the capital city of French Louisiana. In the interior, Indians mediated power among the Spanish on the southeastern coast, the English far to the north and east, and the French to the north and west. During the Seven Years War, British forces captured Havana and occupied the city for eleven months. Under terms of the Treaty of Paris in 1763, Spain ceded Florida to Britain in exchange for Cuba. After two hundred years in Florida, Spain organized an evacuation of its subjects, and Britain assumed control for the next twenty years.

British Period, 1763-1784

The British period was economically productive and promising. British investment brought vitality to St. Augustine, naturalists studied the interior and planters exploited the surrounding countryside. London pamphlets printed encouraging words about the newly created colonies of East and West Florida. There were notable fiascos, but Daniel Schafer documented successes among East Florida's British land owners. He found that British policy favored large investors who used slaves rather than white indentures or free white small farmers, a lesson learned in South Carolina. British Governor James Grant wrote to his business partner about white labor, "Upon their landing they are immediately seized with the pride which every man is possessed of who

wears a white face in America and they say they won't be slaves and so they make their escape."²⁴ Britain also had vital Caribbean holdings, but did not focus on Florida as a military post. Instead, British efforts concentrated on commerce and production. Schafer contends that British Florida economic successes were increasing and would have made Florida a prosperous colony had not the era come to an end after only twenty years. The British also used prior trading models with Indians and licensed the trading firm of Panton, Leslie & Company to source goods from Indians and handled trade relationship in the interior.

During the British Period there was a significant change in Florida's demographics. One major event was the introduction of over a thousand Minorcan, Greek and Italian indentures to work on the new plantation of Andrew Turnbull at New Smyrna, forty miles south of St. Augustine. Turnbull's wife was Greek, and he thought Greek workers might do well in the Florida climate. In a pamphlet of the era, Scotsman Archibald Menzies described his satisfaction with Greek laborers, "...the Greeks of Levant, [are] accustomed the hot climate and bred to the culture of the vine, olive, cotton, tobacco...and to the raising of silk; and who could supply our markets with all the commodities which at present we have from Turkey, and other parts." Menzies wrote that these people are "sober and industrious" and in particular the women are "remarkably handsome," and in a reference to culture or skin color, "This circumstance would

²⁴ Daniel L. Schafer, "A Swamp of Investment" op cit., 14, n. 14. Schafer takes issue with David Hancock, *Citizens of the World: London Merchants and the Integration of the British Atlantic Community, 1735-1785* (Cambridge University Press, 1995) 160-170, whose chapter on British Florida titled "Failure in Xanadu" claims that British Florida was an economic failure. William Stork, *A Description of East-Florida, with a Journal Kept by John Bartram of Philadelphia, Botanist to His Majesty for the Floridas; upon A Journey from St. Augustine up the River to St. John's as far as the Lakes* (London: Board of Trade and Plantations, 1766) online document <<http://www.unf.edu/floridahistoryonline/Projects/Bartram.html>>

naturally prompt inter-marriages between our people and them, and soon put an end to all distinctions.”²⁵

While sailing to Greece to find laborers, Turnbull used the Spanish Mediterranean island of Minorca as his base of operations. He recruited one hundred Italians and at least two hundred Greeks, but Minorcans themselves greatly swelled the numbers bound for Florida. When the party sailed from Mahón in 1768 there were more than a thousand Minorcans with the Greeks and Italians. This emigration must have taken a large toll on the island’s population, since ten years earlier the entire Minorcan population was twenty-seven thousand. Of the 1,403 who left Mahón, 1,255 arrived in Florida in one of the largest single colonization schemes to cross the Atlantic.²⁶

Indians in the vicinity of Turnbull’s New Smyrna colony expressed concern at the large number of new immigrants. East Florida Governor James Grant described the Indians who came to see him as having faces painted black and acting in a hostile manner when they visited him in St. Augustine and demanded to know why such a large number of settlers were in the province. In order to assure the Indians, the governor told them that the Minorcans were not white people but that they were formerly oppressed by the Spanish themselves and therefore did not come to conquer or oppress.²⁷

During its ten year existence, births at the New Smyrna plantation seldom exceeded deaths, and by 1778 the population dropped to 743, almost half of its original number. Turnbull’s plantation failed, due to bad planning and management, starvation and labor unrest that included outright mutiny and revolt, not unlike bread riots caused by

²⁵ Archibald Menzies, *Proposal for Peopling of His Majesty’s Southern Colonies in the Continent of America* (Pethshire: Megerly Castle, 1763), cited in Griffin, *op cit.*, 6.

²⁶ Patricia C. Griffin, *Mullet on the Beach: The Minorcans of Florida, 1768-1788* (Jacksonville: University of North Florida Press, 1991) 7-27.

²⁷ *Ibid*, 31.

famines in their homeland. Within a few years, the remnant from New Smyrna relocated to St. Augustine, and those who survived the plantation experience prospered in the town and became leading citizens after Florida returned to Spanish control.

Florida remained in loyalist hands during the American Revolution, and the population dramatically increased to over ten thousand. The city's population increased five fold as refugees left rebellious colonies to the north for the safety and transit point of St. Augustine. Spain allied with France in support of the revolution, seized British posts at Baton Rouge, Mobile and Pensacola, and by terms of the Treaty of Paris in 1783, Florida returned once again to Spanish control.

Second Spanish Period, 1784-1821

Spain did not replicate its former strategy or society in Florida. Rather than being a remote military post, in the 1780s Florida was part of a vital trade route between the Caribbean and the new United States. The Caribbean economy was booming, along with the entire Atlantic coast. James Cusick wrote, "From New York to Buenos Aires, the late eighteenth century saw the rise of what has come to be known as the 'Atlantic economy,' a regional trade network that was gradually effacing the political and social barriers of the Americas."²⁸ According to Cusick, Spaniards who repopulated Florida knew that prosperity required liberal trading and maritime arrangements with ports in the United States, including ignoring Spanish official policy, if necessary, in order to do so. For

²⁸ James G. Cusick, "Ethnic Groups and Class in an Emerging Market Economy: Spaniards and Minorcans in Late Colonial St. Augustine," *op cit.*, 29. Cusick cited Franklin Knight and Peggy Liss, eds., *Atlantic Port Cities: Economy, Culture, and Society in the Atlantic World* (Knoxville: University of Tennessee Press, 1991).

instance, the local Spanish governor authorized Pantón, Leslie & Company, a British firm, to continue their trading relations between Indians and the ports. Emigration laws permitted and encouraged Anglo settlement and eliminated the former requirement for religious conversion to Catholicism. Most importantly, in 1790 the slave sanctuary policy ended.²⁹

The United States presented as much of an opportunity for economic success as it did a rival for political control; therefore, Spanish policy lowered barriers to economic cooperation. The economic links with the United States and concessions such as elimination of the sanctuary law did not mean the virtual elimination of the border between Spanish America and the United States. A meaningful and threatening border persisted because Florida was still beyond the reach of United States' laws and Spanish rule continued to foster black and mixed color population to contribute to Florida's development and defense, and the Catholic church once again provided moral arguments and protections for people of color.

The European population of Second Spanish Period East Florida included planters who remained from the British Period, returning Spaniards who brought with them a tolerant approach to rights for free blacks and other people of color, and in St. Augustine a near majority of Minorcans. Also, as a result of the long and complex rebellion on Saint Domingue during the 1790s, black revolutionaries and leaders who were loyal to Spain found refuge in Florida. In 1795, a lieutenant to Toussiant Louverture, Jorge Biassou, and a cadre of his men resided in St. Augustine and commanded the town's black militia. Biassou became commander of a large stone fortification on the Matanzas

²⁹ Landers, Jane, "Black Community and Culture in the Southeastern Borderlands," *Journal of the Early Republic* (18:1) spring 1998, 128.

inlet that guarded the southern approach to St. Augustine, and the presence of such a notable and threatening slave revolt leader alarmed Florida's neighbors who were worried about slave uprisings. Biassou died in 1801 and is buried in St. Augustine.³⁰ The presence of black revolutionaries, liberal manumission laws and tolerance of mixed race families fed anxieties on the United States side of the border. The United States made several attempts to destroy Spanish authority, but the strongest attempt was because of the threat posed by the combination of Indians and escaped slaves.

There were four significant events in 1810s Florida that compromised Spanish sovereignty and led up to the negotiations to bring Florida into the United States. First, during the War of 1812 was an American militia invasion of northeast Florida organized and authorized by the Madison administration, an event called the Patriot War. Patriot War forces included Georgia militia and Indian allies who destroyed property and plantations en route to St. Augustine. The invasion failed, partly due to the strength of Spain's black defenders. Once again, black militia proved their patriotism to the Spanish and justified the fears of slaveholders in the United States about the military potential of armed black fighters.³¹

Second, during the War of 1812, the British military occupied Pensacola during an attempt to raise and arm a regiment of Indians and escaped slaves from West Florida and the nearby Georgia and Alabama regions. This was part of a British plan to destabilize the southern United States, and the primary thrust was to be the assault on New Orleans. As they had during the Revolutionary War, the British again used slavery

³⁰ Landers, 209-217.

³¹ Cusick, *The Other War of 1812*, op cit. J.C.A. Stagg, "George Matthews and John McKee: Revolutionizing East Florida, Mobile, and Pensacola in 1812," *Florida Historical Quarterly*, winter 2007 (85:3) 269-296.

as a weapon against the United States. Aware that the British provocateurs were in Pensacola, Andrew Jackson marched on the town and disbursed the British attempt. In the chaos of occupation, many slaves ran away and took refuge in a fortification built by the British on the Apalachicola River near the Gulf of Mexico. For the next few years, blacks lived here in the largest maroon community in North America, with the complicity of Indians.³²

Third, frustrated that the Spanish would not take action against these maroons and by continued slave escapes across the border, in 1816 United States troops with Creek Indian allies crossed the border to attack the maroon fortification. A single cannon shot from the Americans destroyed the fort, killing hundreds in the explosion. In an extension of the Creek wars from Alabama and Georgia into Spanish Florida, Jackson violated the border yet again, attacked Indian and maroon blacks in the Florida panhandle, and executed two British citizens he found among the Indians. This was the First Seminole War, a war against Indians and escaped slaves and yet another violation of Spanish territory.

Fourth, the Jefferson administration's embargo against English and French trade stimulated the economy of the Spanish border port at the northern tip of Amelia Island. The town of Fernandina experienced a boom because it was outside the reach of United States law. It was within easy reach of American commercial traffic where goods could be exchanged with otherwise embargoed partners. The town of St. Marys on the United States side of the border also prospered. Privateers and filibusterers tried to set up private governments on Amelia Island three times, including French provocateur Luis Aury and

³² Nathaniel Millett, "Britain's 1814 Occupation of Pensacola and America's Response: An Episode of the War of 1812 in the Southeastern Borderlands," *Florida Historical Quarterly* (84:2) spring 2005, 229-255.

a Scottish collaborator Gregor MacGregor who briefly claimed Fernandina in the name of the Mexican revolution. In December 1817 the United States navy seized the port of Fernandina, ostensibly to hold it in trust for Spain.³³

The 1817 occupation of Fernandina and Amelia Island by Aury and then by the United States navy revealed a fundamental problem facing the national interests of both the United States and Spain. Only three years after Napoleon's Peninsular Campaign and the consequent social, political and military stress at home, Spain was under strong pressure to leave her American colonies. At a time when revolutionaries in Mexico and South America were fighting for independence, Florida was also at risk. The Patriot War of 1812, the First Seminole War and the Aury filibuster all occurred within a five year period. From the United States' perspective, the instability of Spanish authority in Florida justified military occupation and *de facto* control of a border that otherwise could become even more threatening to the southern United States.

The Adams-Onís Treaty, 1818-1821

Why could Spain no longer defend Florida? A major part of the explanation is that Spanish forces were fighting against revolutionary movements in other parts of colonial Spanish America.³⁴ In the context of other colonial defeats, the Spanish

³³ Robert E. May, *Manifest Destiny's Underworld: Filibustering in Antebellum America* (Chapel Hill: University of North Carolina Press, 2002); William S. Coker, ed., *Florida from the Beginning to 1992* (Houston: Pioneer Publications, 1991) 174-175; Roy Bailey, ed., *The Portable Handbook of Texas* (Austin: Texas State Historical Association, 2000) 140. Cusick, *The Other War of 1821*, 33-37. Aury and MacGregor were part of an attempt to destabilize Spanish authority in the Caribbean. The year before occupying Fernandina, Aury had been part of a similar attempt to claim Galveston for the Mexican revolution.

³⁴ During the years prior to the Florida treaty, Spain lost Ecuador (1809), Mexico (1810), Colombia (1810), Venezuela (1811), Paraguay (1811), Argentina (1816), Chile (1818), Peru (1821), Dominican Republic

government instructed their minister in Washington, Luis de Onís, to approach Secretary of State John Quincy Adams about terms to sell Florida to the United States. Treaty negotiations officially began in January 1818. On January 10th, Adams noted in his memoir, "...Onís had very lately received a dispatch ordering him to dispose, as soon as possible, of the Floridas to the United States upon the best terms he can obtain. The President therefore wished me to see Onís this day and ask him simply what Spain would take for East Florida, that is to say, for all Spain's possessions east of the Mississippi."³⁵ At the same time Minister Onís asked Secretary Adams for relief from the American occupation of Amelia Island and the port of Fernandina. By way of emphasizing the American point of view on the matter, Adams recorded in his memoirs, "I asked him what guarantee he could give that, if we should withdraw from the island, it should not again be immediately occupied by freebooters, to the annoyance of all commerce."³⁶

Two days later, Adams presented Onís with evidence that another attempt to take Florida was being organized on Providence Island by elements of the same group that had been evicted from Fernandina by the United State navy the year before. Adams added, "I mentioned also the hostilities of the Seminole Indians upon our frontiers, probably connected with the same plan, and I urged that if we should not come to an early conclusion of the Florida negotiation, Spain would not have the possession of Florida to

(1821), and the Central American Provinces of Costa Rica, El Salvador, Honduras, Nicaragua and Guatemala (1821). These losses were one legacy of Napoleon's Peninsular campaign, 1808-1814, during which Creole leaders in Spain's American colonies exercised greater self government.

³⁵ Charles Francis Adams, ed., *Memoirs of John Quincy Adams*, Volume IV (Philadelphia: Lippincott & Co., 1875) 37. In 1810, the United States seized the portions of West Florida from Baton Rouge to the Perdido River between present day Alabama and Florida.

³⁶ *Ibid.* 38.

give us.”³⁷ It was in this context that President Monroe made the comment about the imaginary line between the United States and Florida.

Terms reached on February 22, 1819, and approved by Congress on March 3, 1819, required a six month period for obtaining counter approval in Madrid. Congress issued an enabling act to allow the president to take possession of Florida, but final approval was delayed at the request of Spain. The United States assumed that the delay was due to contention over the validity of royal land grants questioned by Washington, but the major reason was the status of revolutionary governments in former Spanish colonies in South and Central America. Spain asked that the United States not recognize these new governments as a condition of the entire Adams-Onís, or Transcontinental Treaty. Washington refused. A second reason for delay was the temperament and lack of diplomatic skill of United States’ minister to Spain, John Forsyth, whose behavior was so insulting to Spanish authorities that French diplomats intervened to soothe feelings in Madrid. Two years to the day after the original signing, Congress again approved the treaty and exchanged ratifications on February 22, 1821.³⁸

The treaty negotiations and approval took place in the shadow of the momentous issue of territorial expansion and slavery in the new territories of the United States. The crisis over slavery’s growth reached new heights during the debate over admitting Missouri as a state, and the Adams-Onís Treaty was still incomplete when the Missouri question alarmed the nation. Thomas Jefferson famously described the debates over the

³⁷ *Ibid.*, 42.

³⁸ Clarence Edwin Carter, ed., *The Territorial Papers of the United States, Vol XXII, Florida Territory* (Washington: United States Government Printing Office, Washington, 1956) 6, n. 11. In his memoirs a year later, in January 1819, after repeated and tedious back and forth negotiations Adams noted, “Mr. Onís came to urge me to answer his last note, and to protest his extreme earnestness to conclude a treaty with me before the close of the present session of Congress. I told him that if he insisted upon it I would answer his note, but I was so wearied out with the discussion that it had become nauseous. I really could discuss it no longer; I had given up in despair.” Adams, *op cit.*, 231.

compromise in these terms, "...this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union."³⁹

The addition of Florida to the union at this moment was in the context of heightened concerns about slavery as it rose higher on the list of vital national concerns.

By treaty with Spain, Florida became part of the United States in the summer of 1821, and along with the new territory came a diverse local population. The inhabitants of Florida, former Spanish subjects, planters, town folk, free people of color, slaves, and Indians responded to the new American sovereignty in different ways. Some left Florida. Some found improved economic opportunity in the new territory. Others faced hardening barriers to opportunity and citizenship. Indians resisted both subjection and removal. The non-white population of Florida, along with white advocates for the former Spanish system of race and color, resisted the new norms of citizenship and freedom, and in this resistance, and the United States' reaction to it, a sense of the old the Florida borderland persisted.⁴⁰

³⁹ Thomas Jefferson Randolph, ed., *Memoir, Correspondence, and Miscellanies from the Papers of Thomas Jefferson* (Boston: Gray and Bowen, 1830) Vol. 4, 323.

⁴⁰ Anthony Mora, "Mesillanos and Gringo Mexicans: The changing meanings of race, nation, and space in Southern New Mexico, 1848-1912," PhD dissertation, University of Notre Dame, 2002. Mora described similar dilemmas for residents in Spanish New Mexico after the Gadsden Purchase.

CHAPTER III

A NEW TERRITORY

“The Province is as yet such a Blank”

The United States was eager to attract white settlement in Florida, but cultural and natural barriers slowed this type of development. Florida’s subtropical climate was unattractive to white planters and farmers. There was no infrastructure except for a few rivers. Tropical diseases, especially yellow fever and malaria, discouraged Anglo settlement, and epidemics shut down government functions for months at a time. The validity of Spanish land grants and proof of land titles took over a decade to resolve because records were missing, never accurately executed or because of suspicion about fraudulently issued grants prior to the cession. The relative acceptance of mixed race families, liberal manumission laws and church recognition of black rights had a long history before the cession to the United States, and its legacy continued among the old Florida population. That legacy, including the use of free blacks as militia, was not the way southern slaveholding Americans understood slavery. Runaway slaves living in maroon communities or in alliances with Indians, the example of slave revolts in the nearby Caribbean and a long lightly defended coastline added to American insecurity and kept a sense of borderland alive even after the United States flag flew over Florida.

When advance elements of United States military arrived in St. Augustine in the spring of 1821, they expressed alarm about the state of order in the province. In a message to the Secretary of State, an officer reported that the Spanish governor had sent a ship to Cuba to obtain emergency funds to pay colonial debts, including payment for the Spanish troops, “who are I believe in a very ungovernable and mutinous state.” He reported hearing of threats against Americans but passed them off as hearsay, yet he described the town as a dangerous place anyway. “The Indians are frequent here, parading the streets in a drunken, riotous manner – There is almost a total absence of legal Government at this time....”⁴¹ The remark revealed a perception on the part of United States officials that Spanish America lacked proper virility in the control not just of their soldiers and of Indians, but of all people of color.

In addition to the sense of social disorder and lack of proper control, much of Florida was also a strange and unknown physical place to the incoming Americans. Years after the acquisition, in the midst of the Second Seminole War while United States’ troops were trying to force the removal of the remaining East Florida Indians, General Thomas Jessup sent a message to the Secretary of War despairing, “We have possessed Florida sixteen years,” he wrote to Secretary Poinsett, yet, “...we have as little knowledge of the interior of Florida, as of the interior of China.”⁴² The general was writing about lack of geographical knowledge as he pursued Indians, but his exasperation reflected an aspect of the persistent Florida borderland, the daunting natural barriers to white settlement.

⁴¹ *Territorial Papers*, “Robert Butler to the Secretary of State,” June 6, 1821, XXII, 60.

⁴² *Ibid*, “Thomas S. Jessup to the Secretary of War,” XXV, 386, April 9, 1837.

Civilian authority echoed the military impression that Florida was as unknown as China. Acting Governor William Worthington wrote to the Secretary of State, “The Province is as yet such a Blank.”⁴³ Militarily, General Jessup’s report expressed military needs for topographical information, and the exasperated governor’s words likely referred to the lack of governmental structure in East Florida almost a year after the cession. Long after the Civil War, Florida was the least populated and least developed of the southern states and territories, but Florida was by no means a blank province or truly an unknown land. Large tracts of land were little explored by whites but not familiar to Indians and escaped Africans. Even if newly arrived Americans thought so, Florida was anything but blank.

First impressions

On July 10, 1821, Private Nathaniel Sherburne stood in formation as the Spanish flag came down over Florida. He was a legally underage farm boy who ran away from home and joined the army without permission from his parents. The sights of that day must have been exotic for the young New Hampshire soldier. Soldiers of the 4th Regiment of Light Artillery of the United States army under command of recently-retired Major General Andrew Jackson performed the ceremony in St. Augustine, but the general was not present.⁴⁴ He was in Pensacola attending a similar transfer ceremony that took

⁴³ *Territorial Papers*, “Acting Governor Worthington (East Florida) to the Secretary of State,” March 6, 1822 (XXII) 374. This message was written from St. Augustine by William Worthington to John Quincy Adams after the resignation of Andrew Jackson as governor and before the appointment of the second territorial governor, William Duval of Kentucky.

⁴⁴ On March 10, 1821, President Monroe commissioned Major General Andrew Jackson as governor of Florida. Jackson turned down the governorship once before in 1819 when treaty approval seemed imminent, but he accepted it this time on the condition that he could resign as soon as a functioning civilian

place the following week. East and West Florida were still administered from these two towns four hundred miles apart, connected only by a roadway nearly eight hundred miles long that meandered north in and out of Georgia (figure 6). Steam power was still new to open sea navigation, and ocean travel under sail between the two cities could take more than a month.

Private Sherburne was one of the few eyewitnesses to record the event. His regiment sailed from Fort Independence in Boston harbor, with a stop in Charleston, before establishing a staging area at Fernandina at the extreme northern boundary of Florida's Atlantic coast. Far from his New Hampshire home, young Private Sherbourne wrote a letter to his parents dated December 15, 1821, five months after the change of flags ceremony. He recalled:

We set sail from boston on the first of may. We had eight days passage to Charlston, S C. we diemarked our Company there. We set sail for St Marys and Amialy islands. we arrived to St mary in three Days passage. we were all in good health on our arrival at this place. I was taken sick here after a short time....one man died in this place. After having water and provisions enough on board we set sail for St Augustine. we arrived at this place and came to ancor off the bar, the Spaniards being not ready to receive us we weighed our anchor and set sail for St Marys again.

[Twelve days later] we [weighed] our ancor set sail for St Augustine we arrived at this place on the 6th of July...[where] we received all the Honor doo us and our Country, when we were disembarking from our transport on board of our boats the u s schooner Revenge fired a salute of twenty four guns which was answered from the fort [Castillo de San Marcos]. we marched up through town and took posesion of the fort when there was another salute fired by the Spaniards and the American Couloers was hoisted. the Americans fired a salute of twenty guns and the Spanish couloers Came down.

territorial government could be organized. In order to accept this civilian appointment, Jackson resigned his commission from the army and thus terminated his military career. *Territorial Papers*, XXII, 9, n. 19.

this town is small it lies upon the sea Coast. it is of an oblong form and well laid out. the yellow fever and black vomit has raged in this place to the highest degree. No more at present I remain

your affectionate son
Nathaniel Sherburn⁴⁵



Figure 6. East Florida, 1826. Nassau, Duval and St. Johns counties and St. Johns River access into the interior. Special Collections, University of South Florida.

⁴⁵ Jacqueline K. Bearden, "I Wish to Come Home Once More," *El Escribano*, (St. Augustine Historical Society) 1978, Vol. 15, 37-46. Sherburne letters printed by permission of Carleton and Celia Lewis, Falmouth, Maine. During his Florida posting he appealed to his parents for proof of his actual age in order to qualify for a discharge. When he was finally discharged because of underage enlistment, he was stranded in St. Augustine with no funds for a return trip to New England. He eventually accepted passage in exchange for work in New Jersey, but an illness contracted in Florida rendered him unable to work off his debt. He died in 1824 in Connecticut, perhaps as a result of malaria contracted while he was in Florida, and he never returned to his parents' farm in New Hampshire.

Sherburne's letter touched on two important matters that had long term effects in the new territory. First, Private Sherburne observed that disease was rampant. One of the region's worst epidemics of yellow fever occurred during the summer and autumn of 1821. The effects of this outbreak and fears about future epidemics put immediate pressure on local medical resources, and fear of recurring summer outbreaks influenced the willingness of official appointees to relocate to Florida. Appointed officials avoided arriving in Florida or living there during the most fatal seasons from late summer through autumn. Evacuations from St. Augustine and Pensacola halted government functions, and the overall effect of disease on those thinking about immigrating to Florida can only be guessed. Other less serious epidemics occurred in subsequent years, but the 1821 outbreak was the most deadly.⁴⁶

Second, the delay in effecting the turnover that caused United States troops to return to Amelia Island for twelve days was caused by American aggressiveness and Spanish lack of preparedness. The delay contributed to an impression that the Spanish were acting suspiciously with respect to vital documents, especially the validity of land titles. One of the first acts of American authorities was to assert control over these records. Under terms of the treaty, no land grants, royal or otherwise, were permitted after the start of treaty negotiations on January 24, 1818, and the actual date of cession to the United States. Americans were suspicious that Spanish subjects would speculate or fraudulently acquire large tracts of land to take advantage of future buyers from the

⁴⁶ John W. Griffin, *El Escribano*, 1977, Vol 14, 48. The death estimate for that year was 172, of which 40 were U.S. soldiers. On October 8, 1821, East Florida Secretary William Worthington wrote to Secretary of State Adams, "I found myself bound in honour and humanity to issue a Proclamation respecting the health of this place – Our fine, hardy, healthy Northerners, have been swept off most woefully by the Black vomit – Now, whoever comes hereafter to this place, will act knowingly and provide against the worst...." *Territorial Papers*, "Acting Governor Worthington (East Florida) to the Secretary of State," XXII, 248.

United States, and the prolonged treaty approval process added to American suspicions. In other words, unowned land should revert to the United States, not to private owners. Accusations of illegally obtained property were a source of lingering ill will, law suits and diplomacy. Disputed land titles involved American citizens, not just former Spanish subjects. In one case, the former governor of South Carolina, John Geddes, was accused of having colluded with Spanish authorities to unjustly acquire Florida lands after the 1818 moratorium.⁴⁷ The authenticity, legality and even actual possession of land deed records were in dispute for a many years to come and involved extensive diplomatic negotiations with Spanish officials. Americans were quick to doubt the validity of the former Spanish administration of law, and their suspicions were fueled by prejudices against Spanish administrative abilities.⁴⁸

A United States military attaché raised the first alarm about Spanish East Florida's archive of land titles, "I am informed that the authorities here, having possession of those titles, are determined to ship them [to Cuba]...alleging as a reason that the United States would find it her interest to destroy them – but if my information is correct, the reason is founded on their having mutilated them by antedating, tearing out and inserting leaves, so as to make grants for much larger tracts of land than were originally given...."⁴⁹ This is one of many messages that showed Americans were quick to believe that Spanish authorities were incompetent or corrupt. Based on this suspicion, the United States' military seized Spanish archival records in July of 1821, before the Spanish were prepared to hand them over officially.

⁴⁷ *Territorial Papers*, XXII, 382-383.

⁴⁸ Charles I. Beyans, ed., *Treaties and Other International Agreements of the United States of America, 1776-1949* (Washington: U.S. Government Printing Office, 1968-1976) "Adams-Onís Treaty," Article 8. American officials referred to sloppy recordkeeping and self-interest as a trait of Spanish government.

⁴⁹ *Territorial Papers*, "Robert Butler to the Secretary of State," June 6, 1821, XXII, 60

Andrew Jackson believed that royal land grants had been a ruse to allow favored Spaniards to sell lands to Americans that they never truly owned nor intended to develop. He wrote to the Secretary of State, “Before the year 1817 there was scarcely any such thing as a grant of land excepting in the immediate vicinity of this place [Pensacola], and I presume that in East Florida, the number was also very inconsiderable. They were made I believe, merely with a view to the change of governments, and with no intention of settling.” Accurate title to land was one of the most vexing problems for both the arriving Americans as well as for those who remained from the Spanish era. “Untill these difficulties are obviated it cannot be expected that emigration should be successfully directed to the Territory of Florida....”⁵⁰

The president appointed members to two commissions to authenticate claims, one in St. Augustine and the other in Pensacola. The commissioners were soon overwhelmed by petitions, documentation and witnesses to validate their land ownership. By an act of Congress, dated May 8, 1822, a procedure was established, including appointment of the land commissioners, whereby all claimants had until May 21, 1823, to file petitions. The land commissioners in Pensacola found fewer than eighty valid land titles and the rest, “relating to the sovereignty and property of the Country, have been taken by the Spanish officers to Havana, instead of being surrendered conformably to the [treaty]....We have no doubt that the officers of the late Government carried off those papers for the purposes of extortion and imposition.”⁵¹

An anticipated two year process dragged on through long legal tangles and diplomatic missions to Cuba. Meanwhile, the American system of surveying townships

⁵⁰ *Territorial Papers*, “Governor Jackson to the Secretary of State,” XXII, 235.

⁵¹ *Territorial Papers*, XXII, August 25, 1822, 516.

and ranges was overlaid on the old Spanish grant system, but the process of sorting out valid claims took a very long time indeed. In 1837, one of the first histories of Florida included this statement, “The titles to lands in West Florida, have been all decided by the government; many of those in East Florida, are still depending in the superior court of the eastern and southern Judicial Districts.”⁵²

In an effort to provide background to federal authorities about the practical basis of Spanish land policy, Florida’s first Congressional delegate, Joseph Hernandez of St. Augustine reported, “Spain like every other nation had its own peculiar system of government, extending to one portion of her dominions priviledge which she refused to others; & some times, even contrary to the general policy of her government: She gave to Floridas; & I believe Louisiana, the priviledge of enjoying the Protestant Religion & allowed foreigners, who would settle in those Provinces, the right of her own subjects, from the moment the[y] took the oath of fidelity, and this was only to defend the Province when invaded & to be subject to the Laws of the Realm. The Inhabitants were exempt from all system of taxation – not even for the support of the church – They were allowed a free school for the education of their children, without distinction of person except in sex. They paid a Duty of Six prCent on foreign importations & exported the produce of the country free of duty....One hundred acres were granted to the Heads of the family & twenty five acres to every other person thereof above the age of Sixteen.” Veterans who defended Florida during the “revolution of 1812” received land grants, and extra land was given to encourage “Saw Mills, tan yards, & cattle ranges.” Hernandez

⁵² John Lee Williams, *The Territory of Florida: or Sketches of the Topography, Civil and Natural History of the Country, the Climate, and the Indian Tribes, from the First Discovery to the Present Time* (Gainesville: University of Florida Press, 1962 reprint of original 1837 edition) 288.

pointed out that reconciliation of the Spanish and prior British land claims would be “a great inconvenience & in many instances, may be utterly unattainable.”⁵³

In 1826, in order to attract more settlers to Florida, a preemption act by Congress allowed squatters to file claim to unowned land, up to a maximum of six hundred acres, for the price of one dollar and twenty five cents per acre. All such claims had to be within surveyed lands and on the condition that they would homestead the property. Fifteen years later, during the Second Seminole War, whites who settled near Indian lands received a soldier’s rations and pay, “...to encourage the occupancy of the country by hardy, fearless pioneers, to whom protection will be afforded by the Army, as far as practical.”⁵⁴ The next year, an Armed Occupation Act encouraged settlement closer to Indian lands where degrees of risk were higher. The bill sparked a Senate debate about whether civilians or soldiers should be posted on lands that would put them in harm’s way, but the measure passed in 1842 as, “An act for the armed occupation and settlement of the unsettled part of the Peninsula of Florida,” entitling beneficiaries to a quarter section of land after establishing a homestead and residing on it for five years. Within one year, one thousand and six hundred grants were issued under the Act.⁵⁵ By this time, Indians were mostly removed or defeated, including the escaped slaves among them, and Florida had become very much like other southern states.

⁵³ Ibid, “Delegate Hernandez to the Vice President,” February 17, 1823, XXII, 619-622.

⁵⁴ (St. Augustine) *News*, July 2, 9, 1841, as cited in James M. Denham and Keith L. Huneycutt, “Historic Notes and Documents: ‘Everything is Hubbub Here’: Lt. James Willoughby Anderson’s Second Seminole War, 1837-1842,” *Florida Historical Quarterly*, Vol. 82:3, winter 2004, 352.

⁵⁵ Sidney Walter Martin, “The Public Domain in Territorial Florida,” *The Journal of Southern History*, (10:2) May 1944, 174-187.

“warm climates are congenial to bad habits....”

British born surveyor Charles Vignoles provided one early account of St. Augustine and East Florida during the first year of territorial status. Vignoles arrived in St. Augustine aboard the *Florida* by July 28, 1821, just weeks after the change of flags ceremony. He compared the 1820s Spanish town unfavorably with how it had looked during the twenty-year period of British rule. “The undeviating salubrity of St. Augustine, while under the British flag, was certainly augmented by the perfect cleanliness and neatness which was the characteristic of the town during that epoch;...[but] the buildings crumbled into ruins over the heads of the indolent Spaniards, and the dirt and nuisance augmented in every lot, is an additional proof of the natural unhealthiness of the place.”⁵⁶ Vignoles’ comments added to the disdainful tone about Spanish government and citizens – an attitude shared by Andrew Jackson and other United States observers.

The American public did not universally share this attitude toward Spanish Americans. At best, Anglo Americans were ambivalent about Spanish America. On one hand, there was praise for the independence movements and the creation of new republics. On the other hand, there was unease with a social and legal system that accorded a degree of rights to people of mixed color and about Catholicism that many Protestant Americans regarded as anti-republican.

One indication of approval of the widespread revolutions in Spanish colonies appeared in the words of a poem printed in St. Augustine’s newspaper, the *Florida*

⁵⁶ Charles Vignoles, *History of the Floridas* (Brooklyn: G.G. Birch, 1824), 113-114; List of “Ship Arrivals,” *Florida Gazette*, July 28, 1821. This newspaper did not number its pages.

Gazette, on September 8, 1821, *Ode, on the Emancipation of South America* by James Percival.

Sister in freedom! O're the main
 We send our hearts to thee;
 O! ne'er may kings and monks again
 Stain with their steps thy flowery plain,
 Nor vex the brave and free.

In one fraternal band, let all
 The nations, who would spurn the chains
 That tyrants forge, would burst their thrall,
 And wash away their servile strains,
 And, proud of independent worth,
 In honest dignity go forth.

Let all, who will not bow the knee,
 Nor humbly kiss the trampling heel,
 Who swear to perish or be free,
 Unite, and draw their flashing steel,
 And proud and daring in their second birth
 Purge from its crown and thrones the renovated earth.⁵⁷

A few weeks earlier, the *Florida Gazette* published another item of praise for Simon Bolivar. “The very important news received from the Spanish Main cannot but be gratifying to all the lovers of liberty, and particularly to ourselves. As Americans, we ought to feel happy when we hear of the successes of our brethren in the south. Many persons have formed an erroneous idea that South Americans were unworthy to enjoy the blessings of liberty – but anyone who knows them at all, must know that there are men amongst them, and very many, who are genuine republicans, and the most hearty friends to our constitution, laws, and customs.”⁵⁸

⁵⁷ *Florida Gazette*, September 8, 1821. Percival (1795-1856) was a minor Romantic poet and also the state geologist of Wisconsin.

⁵⁸ *Ibid.*, July 28, 1821, reprinted from the *New York American*.

Florida's former Spanish government had their own negative impression of Americans. In 1813, during the Second Spanish Period, planter immigrant Zephaniah Kingsley sent a letter to a militia captain recommending that United States settlers be allowed to populate Indian lands in order to secure the inland regions against slave runaways. Governor Sebastián Kindelán replied to Kingsley's suggestion that it would be better that Florida were deserted than populated by "American rabble."⁵⁹

Attorney John Drysdale wrote from St. Augustine about the lack of an established legal system during the transfer of authority and its deleterious effect on, "the population of this country, of a mixed and unsettled character generally, and partially passing from a state of comparative despotism..." By contrast, Florida's second governor, William Duval, recorded his impression of Florida's Spanish, "I have found those people much more orderly than the Americans who are here, and I do not believe I have seen a more moral or better people, they can be easily governed, if treated with kindness and confidence." A year after the cession to the United States, Duval wrote to the Secretary of State, "The President and yourself sir must be well aware that to this Territory many persons have lately immigrated who are certainly not the best part of our American population...."⁶⁰

Another early observer, French ex-patriot Jean Augustine de Penières gave an outsider's perspective on Florida. During the summer of 1821, Penières stopped at Fort Picolata, located on the St. Johns River at its closest point to St. Augustine. Fort Picolata

⁵⁹ *East Florida Papers*, "Sebastián Kindelán to Juan Ruiz de Apodaca," November 28, 1813, reel 12, doc 375, page 173.

⁶⁰ *Territorial Papers*, "John Drysdale to Acting Governor Worthington," May 20, 1822, XXII, 444-446; "Governor Duval to the Secretary of State," XXII, 649; and, "Governor Duval to the Secretary of State," July 17, 1822, XXII, 490. A month later, Duval wrote to President Monroe, "The Spanish inhabitants of this Territory...are certainly a good, quiet, and orderly people, much more so than our own population." *Ibid*, August 17, 1822, XXII, 508.

was the terminus of a twenty-mile road connecting the city to the river. This point was St. Augustine's link to the interior via connection with the St. Johns which flowed from deep in the peninsula to the Atlantic Ocean thirty miles north of St. Augustine. Penières wrote, "The shores of this beautiful bay [river] are very badly inhabited. Fugitives, deserters, smugglers govern themselves, lazy, vagabonds, that is what makes almost the entire population of both shores. The Indians are less kind, less intelligent and much more beggars than everywhere else. They are in great numbers; the tribes do not live in harmony among themselves and they do not like the Americans." And he added, "I have not yet met a white person who knows how to speak Indian." If whites could not speak the Indians' language, they could not learn from nor truly understand or respect Indian rights and perspectives.⁶¹

During the same month, Surveyor General George Clarke of Amelia Island wrote a report for Captain John Bell of the United States Army command in East Florida. Clarke's report included summaries of the Patriot War and the Aury affair, and he gave his opinion about the Anglo population that came to Florida during the latter years of Spanish occupation, "The following is intended to comply with your desire of information on the northern division of this province....the river St. Mary, the line of demarcation is a very narrow one, has long been the 'jumping place' of a large portion of the bad characters who gradually sift through the way southwardly: warm climates are congenial to bad habits....unfortunately for Florida, the laws of both governments [Georgia and Florida] had effect of making each country the asylum of the bad men of

⁶¹ Jean Augustin de Penières, July 2, 1821, 2 pages, English translation, P.K. Yonge Library, University of Florida, <<http://web.uflib.ufl.edu/spec/pkyonge/newax4.html>>. Penières had once been a Jacobin member of the French Legislative Assembly and had voted for the execution of Louis XVI. He became an exile in 1815, living for a time in Mobile, Alabama, before becoming sub-agent for Indian affairs in East Florida.

the other, consequently Florida must have received, we will suppose, twenty of those for every one it returned to Georgia.”⁶² Evidently, United States’ emigrants to Florida contained a noticeable element of troublemakers, but it is hard to imagine this not being the case in every newly opening territory.⁶³

“There is such a heterogeneous mass here....”

Less than a month after the transfer in the summer of 1821, Governor Jackson claimed, “...the greater part of the population of this country is American....”⁶⁴ Jackson may have expressed some wishful thinking in this message to the Secretary of State in order to convince himself that the process of Americanization had every prospect of quick success and that any opposition to his authority would be regarded as something not worth of negotiation but rather to be ruthlessly dispatched. In truth, he certainly did not factor Florida’s Indians in “the population of this country.”

Anglo Americans settled in Florida during the Second Spanish Period, but they certainly were not a majority. For instance, in the list of town officials in the “Temporary Organization of St. Augustine” issued on July 16, 1821, two-thirds of the officials had

⁶² Charles Vignoles, *Observations upon The Floridas* (New York: E. Bliss & E. White, 1823) 20-27.

⁶³ These white plain folk are often termed “crackers,” a term discussed by oral historian Stetson Kennedy in *Palmetto Country* (New York: Duell, Sloan & Pearce, 1942) 59. In addition to the common guesses of derivations of the term “cracker” as one who ate cracked corn or cracked whips to herd cattle, Stetson added the notion that it came from the Spanish word *cuácaros*, or Quakers, a derisive Spanish reference to all Protestants. For more on the Florida “cracker” origins, see James M. Denham and Canter Brown, Jr., eds, *Cracker Times and Pioneer Lives: The Florida Reminiscences of George Gillett Keen and Sarah Pamela Williams* (Columbia: University of South Carolina Press, 2000); Al Burt, *Tropic of Cracker*, (Gainesville: University of Florida Press, 1999); J. Wayne Flint, *Dixie’s Forgotten People: The South’s Poor Whites* (Bloomington: Indiana University Press, 1979) 9-11.

⁶⁴ *Territorial Papers*, “Governor Jackson to the Secretary of State,” XXII, 151; also, Jackson wrote on October 6, 1821, to the Secretary of State, “The Spanish population forming but a small proportion, it is of very little importance to preserve any of their ancient laws and customs; the sooner they become American the better.” *ibid*, 234.

Spanish or Minorcan surnames.⁶⁵ Non-Spanish planters and settlers held properties along the St. Johns River, but their numbers were relatively small. Table 2 lists the number of loyalty oaths by non-Spaniards in peak years of immigration during the Second Spanish Period. The total, after accounting for a reasonable level of out migrations over time, would have been about one-eighth to one-fourth of the estimated population of East Florida. The number of Spanish subjects who left Florida during the years from the

Table 2. Non-Spanish immigration to Florida during Second Spanish Period.⁶⁶

	U.S.	England	France	Ireland	Scotland	Other	Total
1791	127	19	8	54	12	54	274
1792	36	4	29	20	3	1	93
1793	40	49	0	9	5	3	106
1794	1	0	0	0	0	0	1
1795	2	0	0	0	0	0	2
1796	8	0	0	0	0	0	8
1797	0	0	37	0	6	0	43
1798	11	0	27	0	0	0	38
1799	0	0	0	0	0	0	0
1800	60	1	18	5	1	8	93
1801	79	1	7	20	0	0	107
1802	94	13	4	18	8	4	141
1803	320	20	10	59	52	36	497
1804	208	25	15	17	1	6	272
Total	986	132	155	202	88	112	1675

Patriot War in 1812 to the transfer in 1821 is unknown.⁶⁷ Jane Landers documented a cadre of one hundred forty-five free blacks among those who emigrated to Cuba.⁶⁸ Even

⁶⁵ *Territorial Papers*, XXII, 120-121.

⁶⁶ *East Florida Papers*, Loyalty Oaths, Bundle 350, 1790-1804. Compiled by Cusick, "Ethnic Groups and Class in an Emerging Market Economy," op cit., 43. This table does not reflect outmigrations.

⁶⁷ See Table 1 for late colonial period census information.

⁶⁸ Landers, *Black Society*, op cit. In private correspondence with Landers, she found that the black exodus included 40 militiamen, 27 women and 78 children. These may all have been soldiers and their families.

among immigrants from the United States, Jackson should not have assumed that their attitudes and sensitivities were unchanged by living in Spanish Florida. Larry Rivers argues in his study of slavery in Florida that Americans who had immigrated to Spanish Florida likely did not change Florida so much as they themselves were changed by Florida's Caribbean ways.⁶⁹

St. Augustine's population also included a large number of descendants of the failed Turnbull plantation who relocated from New Smyrna. Minorcans, Greeks and Italians merged into one population group after the tortuous tenure on the New Smyrna plantation. By 1821, they accounted for over half the Europeans in St. Augustine, and they were considered part of the Spanish population.⁷⁰ Months later during an outbreak of yellow fever, the United States secretary for East Florida operating under broad authority to take emergency measures during the epidemic, wrote to the Secretary of State, "I exercise as little of the character of a Spanish Governor as I can possibly avoid – Indeed I act no further than I deem absolutely necessary, in the present state of things – there is such a heterogeneous mass here..."⁷¹ A few months after his original assertion that the population of Florida was essentially "American," Jackson reversed himself and acknowledged that there was as yet no Anglo hegemony in Florida, "I am of the opinion,

Her source is *Relation of Florida Exiles*, August 22, 1821, Cuba 357 and 358 in the Archivo General de Indias, Havana.

⁶⁹ Rivers, 68.

⁷⁰ In a mathematically revealing comment, an enlisted man who was in St. Augustine during the war and described the population, "A third of the inhabitants are Americans, one third Minorcans, and a third Spanish, with a few French and a good many colored people." John Bemrose, *Reminiscences of the Second Seminole War*, John K. Mahon, ed. (Gainesville: University of Florida Press, 1966) 10.

⁷¹ Territorial Papers, "Acting Governor Worthington (East Florida) to the Secretary of State," October 9, 1821, XXII, 248. Presumably, Worthington meant that he chose to eschew strong dictatorial leadership in favor of something more like consensus as the better governing method among the "heterogeneous mass."

taking into view the mixed populations likely to exist here for some time, that the form of the territorial Government ought to be simple and energetic.”⁷²

Who was in Florida?

In the summer of 1821, Florida’s population was a mixture of African, Minorcan, Spanish and other European and North American whites, and Indians, most of whom made the decision to remain in their Florida. Some remained undecided about staying or leaving. Those who remained did so either out of hope that the new American government would bring opportunity, or because they were captive slaves, or, if they were free blacks, because they had limited abilities to relocate to a more secure place. For Indians, Florida was either their ancient home, or it was a new home as a result of fleeing from the Creek wars. Some slaves escaped and lived among the Indians in either a servile or a kinship relation. Others lived in maroon enclaves. During the transition to United States control, those most at risk and most vulnerable were the free blacks and Indians. By any assessment, Florida at the time of transfer to the United States was most definitely not a blank, as the acting governor had claimed, nor was it Americanized, as Jackson asserted.

There is no census of the population at the time of cession. Late colonial census counts up to 1814 are listed in Table 3. These include St. Augustine and the nearby areas along the St. Johns River. The population of Fernandina and Amelia Island is not

⁷² Territorial Papers, “Governor Jackson to the Secretary of State,” October 6, 1821, XXII, 234. In this comment, Jackson was replicating Adams’ earlier instruction regarding establishing the new government, “A form adopted from that which was issued on the first occupation of Louisiana is herewith enclosed, to be modified as the circumstances in your opinion may require.” March 12, 1821, XXII, 15.

included, but the 1814 census listed 1,315 people on Amelia Island – 846 slaves, 41 free blacks, and 428 whites. Blacks outnumbered whites by more than two to one on Amelia Island. The total official population of East Florida in 1814 was 4,396. This was just after the American invasion of 1812 that prompted some outmigration.

Table 3. Population of St. Augustine during the Second Spanish Period.⁷³

year	white	black	total	% black
1784	1,418	574	1,992	28.8
1786	1,231	461	1,692	27.2
1788	1,078	651	1,729	37.7
1793	1,607	1,653	3,260	50.7
1797	1,007	585	1,592	36.7
1814	1,302	1,779	3,081	57.7

In Fernandina, free mulattos and free blacks were included in households and family groups. In this category were eight married couples, some with children and extended family residing in their households. Seven women were heads of household, some with children or other dependents. Only one unmarried male head of household was listed, with no dependents.⁷⁴ Jane Landers’ observed, “In the census of 1814, Fernandina’s free blacks were grouped into sixteen households, seven of which were female-headed. Although listed as the heads of their households, the women were not always without partners. Some of the women were consorts of wealthy white men who helped them acquire property in Fernandina.”⁷⁵ Landers’ analysis of property ownership

⁷³ Landers, *Black Society*, 82. The years 1788, 1797 and 1814 do not include the Spanish garrison which varied from 209 to 450.

⁷⁴ *East Florida Papers*, 1814 Census Returns, microfilm reel 148, P.K. Yonge Library, University of Florida, Gainesville, as cited in Jane Landers, op. cit., 278-279. In 1822, a federal judge estimated the East Florida population to be eight thousand. See, *Territorial Papers*, “Judge Duval to the President,” April 16, 1822, XXII, 406-407.

⁷⁵ Landers, 239.

in the town of Fernandina revealed property-owning relationships between black females listed as head of household and white males with whom they had children. The best estimate of the total East Florida population in 1821, excluding Indians, was about four thousand at the time of cession.⁷⁶ Indians were completely unaccounted for.

Appendages and sustenance

By the end of 1821, Cuba and Puerto Rico were the only American lands still governed by Spain.⁷⁷ The Spanish soldiers who stood in formation at the exchange of flags in Florida were probably unaware how fortunate they were to be in St. Augustine and to have missed the Battle of Caribobo two weeks earlier, a battle which led to the independence of Venezuela. For centuries, St. Augustine had long been a remote posting for Spanish garrison troops, but in this instance it was a safer place to be than much of the rest of Spain's volatile American empire.

The transfer was jointly administered by the Department of State under Secretary John Quincy Adams, and by the War Department under Secretary John C. Calhoun, until civilian government could be organized. Although Andrew Jackson resigned his commission in the military to officially take the post of territorial governor, his appointment included all powers that had been in the hands of the Spanish governor and gave Jackson authority over the military. In explicit terms, President Monroe granted the

⁷⁶ Donna Rachel Mills, *Florida's First Families* (Tuscaloosa: Mills Historical Press, 1992) 111-122. The estimate of four thousand is from James Cusick, *The Other War of 1812*.

⁷⁷ For a comprehensive account of the status of Caribbean, South and Central American revolutions, see Lester D. Langley, *The Americas in the Age of Revolution, 1750-1850* (Yale University Press: New Haven, 1996). His chapter "Bolívar's America" contains further comments about North American opinions of Latin American liberation movements and predictions of failure due to the "passionate Latin nature," see footnote 2, page 353. Langley also discusses two opportunities for United States' acquisition of Cuba in 1810 and 1823, see p. 243.

following to Governor Jackson, "...all the powers and authorities heretofore exercised by the Governor and Captain General and by the Intendant of Cuba, and by the Governors of East and West Florida within the said Provinces respectively...." The explicit granting of powers as formerly held by Spanish authorities confirmed the importance of continuing, at least temporarily, Spanish precedents of government. However, this arrangement caused conflict among the president's cabinet, some of whom did not approve of combining civil and military powers. One objector was the Secretary of War himself, Calhoun, whose criticisms of Jackson's invasion of Florida during the First Seminole War caused harsh feelings between the two men after Jackson became president in 1828. Even after the establishment of civilian government in 1822, the territory continued to be partly under control of the War Department because the military was the principal point of contact for relations with Indians, and Indian agents were appointed by the Secretary of War.⁷⁸

During preparations for the official transfer of authority, President Monroe appointed James Forbes as emissary to Cuba to make arrangements for the transfer and to obtain archival documents from Havana pertaining to land titles in Florida. Secretary Adams informed General Jackson, who was still in Nashville, about Forbes' mission, and added the following advice, "The Spanish minister has expressed a strong wish that no troops of the United States may be introduced into Pensacola or St. Augustine until after the evacuation by those of Spain. The object of this request being to avoid any

⁷⁸ *Territorial Papers*, "Special Commission of Andrew Jackson as Governor," and "The Secretary of War to Commissioner and Governor Jackson," March 20, 1821, and March 22, 1821, XXII, 18-21. Jackson resigned his commission on May 31, 1821, and all references to "General Jackson" after this time are honorary except for his provisional authority as Captain General of the military command in Florida. In May 1821 an Act of Congress reduced the size of the army, and under this Act Jackson was not going to be retained as a Major General. He was persuaded to accept the governorship as a measure to reduce public reaction to the loss of such a popular military figure. See Charles Francis Adams, ed., *Memoirs of John Quincy Adams*, (Philadelphia: J. B. Lippencott, 1874-77), Volume V, 321-322.

possible unpleasant altercations between the soldiers of the two nations, the president thinks it reasonable to comply with it unless you should be of the opinion that it will be attended with inconvenience. In that event, he relies that you will take every measure of precaution which may be necessary to guard against any such collisions between the soldiers; and he trusts with confidence that in every arrangement for the evacuation, the utmost delicacy will be observed to avoid every thing which might tend to wound the feelings of any of the Spanish officers, soldiers, or subjects, who are to remove.”⁷⁹ On his return trip, Forbes reported from St. Augustine for a few months, “From all the information I can collect here, I feel confident that the Spanish authorities are as anxious to quit this Territory as we are to become possessed of it.”⁸⁰

Even so, the loss of Florida was another mark of Spain’s reduced international profile, and the tone of Forbes’ comment may have reflected Spanish resignation at the loss of yet another long-occupied colony. The defeat of Spanish armies in Central and South America and the Caribbean may have been an additional reason why Adams warned Jackson to take note of Spanish feelings about leaving Florida, even though it was not on militarily disgraceful terms. Nevertheless, it was a yet another loss of Spanish potency.

General Edmund Gaines conducted the transition at St. Augustine while Jackson personally attended to matters in Pensacola.⁸¹ One important item was the final transport of Spanish troops to Havana aboard American naval ships, a duty that fell to Adjutant

⁷⁹ *Territorial Papers*, “The Secretary of State to Commissioner and Governor Jackson,” March 21, 1821, XXII, 14.

⁸⁰ *Territorial Papers*, “James G. Forbes to the Secretary of State,” June 9, 1821, XXII, 64.

⁸¹ Gaines (1777-1849) was an early surveyor of the Natchez Trace and in 1804 had arrested Aaron Burr on behalf of the United States government. He served in the War of 1812, Creek war, Black Hawk war, Seminole war and the Mexican war. Gainesville, Florida, is named for him. Jackson himself was never in St. Augustine or East Florida.

General Robert Butler, who had served under Jackson since the War of 1812. The Secretary of War's instructions on the matter included this notation, "The number of troops at either place is not known, but supposed to amount to about 500 men at each. The stipulation is understood to include civil as well as military officers, and provisions as well as passage: Instructions will be given by the Secretary of War to the Quarter-Masters and Commissaries to furnish to your orders provisions and transports for the conveyance of the Spanish officers and troops."⁸² Providing transport for Spanish troops was pursuant to Article 7 of the Treaty, which stated that "...the United States shall furnish the transports and escort necessary to convey the Spanish Officers and Troops and their baggage to the Havana."⁸³ The treaty did not specifically mention provisions, but the Secretary's instructions did. This discrepancy was not noted until a different problem presented an opportunity.

As American forces readied themselves to take control of the Castillo de San Marcos, questions arose about the status of the cannon and munitions inside the fort. Would they convey along with the structure itself? Once this came to the attention of United States authorities, Secretary of State Adams wrote to Andrew Jackson, "Sir, by the second article of the Florida Treaty, it is stipulated that with the Territories of East and West Florida, the fortifications within the same, are ceded and to be delivered to the United States; but no express mention is made of the Cannon, belonging to them.... It is the opinion of the President, that by a fair and just construction of the Treaty, the Cannon

⁸² *Territorial Papers*, "The Secretary of State to Commissioner and Governor Jackson," March 12, 1821, XXII, 14.

⁸³ Among the Spanish troops were black soldiers, and transport for them was to be arranged separately. Governor Coppinger wrote to Robert Butler, "...as we have separately agreed the colored troops will be shipped in the transports I have freighted and for which I hope Y. [Your] E. [Excellency] will be pleased to order rations to be in readiness...." *Territorial Papers*, June 23, 1821, XXII, 88.

belonging to the fortifications are to be considered as appendages to them, including the Cession, and are therefore to be left with them.”⁸⁴

The status of these “appendages” was not clearly defined in the treaty. Secretary Adams had a solution. Should the Spanish insist on taking the cannon with them to Cuba, Adams saw an opportunity in the unclear treaty language about provisions in transit as a ploy to keep the cannons and altered his instructions from his previous message: “By the seventh article of the same Treaty, it is provided that the United States shall furnish the transports and escort necessary to convey the Spanish Officers and troops, and their baggage to the Havanna – But no mention is made of the transportation of the Cannon; nor is there any express engagement on the part of the United States, to furnish provisions to the Spanish Officers and Troops on the passage.”⁸⁵ In other words, if the Spanish were to attempt to take the cannon with them, the Secretary advised that the United States could refuse to feed the Spanish troops in transit. Adams linked the two issues, “It is however possible that the Spanish Governors of East and West Florida, may upon a different construction of the Treaty, claim to carry away the Cannon from the fortifications.... You will in that case claim that they should be left with the fortifications, and insist that upon the principle of the other Construction the United States are not bound to furnish provisions for the passage of the Officers and troops.”⁸⁶ On April 10th, Jackson agreed because, “Cannon is an indispensable appendage of a Fortification....”⁸⁷

⁸⁴ *Territorial Papers*, “The Secretary of State to Commissioner and Governor Jackson,” March 23, 1821, XXII, 23.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*, “Commissioner and Governor Jackson to the Secretary of State,” April 10, 1821, 31.

Two months passed before General Butler sent an effusive message about the upcoming transition ceremony to Spanish Governor José Coppinger. Butler praised the “friendly dispossession” and “happy understanding” that existed between the respective parties to the transfer. Butler was careful to be explicit in his message to the Spanish governor that although the treaty did not obligate the United States to provide food for the Spanish troops in transit to Cuba, “...the liberal construction, which my government is disposed to give that instrument....” meant that “as much comfort as possible” would be provided to the officers and men.⁸⁸

In his reply to Butler, Governor Coppinger made it clear that the Spanish intended to remove the cannon and munitions from the fort. Jackson received a similar message in Pensacola from West Florida Governor José Callava, who wrote, “A Fortification is nothing but an Edifice....” but artillery and arms are movable and should by rights be regarded as Spanish possessions to remain the property of the crown.⁸⁹ At that point General Butler sprang the bread-for-cannon ploy. He wrote to Coppinger in St. Augustine, “As I feel myself authorized to infer from your note of the 14th inst that you are determined to remove the Artillery; it becomes my duty to enter my protest against the measure,” and added that the United States had made no plan to provide transportation for cannon or other armaments and would have to reconsider the non-binding offer to feed the troops in transit.⁹⁰

⁸⁸ Ibid., “Robert Butler to Governor Coppinger,” June 8, 1821, 61. The length of the transit voyage depended on favorable winds and could take as much as a week at sea.

⁸⁹ Ibid., “Governor Callava to Commissioner and Governor Jackson,” June 16, 1821, 74-77.

⁹⁰ Ibid., “Governor Coppinger to Robert Butler,” June 11, 1821, 67; and, “Robert Butler to Governor Coppinger, June 15, 1821, 72. The last word on this matter was in “Robert Butler to the Secretary of State,” July 11, 1821, “I have succeeded in obtaining all the cannon which was in battery on the forts,... The provisions furnished &c are similarly placed in consequence of the disavowal of the right to the Artillery.” XXII, 113.

In this case, the United States' ploy worked, and the fort's "appendages" remained in place because of the threat to withhold sustenance from the homeward voyage of the Spanish military. The two countries agreed to leave the cannon with the fort for the formal handover of authority on July 10th and to refer the matter to their respective diplomatic representatives to fully resolve.

As if it were not enough to surrender a province that had been part of the Spanish realm for two hundred and thirty six years, the government of the United States had intentionally or unintentionally devised a way to further emasculate the Spanish upon departure. Although cannon are vital to a fortification, and were they to be taken away the United States would have to replace them, there may be another layer, a gendered layer, in how the United States treated Spain in this instance. As Joan Scott wrote, "...gender is a primary of signifying relationships of power." In this case, the United States was in the more powerful position, and Jackson did not hesitate to express his opinion that Spanish authorities were unmanly. Almost two decades later, a United States soldier opined that the mixing of nationalities in Florida had resulted in a creole population in which the males were "listless and effeminate." In his study of Spanish borderlands, David Weber described how white males who encountered mixed race people often commented on the lack of virility among the males even as they praised the dark skinned females. The soldier's quip voiced a white view of dark skinned maleness that served the illusion of white superiority, an illusion which understood virile and potent maleness in terms of the subordination of dark skinned people and women.⁹¹

⁹¹ Joan W. Scott, "Gender: A Useful Category of Historical Analysis," *The American Historical Review*, 91:5 (December 1985) 1067. The symbolism of objects such as cannon associated male potency and sustenance associated with feminine nurturing of life is discussed by Susan Gubar in "'The Blank Page' and the Issues of Female Creativity," *The New Feminist Criticism: Essays on Women, Literature, and*

Who can be a citizen?

On July 10, 1821, Andrew Jackson issued the proclamation of United States' sovereignty over Florida. Over two hundred years of contention between Euro-Americans over Florida came to a conclusion with his proclamation, but for Indians and Africans the conflicts and risks continued with higher stakes than ever. Jackson's statement may have seemed reassuring: "I have, therefore, thought fit to issue my proclamation, making known the premises, and to declare that the government heretofore exercised over the said provinces, under the authority of Spain, has ceased, and that that of the United States of America is established over the same: that the inhabitants thereof will be incorporated in the Union of the United States as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities, of the citizens of the United States; that in the mean time they shall be protected in the free enjoyment of their liberty, property and the religion they profess...."⁹² Even though the inclusive term "inhabitants" might seem to imply otherwise, it went without saying that the privileges of citizenship were not for Indians and slaves, and free blacks who remained in Florida waited to understand their plight.

The key to the naturalization process was Article VI of the treaty that described in general terms the provision for citizenship, in words that Jackson borrowed for his

Theory, Elaine Showalter, ed. (New York: Pantheon Books, 1985) 292-313. Also, for the symbolism of gendered conquest, see Kathleen Brown, *op cit.*, 57 George A. McCall, *Letters from the Frontiers* (Gainesville: University Presses of Florida, 1974, reproduction of 1868 edition) 14. Weber, *op cit.*, 337, 480 n. 8.

⁹² *Territorial Papers*, "Proclamation by Commissioner and Governor Jackson," July 10, 1821, XXII, 110.

statement: “The Inhabitants of the Territories which His Catholic Majesty cedes to the United States by this Treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principle of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights and immunities of the Citizens of the United States.” The Article did not define the actual process for conferring citizenship. The reference to the Federal Constitution meant that Article VI of the treaty was subject to the conditions of federal naturalization law. At the time, the Naturalization Act of 1790 limited naturalization to free white persons, and the whiteness requirement remained a part of every naturalization act until 1952.⁹³ This excluded free blacks and, in practicality, all mixed races, from naturalized citizenship.

Even though it appeared that free people of color who owned property were excluded from citizenship, there were differing opinions about black rights, if not outright citizenship, among territorial Floridians. Property ownership and its defense in courts was a key indicator of standing and one of the chief functions of local authority. During the first years of the territorial period, there were examples of successful litigation and defense of property by black owners. An outstanding case was that of Anna Madgigine Jai Kingsley, an African born woman, former slave, and property holder who successfully defended her ownership and inheritance rights in Florida courts. Her case will be discussed in a later chapter of this study. Free blacks did not gain citizenship under the terms of the treaty, but Larry Rivers claimed that they were actually due

⁹³ Ian F. Haney-Lopez, *White by Law: The Legal Construction of Race* (New York: New York University, 1996) 42-43. By 1836, the Republic of Texas constitution took pains to eliminate any question of citizenship qualifications for Africans and Indians. Section 10 of the Constitution stated: “All persons (Africans, the descendants of Africans, and Indians excepted) who were residing in Texas on the day of the declaration of independence, shall be considered citizens of the republic, and entitled to all the privileges of such.”

citizenship under its language but that "...government representatives beginning with Andrew Jackson chose, for the most part, to ignore the promise."⁹⁴

One example, Antonio Proctor, a mulatto from Jamaica who arrived in Florida during the British Period, reflected the ambiguities of legal standing. Proctor had learned to speak Indian languages and served as an interpreter for the trading firm of Panton, Leslie & Company. Panton, Leslie remained active during the Second Spanish Period, and Proctor continued as a slave in their service. During the Patriot War, Proctor recruited hundreds of Indians for the Spanish defense of Florida and gained freedom as a reward for his service. After 1821, Proctor served the United States as an interpreter for the Indian Department, and his name appeared three times on the list of disbursements for his services. He lived to age 112 and was honored by the governor for his long service, but there is no indication that he was accorded citizenship under the terms of the treaty or later.⁹⁵

Pursuant to Article VI, Governor Jackson created an administrative oversight structure for the process of naturalization. On July 21, 1821, the governor issued several ordinances under the broad authority given him by President Monroe. These powers extended to include all authority formerly held by Spanish governors, including sweeping executive, judicial and military powers, were temporary until the selection of a civilian legislature and appointment of judges. This model of government followed the same pattern used in the 1804 Governance Act for Louisiana, and vesting the powers of the

⁹⁴ Rivers, *op cit.*, 12.

⁹⁵ Landers, *op cit.*, 225; Julia Floyd Smith, *Slavery and Plantation Growth in Antebellum Florida, 1821-1860* (Gainesville: University of Florida Press, 1973) 113-114; and, *Territorial Papers*, "Abstract of Disbursements for Indian Affairs," December 1824, 141, 142, 144. In 1824, Proctor was paid \$469 for "his Services as Messenger & Interpreter to the Indians." One researcher claimed that Antonio Proctor and his son, George, were "at times treated and allowed to do business on exactly the same footing as white men." Rosalind Parker, "The Proctors – Antonio, George, and John," *Apalachee, The Publication of the Florida Historical Society* (1946) 19-29, quoted in Julia Floyd Smith, *op cit.*, 113.

former Spanish governor in the new United States replacement also provided familiar central authority and structure for those who remained in the territory.⁹⁶

Louisiana was the chief precedent for the new territorial governing processed of Florida. During Louisiana's brief territorial period, a question arose about the status of residents with respect to federal citizenship. From that time until Florida became a territory, the Supreme Court twice addressed the question of whether or not Constitutional protections of citizenship extended to residents of territories, rather than to states only. In a 1805 case, the court's decision implied that Constitutional protections did not extend to territories, but in 1820, partly as a result of vigorous debate by Louisianans, the court reversed itself and asserted that territories are indeed governed by the laws of the United States and its residents did have citizenship standing. However, naturalization still applied only to whites, and the process of validating eligibility for citizenship when a new territory's residents included foreign expatriates was left up to the terms of the treaties involved.⁹⁷

To prevent abuses under Article VI, Jackson claimed the need to "guard against impositions that may be practiced by foreigners, as to secure the inhabitants their free choice to become citizens..." and therefore required each population center in Florida to open a signature register for "every free male inhabitant" who wished to become a citizen. The signer then must meet two additional criteria, "Provided, that the person or inhabitant who may thus desire to have his name inscribed shall first satisfy the mayor or

⁹⁶ Peter J. Kastor, *The Nation's Crucible: The Louisiana Purchase and the Creation of America* (New Haven: Yale University Press, 2004) 49-52.

⁹⁷ *Ibid.*, 219-220, n. 55. The Supreme Court cases were *Hepburn v. Ellzey* (1805) and *Loughborough v. Blake* (1820). Both cases originated with questions about residents of the District of Columbia. The former decided that residents of the District and of territories do not have standing in federal courts. The latter was a tax authority issue where the court decided that Congress does have taxing authority over the District of Columbia and the territories.

other such persons as may be appointed to open the registers, that he was really an inhabitant of the ceded territory on the 17th day of July, 1821: And provided also, that he will of his own free will and accord abjure all foreign allegiance, and take the oath of allegiance prescribed by the laws of the United States.” These registers remained open for the period of one year, after which “no other free male inhabitant, above the age of twenty-one, and entitled to make his election as aforesaid, shall be, within the ceded territories, entitled to any of the rights, privileges, and immunities of a citizen of the United States, but shall to all intents and purposes, be considered as a foreigner....”⁹⁸

Public notices about the registers declared who could avail themselves of the citizenship clause. The issue of color was not mentioned at all. “All native Spaniards who wish to become American Citizens, all English or other Foreign Subjects or citizens who may have been in the Floridas on or before the 17th July 1821, all American Citizens who resided here, during the English or Spanish occupation and possession of the province and denationalized themselves by becoming English or Spanish Subjects.” The *Territorial Papers* include a list of persons who took the oath of naturalization before the mayor of St. Augustine, J. G. Forbes. On May 22, 1822, the list had forty signers. Nineteen had been subjects of the King of Spain; fourteen had been British citizens; three French; two Dutch; and one each from Denmark and a German province. Some had probably obtained their citizenship while living in the Caribbean possessions of Denmark or France. It would seem that free blacks are included in this definition of who was

⁹⁸ *Register of Debates*, op cit.; Debating Louisiana in 1804, Congress judged the merits versus risks of immediately admitting all Louisianans to citizenship, as one interpretation of the treaty with France indicated, or whether to conform to the waiting period required under United States naturalization law and allow time for an “apprenticeship to liberty,” as Congressman Samuel Mitchell (NY) termed it. Tied to the citizenship issue was the question of the citizenship status of residents in all territories. Kastor, op cit. 55-58.

eligible, and the fact that they were excluded speaks clearly about whiteness and citizenship. There was a concluding codicil on the list of signers, “The Secretary and Acting Governor [Worthington] gives no Constitutional or legal opinion on the power or effect of this mode of Naturalization – Tho’, he hesitates not, to say that no person can hold any office of Honor Profit or Trust under the Govt of Florida without first taking the oath to support the Constitution of the U.S.”⁹⁹

Jackson insisted on the process of signing a document because of his experience in the old southwest. In a transmittal letter to the Secretary of State accompanying this ordinance and others pertaining to governing the new territory, the governor wrote, “The Ordinance relating to the registering of the names of those who may be desirous of claiming the benefit of the sixth article of the Treaty was dictated by the necessity which could be used by those who were at once disposed to make their election and become Citizens....and secondly by the impropriety, of which, I had no little experience in Louisiana, of persons claiming exemption as foreigners, and the privileges of Citizens as it suited their convenience.”¹⁰⁰

This same transmittal letter included references to the unwillingness of Spanish subjects to participate in the new processes. Jackson claimed that he favored giving appointments to the “old inhabitants” of the country, but, “I found that but few were willing to accept any situation, from unwillingness to lose their rights as Spanish subjects....” Jackson assumed that those who retained their Spanish citizenship had a continuing connection with Spanish authorities regarding legal claims or payments due to them and wanted to retain their standing in Spanish courts as well as the ability to leave

⁹⁹ *Territorial Papers*, “List of Persons who have taken the oath of Naturalization,” May 20, 1822, XXII, 432-435.

¹⁰⁰ *Territorial Papers*, “Governor Jackson to the Secretary of State,” July 30, 1821, XXII, 150-151.

Florida for a Spanish destination. He noted another reason for those who did not sign the oath of allegiance, “Besides, it is said that strong inducements are held out by the Spanish Government to those who remove.”¹⁰¹ Even though the Spanish subjects who stayed in Florida had years to consider their options before the cession, they did not rush immediately to become certified as citizens. Jackson was probably not surprised when the entire city council of St. Augustine declined to sign the register, except one, and immediately resigned their offices. Only Francisco Fatio, a descendant of a Swiss planter who came to Florida during the British period, “...rose up and boldly said, ‘Sir, I will take the oath of allegiance to the United-States with pleasure.’”¹⁰² Others took a wait and see attitude while ascertaining how the United States would act in safeguarding their property and rights if they did claim United States citizenship.

In contrast with other comments made by Jackson, in this document he professed a positive but equivocal impression of the Spanish population, “The inhabitants in general, I have found sober, orderly, peaceable and well meaning people. I entertain a very favorable opinion of all the Spanish population, excepting such as have been employed by the Government which seems to have had everywhere the same corrupting influence over the minds and morals of those engaged in its administration.”¹⁰³ Despite the resignations of the city officials, Acting Governor for East Florida Worthington attempted to retain the trust and confidence of the former political infrastructure, “...I determined to offer some of the most honourable and important appointments to the native and old inhabitants of the province, and to endeavour to get a due number of

¹⁰¹ Ibid, 153.

¹⁰² *Territorial Papers*, “Acting Governor Worthington (East Florida) to Governor Jackson,” August 28, 1821, XXII, 193. His birth name was Francis Phelipe Fatio, and he again used this name in the 1830 census.

¹⁰³ Ibid, 153-154.

Spaniards, Minorcans, French, Irish, Americans, &c. into the new government if they would accept....” There was an extenuating reason for Worthington’s desire to include “old inhabitants” and to calm the issues that led to the city council resignations. As part of the civil administration, Worthington arrived after the American military offended Spanish authorities by forcibly seizing the archives and by taking possession of public buildings and land. American military treatment of Spanish authorities created trouble, and Worthington’s task as a civilian was more difficult because of the United States’ use of military force in a way that inflamed anxieties about an already fragile cultural and demographic border.¹⁰⁴

“...no law except the law of force...”

The Spanish watched for signs of how they would be treated as United States citizens, and aggressive American troops gave them an indication by breaking down the door of a former Spanish official and taking possession of his records. The seizure of the archives was one of the first acts of United States authorities. Outgoing Spanish Governor Coppinger protested that the records included private property owned by the city’s notary who purchased the documents at a public sale, and that official records were safe and in no danger. The American military took action, fearing that land ownership records had been fraudulently altered and that the evidence was about to be shipped to Cuba. Coppinger claimed that not only were the seized documents private property, “...moreover, I might require some of the papers as antecedents to my correspondence.” Furthermore, he objected to the manner by which his office had been invaded by forcing

¹⁰⁴ Ibid, 195.

the door to his secretary's office and carrying off all his papers. Coppinger concluded with an observation that Jackson and the United States were using heavy-handed tactics and sent a warning to his compatriots who remained in Florida, "...general Jackson (from whom it is said these orders arose) in decreeing this seizure, would find no other resistance but that of reason against force; but it has brought on him a blemish which will tarnish his reputation in the opinion of those men who love justice and abhor tyranny and despotism."¹⁰⁵

The United States investigated the seizure. Before responding to Coppinger's outrage, Secretary of State Adams wrote on New Year's Day, 1822, to Jackson wanting to know why he authorized the seizure. Jackson had just resigned as governor, and the Secretary was clearly upset when he wrote in less polite than was customary, "...will you have the goodness to state the particular grounds, on which you judged it necessary to resort to compulsory measures for obtaining possession of them [the archives]?" Jackson answered Adams' request in a long and defensive letter claiming that he had acted because of the "unjustifiable delays and evasions of the Officers of Spain, in withholding the Archives and documents..." and in order to prevent the loss of documents that would "deprive the honest citizens of the country of all the evidences of their right to property...."

Jackson cited treachery and fraud on the part of the departing Spanish, but he presented no solid evidence of the charge. Rather, in conclusion, Jackson supposed that Spanish objections to his methods were based on antipathy to his actions several years earlier, "It is a subject to remark, that I have been the object of Spanish calumny and

¹⁰⁵*Florida Gazette*, December 10, 1821. "Manifest from Spanish Colonel Don Joseph Coppinger regarding the archives," reprinted from the *Philadelphia Gazette*. Microfilm P.K. Yonge Library, University of Florida.

virulent animadversion ever since the transactions of the Seminole War. This spirit of hostility...has pervaded all the diplomatic communications of Spanish Ministers subsequent to the period to which I have alluded. Although such a course is insulting to myself, to the Executive, and to the American People, I have never deemed it of sufficient importance to induce me to complain.... I disregarded the abuse and vituperation of Spanish Agents, from a belief that my Government would vindicate its honor and dignity.”¹⁰⁶

Jackson wanted vindication and hoped his government would thank him. He received neither. President Monroe and attorney general William Wirt not only agreed with Coppinger, they took the occasion to set down in writing their views that Jackson protested too much about Spanish imperial manners. In earlier a messages about this matter, President Monroe wrote to Wirt, “That the Govr [Jackson] may have displayed some degree of zeal & warmth, & have executed the Spanish powers, too much in the Spanish way, making no nice distinction, according to the principles of our system, between the appropriate duties of the several departments of the govt, Executive, Judiciary, &cc, considering them all blended in himself....” Wirt responded in kind, noting that Jackson flew into “...a blaze at the slightest and most conscientious resistance to his authority.” In the same reply to President Monroe, Wirt wrote of Jackson’s behavior in Florida, “It may have been, as you say, merely an exercise of Spanish power too, much in the Spanish way. Our friend the General takes to this same Spanish power

¹⁰⁶ *Territorial Papers*, “Andrew Jackson to the Secretary of State,” January 22, 1822, XXII, 343, and January 29, 1822, XXII, 350-351. Jackson fell under criticism not only for the seizure of Spanish documents but also in West Florida for his harassment of presidential appointee Eligius Fromintin as federal judge and for jailing the former Spanish governor of West Florida because he did not leave the territory and, in Jackson’s judgment, spread discontent. Congress started an investigation of Jackson’s tenure as governor just as Jackson resigned the post. Congressional censure was considered but rejected.

as kindly as if it was natural to him: . . . I verily believe Jackson to be an honest man & a man of strong natural sense – and a patriotic man too – as jealous of his country’s honor as any other man living, but he knows no law except the law of force; and his want of information, combined with his violence, is perpetually plunging him & his friends into difficulties, from which it is not easy to escape without some loss of luster.”¹⁰⁷

In addition to this incident and the resignation of the city council members, there were other disputes about the continued civilian use of public buildings after the arrival of the United States military. The city council resented losing its authority over town property, and in sorting out matters in his report, the Acting Governor in East Florida, Worthington, used hopeful and tactful words when he referred to the various problems during the initial months of United States governance. Worthington, who let his classical education show in many of his memos, wrote, “I feel a perfect confidence that as the orb of our civil government rises and sheds its benign influence in this province, all its functions will be performed with the utmost harmony. – The civil and military spheres do not without violence interfere with each other, . . . I know that friendship and good will between the Citizen Soldier, and the soldier citizen in our Republic is what the President and yourself and every good and reflecting man in our Country rejoices to see. I am led to these remarks from having understood that before I arrived here there was considerable feeling excited in this city. As on occasions of this sort, generally both parties are more or less in the wrong. I did not allude to it in my last letter wishing that oblivion might weave over it her impervious web; and to tell you the truth it is an unpleasant subject to

¹⁰⁷ *Territorial Papers*, “The President to the Attorney General,” October 7, 1821, XXII, 242-243, and “The Attorney General to the President,” October 11, 1821, XXII, 254-256.

enquire into...I have declined knowing anything of the particulars, but have left them to sleep with the Capulets.”¹⁰⁸

More than a year later, the St. Augustine mayor and city council continued to complain about claims made by the United States over public property in the town. The city appealed to Congress for a return of a public common on the grounds that, “...of its being a law in the celebrated code of the Indies, that every City in the Spanish American empire should have a section of land adjacent to the City to be used as a common:” Even sixteen months after the cession, city officials thought it proper and valid to base their appeal on Spanish code and precedent. If elected officials of St. Augustine cited “the Spanish American empire” as a reason to sway the United States to their view, that same impulse was likely in the hearts and minds of common citizens, free people of color and slaves whose expectations about well-being, protection and the public good lingered former times.¹⁰⁹

“...the retreat of the opulent, the gay and the fashionable....”

Worthington wrote about the “excited” feelings stirred in St. Augustine prior to the cession. Some of the reasons for excited feelings and for the equivocation about signing the citizenship registers showed up in a series of four consecutive newspaper articles that appeared the month after Florida became a United States territory. The first was on August 25, 1821, written by an anonymous author who signed the article simply *a*

¹⁰⁸ *Territorial Papers*, “Acting Governor Worthington (East Florida) to Governor Jackson,” August 28, 1821, XXII, 195.

¹⁰⁹ *Ibid*, “Memorial to Congress by the Mayor and Aldermen of St. Augustine,” November 29, 1822, XXII, 568.

Floridian. The writer was no doubt one of the former members of the city council who resigned rather than sign the allegiance to the United States. A copy of this article is no longer available because existing microfilm of the *Florida Gazette* does not contain this and several other 1821 issues. However, the substance of a *Floridian*'s message can be reconstructed from the response to it that appeared in the following week's edition of the paper which quoted from the original. A *Floridian* decried the degrading requirement that public officials must swear allegiance to the United States. As "sons of its soil," the writer asked Floridians to remember their gratitude and affection for the Spanish government. It was as if the writer had not fully accepted the authority of the United States and anticipated that Spain might, for a third time, regain possession of her ancient colony or perhaps that other revolutionary factions in former Spanish colonies might find a way to take Florida out of United States hands.

Looking back, it may appear there were truly no other options other than for a *Floridian* to resign himself to United States authority or to emigrate. However, in 1821, Florida and all other lands touching the Gulf of Mexico had been in changing or uncertain hands for over fifty years. During that time citizens and the military of five national powers contended for Atlantic and Gulf regions of Florida. Mexico and much of Spanish America were in rebellion or had recently established new nation states. A *Floridian* may have been quite rational and pragmatic in urging his fellow "sons of the soil" not to be hasty to pledge their loyalty to the newly arrived United States.

A response to a *Floridian* appeared in the next edition of the weekly *Gazette*. The writer, again choosing to be anonymous, signed his article *Americanus*, as a clear message of his affinity with the United States. He acknowledged a discrepancy between

Governor Jackson's original orders that all former Spanish office holders were to remain in their places and that Spanish laws would be observed as in the past, on the one hand, and the governor's subsequent requirement that office holders renounce foreign allegiances in order to retain their offices, on the other. Yet *Americanus* claimed that such a requirement was not only logical but that anything else would be absurd. He praised the newly appointed mayor, James Forbes, as a man of integrity, who was fluent in Spanish, French and English, "With such a magistrate at the head of the City Council, the inhabitants of St. Augustine may feel perfectly secure in their persons and property, and may confidently look forward to improvements which will render this town one of the most desirable abodes in America...." The former writer, *a Floridian*, appealed to "sons of the soil" to remember the Spanish king's generosity and magnanimity, but *Americanus* asked that St. Augustine's residents reflect carefully on the accuracy of such a claim and to consider that after years of military conflicts over Florida, the United States settled the issue by friendly treaty rather than by force.¹¹⁰

A third article appeared on September 8, 1821, again written by *Americanus*. It was an appeal to "fellow citizens" who had "declined becoming citizens of the United States," and it contains a greatly expanded argument about why St. Augustine's Spanish population should sign the citizenship register. The writer took great care to express respect for those who had as yet chosen not to sign the oath, and he selected his words carefully to promote the argument that there was "every thing to gain and nothing to lose" by accepting the "protecting arm and paternal care" which was theirs by joining the "great family of the American Union." Do not remain "subjects of a foreign power,"

¹¹⁰ *Florida Gazette*, September 1, 1821, unnumbered page.

urged the writer, rather let “every inhabitant, whether Spanish or American, unite heart and hand in promoting the improvement and prosperity of this town.”¹¹¹

Americanus then presented a list of economic reasons why all Floridians should join together in anticipation of prosperity. Soil, climate, culture and local industry were promising, he wrote, and all that was lacking was “a union of interests, of exertions, and of public spirit.” *Americanus* contrasted the prospects of a bright future for Florida with the former colony’s recent history, “This town has long felt the withering influence of the former government. Instead of growing in wealth and beauty, and becoming not only the busy mart of commerce, but the retreat of the opulent, the gay and the fashionable, a destiny which bountiful Nature seems to have intended; you have beheld it, for years, declining in importance, and finally sunk into neglect and almost ruin. Let us, at least, revive it – make it what it once was, if not better.”

Why would this writer, who did identify himself as an American citizen, or why would any new American immigrant who hoped to build a future in Florida, want the former Spanish residents to remain? Might they not prefer to take over all functions and enterprises and buy out Spanish interests at a discount? On this point, *Americanus* made a strong point, “You possess much the largest part of the real property.... It is your interest that every facility to commerce should be afforded – that every enticement to wealth and ease should be held out.” The Spanish, Minorcan and other free people of St. Augustine owned the lands and productive enterprises. They were the primary investors and possessors of labor. Capital might be transferred or replaced, but labor was lacking. For St. Augustine to prosper, it could ill afford to lose talent and labor. East Florida

¹¹¹ Ibid., “To the Spanish Inhabitants of St. Augustine,” September 8, 1821. Subsequent quotes are from this issue of the *Gazette*.

might attract enough capital for development, and over time might attract sufficient labor. But to clear the way for progress it was imperative that the existing population make a decision to leave or stay in order that the next stages could move ahead. This was a critical step in the economic subjection and control of the territory.

Americanus continued, predicting that prosperity would come not just from old industries. Food was abundant, although *Americanus* argued that they should grow more vegetables because “man cannot live on Oranges alone; they afford but a meager meal; and fish ought not to be our everlasting diet.” Citrus was a ready export for Florida, but *Americanus* had a much bigger vision. He concluded by enticing his readers to think of their city as a potential rival of Paris, Vienna and Madrid by arguing that coastal trade stimulated by development of the interior of Florida could make St. Augustine a major city. In six months a canal could be built from the St. Johns River to St. Augustine and thereby connect the port directly with the interior. “The ground is level and easily laboured,” he wrote. Do not wait for the backcountry to be settled and made productive, he urged, but get busy and create the infrastructure that will foster success. “What do we want then to make St. Augustine a rich and populous town? Nothing, I answer again, but public spirit and industry.”

Americanus thus made an eloquent argument for economic prosperity wedded to civic and national enthusiasm. Indeed, development of property and husbandry of the land was *Americanus*' chief reason to encourage the choice of citizenship for those residents who, as the article clearly states, “...possess much the largest part of the real property....” The key to prosperity, he argued, was property and its secure ownership and development.

Some Floridians who owned property and enjoyed free status under the Spanish government were excluded from the benefits of citizenship. In Florida, as in other newly added lands in the southern United States, most particularly Louisiana and later Texas, property owners were not all white. Florida's property owners had different languages, religions, ethnicities as well as skin colors, even if they were of European origin. Free black and mulatto property owners were a legacy partly of Florida's history as a refuge for escaped slaves, of Spanish and Catholic Church policies, and of mixed color families and kinship.¹¹² For these people, signing an oath of loyalty or a citizenship roster was not going to be their path to freedom, rights, security and economic benefits, but some of the old methods connected with family and kinship did continue to protect them.

Citizenship, lotteries and matrimony

The following week, for a fourth week in a row, the exchange continued in the *Gazette*. This time there was a most unusual reply to *Americanus*. It came from a witty and literate author who proposed issues deeper than property, enterprise and labor as the basis for standing in the community and the prosperity of the new Florida. Once again, the author remained anonymous, signing the article with the name *Hymen*, in reference to the Greek god of weddings and marriage, *Hymenaeus*.

This writer began with an expression of gratitude for *Americanus*' spirit of "joining heart and hand" with the Spanish inhabitants for "promoting improvement and prosperity." At this point, *Hymenaeus* offered startling advice: "It is universally

¹¹² Dylan C. Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2003). Penningroth describes how claims of kinship were an effective basis of property claims for many blacks in the south.

admitted that in all countries, the women have an irresistible influence in the arrangement of public as well as of private affairs. Now, my plan is no less than this: an immediate intermarriage between the Spanish Ladies and American Gentlemen, and vice versa, between the American Ladies and Spanish Gentlemen of St. Augustine. This would, at once, allay all irritation and jealousy that unhappily may have been excited, by a change in the government of the country.” He proposed that nothing could better advance the welfare of the community and heal past wounds, while securing kinship and brotherly love and subduing private interests, than immediate and large scale intermarriage among the populace.¹¹³

Hymenaeus proposed an aggressive timetable, perhaps to mimic the aggressive optimism of *Americanus*. The article recommended that even married men and women who have been absent from their spouses for six months should be declared instantly divorced so that they could remarry and support “...this important measure, so essential to the population, welfare and prosperity of this country.” A petition should be sent to Governor Jackson to secure approval for this “great public benefit.” The writer may have wished to impugn the governor’s reputation by the reference to the legality of Jackson’s own marriage, but there is no evidence of this nor do we know if Jackson ever saw this newspaper article.

The Florida territory might have already become a refuge for such cases, and *Hymenaeus’* suggestion may not have seemed entirely unreasonable for some residents.

¹¹³ *Florida Gazette*, September 15, 1821. All subsequent quotes are from this article. Authorship is unknown, but the writer was highly literate and familiar with the classics. It may be reasonable to make two guesses as to the writer’s identity. One would be Zephaniah Kingsley who had a black wife, mixed race children, and advocated for alternatives to biracial slavery. The other would be William Worthington, Secretary for East Florida, who, based on a reading of his letters and reports in the *Territorial Papers* was clearly a trained classical scholar and had a sense of humor.

A few years later, the United States Senate debated several bundled Acts regarding the territorial government of Florida, one of which was a provision revoking certain divorce decrees approved by the territorial governor. Several senators spoke during the debate, and Senator John Holmes of Massachusetts believed it “probable the individuals were men who had become dissatisfied with their wives, and had run away to Florida and got a divorce there, perhaps without their wives knowing it.”¹¹⁴

Evidently there were enough absent spouses in St. Augustine in 1821 for *Hymenaeus* to have conceived this notion, but he did not recommend hasty compliance with his plan. He advised some measure of care, “...no doubt, a reasonable time, say fifteen or twenty days, would be allowed for courtship – at the end of which period, all those who may have made no choice, should be held to draw lots, classing them, as nearly as may be conveniently done, according to age, and other collateral circumstances, of which his Honor the Mayor (if not at the time himself a party interested) should be the sole judge.”¹¹⁵

As the spoof continued, the writer expanded his parody about matrimony – and by implication about the next generation born to the resulting mix of couples – and linked it to patriotic duty, “Some trifling objections may possibly be made to my plan, by certain squeamish gentlemen and ladies, who have wives or husbands abroad, or in other parts of the United States; but it is a principle acknowledged among all real patriots, and a sound

¹¹⁴ *U.S. Senate Register of Debates*, Nineteenth Congress, First Session, May 1, 1826, 645. The context of the Senate debate on the Florida matter broadened to address with wisdom of federal intervention in contracts authorized under state jurisdiction, or in this case, a territory still under federal control. Senator Rowan of Kentucky said, “The moment that the marriage contract was declared to be within that clause of the Constitution which forbids any State passing laws impairing the obligation of contracts, the great depths of public repose would be broken up, and the judicial power would be increased to an extent almost inconceivable.” The tone of these words would apply equally to states’ authority over slavery.

¹¹⁵ *Op. cit.*, *Florida Gazette*.

maxim in government, that private feelings and attachments should always yield to the public good.”¹¹⁶

Hymenaeus concluded: “With regard to the unmarried, perhaps nothing could be more agreeable to them. The ladies and gentlemen of both nations have already had occasion to meet each other in society; and, if I am not mistaken, I have already perceived a strong partiality manifested by my fair countrywomen for the Spanish gentlemen. On the other hand, I must own, to my great mortification and disappointment, I have observed very little or no *penchant* on the part of the Spanish *belles* for the gentlemen from the States. However, by attention and kindness, all repugnance may be overcome.”¹¹⁷

Whether this was meant as a joke or not, two months to the day after the change of flags ceremony, the writer of this rather amazing statement proposed a far more fundamental solution to the citizenship question than just an appeal to property and venal interests alone. How did this point of view even occur to the writer? It could only occur to someone who appreciated and knew how intermarriage worked in other places, perhaps other Spanish American places, and the writer was likely someone who himself had kinship interests that crossed cultural or color lines. *Hymenaeus*' recommendation, tongue in cheek as it may have been, recognized gender, sex, color and generations as a long-term effective solution to the problem of color, loyalty, citizenship and freedom.

The article did not address economics or class directly, but *Hymenaeus*' words dealt a threatening blow to class status by the suggestion of a blind lottery. The writer went so far as to suggest that skin color, presumably within so-called racial bounds, was a

¹¹⁶ Ibid.

¹¹⁷ Ibid.

factor favoring the preference of “my fair countrywomen.”¹¹⁸ And how many of the Spanish “belles” he saw had African relatives? If *Hymenaeus* wrote this as a joke, his proposal was more potent than the military and legal methods that the United States used to regulate freedom and citizenship. Lotteries notwithstanding, this writer identified a profound truth in a way that only humor can express. Even in jest, the author recognized that the key relationship would be between the sexes and the generations; and, by extension, the deepest decisions ahead would swirl around gender, affection and the processes of relatedness.

Obstructions to such blending, acceptable enough perhaps among Spanish and Anglo community members, were formidable for those outside those categories. Did *Hymenaeus* suppose that Africans could participate in the lottery? This would be tantamount to ignoring the United States’ biracial system whereby people were classified as either white or non-white, or it would be something like recommending either a whitening process or a process that looked less toward color as a prohibition to citizenship. Such a system was practiced in the Caribbean and other parts of the Americas, and at least one prominent Florida planter, who had support from other whites, recommended it. The Florida borderland that was still in play at this time was perhaps best defined by the white patriarchy of the antebellum south. Color, as Spanish precedent illustrated, could be finessed, tolerated and utilized in the overall service of slavery. Or it could be quashed, as indeed it was in the United States. The arguments and advocates for

¹¹⁸ When used in an expression such as this, the term “fair” might refer to color and race, or it may refer to attractiveness, vulnerability or simply be a term of courtesy. Literary usage in the early nineteenth century suggests this term might carried either meaning. The use of “belles” as the modifier of Spanish women suggests the intended meaning was more to attractiveness than to color, but skin color might influence what was attractive. According to the *Oxford English Dictionary*, “fair” derives from “flaxen,” meaning light in color.

this are the subjects of a subsequent chapter. Resistance to white patriarchy which was not in the service of slavery came from the Indian-African alliances of the Seminole who did not compromise over liberties. Indians and escaped slaves knew best what to expect from whites, as their prolonged resistance attested.

Color, race, and subjection of the borderland

In Spanish Florida, color alone did not exclude a person from freedom or citizenship, though color was an indicator of a person who may have fewer rights. The biracial system that developed in British North America and that continued in the United States meant that people were considered as only white or not white. Even though slavery in Spanish America and the Caribbean was as fixed as it was in North America, the systems of race and color were more flexible. In the biracial United States, whiteness was something that could only be lost through miscegenation. Under Spanish colonial and Catholic church law, whiteness could be created through the same process of sex between people of different colors. In the United States any degree of discernable African or Indian parentage defined that person as non-white and subject to laws written to preserve the citizenship and freedom of property owning whites.¹¹⁹

¹¹⁹ For a discussion of whiteness, see Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940* (New York: Pantheon Books, 1998). Hale's study focuses on the era of legal segregation, whereas during late Spanish colonial America and early Territorial Florida the concepts later associated with whiteness as a claim to power were not as subtly articulated because slavery was still legal. At the outset of the Atlantic-American enterprise, inferior status was linked with religious, cultural, national and technological distinctions. Color and race were secondary to these or perhaps completely detached from them. The significance of color became a function of these other differences. Hale argues that the condition of slavery intensified blackness as a proxy for inferiority that had theretofore existed, less intensely, as a distinction about religion and culture. Also, Winthrop Jordan, *White over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968); Joel Williamson, *The Crucible of Race: Black-White Relations in the American South Since Emancipation* (New

In the United States of 1821 , whiteness alone was not a lowest common denominator for citizenship and political rights because whiteness by itself did not convey political rights. Gender and property holding were also barriers to political participation. Women were excluded from political and legal rights. However, only white women could produce white children, and any non-whiteness in a female eliminated her from the pool of white motherhood. Therefore, gender was central to the calculus of whiteness, citizenship and freedom. Anxiety about controlling cross-color attractions was a feature peculiar to this and other borderlands.¹²⁰

Defining acceptable female whiteness was a vital variable, although it was treated somewhat differently in Spanish colonial America than it was in the biracial society of North America. Even though the comment was not necessarily about color, *Hymenaeus*' parody asked St. Augustine residents to acknowledge the attraction of "my fair countrywomen" to Spanish gentlemen and the corresponding lack of reciprocal feelings of the "Spanish belles" for the American men. This distinction was based on language, religion, national heritage and may have been a reference to color. Intermarriage would build future generations who would blend current factions and foster a process something like creolization. Creolization as it occurred in the Caribbean and its broader implications for color mixing and for increased liberties for people of color were a direct challenge to the United States' sense of how best to promote life, liberty and happiness for the white majority in the 1820s.

York: Oxford University Press, 1984); and, Nicholas Hudson, "From 'Nation' to 'Race': The Origin of Racial Classification in Eighteenth-Century Thought," *Eighteenth-Century Studies*, 29:3 (1996) 247-263. James Weldon Johnson's novella, *The Autobiography of an Ex-Colored Man* (Boston: Sherman French & Co., 1912) and Alain Locke's *The New Negro* (New York: A. and C. Boni, 1925) contain excellent discussions of whiteness in later nineteenth-century American society.

¹²⁰ Weber, op cit., 336-337. For discussion on the relationship between gender and race in the development of North American slavery, see Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996) 14.

The soldier who thought that creole populations were “listless and effeminate” would disagree with *Hymenaeus*’ suggestion about intermarriage as a solution for citizenship and for healing border differences. *Hymenaeus* turned things upside down, for Americans such as him, with the threatening notion that white women were attracted to the “Spanish gentlemen.” Color and gender as a proxies for national virility – and therefore with sexuality – could not be separated anywhere in the slave south, and it was even more complicated along the Spanish borderlands.¹²¹

Spanish America had a different system of rights and liberties associated with a person’s color. The last baptism certificate in Spanish Florida is a good example. On July 8, 1821, Father Juan Nepomuceno Gomez baptized Jose Pablo Juan Dupon, “*un niño de color pardo libre*,” a free person of color. The child was born the 20th of December the year before to Clarisa, a *parda*, or mixed race slave of Don Pablo Dupon who operated a brokerage business in the city.¹²² The priest took care to parenthetically emphasize the boy’s free status, inserting the words *pro haber sido liberado á en nacimiento*, indicating that by virtue of birth, Jose was free born. Given his mother’s enslavement, free birth likely indicated his father’s status. One week later, the first baptism in American Florida was performed, on July 15th, for Anselmo Segui. He was a two year old child “*de color moreno*,” or a colored person and the son of two slaves of Don Bernardo Segui. Since Anselmo was born a slave, there was no clarifying additional statement to the contrary about his status.¹²³

¹²¹ See Juliana Barr, “A Diplomacy of Gender: Rituals of First Contact in the ‘Land of Tejas,’” *The William and Mary Quarterly*, Vol. LXI, No. 3, July 2004, 397-401, also n. 7, 8 and 13 for bibliographical references.

¹²² *Florida Gazette*, September 8, 1821. Bilingual advertisement under Dupon’s name for sale of “...lands, lots, houses, slaves, etc. The office will be in the store occupied by Charles Robiou, esq.”

¹²³ Baptismal records of the Cathedral-Basilica of St. Augustine, 1821, on microfilm at the St. Augustine Historical Society. Baptisms after the Spanish period ended became less detailed in descriptions of the

Both documents mention the color of the children, and both use specific terms of gradation of color. Moreno, pardo, mulatto, quadroon, octoroon indicated degrees of color or whiteness, depending upon known or presumed parenthood. Mixed color implied not only miscegenation but might suggest illegitimacy, or bastardry, which carried a social marker and created a legal barrier. Ann Twinam shows that rates of illegitimacy in the eighteenth century in the British America and Europe were half to a third lower than those in Spanish America, and she concludes that the larger population of Indians and higher percent of Africans in parts of Spanish America accounted for the greater mixing of people and consequently the greater use of degreed terms to describe color. It would also be due to the lower presence of white women in colonial Spanish America. Twinam's data is from the *audiencias*, or jurisdictions, that reported to Mexico City, which did not include Florida, but one might assume that similar patterns existed in *audiencias* that reported to Havana. Twinam also attributed the lower degree of race mixing, or a lower acknowledgement of mixing, in English America to an "anti-assimilationist mentality."¹²⁴

Spanish law included a mechanism to create whiteness and citizenship even when parentage was unknown. Twinam studied court cases involving requests for *gracias al sacar* or official legitimization of one's birth and heritage. Such *cedulas* or grants of *gracias al sacar* legally removed the taint of illegitimacy and could enhance social mobility and economic prospects, not just for the litigant but for the marriage prospects

color and status of the parties. Baptisms at the Episcopal church in St. Augustine were also much less detailed.

¹²⁴ Ann Twinam, *op cit.*, 10-11. For a discussion of Creoles, see David Buisseret and Steven G. Reinhardt, eds., *Creolization in the Americas* (College Station: Texas A&M University Press, 2000). The term "Creole" does not refer to color or race but to nativity and parentage and is often used as in descriptions of acculturation.

of their offspring. These documents were a way of purchasing legitimacy. In her study, Twinam noted that fewer were issued toward the end of the eighteenth century, presumably as a reaction by colonial elites against mobility from below. However, her study notes that in cases of indeterminate parentage, a royal decree of 1794 stated that if there were a question as to an individual's "quality," meaning race or legitimacy status, he or she would receive the benefit of doubt.¹²⁵

Distinctions based on color nonetheless carried great weight in Iberian America. Twinam makes the point that legitimacy, and its connections with presumptions based on color, was vitally important in Spanish American society. However, it does seem that racial differences between potential marriage partners mattered less in Spanish than in British America. There is as yet no similar study of grants of *gracias al sacar* for Havana, Santo Domingo or Florida, but Jane Landers cites one in an example from Spanish East Florida. In 1795 a white doctor received permission to marry the mixed race daughter of St. Augustine resident Francisco Xavier Sánchez and a mulatto South Carolina mother named María Beatriz Piedra. The marriage was approved after Governor Quesada issued a *gracias al sacar* that legally elevated the bride to a status that made marriage acceptable. Three months later, Sánchez' second daughter married under the same conditions, having also received a *gracias al sacar*. Seven years later, a third Sánchez daughter received the same legal dispensation and permission to wed.¹²⁶ Such

¹²⁵ *Ibid.*, 15-24. Twinam argues that the royal decree had revenue generation as part of its purpose. Applicants for *gracias al sacar* paid a fee.

¹²⁶ Landers, *op. cit.*, 128-129, 151. For the history of interracial marriages in North America, see Winthrop Jordan, "American Chiaroscuro: The States and Definition of Mulattoes in the British Colonies," *William and Mary Quarterly*, 3rd series, XIX, 1962, and David H. Fowler, *Northern Attitudes Towards Interracial Marriage: Legislation and Public Opinion in the Middle Atlantic and the States of the Old Northwest, 1780-1930* (New York: Garland Publishing, 1987) 23-220; and, Mark M. Carroll, *Homesteads Ungovernable: Families, Sex, Race, and the Law in Frontier Texas, 1823-1860* (Austin: University of Texas Press, 2001) 15-16.

measures for official change of race were not used in British North America and the United States where there was no legal bridge between white and non-white.

Spanish legal devices such as the *gracias al sacar* and the two baptismal records bridging Spanish and American Florida help to illustrate how Spanish America differed from Anglo America in defining rights associated with a person's color. Sometimes, the Catholic church affirmed the status of its members. *Cedulas* were granted by civil authorities, but the church also had a role in mediating the rights of citizens within Spanish society and within the citizenship process. Church documents affirmed legitimacy, and these documents served a social as well as religious purpose by recording terms describing color, free status, and parental and godparent links. When Florida became part of the United States, a religiously disestablished nation, church law and precedent became moot. In fact, for a short time the United States government seized church property in St. Augustine.¹²⁷

Terms such as mestizo, mulatto, quadroon, octoroon, pardo, moreno, are themselves a reference to sexual contact, through choice or force, between men and women of different colors. Phenotypic variety was a living visual reference to sex between women and men. There were numerous mulattoes in the upper south, and the large majority of them were the children of black and mulatto mothers who were subjected by white fathers. However, a full accounting of their parentage was denied, as was the interracial sex that had created them, by the biracial system that classified them as black.

¹²⁷ See Frank Tannenbaum, *Slave and Citizen: The Negro in the Americas* (New York: Alfred A. Knopf, 1947) 3-9, for a seminal discussion of Iberian America's tolerance of the whitening processes.

Color in the Spanish borderlands was more fluid. In Spanish borderlands, the meaning of color, and therefore sex between colors, had social, legal and religious sanctions for the resulting multi-colored populace. There was certainly no racial or gender equity in these lands, but there were differences in ways that gender and color were understood. Juliana Barr studied early contact between Indians and whites in Texas, and she claimed that relations remained on equal terms until whites created hierarchies of subjection based on race or the presumed inherently inferior qualities associated with color.¹²⁸

Florida was not just a long-lived borderland between British and Spanish America, but also between the United States and the Caribbean. It was also a borderland between multi-racial and biracial Americas, with its respective color and gender implications, and where race was less tied to slavery. It was also a volatile Indian borderland. It is not surprising, therefore, that the United States military asserted power in Florida through gendered language, symbolism and actions. As he had in his prior dealings with Spaniards, Indians and Africans, Andrew Jackson pursued a model of harsh subjection. In the War of 1812, the Creek War, the First Seminole War, and as a slaveholder, Jackson asserted that the best interests of American liberty was the exercise of unquestioned authority and use of force to take away the virility of Indians and Africans. On the other hand, he represented a part of the country that was particularly sensitive to threats to white control, and throughout its history Spanish Florida had been a challenge to the racial and gender constructions of Anglo North America.

¹²⁸ Barr, *op cit.*, 400.

CHAPTER IV

OPPORTUNITIES IN A CARIBBEAN PLACE

Borderland or profitable periphery

If looser Spanish-American definitions of color, race and gender were more persistent and harder to subdue, Florida's economic and commercial development were where newly arriving Americans could make quicker headway. Therefore, a primary process in the Americanization of Florida was via commercial development by attracting investment, new populations and by building on the commercial ties that already existed with Charleston, the Caribbean and other United States ports.

Americanus boasted that St. Augustine could become as important as Paris, Vienna or Madrid. Such was the enterprising imagination of the incoming Americans. The economic expansion after the War of 1812 ended with the Panic of 1819. Optimistic lending funded speculative investments until international creditors and eventually the Bank of the United States contracted their credit and other forms of promises-to-pay. Although the panic slowed the climate of speculation by the time Florida became a territory, promoters were still excited about creating a viable economic success in Florida where previous efforts had failed.

Or had they failed? A major item of ongoing research is the question of the economic vitality of colonial Florida. In their works on First Spanish Period, British Period, and Second Spanish Period, respectively, Amy Turner Bushnell, Daniel Schafer and James Cusick show that Florida was not economically feeble. Bushnell extensively analyzed the Spanish *situado* or support payment system for military posts and found that as a royal colony that was not administered as part of New Spain but rather governed directly from Madrid, Florida was able to feed itself and did engage in a frontier exchange economy with Indians via their mission system. Still, it needed royal subsidies to pay salaries to the garrison and governing officials. Its origins were the result of royal sanction given to an individual, Pedro Menéndez de Avilés, to eliminate French corsairs. Early Florida was not under the control of a viceroy in either Mexico City or Santo Domingo. For these reasons, Bushnell writes, “Florida was an exception to other Spanish colonial development. It was founded for dynastic prestige, and for that reason it was maintained at a cost out of all proportion to benefits received. The colony did not mature beyond its initial status of captaincy general. It was a perennial military frontier that was never, under the Hapsburgs, absorbed by another administrative unit.”¹²⁹ Bushnell’s study of early Spanish Florida came to two strong conclusions: “...the economy of Florida never approached that of a settled, populous or productive region,” and, “There should have been no Spanish colony in Florida.”¹³⁰

According to Bushnell, Spanish Florida is a sea-border rather than a land-border. Spanish connections to Florida were strictly by sea. This remained true even to the end of the colonial period. The British trading firm of Panton, Leslie & Company established

¹²⁹ Bushnell, *The King’s Coffer*, 6. After the last Hapsburg king, Charles II, died in 1700, the administration of Florida was reorganized and placed under Havana.

¹³⁰ *Ibid.*, 7, 137.

interior trading posts, yet no overland connection existed between the two major population centers at St. Augustine and Pensacola except those used by Indians. Spanish contact, and all primary European and United States contact, with Florida was by sea.¹³¹ After 1821, this was a source of United States' worries that Florida's sea connections could be a source of danger if successful rebellious slave rebels in the Caribbean infiltrated the southern United States through Florida.

Schafer studied British Period plantations and found that despite notable failures of the Turnbull plantation at New Smyrna and another one at Rollestown on the St. Johns River, many British era planters and enterprises were profitable or promising by the time of retrocession to Spain. His research on Florida's British plantations comes to more positive conclusions about economic viability and future prospects than other scholars.¹³²

Partly as a result of the British Period and the American Revolution, the Second Spanish Period was more economically vibrant. The leadership cadre of Florida's Second Spanish Period came from Havana where they witnessed lively and open trade during the British occupation of Cuba. Spanish authorities expanded St. Augustine's commercial ties to the United States and encouraged trade with American ports to the north, chiefly Charleston.¹³³ In the interior, a frontier exchange economy was significant,

¹³¹ Bushnell, *Situado and Sabana: Spain's Support System for the Presidio and Mission Provinces of Florida* (Athens: University of Georgia Press, 1994), and Bushnell, "Borderland or Border-sea? Placing Early Florida," *The William and Mary Quarterly*, 3rd series, Vol. 60, Issue 3, July 2003.

¹³² Daniel L. Schafer, op cit., "'A Swamp of an Investment'" in Jane Landers, ed., *Colonial Plantations and Economy in Florida* (Gainesville: University Press of Florida, 2000) 11-38 and 98-120; Schafer, "New World in a State of Nature: British Plantations and Farms on the St. Johns River, East Florida, 1763-1784," *Florida History Online*, web source <<http://www.unf.edu/floridahistoryonline/Projects/Plantations.html>>; Bernard Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York: Knopf, 1986) 434, 442. Bailyn's argument was repeated in David Hancock, *Citizens of the World: London Merchants and the Integration of the British Atlantic Community, 1735-1785* (New York: Cambridge University Press, 1995) 160-170. Schafer argues, with strong evidence, quite the opposite.

¹³³ James Cusick, "Across the Border: Commodity Flow and Merchants in Spanish St. Augustine," *Florida Historical Review*, Vol. 69, January 1991, 227-299. Cusick studied shipping to the port of St. Augustine

especially during the active mission period of the late seventeenth-century and later under Pantón, Leslie & Company, but the Spanish did not utilize overland interior trade with Indians as a strategic component of colonial expansion to the same degree as the English and French. From the Spanish perspective, Florida's frontier exchange economy primarily served the urban centers rather than a growing colonial population in the interior.

A dynamic market economy linked St. Augustine's Minorcans with the United States during the Second Spanish Period. James Cusick found that by the time of the American cession, a well established merchant trade had been established between Charleston and East Florida.¹³⁴ The economic development of coastal and tidewater Florida during the Second Spanish Period began about the same time that significant transitions in American enterprise were also underway. According to Freyer, the latter part of the Second Spanish Period covered those decades when the United States was moving away from a mercantilist economy and toward a liberal capitalist model. The social structure created by liberal capitalism offered new ways for the middling class to prosper relative to the most wealthy and the most poor, "Manipulative finance capitalists were above and dispossessed paupers were below a moderately prosperous middling class of independent producers."¹³⁵ *Americanus* represented those producers, investors and planters who saw Florida in just this way.

during the Second Spanish Period and documented strong ties to Charleston and other American ports, although Havana remained St. Augustine's second largest single trading partner behind Charleston.

¹³⁴ Ibid; also, Cusick, "Ethnic Groups and Class in an Emerging Market Economy: Spaniards and Minorcans in Late Colonial St. Augustine," PhD dissertation, University of Florida, 1993; and, Cusick, "Spanish East Florida in the Atlantic Economy of the Late Eighteenth Century," in Landers, ed., *Colonial Plantations and Economy in Florida*, 168-188.

¹³⁵ Tony A. Freyer, *Producers and Capitalists: Constitutional Conflict in Antebellum America* (Charlottesville: University of Virginia Press, 1994) 15. According to Freyer, this period covered those decades when the United States was moving away from a mercantilist economy and toward a liberal

Unlocking the economy

Governor Jackson was correct that in 1821 the territory was already oriented to the United States in an economic sense. Florida's port towns retained much of their former cultural and social characteristics, but economic prospects in the interior attracted large numbers of newcomers. Middle Florida had rich cotton-producing land that was part of the southern extension of the black belt soil of central Alabama. The inflow of whites and Africans to this region soon exceeded the populations of St. Augustine and Pensacola, and by the second decade of the territorial period the center of political power shifted to from the old Spanish urban centers to Middle Florida. In addition to cotton, lumbering and naval stores attracted capital investment in facilities for milling and refining. Citrus and general agriculture attracted others. The climate favorable to convalescing invalids brought others to Florida for relief from northern winters.

Obstacles that blocked the paths to economic growth included Indians and maroon blacks who occupied desirable lands, hot growing seasons that overwhelmed European workers, infertile or swampy lands, yellow fever, malaria and other subtropical diseases. Americans came, but the population tables show that Florida remained the least populated, by far, of all the southern states. Appendix A, tables A-6 to A-8, show that the population increases in East and West Florida were much slower than Middle Florida, and the reason was cotton. Without the attraction of cotton that brought so many Americans into Middle Florida, and the consequent Indian removal from that region, the

capitalist model. The social structure created by liberal capitalism offered new ways for the middling class to prosper relative to the most wealthy and the most poor, "Manipulative finance capitalists were above and dispossessed paupers were below a moderately prosperous middling class of independent producers."

territory would not have become a state until long after 1845. During initial negotiations with Indians about the land, Florida's second governor, William P. Duval admitted, "...I have little doubt it is the richest and most valuable part of all Florida – in fact there are no bodies of good land in either East or West Florida but in that region of the country – It will be a serious misfortune...if the Indians are permitted to occupy this tract of country...."¹³⁶

Duval took a pragmatic approach to the Indians, and a year later he was still reluctant to disturb them during treaty negotiations, "...they are scattered over the greatest part of the Territory, and since my arrival here not a day has passed in which several have not been in town, they are constantly coming and going, and almost always call on me. The Spanish governors invariably treated them with great respect and ceremony, as they dreaded giving the slightest offence, and I deem it prudent not to make any change in this intercourse until after the treaty."¹³⁷ The governor's words came just prior to negotiation of the Treaty of Moultrie Creek which moved Indians from Middle Florida to peninsular East Florida.¹³⁸

As for American expectations about Florida's economic value, United States Attorney for East Florida Alexander Hamilton, son of the Federalist leader, included this insight in an 1822 report to the Secretary of State, "The capability of this Country to produce the most valuable subjects of Culture, the sugar cane, the best sea Island Cotton, the Cuba Tobacco and all the tropical fruits, including the olive, with Oranges Limes and

¹³⁶ *Territorial Papers*, "Governor Duval to the Secretary of War," September 22, 1822, XXII, 522.

¹³⁷ *Ibid.*, "Governor Duval to the Secretary of War," September 2, 1823, XXII, 733.

¹³⁸ For an analysis of the economic development of the broader Gulf region and its link to the expansion of slavery in the territories and into Central America, see Kimberly Ann Lamp, "Empire for Slavery: Economic and Territorial Expansion in the American Gulf South, 1835-1860," PhD dissertation, Harvard University, 1991.

Lemons in great abundance and of superior quality calls for the most efficient and fostering attention. The salubrity of the climate is unquestionable, notwithstanding the extraordinary malady in Pensacola this year and in St. Augustine the last....”¹³⁹

Territorial surveyor Robert Butler added that there were ample good lands in East Florida that were, “destined to yield independence to the industrious Husbandman.”¹⁴⁰

During the two Spanish eras, sugar was imported from plantations and production facilities in Cuba, and in the British period sugar had been commercially produced at Turnbull’s New Smyrna plantation. In 1832, a traveler who had seen sugar cane growing in Louisiana compared Florida favorably for the production of sugar and also mentioned the ongoing problem of perfecting land titles with respect to former Spanish and British era claims: “I have within the last six or eight months passed through that section of the state in the highest state of cultivation, and have examined several large sugar estates, and am more fully convinced that there is, a good deal of the lands of Florida, that are fully equal and the climate very superior, to the lands and climate of this state. After adjustment of the land claims (if this long long [*sic*] hoped for event should ever take place) we shall want nothing but for capital and experience, to make East Florida a most

¹³⁹ *Territorial Papers*, “Alexander Hamilton to the Secretary of State,” December 15, 1822, XXII, 580-582. In April 1822, Hamilton became one of Florida’s federal attorneys. The memorandum quoted included Hamilton’s opinion that Roman Catholic church property should be confiscated since it had been obtained with Spanish royal funds and was therefore government property. The United States seized church property after the cession, and possession was debated until an Act of Congress on February 8, 1827, confirmed parochial ownership based on the reasoning that it had been obtained by a grant from the Spanish king to the Roman Catholic congregation of St. Augustine and was therefore valid property of the citizens. Hamilton eventually served as a land commissioner but resigned after being accused of influence peddling and of improperly tampering with voters. See *ibid.*, “Alexander Hamilton to the President,” May 25, 1824, 944-950. Hamilton family connections with the Caribbean may have influenced him to seek office in Florida, but he did not endear himself to the Spanish population of East Florida. His disputes with local citizens escalated, and Hamilton finally wrote to the president, “Permit me to add that this is a most despicable community. I mean the inhabitants of St. Augustine—” *Ibid.*, “Alexander Hamilton to the President,” June 24, 1823, 708.

¹⁴⁰ *Territorial Papers*, “Robert Butler to George Graham,” July 24, 1825, XXIII, 286.

desirable country, for those who wish to engage in the culture of the sugar cane....”¹⁴¹

Although advertisements for crops of sugar cane were in St. Augustine newspapers, sugar was not widely produced again until the 1850s. In 1824, Governor Duval traveled through the interior of Florida and wrote, “The interior is, in my opinion, the most valuable Southern Country I have ever seen....This region produces Sugar Cane and Sea Island Cotton in greater perfection than any other part of the Southern Country. The lands are uncommonly rich, and finely watered. The face of the country is generally rolling, and in some parts mountainous.” His comment about mountains either discredits the entire account or speaks to the governor’s lack of experience in them.¹⁴²

Sugar production was high on the list of products that the new American Florida might produce. An 1823 report from the St. Augustine custom house noted that sugar imports had cost East Floridians \$6,995 for the year and molasses, a derivative from sugar cane processing, had cost another \$7,637. “How can we expect any thing but an absence of money, when it is sent abroad for the purchase of that which our own soil will produce, with a little energetic industry.” Florida’s territorial representative to Congress, Joseph M. Hernandez, pressed for Congressional approval of financial support for a nascent sugar enterprise in Florida. His Bill failed, and in a report to his constituents in Florida, Hernandez wrote, “It is said that to lay Florida open would interfere essentially

¹⁴¹ Gordon Patterson, “Raising Cane and Refining Sugar,” *Florida Historical Quarterly*, Vol. 75, spring 1997, 412; *East Florida Herald*, microfilm, P.K. Yonge Library, University of Florida, Gainesville, November 18, 1830 and January 26, 1832. In 1826, citizens of St. Augustine petitioned Congress for a federally granted and funded corporate monopoly to create a sugar mill. Funding of twenty-five thousand dollars was requested. Congress acknowledged that it had the right to create such a monopoly but deferred authority and funding to the discretion of the territorial legislature, noting that such a federal precedent might confer benefits out of balance with the right of states. This petition indicates that private capital was lacking for the project, that monopoly powers would be necessary, and that the territorial legislature was likely unsympathetic. *Territorial Papers*, “Report of House Committee on the Territories,” February 23, 1826, XXIII, 448-449.

¹⁴² *Territorial Papers*, “Governor Duval to the Secretary of State,” February 13, 1824, XXII, 848.

with western land speculators. But look at the facts. Not an individual who would advance the sugar culture, and who would feel inclined to purchase lands in Florida for that purpose ever thought or ever would think of making investments in western lands, and of emigrating there. It is principally from South Carolina and Georgia that our strength will be derived; and a Georgian, nor a Carolina planter, would never feel himself content to settle down as a western farmer.” A soldier visiting a plantation during the Second Seminole War said the sugar boiler was an Englishman from Jamaica who spent three months each year making sugar in Florida. Here is more confirmation of economic coordination and dependence based on a Caribbean model of production.¹⁴³

Immediately after the cession, St. Augustine’s newspaper carried advertisements that evidenced a wide variety of the town’s economic activity. During the last six months of 1821, ads appeared for new stores and businesses offering an abundant variety of goods and services. After each ship arrival, store ads encouraged readers to examine newly arrived items from New York or Charleston. Dry goods, bakeries, millenary, and coffee shops and reading rooms, auction houses, jewelers, grocers, wine and liquor purveyors, attorneys, land brokers, doctors, private schools eagerly purchased space and appealed for public patronage. The robust list of dry goods was indicative of a thriving sea port whose economy was stimulated by imported luxury items. Certainly no local manufacturers were capable of producing the range of fabrics advertised: osnaburgs, calico, madras, cambric and jaconet muslins, Nankeen crape dresses, silk handkerchiefs, nor the window glass, hardware, furniture, spices, saddles, firearms. Most frequently advertised were an extensive variety of liquors, “the best of malt and spirituous liquors,” including Jamaica rum, Holland gin, red cognac brandy, boxed cider, Maderia wine,

¹⁴³ *East Florida Herald*, March 1, 1823, and March 8, 1823. Bemrose, op cit., 33.

claret wine, beer, and whiskey. Liquor was generally offered for sale in locations separate from those that sold fabrics and dry goods meant to appeal to women.

One week there was an ad for a billiard table, and the next week the Florida Coffee House and Reading Room advertised: “Ede van Evour & Co. respectfully inform their friends and the public in general, that the above establishment is now opened for the reception of those gentlemen who may favor them with their company. The Reading Room is supplied with the principal papers in the United States, and their bar will always be furnished with the choicest of wines and liquors. There is connected with the establishment an elegant billiard table, which will be properly attended to.”¹⁴⁴

If wagering on billiards was a popular way to win or lose money, there was still a remnant of medieval command economy in St. Augustine to protect the price of bread. The city had an assizes on bread, a regulation to ensure that bakers produced loaves of bread with comparable ingredients and a common weight. On December 1, 1821, the *Florida Gazette* published Ordinance number nine: “For the purpose of enabling the City Constables to carry into more complete effect the Ordinance respecting the Assize of Bread, Be it ordained, that whenever any constable shall demand admittance into any bake house for the purpose of examining into the quality or weight of bread, or in attempting to seize on any bread offered for sale within this city, by any baker, contrary to the ordinance, shall be hindered or opposed in the performance of their duty, the person or persons so opposing them in the discharge of their duty, as aforesaid, shall be fined in a sum not more than Twenty Dollars, not less than Ten Dollars, in addition to the

¹⁴⁴ *Florida Gazette*, July 28, 1821. The survey of advertisements and products was taken from the weekly issues of the *Gazette* published between July 21, 1821, and December 22, 1821. Some ads were printed in both English and Spanish. Not all issues are extant. They are available on microfilm from various archival sources, including the P. K. Yonge Library of Florida History at the University of Florida, Gainesville.

penalty imposed by the Ordinance establishing and regulating the Assize.”¹⁴⁵ Each week, the allowable price of bread was in the newspaper.

Advertisements reflect the urban nature of slavery in St. Augustine. There were frequent ads announcing runaway slaves and slave auctions. Auctioneer A.H. McGilvary, a South Carolina native, advertised, “Several very pleasantly situated houses and lots, in the city, and several Plantations near town. Also a good light Carriage and Harness, one likely Negro Boy, about 16 years old, and several good draught and saddle horses.”¹⁴⁶ Bernardo Segui, a native of Spain and one of the members of the St. Augustine city council who refused to take the loyalty oath, paid for an ad that read, “The subscriber has a Negro boy of 9 years of age and a girl of 7, which he wishes to exchange for a good house servant, accustomed to cooking and washing.”¹⁴⁷ Another human-for-sale ad read, “For Sale. A Negro wench, warranted to be sound, sober and honest – an excellent cook, washer and ironer, and the only fault she has is running away. To avoid trouble the price is four hundred and fifty dollars, cash. N.B. To a planter who has a family she would be invaluable.”¹⁴⁸ A slave named Milly did run away, and perhaps only this ad gave her name to historians, “Ran Away. From the Subscriber, on the 12th inst. A Negro Wench, named MILLY. Had on when she went away, a blue and white plaid home-spun Frock, and plaid Handkerchief. She is about 5 feet 6 inches high – very plausible in speech. A reward of Five Dollars will be given for her delivery to the Subscriber. All persons are forbid harboring her, and masters of vessels are cautioned

¹⁴⁵ Assize notices were still printed in the *Gazette* as late as April 8, 1829.

¹⁴⁶ Ibid, July 28, 1821. *Territorial Papers*, “Register of Public Officials of East Florida,” February 1, 1822, XXII, 361, record McGilvary’s birth place and his subsequent resignation as an auctioneer, which was a public office.

¹⁴⁷ *Florida Gazette*, September 1, 1821.

¹⁴⁸ Ibid, December 1, 1821.

against taking her out of the city.”¹⁴⁹ In the above respects, St. Augustine was like any other southern port town in the United States.

Andrew Anderson, a New York doctor and entrepreneur who relocated to St. Augustine wrote a letter to his brother in New York in which he described the range of opportunities in East Florida. He appeared to be always on the lookout for business opportunities. He and his brother kept an account for selling goods back and forth between St. Augustine and New York. After noting that his store of corn and oats might soon spoil, Dr. Anderson wrote that the increased presence of the military at the beginning of the Second Seminole War would not help him sell his inventory because, “U Sam” buys by the shipload, not from local small providers. He gave his brother the price of milled pine flooring in Florida to see if it could be sold at a profit in New York, mentioned a mutual investment the brothers had in a bank, and reported on garden produce at the end of the growing season. Asparagus, potatoes, peas, carrots, turnips, corn, watermelon and grapes from root stock sent by his brother, Smith Anderson, all thrived. Smith also sent moths for producing silk, and Andrew reported they were doing well and that he intended to sell them in the hopes that the territory would become a major producer of raw silk. In a spirit of resourceful commerce and boosterism, Andrew noted that the only thing lacking for success in East Florida was confidence. However, he also noted that if rum were banished everyone in St. Augustine would die of starvation, “...for we are the laziest pack in christendom...”¹⁵⁰

Citrus was a prime enterprise in East Florida, and varied other crops grew in the lands along the St. Johns River. In 1832, an American military expedition on the river

¹⁴⁹ Ibid, September 15, 1821. This ad was paid for by John Gyles.

¹⁵⁰ SAHS Manuscript Collection 10-20. Letter of Andrew Anderson to Smith W. Anderson, April 14, 1836.

described agricultural conditions: “The country...is miserably poor, in fact it is nothing but sand with indifferent Pines, Palmetoes, and a few Cypress swamps. The trees of which are quite small & consequently useless [for naval ship masts]. The lands on the margin of the St. Johns...are of a very light, but often rich soil, and are principally cultivated for the growth of sugar, with numerous groves of orange trees, of superior quality. But the planters have adopted, and (with few exceptions) continued to pursue a most ruinous system, they clear as much land as their force can work, and without aiding or strengthening the soil, they continue to plow it for 2 or 3 and sometimes 4 years, by this time it can yield no more, it is then deserted and another spot is cleared & cultivated in the same manner, as the Planters say, it is less expensive, to clear one year than manure 3 or 4.”¹⁵¹ In this observation, Florida growers followed a typical southern pattern of settling then moving when the land became less fertile.

Economic opportunities abounded, but investors required safe, legal and physical access to land. Safe access required accommodation with Indians and confidence that slave rebellions would not infiltrate Florida from the Caribbean. Legal access required resolution of land grant claims and ownership rights. Physical access to the land required an infrastructure beyond ocean ports and waterways.

Infrastructure

The territory was hardly developed, from an American point of view, even after centuries of European life in Florida. At one time, overland routes linked the Spanish

¹⁵¹ William P. Piercy, “Letters Received from Commissioned Officers Below the Rank of Commander and From Warrant Officers,” 1802-1884, roll 75, record group 45, National Archives and Records Service, Washington, DC, as cited in *The East-Florida Gazette*, St. Augustine Historical Society, May 2003.

missions, but in 1821 no road connected St. Augustine and Pensacola. The distance between the two colonial capitals was four hundred miles, but the only overland route meandered north into Georgia over a total distance twice that far. Water travel was the only viable mode for whites, a necessity which emphasized not only the sea link between Florida and the Caribbean and Atlantic but the ongoing sense that Florida was itself a part of the Caribbean.

During much of its colonial period, Florida extended to the Mississippi River and was strategic not just for its Atlantic position alongside the Gulf Stream but perhaps more for control of all waterway access from North America to the Gulf of Mexico. An 1812 newspaper article described East Florida as “little better than a wilderness,” however, “It is nevertheless of immense importance to the United States, being from its peculiar situation, well calculated to give security to the Commerce between the Atlantick and Western States, and may be considered one of the main keys to the trade of the Gulf of Mexico.”¹⁵² Regardless of the long term economic viability of the territory, the Florida peninsula and coastline were strategically vital. An early naval mission to Key West headed by Matthew Perry, associated with the forceful opening of Japan in the 1850s, reported that its location was an excellent rendezvous point for warships and favored the island as a commercial connection between Cuba and Louisiana. The report added, “Heretofore the Florida Keys have been the resort of smugglers, New providence wreckers, and in fact of a Set of desperadoes....” Perry recommended building lighthouses because, “Numberless are the Vessels, and lives, that have been lost on this treacherous Coast....” But his principal argument to the Secretary of the Navy was about national security, “...I have looked to a period when our country shall be engaged in a

¹⁵² “The Floridas,” *Massachusetts Spy*, May 20, 1812, reprinted from the *Georgia Argus*.

war with Some great Maritime State – and when the undisputed possession of the Florida Keys will be a matter of great importance, as it will insure the undisturbed Navigation...and will Prove a check, on the vast resources of the Island of Cuba – vast indeed, if [it were to become] possessed by the enterprising Government of Great Britain.”¹⁵³

Also for national security, the legislative council recommended a major naval presence at Pensacola. The port had the least obstructive Gulf coast bar at its harbor and it had a central location, “The occupation of Pensacola with the necessary fortifications calculated to afford a more complete command over the commerce of the Gulph of Mexico than any other position which could be selected on the southern Coast: with this peculiar advantage, the united states would exclude the shipping of an enemy probably from the only port in Florida in which they could anchor with safety owing to the violence of the West Indian Gales, your Memorialists are of the opinion that there is no other Harbour save that of the Havanna in which they could ride with security during a storm.” As to the defense of the greater Gulf coast, the council asserted, “...the security of this place then is believed by Your Memorialists to be inseparably connected with the prosperity and defence [*sic*] of New Orleans and the Contiguous States.”¹⁵⁴

From the perspective of the United States in 1821, firm control of Florida was essential to the political and commercial security of the Gulf coast, to the security of the Mississippi River system and especially to stability in the slave south. Haiti stood as an example of what could happen if slaves rose in revolt, and Britain had twice used slave

¹⁵³ *Territorial Papers*, “Matthew C. Perry to the Secretary of the Navy,” March 28, 1822, XII, 385-388. Perry was a lieutenant commander aboard the U.S. Schooner *Shark*, and had just completed a voyage around Cuba and explored the Florida Keys. Perry named Key West “Thompson’s Island” in honor of the incumbent Secretary of the Navy, Smith Thompson.

¹⁵⁴ *Ibid.*, “Governor Duval to the Secretary of War,” June 21, 1822, XXII, 472.

emancipation and Indian resistance as tools of insurgency against Americans during the revolution and more recently, and in Florida, during the War of 1812. Thus, a combination of factors loomed in United States' thinking about Florida: recent British hostility, the nearby presence of an independent republic of free blacks, revolutions in Spanish and French America, a relatively unknown and uncontrolled population of Indians and Africans in the interior who might, as far as United States' officials knew, cooperate with foreigners.

Given the importance of water travel and the difficulty of overland routes for whites, Spanish and United States' explorers long sought a water link from the Atlantic to the Gulf of Mexico. No complete water route existed, but there was potential for canals to connect rivers and creeks into a cross-peninsula waterway. In the spirit of Henry Clay's American System, Florida's territorial developers became keen on building a canal to eliminate the necessity for the voyage around Cape Florida and consequent risks of storms, shipwreck and piracy, not to mention the time required for the longer ocean trip. Water passage from St. Augustine to Pensacola could take a month, and once a ship carrying members of the legislative council was lost at sea while en route.¹⁵⁵ A canal would eliminate many of the natural, human and criminal dangers and delays.

A canal was never built. Steam powered vessels, and later railroads, undermined the rationale of canal building. In the early 1820s, ship arrival news in the St. Augustine newspaper recorded travel times of up to ten days for sailing vessels from Charleston or

¹⁵⁵ On July 17, 1822, Florida's first civilian governor, William P. DuVal, sent the following message from Pensacola to the Secretary of State that four members of the Legislative Council had, "...sailed from St. Augustine about 59 days since for this port. Ten days ago they were hailed by the Brig *Hero* off this port, but before they could pass the bar, a violent storm arose, which lasted three days – several vessels have been wrecked....*The Lady Washington*, the Sloop in which the gentlemen of the Counsel [sic] sailed, has never been heard of since. I have but little doubt the Sloop and every soul perished...." *Territorial Papers*, "Governor Duval to the Secretary of State," July 17, 1822, XXII, 489.

Havana to St. Augustine, and mail took at least thirty days between St. Augustine and Pensacola. In the later 1820s, these same trips took just two days under steam-powered ships. Speedy steamships reduced the clamor for canal short cuts such as the Florida proposal, and a decade later railroads further doused the ardor of canal builders in Florida and elsewhere.¹⁵⁶

Road building was another priority project of the first territorial legislative council. Spanish roadways along the Atlantic connected St. Augustine to the north with the cattle ford on the St. Johns River at what is now Jacksonville, and a road southward extended to New Smyrna. Before the American Revolution, Britain improved and lengthened the northerly road into Georgia, but the new territory had no useable overland routes from St. Augustine to Pensacola nor to peninsular Gulf coast locations.

The so-called lack of overland routes was actually another way of stating the truth that the interior lands were controlled by Indians and runaway or maroon blacks who, of course, had abundant land routes between villages and settlements.¹⁵⁷ The legislative council admitted as much in their first memorial to President Monroe. “The first subject to which we would particularly invite your attention and that of the Congress of the United States, is one of as much national concern, as solicitude in reference to the

¹⁵⁶ Plans for a cross-Florida canal were revived in the twentieth century as part of the New Deal. The project started but was abandoned in 1991 due to environmental concerns. Another much shorter canal connecting St. Augustine with the St. Johns River, a distance of just twenty miles, was also never built. Steamship travel greatly reduced travel times along the coast and enabled riverboats to travel upstream. The United States navy was slow to adopt steam technology for sea travel because there was not enough carrying capacity for the necessary fuel. Each week’s issue of the *Florida Gazette* and *East Florida Herald* recorded ship arrival and departure logs. For information about mail delivery, see *Territorial Papers*, “An Election, an article from the East Florida Herald,” October 1922, XXII, 543. At one point, the Indian Agent suggested that he be allowed to hire, “The Indians, or some of their Negroes....” to handle mail transport between St. Augustine and interior posts. *Ibid.*, “Gad Humphries to the Secretary of War,” February 22, 1825, XXIII, 253.

¹⁵⁷ The postmaster general wrote to the president that although no roads connected Pensacola directly with St. Augustine, “There are Indian paths, which pass through different Indian settlements, but not it is understood, that extend for any considerable distance on the proper direction.” *Ibid.*, “The Postmaster General to the President,” November 17, 1823, XXII, 788.

immediate prospects of this Territory....” Thereafter, the council explained that Spanish East and West Florida had been two separate colonies also because of the presence of Indians in between them, “...the settlement of the country was circumscribed by an apprehension of Indian hostility [and] the effect has been to prevent the establishment of a road, from the Capitals of the above provinces to each other, or to the interior;...” The council’s statement linked the nation’s security to control of the Gulf coastline and highlighted their desire to pacify and relocate Indians whose presence in Florida’s Gulf coastal region increased as a result of the Creek wars in Alabama and Georgia.¹⁵⁸

Before steamships became viable open-sea transportation, the legislative council complained that the water route from East to West Florida was “as difficult as a trip to Liverpool or Bourdeaux,” and requested the president to recommend and Congress to authorize a road building project. The council also requested a midway point along this roadway should become the new territorial capital. Andrew Anderson noted that overland travel in Florida was a hardship, “...in this country it is not easy to stop every ten or twenty miles and call for a beef stick and a bottle of old hock – yes, it is easy enough to stop and call for them but I never heard of it coming yet – a bearskin and a blanket is sheer comfort in the sleeping way in the pine woods.” The road building project eventually fell to the military which had national security as its rationale for using troops as labor in an era before there was a corps of engineers.¹⁵⁹

Fifteen years after the cession, when the territorial legislature began the process of writing a state constitution, inadequate roads was still mentioned as justification for not

¹⁵⁸ Ibid., “Memorial to the President by the Legislative Council,” September 2, 1822, XXII, 521-528. As explained earlier, Florida was originally separated into East and West colonies by the British.

¹⁵⁹ During a later road cutting project, the Indian Agent reported that he had been able to borrow an oxen team and “one or two Indian Negroes” to assist. Ibid., “Gad Humphries to Governor Duval,” January 20, 1825, XXIII, 163. SAHS, MC 10-20, Anderson letter September 9, 1834.

uniting East, Middle and West Florida into one state. The objections to unification came chiefly from East Florida where the population had not grown as quickly (see Appendix A, tables A-1 to A-5) the economy was not as strictly based on cotton production, and where the Spanish legacy had deep roots. In 1838, a petition signed by two hundred and thirty heads of households protested the movement to join all the Floridas together to form a single state, noting that the capital in Tallahassee was, "...a distance of 250 miles from the extreme of West Florida: about 750 from the extreme of East Florida, and 200 miles from the nearest point on the Atlantic shore. To East Florida, this organization has been most peculiarly harassing and vexatious....In a new and partially settled country as this is, destitute of roads and facilities of communication.... Nature never intended that East Florida should be formed into a State with Middle and West Florida."¹⁶⁰

"In a Spanish street..."

Florida had another economic attraction that did not require road building, land titles or confrontation with Indians. Even at the beginning of the territorial period, East Florida's mild winter weather attracted those seeking relief from pulmonary conditions aggravated by cold northern winters. An 1837 promotion stated, "St. Augustine has become celebrated for restoring tone to the system, in Pulmonary and Bronchial complaints. And invalids from every part of the United States resort her, during the

¹⁶⁰ Ibid., "Memorial to Congress by Citizens of East Florida," February 5, 1838, XXV, 470-471. The memorial claimed that the population of East Florida, if separated from the other parts of Florida, was inconsequential to "their darling object of becoming a State."

winter season to avoid the severity of the northern frosts, and to enjoy the mildness of our southern breezes.”¹⁶¹

St. Augustine soon became a destination for recuperative tourism. Invalids and those afflicted with consumption, or tuberculosis, wintered in St. Augustine to escape the hazards and risks of northern extremes. Among the town’s winter visitors during the early territorial years was Ralph Waldo Emerson. In 1827, Emerson was a newly ordained Unitarian minister when he arrived in St. Augustine, “sick, poor, depressed and alone.” His father and a brother died of tuberculosis, and young Emerson had symptoms of pleurisy. He set out originally for Charleston, but even Charleston was too cold that winter. Emerson considered traveling to the Caribbean but settled on Florida as his destination for the remainder of the winter, having been told, “I am promised the most balmy air in the world.”¹⁶²

Emerson’s health improved during his Florida stay. He wrote to his brother, “I stroll on the beach, & drive a green orange over the sand with a stick. Sometimes sail a boat, sometimes sit in a chair. I read & write a little....”¹⁶³ One Emerson scholar posited that while in St. Augustine, Emerson learned how to pace himself and to take frequent interludes to distance himself from personal and immediate concerns, and this became a key to his future method of working. This was the first time he immersed himself in a culture very unlike New England. The city was majority Catholic, and he observed the altogether unfamiliar carnival season before Lent. Even the town’s Protestants were alien

¹⁶¹ Williams, op. cit., 16.

¹⁶² Gay Wilson Allen, *Waldo Emerson: A Biography* (New York: Viking Press, 1981), as cited in Patricia C. Griffin, “Ralph Waldo Emerson in St. Augustine,” *El Escribano*, St. Augustine Historical Society, 1995, 113-134.

¹⁶³ Ralph L. Rusk, ed., *The Letters of Ralph Waldo Emerson*, Vol. 1 (New York: Columbia University Press, 1939), as cited in Griffin, *ibid.*, 116.

to Emerson. Their swearing and manners put him off, and he was especially amazed by a story he heard about a Methodist meeting where excited parishioners jumped around on all fours, barking, and pretending that they had treed Jesus.¹⁶⁴

This was Emerson's only visit to the slave south. On one occasion, a Protestant Bible Society held its meeting in a building immediately adjacent to a slave auction. "One ear therefore heard the glad tidings of great joy whilst the other was regaled with 'going, gentlemen, going!' And almost without changing our position we might aid in sending the scriptures to Africa or bid for 'four children without the mother' who had been kidnapped therefrom." Despite his revulsion to slavery, Emerson nevertheless admitted to "...something wonderfully piquant in the manners of the place, theological or civil."

His experiences in Florida might have been similar if he had been in Charleston or Savannah, except that St. Augustine had a more tropical and Spanish flavor. Upon his return north, in March of 1827, Emerson wrote a poem entitled, "St. Augustine" in which he wrote about, "the little city of St. Augustine," and, "pacing my chamber in a Spanish street." He clearly sensed that St. Augustine was still a Spanish place, and added lines about the local population, "here the dark Minorcan, sad and separate, wrapt in his cloak, strolls with unsocial eye:" Of the Florida Indians he encountered, Emerson wrote, "The forest families, timid & tame" were no longer a danger to whites and had become poor vagabonds, "unclean and slovenly" and came to town seeking to trade venison. "Alas! red men are few, red men are feeble, they are few and feeble & must pass away." This opinion of the Indians' future may have been a blend of Emerson's sense of Indian

¹⁶⁴ Griffin, op. cit., 122-123. Emerson might have observed similar Protestant behavior in other southern locales.

history in New England and not only his Florida encounters, yet it provides an insight into one rationale of Indian removal as a means to protect supposedly feeble, or enfeebled, human beings, who otherwise might “pass away.” Emerson’s sentiment about the near term emasculation of the Florida Indians proved wrong during two subsequent Seminole wars and the inability of a large modern military to subdue these “feeble” Indians.¹⁶⁵

Emerson had yet another experience related to his Florida journey that greatly affected his work and life. Here Emerson met Achille Murat, an atheist whose rational discussion intrigued and influenced the young minister from Boston. Murat was once heir to the kingdom of Naples and a nephew of Napoleon Bonaparte. He settled in St. Augustine in 1824, then purchased a plantation in Middle Florida. Murat and Emerson may have boarded at the same lodging in St. Augustine, but it is certain that they sailed on the same ship when Emerson returned north and were together for the nine-day voyage to Charleston. It was Emerson’s first encounter with an atheist whose logic he appreciated, and he wrote in his journal, “A new event is added to the quiet history of my life. I have connected myself by friendship to a man who with as ardent a love of truth as that which animates me, with a mind surpassing mine in the variety of its research, and sharpened and strengthened to an energy for action to which I have no pretense, by advantages of birth and practical connection with mankind beyond almost all men in the world, – yet that which I have ever supposed a creature of the imagination – a consistent atheist – and a disbeliever in the existence, and of course, the immortality of the soul.”

¹⁶⁵ Ralph H. Orth, Albert J. Von Frank, Linda Allardt, David W. Hill, eds., *The Poetry Notebooks of Ralph Waldo Emerson* (Columbia: University of Missouri Press, 1986), as cited in Griffin, *ibid.*, 129-131. The entire poem is in Appendix B.

Murat kept up a correspondence with Emerson, and credited their conversation with convincing him of the possibility of rational religion.¹⁶⁶

After arriving in Charleston, Emerson wrote in his journal, “I lead a new life. I occupy new ground in the world of the spirits, untenanted before. I commence a career of thought and action which is expanding before me into a distant and dazzling infinity.”¹⁶⁷ Had Emerson traveled to Europe or even to New Orleans in that same year of 1827, he may have had equally stimulating experiences, but these things happened in St. Augustine where the remnant, variety and contrasts of an exotic culture had a continuing effect on Emerson.

“The sickness rages here....”

Economic development and mild winters brought new arrivals to Florida, but late summers and autumns were decidedly deadly. A report issued during the British period cited that Quebec and Halifax weather produced few diseases and that even Newfoundland fishermen returned to England each season with their health improved. “But traveling to the southward...where heats are greater, and the soil more moist...we find agues, fevers, and fluxes, very distressing to strangers; though natives in general are pretty healthy, and some-times long lived.” South Carolina was a source of “obstinate, acute, and violent” diseases, and, “The same may be said of Georgia and East Florida.”¹⁶⁸ In 1823, newly appointed federal judge for East Florida, Joseph Lee Smith, commented

¹⁶⁶ Emerson journals, as cited in Griffin, *ibid*, 126. Murat even invited Emerson to move to Tallahassee and start a Unitarian congregation there.

¹⁶⁷ *Ibid*, 128.

¹⁶⁸ James Lind, “An Essay on Diseases Incidental to Europeans, in Hot Climates, with the Method of Preventing their Fatal Consequences,” (Philadelphia: W. Duane, 1811, 6th edition) 24-25.

that if he had an independent fortune he would never spend a season in Florida: “In his opinion, the climate was too hot and the land scarcely ‘good enough for Indians & rattlesnakes.’”¹⁶⁹ This was the same era in which the new Texas settlement called for immigrants, and a notice in the *Florida Gazette* on December 1, 1821, carried this statement by Stephen F. Austin, written three months earlier from La Bahia, “The climate is most delightful. I never in my life spent a summer in which I suffered less with heat.”

During the very same season that Austin touted the Texas Gulf’s summer weather, a severe yellow fever epidemic hit Florida. The previous chapter mentioned yellow fever, and it is important to revisit it in the context of sanitation. No one knew that mosquitoes transmitted the disease, and mosquito breeding conditions were worse that year because of a shifting sand bar that closed a natural flow of the inlet at St. Augustine. Heavy rains also fostered mosquito breeding, and lax quarantine regulations made things worse because of the crowded conditions with newly arrived United States officials, troops and civilians. Young Private Sherburne wrote to his parents, “I take this opportunity to inform you that I am well....but I [know] not how long I shall remain in good health for it is verry sickly in this place at this time. the people are dying thirteen and fourteen a day including soldiers With the rest. We have buried 3 and 4 of a day officers and Soldiers with the hartiest of our men the former have died With yellow fever and black vomit. our docter died today....” In mid November acting East Florida Governor Worthington dispatched to the Secretary of State, “The sickness rages here still beyond any thing I ever saw or heard of....No frost here yet – & they say it will not stop til we have a black frost –” but just two weeks later the federal judge in East Florida and

¹⁶⁹ Joseph Lee Smith family materials, “The Life of Judge Joseph Lee Smith,” St. Augustine Historical Society, as cited in Walter W. Manley II, *The Supreme Court of Florida and Its Predecessor Courts, 1821-1917* (Gainesville: University Press of Florida, 1997) 27.

later governor, William Duval, wrote to the Secretary of State, “The disease which visited this place during the last season with such raging mortality, has happily subsided.”¹⁷⁰

The epidemic broke in late November and left at least 132 civilians and 40 military dead.¹⁷¹ After the epidemic was over, Worthington wrote to John Quincy Adams, “If the Floridas be consolidated, this will in time become an important Southern Slave-holding state – producing as its staples, Cotton, sugar rice & fruit – But I fear the whole of it, with the exception of small & dry islands directly on the sea coast, will ever be unhealthy for white people emigrating from High, & healthy latitudes.”¹⁷²

In 1821, medical science suspected that unsanitary conditions caused yellow fever. A previous citation by Charles Vignoles mentioned his opinion that St. Augustine was safer during the British period because the cleanliness and neatness of the British period contrasted with the dirt and nuisance of the “indolent Spaniards.” The fever was another way in which North Americans thought that Caribbean conditions were dangerous to Anglo lives. It was a threat that could be averted, they thought, with proper sanitation. President Monroe himself wrote of the epidemic, “The want to cleanliness among the Spaniards, was the cause of disease with them.” The following summer, Governor Duval suggested that Spaniards were less vulnerable to the disease, “The Spanish inhabitants stand it much better than our own people – not that they are exempt,

¹⁷⁰ *Territorial Papers*, “Acting Governor Worthington (East Florida) to the Secretary of State,” November 21, 1821, XXII, 272, and “Judge Duval to the Secretary of State, November 29, 1821, XXII, 284.

¹⁷¹ Bearden, *op. cit.*, 41, 42. Outbreaks of yellow fever continued to plague Florida residents. In July of the next summer, 1822, land commissioner Alexander Hamilton added this post script to a message to Washington, “As I shall remain here during the sickly season I should be much gratified with a permission to occupy the front room of Government House –” *Territorial Papers*, “Alexander Hamilton to the Secretary of State, July 8, 1822, XXII, 484. The same summer, two land commissioners in Pensacola reported that they had evacuated the city because of the “fury and fatality” of the yellow fever and that “business of almost every description was suspended.” *Ibid.*, “Nathaniel A. Ware and Samuel R. Overton to the Secretary of State,” October 21, 1822, XXII, 552.

¹⁷² *Territorial Papers*, “Acting Governor Worthington (East Florida) to the Secretary of State,” January 8, 1822, XXII, 330.

for many of them have been, and now are sick – but few have yet died.”¹⁷³ Such a comparison of British with Spanish Florida with respect to lack of “cleanliness” and supposed indolence, as contrasted with references to “our own people,” may be part of a broader criticism about a society that tolerated interracial mixing and a culture that did not enforce a tidy color line.

Emerson added his voice to the impression of the tropical indolence of Spanish Florida. In a letter to his brother, he wrote, “What is done here? Nothing.” And by way of emphasis, “It was reported one morning that a man was at work in the public square & all our family [Emerson’s boarding house companions] turned out to see him.” And in the same letter, “What is grown here? Oranges – on which no cultivation seems to be bestowed beyond the sluggish attentions of one or two negroes to each grove of 5 or 6 hundred trees. The Americans live on their offices. The Spanish keep billiard tables, or, if not, they send negroes to the mud to bring oysters, or to the shore to bring fish, & the rest of the time fiddle, masque, and dance.”¹⁷⁴

¹⁷³ *Territorial Papers*, “John R. Bell to Governor Jackson,” October 8, 1821, XXII, 246 n. 70, and “Governor Duval to the President,” September 10, 1822, XXII, 531. Duval also wrote a comment which reveals the ambivalence of Americans toward the *Floridianos*, “The distresses occasioned in Pensacola by the fever cannot be discribed, poor little children, without parents or friends are thrown on the charity of strangers we have not a cent to relieve the wretched. The Spanish citizens act nobley, they have done and continue to do all in their power to relieve the sick Americans many of whom are taken to houses and nursed with the utmost kindness.” *Ibid*, 532. In an 1849 report about diseases in Georgia, physician E. M. Pendleton speculated that southern fevers were caused by a combination of heat, moisture and “vegetable putrefaction.” “If one be absent, the other two are incapable of producing the effect.” From “General Report on the Topography, Climate and Diseases of Middle Georgia,” *Southern Medical Reports*, Vol. I (1849), 316-317, as cited in Ronald L. Numbers and Todd L. Savitt, *Science and Medicine in the Old South* (Baton Rouge: Louisiana State University Press, 1989) 172.

¹⁷⁴ Rusk, *op. cit.*, as cited in Griffin, 120.

“...an added peculiar charm.”

Six years after the cession, Emerson observed that Floridians in St. Augustine still lived in virtually the same way as they had under Spain, dependent on government dispensation and with scant attention to vigorous enterprises. Perhaps Emerson's comment to his brother reflected a more general impression of the ruinous effect of slavery on the virtue and virility of southern slave societies. What he saw in the slave south was clearly unlike Emerson's New England. The addition of Florida to the union meant that now Americans could venture yet farther into an exotic sub-tropical region that had higher contrasts with the sense of race, color and behavior from other southern places. Parts of Florida were very extensions of the plantation cotton agriculture of the adjacent Deep South. But coastal East Florida retained some of its Spanish and Caribbean flavor.

In 1821, newcomers described St. Augustine as dirty and unkempt, with buildings in disrepair and unsanitary streets. But fifty years after the cession, a travel writer drew quite a different picture of the city. After fifty years, the still-standing reminders of the old Spanish town gave a distinct appearance, an appearance that reminded visitors that Florida was once part of a culture that differed from the old British colonial seacoast. In 1870, a travel writer observed, “I can remember only one feeling comparable to that which impressed me all the while we were at St. Augustine, and that was when my first introduction was made into the Old World at that noble old city of Rouen in France. The

same romantic interest which thrilled me then continued at St. Augustine, with an added peculiar charm.”¹⁷⁵

What a change this was from the negative first impressions of Americans in the 1820s. The travel writer continued, “For many weeks we had been journeying through a section of our country where everything was new and crude, and unexpectedly we were ushered into the associations, the architecture, the ruins, of three hundred years ago. The architecture of this city is altogether unlike that of any upon this continent. The streets are very narrow, while the houses have wide balconies in the second story, which come very near to each other....Although most of the habitable buildings built in the way described are of modern construction, yet, except in their pitched roofs, they probably resemble those build hundreds of years ago, and whose ruins are met with at every turn.”¹⁷⁶ Perhaps fifty years later, after the Seminole Wars and the Civil War settled the problems of Indian removal and slavery, Florida’s former Caribbean look and feel was no longer a reminder of imminent threats to the United States.

¹⁷⁵ George Ward Nichols, “Six Weeks in Florida,” *Harper’s New Monthly Magazine*, 41:245, October 1870, 658-659.

¹⁷⁶ *Ibid.*, Sightseeing visitors were associated more with the period after the Civil War when northern veterans, such as Harriet Beecher Stowe’s son, Frederick, settled in East Florida. His famous mother wrote glowingly about her “...adventures in the woods with flowers and trees and birds; observations about life among Negroes finding their way out of slavery; projected enterprises in farms and dairies...” from Edith Cowles’ introduction to Harriet Beecher Stowe’s *Palmetto Leaves* (Gainesville: University Press of Florida, 1968), a reprint of the 1873 original. Stowe followed her son to the St. Johns River where she owned a home for seventeen years and produced a series of articles that were collected into the book *Palmetto Leaves*.

CHAPTER V

INDIAN LANDS AND CARIBBEAN THREATS

“ – the land was not theirs, but belonged to the Seminoles”

From the outset, the United States worried about the possibility of Florida Indian or Indian-African collusion with foreign powers. Lands along the Gulf coastline were especially worrisome to the United States because of prior actual and future potential dangers from offshore. Coastal Louisiana, Mississippi and Alabama presented similar concerns, but the entirety of Florida was coastal with over thirteen hundred miles of mostly unguarded shoreline. Along that distance, there were only three ports populated by Europeans, St. Augustine, Pensacola and Key West, and the loyalty of those populations to the United States was suspect.¹⁷⁷ For Indians and the escaped slaves who lived in the interior of Florida, there was no question about their resistance to United States policy. Florida was where Indian removal failed, and this chapter argues that Indian relations during the Florida territorial period, including the Second Seminole War, were distinct because of the perception that Indians and escaped slaves might become agents or allies of Caribbean revolutionaries.

¹⁷⁷ Sean Wilentz made a similar observation about Louisiana, "Louisiana had been admitted to the Union in 1812, but the state's loyalties and those of its city were uncertain. In New Orleans, the long-resident Creole French and Spanish populations could not be counted on to support the American cause." *The Rise of American Democracy: Jefferson to Lincoln*, (W.W. Norton: New York, 2005) 172-173.

Before Florida, the Louisiana and Missouri territories were precedents for adding lands with pre-existing Indian, African and European people, and the Spanish southwest later presented similar situations.¹⁷⁸ As in these other territories, the land availability and commercial opportunities that compelled Anglo immigration met with a resident population with former allegiances. In Florida, it also included an Indian-African alliance. In 1821, relations of the United States and the territorial government with the Indian populations of Florida were unstable because of the recent Creek wars and the First Seminole War. Over the course of the territorial period, many Seminole did relocate to Indian Territory, but a militant remnant remained and successfully contested the authority of the United States.¹⁷⁹

After the Treaty of Moultrie Creek in 1823, Florida Indians resettled from the panhandle area of northern Florida to the peninsula of East Florida but away from the coastline. Some Indian land claims were still unsettled, and in 1826, Governor Duval asked the advice of the Superintendent of Indian Affairs in Washington on the matter of settling Indian land claims that arose because immediately prior to the cession, unscrupulous buyers frightened Indians about American intentions. Because of false representations, Indians sold land, cattle and slaves at a discount. When the United States made agreements for land purchases from Indians, those who had been duped asked for redress. The governor magnanimously wrote, "The difficulty and trouble which these claims produce is incalculable, I cannot consent to that sort of left handed justice which

¹⁷⁸ The most thorough single source for analysis of the Spanish borderlands is Weber, *op cit.*; also, Lester D. Langley, *op cit.*

¹⁷⁹ John K. Mahon, *History of the Second Seminole War, 1835-1842* (Gainesville: University Presses of Florida, 1967) 321-327. Mahon claimed that the military importance of the Seminole War was that it was the first instance of prolonged guerilla warfare for American soldiers, and it was the first time that army and naval forces cooperated on a large scale. In the end, 3,824 Florida Indians were moved to Indian Territory. After the Third Seminole War (1855-1858), fewer than one hundred Indians remained in the Deep South of the Florida peninsula.

gives all that is demanded to our citizens, & which withholds justice from this cheated abused and persecuted race....”¹⁸⁰

In the lands assigned and surveyed for the Indians, The United States took care to keep them away from the coastline to prevent collusion with Caribbean neighbors. Americans seemed ambivalent about the independence movements in Latin America, praising them at times but also cautious about potentially unstable regimes so near to Florida and the Gulf coast. The example of slave revolt on formerly French Haiti was the highest concern. The old Federalist president John Adams thought that democratic government was as bad a fit for Spanish America as it would be for “birds, beasts, or fishes.” Edward Everett wrote in the *North American Review*, “We have no concern with South America; we have no sympathy, we can have no well founded political sympathy with them. We are sprung from different stocks....Not all the treaties we could make, nor the commissioners we could send out, nor the money we could lend them, would transform their...Bolívars into Washingtons.”¹⁸¹ Langley included this addendum in a footnote, “Bolívars’ failure to become ‘another Washington’ was, in the eyes of North Americans, the result of his inability to curb his passionate Latin nature,” another reference to the supposed unmanly traits of the Spanish. Langley continues, “Incapable of subjecting his own passions to control even as he fought for independence, Bolívar in the course of the struggle liberated outward symbols of passion and primitivism: he freed the slaves of Latin America...and established a close alliance with the tumultuous blacks and mulattoes of Haiti....Washington had the sense...to retain his

¹⁸⁰ *Territorial Papers*, “Governor DuVal to Thomas L. McKenney,” March 17, 1826, XXIII , 472-473.

¹⁸¹ Adam’s words are from Peggy Liss, *Atlantic Empires: The Network of Trade and Revolution, 1713-1826* (Baltimore: Johns Hopkins University Press, 1983) 124, as cited in Langley, op. cit., 240. Everett’s words are from Arthur Preston Whitaker, *The United States and the Independence of Latin America, 1800-1830* (Baltimore: Johns Hopkins University Press, 1941) 335-336, as cited in Langley, *ibid*, 240.

slaves...[and] unlike Bolívar did not entertain utopian dreams about the speedy incorporation of Indians into the political and social mainstream.”¹⁸²

Herein lay the true threatening borderland that still operated even after the United States took possession of Florida. Spanish America’s revolutionary ideals included Indians and Africans to a much greater degree than did the freedom and citizenship conceived in North America in 1776 and again in 1787. That inclusion reflected the different colonial constructions of race in Spanish colonies versus those in formerly British North America. The Spanish royal *cedula* of 1693 which proclaimed sanctuary for escaped English slaves was a signal that border issues would intimately involve color and interpretations of what color meant.

Florida became a possession of the United States almost immediately after the 1820 Missouri Compromise delimited slavery’s expansion and as debate over slavery’s growth intensified. The Adams-Onís Treaty was still being approved when Thomas Jefferson wrote his famous words that the Missouri debates were like a “fire bell in the night” that awakened him to the fact that the slavery problem was not being solved but rather put off by compromises over geography.¹⁸³ The real issue of slavery, its future and the role of millions of Africans in the life of the United States remained unsolved. Some thought that slavery might be solved by a colonization program, either in Africa with the purchase of Liberia or through a resettlement plan on lands west of the Mississippi, or that it could be unwound through a gradual compensated manumission scheme. But the Missouri solution defined slavery by geographic limits within which it could expand.

¹⁸² Ibid, 353, n. 2. The quotes are from Fredrick Pike, *United States and Latin America: Myths and Stereotypes of Civilization and Nature* (Austin: University of Texas Press, 1992) 64-75.

¹⁸³ Thomas Jefferson Randolph, ed., *Memoir, Correspondence, and Miscellanies from the Papers of Thomas Jefferson* (Boston: Gray and Bowen, 1830) Vol. 4, 323.

What would that mean about the geographic borders with America's newly independent, non-slave and color-rich Spanish-speaking nations? What other alarm bells should be ringing?

Natural and unnatural connections

As early as 1810, pro-slavery Cuban voices spoke for annexation with the United States, "We admire your institutions, your laws, and your form of government; we see that they procure your prosperity and your happiness."¹⁸⁴ In other words, they understood slavery to be the key to prosperity and happiness for white elites. In 1823, in response to a similar Cuban proposal, Secretary of State John Quincy Adams, who was no friend of slavery, expressed a welcoming message, "There are laws of political as well as of physical gravitation. If an apple, severed by a tempest from its native tree, cannot choose but fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain, and incapable of self-support, can gravitate only towards the North American Union, which, by the same laws of nature, cannot cast her off from his bosom." Yet, a few years later, Adam's own Secretary of State, Henry Clay, feared that if Cuba declared independence it might have a Haitian style revolution and "...bring about a renewal of those shocking scenes, of which a neighboring island was the afflicted theater." North Americans might entertain fantasies or nightmares about the expansion of territory for slavery by annexing Cuba or other new Caribbean countries, but either way they risked

¹⁸⁴ Cuban consul José de Arango y Nuñez del Castillo as quoted in Louis Perez Jr., *Cuba and the United States: Ties of Singular Intimacy* (Athens: University of Georgia Press, 1990) 36-37, as cited in Langley, *op. cit.*, 243, 354 n. 9.

fomenting slave rebellions, or at least complications to the color-order of American slave societies.¹⁸⁵

Caribbean influence, either through annexation or adversity, was unavoidable in the overall strategic thinking about the security and future of the southern United States. The quartermaster general of the army, General Thomas Jessup, argued twelve years after the cession, “From the numerous small islands in the vicinity of Florida, and the numerous small Bays along its extensive coast, easy access to it will at all times be afforded to the enemy which we shall at no distant day have to encounter – I allude to the population of the West Indies; for the course pursued by the British Government must have the effect, in a short period, to place the whole of our West India possessions, as well as those of Spain, in the hands of the negroes--” The course pursued by Britain that troubled Jessup was the Slavery Abolition Act of 1833 which would take effect the next year. Jessup went on to complain about inadequate funds to build a suitable land route between St. Augustine and Pensacola, arguing that a road was not just needed for commerce and public movement but was central to the defense of the Gulf coast. Jessup predicted that the United States could lose control of the Caribbean coastline if more of the populations of the islands became free and, in his judgment, became restive and lawless. “When that time shall arrive, cultivation must in a great measure cease, and the white, as well as the coloured, population, must seek some other mode of subsistence – Piracy and depra-dation upon our Southern Coasts seems to me to be their only

¹⁸⁵ Quoted in *ibid*, 38 and 42, and cited by Langley, 243, 354 n. 9 and 10.

alternative, and I think a prudent forecast should prompt us to prepare, by every means in our power, for such a state of things.”¹⁸⁶

To make the threat worse, Florida Indians provided shelter to and intermixed with escaped slaves or stole slaves and used them for themselves. More threatening yet were outright maroon communities of escaped blacks in places like the former Negro Fort on the Gulf of Mexico. A population of aggressive Indians who were in league with Africans aggravated United States’ worries that Florida’s extremely long and undefended coastline might serve as an entrée for provocateurs from European or Caribbean origins. The great fear, explicitly cited in official papers, was that what had happened in Haiti would spread to the southern United States.¹⁸⁷

“...apprehensions of hostilities on our southern border...”

The acquisition of Florida was the geographic culmination of continental control of the south Atlantic coast and the Gulf of Mexico to the Sabine River, and the task of patrolling these two thousand miles of coastline and sixty thousand square miles of territory challenged American military and civil authorities. The United States militarized Florida heavily, especially during the Second Seminole War, and territorial laws soon replicated the slave controls of other southern states.¹⁸⁸

¹⁸⁶ *Territorial Papers*, “The Quartermaster General to James Gadsden,” October 1, 1833, XXIV, 888-889. General Thomas Jessup was Quartermaster General, and James Gadsden was Florida’s former Indian Commissioner, but at the time of this letter he was territorial supervisor for inland waterways and roads. In 1836, as commanding general of army forces in the Seminole War, Jessup recommended use of fierce bloodhounds against the Indians as they were used against maroon blacks in Jamaica.

¹⁸⁷ Saunt, *op cit.*, 273-290.

¹⁸⁸ Smith, *op cit.*, Chapter 6, “Slavery and the Law,” contains a description of new slave codes in the territory. Also, see Larry Rivers, *op cit.*, 126. Specific Florida cases are described in Morris, *Southern Slavery and the Law, 1619-1860*, *op cit.*; also, Walter W. Manley, II, ed., *op cit.*

In July 1822, Colonel Abraham Eustis wrote to Secretary Calhoun that the sub-agent for Indian affairs was ill and that Eustis himself would therefore help in the “vexatious business,” but that he needed direction from Washington about how to proceed. Eustis had no instructions from either the Superintendent of Indian Affairs in Washington, from the War Department or from territorial civilian authorities. All of them had been “...unable to give me any positive information of the views and wishes of the government respecting these concerns.” Over the year since the session, there was growing pressure to encroach on Indian lands, “At present considerable anxiety exists among the white people, who are desirous either to trade with the Indians, or to establish plantations on the Spanish Grants in the interior part of the Country,” and, “Some little fermentation has also been excited among the Indians.” Eustis might have used the word “fermentation” literally, since his request for direction included a note that there were no officially licensed traders in all of East Florida, causing Indians to bring skins and other items into St. Augustine to trade, and where “...they are abundantly supplied with spirituous liquor.” Eustis noted that there were also no local regulations about Indians or trade with Indians and even if there were such laws, there was no power of enforcement other than the military.¹⁸⁹

By this time, civilian government was in effect, but the new governor, Jackson’s successor William Duval, had not arrived nor had judges been appointed.¹⁹⁰ White were

¹⁸⁹ *Territorial Papers*, XXII, “Abraham Eustis to the Secretary of War,” July 23, 1822, 495-497. The interior of Florida was dotted with undeveloped Spanish land grants whose owners remained in Florida after the cession.

¹⁹⁰ Civilian government was established by an Act of Congress dated March 30, 1822, following the pattern initially set forth in the Northwest Ordinance of 1787, as amended in 1789 and 1792. The Act is reprinted in *Territorial Papers*, XXII, 389-399.

trading with Indians without permission or clearly established authority, and these concerns prompted Eustis to seek direction by posing ten questions to Secretary of War Calhoun. His list of questions provides a good look at the situation faced by the new American authorities.

1st Qu. Do the laws of the U.S. regulating trade & intercourse with the Indians apply with full force to the territory of Florida? If yea, what portion of the territory is considered 'Indian Country' with the purview of the laws?

2nd Is there any person, save the Superintendent, & the Agent of Indian affairs, duly appointed, authorized to grant licenses to trade, or passports to go to the Indian settlements?

3rd Are the Spanish & other foreign inhabitants of this territory to be considered, as 'citizens of the U.S' de facto by merely taking the oath of allegiance; or must they undergo the probation prescribed by the naturalization law?¹⁹¹

4th Are settlers to be permitted to establish themselves under colour of Spanish Grants, within the Indian Boundary, as said to have been recognized by the British and Spanish Authorities in Florida? If so, how far may they be permitted to buy & sell with the Indians without license?

5th In the event of white people committing offences, or becoming mischievous & troublesome in the Indian-country, can they be removed, & by what process?

¹⁹¹ The Naturalization Act of 1795 required a residence period of five years for an applicant for citizenship. A 1798 amendment extended the residence period to fourteen years, but it was repealed in 1802.

6th Can the Florida Indians be permitted to sell their Horses Cattle & Negroes? If yea, under what restrictions?

7th Contracts are said to have been made with the Indians, before the cession of the territory, for the purchase of negroes, which have not yet been paid for, or delivered – Can these alledged contracts now be completed?

8th If an Indian Boundary be recognized in Florida, may the Indians be restrained from passing it, & in case of violation by an Indian, how is he to be punished?

9th In case it should be necessary to hold intercourse with the Indians or to send a messenger to their habitations, how is the expense of the interpreter, or messenger, to be defrayed?

10th Under what circumstances, & to what amount are rations to be issued to the Indians?¹⁹²

More than a year into the territorial process, Eustis' questions show that the United States provided little in the way of standing guidance for critical Indian issues. His questions also highlighted the matter of Africans among the Indians as well as the citizenship standing of "Spanish & other foreign inhabitants." Eustis also revealed a protective attitude toward Indians in his question about how to handle troublesome whites.

One month later, Eustis received a point-by-point reply from the Secretary of War. Calhoun answered each question directly but briefly. Indian country boundaries would remain those established by the Spanish or British under pre-cession agreements. Only government appointed agents would be allowed to trade with Indians. Signers of

¹⁹² *Territorial Papers*, "Abraham Eustis to the Secretary of War," July 23, 1822, XXII, 495-497.

the oaths of allegiance were considered de facto citizens of the United States “without passing thro’ the formalities of the naturalization law.” In other words, the five year residency period was waived. No Spanish land grants would be recognized without approval of the United States government. Mischievous whites were to be prosecuted under existing laws of intercourse. Indian livestock sales or the sale of Negroes by Indians would be governed under existing laws of commerce. Land sales by Indians to whites prior to the cession were void unless authorized by an agent of the government. Indians were not to be punished for crossing into white lands unless they committed an offense. Expenses relative to Indian relations would be paid by the governor’s office, with the understanding that available funds were scarce. Lastly, rations could be issued to Indians who come to military posts but only on a limited basis and not repeatedly.¹⁹³

Secretary Calhoun’s responses were expedient, but they hardly solved the deeper problems faced by Colonel Eustis, the American military and the still-forming civilian government. In May of 1822, retired Colonel Gad Humphries of New York was appointed first Indian Agent, but he did not arrive in Florida until December.¹⁹⁴ One of the first goals of negotiation with Indians was to move them away from the coastlines where they could contact foreigners and into restricted areas in the interior where such contact would be more difficult. United States’ ability to shut down such interaction

¹⁹³ Ibid., “The Secretary of War to Abraham Eustis,” August 21, 1822, XXII, 512-513. Specifically regarding boundaries, Calhoun wrote, “. . .the boundaries established between the Indians and English and Spaniards, or which existed at the time the Floridas passed into the possession of the United States, must be taken as designating the portion of the Territory to be considered ‘Indian Country’ – until some definitive arrangement on the subject is made.”

¹⁹⁴ Ibid., “Acting Governor Walton to the Secretary of War,” January 9, 1823, XXII, 598. Because of diseases, more than a few federal appointees to posts in the Florida Territory avoided arrival during the late summer and early. Neither Humphreys nor the new governor Duval arrived until after the first frost killed mosquitoes and the fever season was over. General Surveyor Robert Butler wrote in July of 1825 that he would move his family to Florida but not until after the first of December. Ibid., “Robert Butler to George Graham,” July 24, 1825, XXIII, 287.

served three interrelated goals. First, it would create a less permeable border separating Florida from the Caribbean. Second, it would weaken the Indians within Florida. Third, it would help enforce the limitations of freedom for African Americans.

During the spring of 1823, the United States made its first attempt to move Indians away from the coast. In a message to a sub-agent for Indian affairs, the Secretary of War made it clear that the Indians might be moved not just within but perhaps out of Florida altogether, "Situated as they are and surrounded as they must in a short time be with the white population, it will probably become desirable both to them and us to make hereafter a new Disposition of them either by concentrating them at some other one point in Florida, or by giving them a new home in some other part of the U. States. You will sound them out on this point when your residence among them has been sufficiently long to enable you to do it with prudence."¹⁹⁵

Worry about Indian contacts offshore had precedent in the fact that the Spanish rescued Seminoles along the Gulf coast from Andrew Jackson's first Seminole campaign, and that there were Seminoles among the Spanish who emigrated to Cuba immediately after the cession. In March 1825, Indian Agent Humphreys reported to Washington that Indians were traveling via Cuban fishing vessels to Cuba where they were entreated and given gifts. And worse, "It is well understood also, that Runaway Slaves are often Carried off in these Vessels, sometimes as free, & at others taken to Cuba and Sold."¹⁹⁶

The acting governor of Florida at the time discounted Humphreys' alarming claim, but

¹⁹⁵ Ibid., "The Secretary of War to Jean A. Pénieres," March 31, 1821, XXII, 27.

¹⁹⁶ Ibid., "Gad Humphries to the Secretary of War," XXIII, March 2, 1825, 202-203. A naval vessel was dispatched to this location outside of present day Port Charlotte, south of Tampa Bay, to examine the Spanish fishing establishments in the vicinity. The acting governor believed that report of slave shipments were "greatly exaggerated." Ibid., "Acting Governor Walton to Thomas L. McKenney," July 14, 1825, 283; also, Landers, *op. cit.*, 251.

the suspicion that Indians would collude with Spaniards to cross the oceans with stolen Florida slaves is evidence that Americans were insecure about their Caribbean shorelines and still felt vulnerable to powers beyond their control to the south via a watery frontier.¹⁹⁷

Before the cession, Governor Jackson asked the Secretary of War for clarification about the status of Creeks who had fled to Florida during the Creek War. Should they be forced to remove to lands set aside for Creeks in Georgia? Calhoun replied that Georgians would probably object to an additional population of Indians added to the current number, “as it might prolong the time of the extinguishment of the Indian title within its limits.” Rather, Calhoun suggested that more thorough removal was the long term plan. “As soon as it can be done, it will be the policy of the government to remove them [from Florida].”¹⁹⁸

Indian removal was complicated, partly because territorial officials questioned the legitimacy of native inhabitants of Florida who fled over the border during the Creek wars. Looking back on a failed treaty negotiation, a government representative wrote, “The history of the Florida Indians is not involved in the mists of antiquity, or need we examine old treaties or Spanish policy to ascertain their claims – The Aborigines of the Country have long since been extirpated; The Seminole or natives reduced to a miserable degenerate tribe, while the disaffected of the 4 Southern Nations have inundated the

¹⁹⁷ Upon exploring the southern part of the peninsula, the Indian Agent claimed that there was a southern limit beyond which no one could reasonably expect “an enemy would attempt hostile operations,” and added yet again to the impression that the southerly parts of Florida would never be densely populated because of the “poverty of the country.” His dividing line was generally north of the Everglades and the large central Lake Okeechobee. *Ibid.*, “James Gadsden to the Quartermaster General,” December 21, 1824, XXIII, 126

¹⁹⁸ *Ibid.*, “The Secretary of War to Commissioner and Governor Jackson,” XXII, May 1, 1821, 41.

territory from the Creek war of 1812 to 1823.”¹⁹⁹ At the outset, Andrew Jackson opined that they should be forcibly removed because, “As long as they are permitted to remain in the Floridas, it will be a receptacle for rogues, murderers, and runaway negroes.”²⁰⁰

The relationship of runaway slaves with Florida Indians was not always the same, but overall it appears to have had a radicalizing effect. Some escapees lived in self-emancipated maroon communities as free men and women. Others lived as free people alongside Indians and integrated into their communities. Still others had been stolen and continued to live in a state of servitude among the Indians. The presence of blacks among both Creeks and Seminoles was the subject of great concern. Just as the sanctuary decree of the seventeenth century offered escaped slaves a refuge among the Spanish, the lands controlled by Indians offered escapees another kind of refuge. The term “vassal” was sometimes used in the official documents of the period, with perhaps the medieval meaning of the term as one who offers military service to a lord. In October 1822, a military officer reported that an Indian leader “was assembling his warriors & negroes & was determined to fight in defense of his home and property.”²⁰¹

Weeks after the cession ceremony, Captain John Bell, serving as acting governor in East Florida, wrote to Washington that Kawitas, a lower Creek band headed by William MacIntosh, had encountered an unallied group of Indians and carried off some of their members and their negroes and that the local Indians feared for their lives. Bell foresaw a deteriorating situation and warned the War Department: “If something is not soon done to satisfy in some measure the apprehensions of those Indians, and to prevent the incursions of ill disposed whites and indian bands into their country we may expect

¹⁹⁹ Ibid., “James Gadsden to the Secretary of War,” March 25, 1826, XXIII, 490-491.

²⁰⁰ Ibid., “Commissioner and Governor Jackson to the Secretary of War,” XXII, May 26, 1821, 58.

²⁰¹ Ibid., “Abraham Eustis to Governor Duval,” October 16, 1822, XXII, 549.

difficulty with them – At this time almost any reasonable arrangement could be made on the part of the Government, but if delay'd wars of extermination will take place, and their country cannot during the time be travers'd by Whites – some Gentlemen were turned back by them and arrived in town yesterday.”²⁰²

Governor Jackson was impatient with directives to await confirmation of former treaties between Indians and the Spanish before taking action. He wrote to Secretary Calhoun that the United States should be perfectly able to “...mete any justice to which they [Indians] are entitled...” without reference to Spanish dealings. Again referring to the illegal status of the Florida Indians, Jackson argued that the great part of them, “...fled from the creek nation in 1813 and 1814, adhered to our enemies, continued their warfare under the excitement of British agents and Spanish incendiaries until the United States from self defense was compelled to chastice and conquer them.” Jackson disavowed the legitimacy of Indian treaties altogether by claiming that the nation’s first Indian treaties in 1783 were made because the Indians were too numerous and the government too weak. “But this has past away,” he wrote to the Secretary of War, “the arm of government is sufficient to protect them and to carry into execution any measures called for by justice to them, or by the Safety of our frontier [stricken out] borders.” “Hence the absurdity of holding treaties with Indian tribes within our territorial limits, subject to our sovereignty and municipal regulations, and to whom, by legislation, every justice can be done, and the safety of our Southern frontier perfectly secured.”²⁰³ Jackson

²⁰² Ibid, “John Bell to the Secretary of War,” July 17, 1821, XXII, 126; and, “John Bell to the Secretary of War,” August 14, 1821, XXII, 170.

²⁰³ Ibid., “Message to John C. Calhoun,” September 17, 1821, XXII, 207. For the origins of the Florida Indians and the Seminole, see Andrew K. Frank, “Taking the State Out: Seminoles and Creeks in Late Eighteenth-Century Florida,” *Florida Historical Quarterly*, 84:1, summer 2005, 10-27; Patrick Riordan, “Seminole Genesis: Native Americans, African-Americans, and Colonists on the Southern Frontier from Prehistory through the Colonial Era,” PhD dissertation, The Florida State University, 1996; and, Melinda

did not want to treat Indians as internal dependent nations, but what status would they have?

In his advice to the new Secretary for East Florida, Jackson again made his case for how to handle the Florida Indians. "...as long as they are scattered over the Floridas, they will be interrupted by the Whites, and if they remain, it is absolutely necessary that they should be concentrated at some point, which will create as much dissatisfaction, as if they had at once been removed....You can assure them that they will be justly dealt with, but that they must recollect, they had commenced and continued upon our frontier inhabitants, an exterminating war, to which they had been excited by British and Spanish Agents until in 1818 the U.S. were compelled to chastise and subdue them....The greater part of the Indians now in the Floridas are those who fled from the Creek Nation of 1814...they cannot now expect to be indulged by being permitted to remain in the Floridas."²⁰⁴ Jackson's message contained two his often repeated themes that the Florida Indians were without standing as prior inhabitants of the territory and that they should be moved. More important than either of these points, Jackson knew that Indians were willing agents of foreign powers who invaded from the Caribbean in 1814 and 1815 during the British campaign against New Orleans, and they were allies with foreign provocateurs during the First Seminole War.

Beth Micco, "Freedmen and Seminoles: Forging a Seminole Nation," Phd dissertation, University of California, Berkeley, 1995. For Creek origins, see Verner W. Crane, "The Origin of the Name of the Creek Indians," *The Mississippi Historical Review*, 5:3 (December 1918) 339-342.

²⁰⁴ Ibid, "Message to William Worthington," September 18, 1821, XXII, 210.

“...a separate and distinct people....”

An early territorial survey of Indian towns listed thirty-five settlements with a minimum estimate of five thousand inhabitants. Each settlement included its location and the name of its leader, including one named “Mulatto King.” One-third of the total number were designated Seminole, with majority two-thirds listed as Creek. The survey estimated that among the Seminole there were not fewer than three hundred blacks identified as slaves. The number of blacks who had assimilated or lives as Indians was not provided.²⁰⁵

Treaty negotiations did not start with Jackson’s recommendation of removal but first with relocation to the peninsula in order to put Indians out of the path of incoming whites and slaves. A second goal was to settle Indians away from the coast in the interior where they could not be in easy contact with foreign vessels. Before the first appointed Indian Agent arrived, Governor Duval noticed, “The Indians in the Territory of Florida are very uneasy. They...are wandering over the Country in every direction. They are in a wretched state....” John C. Calhoun advised him that the federal intention was to relocate Indians in the fall to a portion of East Florida, a very large area which included the entire peninsula. In July 1822, the governor held a meeting with Indian leaders to explain the government’s plan. He promised protection, provisions and land in exchange for peaceful behavior, adherence to laws and the return of “all slaves belonging to the

²⁰⁵ *Territorial Papers*, XXII. This was an undated report from John Bell to Congressman Thomas Metcalfe, 463-465. As a confirmation of this population estimate, provisions ordered for Indians relocating under the treaty completed in 1823 called for 4,800 rations issued. *Ibid.*, XXII, 799. By June of 1824, Commissioner Gadsden later reduced his estimate to 2500 to 3000 Indians who would be moved. *Ibid.*, XXII, 968. A chart “Receipts by Seminole Chiefs of Payments for Transportation,” lists twenty-nine towns, names of chiefs, and a total population of 2,412 men, women and children. *Ibid.*, XXIII, 104-105.

white men who have run away to Florida...” If slaves are handed over, “you shall have what is right for your bringing in the Negroes, I shall see that you shall be paid for your time and trouble....”²⁰⁶

According to Gad Humphries, one of the principal Seminole leaders named Eneamathla or Enehe Mothala, said that the Indians were willing to adopt white “habits of civilized life” and would do so if furnished with farming implements for their fertile land; however, they were unwilling to leave these lands. In the spring of 1823, while talks were still underway, Agent Humphries reported, “Although the settled practice of hunting for a living appears almost inseparable from their nature, yet the sensible and reflecting among them begin, even at this period, to look upon it as a precarious and uncertain means of subsistence...” A West Florida official who transmitted Humphries’ report to Washington added, “...although the Indians are disposed to cultivate the habits of white men; yet they are not willing that they should settle near them....They are desirous of continuing a separate and distinct people....”²⁰⁷ As the experience of the Cherokee in Georgia revealed later in the decade, even the best efforts of Indians to assimilate would not prevent conflict and removal. In Humphries’ claim that the Florida Indians wished to remain separate and distinct, he may have more accurately revealed the white perspective.

²⁰⁶ Ibid, “Governor Duval to the Secretary of War,” XXII, June 21, 1822, 471; “The Secretary of War to Governor Duval,” XXII, 488; and, “Governor Duval’s Talk with Seminole Chiefs, XXII, 503-504.

²⁰⁷ Ibid, “Gad Humphries to Secretary Walton,” XXII, April 19, 1823, 672; and, “Secretary Walton to the Secretary of War,” XXII, April 21, 1823, 670.

“...most exposed, but important frontiers of the Union”

In April of 1823, James Gadsden and Bernardo Segui took appointments as commissioners to finalize a treaty with the Florida Indians. James Gadsden had been an army colonel and an aid to Andrew Jackson. He came to Florida with the earliest United States officials and served in several capacities prior to this appointment. Later in his life, Gadsden served as minister to Mexico and arranged the Gadsden Purchase of 1853. Segui was the same man who held the slave parents of the first child baptized after the cession, and he served as a member of the St. Augustine city council.

By June, Gadsden and Segui met with Indian leaders and arranged for an autumn date to complete talks and execute an agreement. He explained that, “...there is not the most friendly disposition prevailing between the different Tribes, and there is quite a division of opinion among them as to their concentration and location.” Elements of the Seminole who already lived in East Florida favored the peninsula location, whereas more recent Creek arrivals in Middle Florida resisted relocation.

Gadsden hoped that eventually enough Indians could be induced to move west of the Mississippi to encourage a complete removal from Florida. He introduced his argument for removal by putting it in national as well as local terms, “...if so an object as vitally important in a national as a territorial point of view would be gained...” He then defined the vulnerability of Florida to invaders, “...Florida as a maritime district of the American union is peculiarly exposed; possessing more than 900 miles of sea coast with Capacious bays or Estuaries easy of access;...” Next, Gadsden identified the problem of underpopulation in Florida, “...and her good to her inferior lands bearing but a small

proportion and the territory consequently unsusceptible of a dense population, she must ever be as internally weak as she is externally assailable..." He was right about the population. Florida remained the least populated southern state until long after the Civil War. In the same message to the Secretary of War, Gadsden argued that Florida had all the elements for a successful Indian and slave revolt, assisted by other countries who could take advantage of the sparsely defended coasts, "An Indian population under these circumstances, connected with another class of population which will inevitably predominate in Florida, must necessarily add to natural weaknesses, and endanger the security of one of the most exposed, but important frontiers of the Union."²⁰⁸

What Gadsden meant by "another class of population" was Africans. In the same report he repeated the earlier claim of Indian-Cuban contact and its feared connection with commerce in slaves. To reduce these risks, he recommended, "The first impressions are with the Savage most permanent, & a judicious location of an adequate force...cannot but have the happy effect of obtaining such a controul as to render them perfectly Subservient..."²⁰⁹ He stated directly that the Indians were in contact with Cuba, "The Indians have long been in the habit of keeping up an intercourse, and active trade with the Cuba Fishermen, and to this cause principally has been ascribed the encouragement hitherto given to absconding negroes & salvage depredations committed on cattle Estates &c." When Andrew Jackson himself, the former governor now living at his home in Tennessee, read news accounts of the plans for Florida Indian negotiations, he volunteered this opinion to Calhoun, "A movement of Troops...would have a powerful

²⁰⁸ *Territorial Papers*, "James Gadsden to the Secretary of War," June 11, 1823, XXII, 694-696.

²⁰⁹ *Ibid.*

influence on their [Indians'] minds....and keep down the insurrection of the Blacks, of which there must be a large number in the Floridas at some future day."²¹⁰

The Treaty of Moultrie Creek was finalized in the fall of 1823, by which the Seminoles subordinated themselves to the protection of the United States and gave up all land claims in return for a large reservation in the upper to middle portion of the East Florida peninsula, extending from present day Gainesville south to the Tampa Bay area. The treaty contained two extraordinary remedies offered to gain Indian compliance. First, upon review of their newly assigned lands, Indians had the option to renegotiate should they find these lands unsuitable. Second, Indians who had been allies of the United States in the First Seminole War were permitted to remain in West and Middle Florida as per prior agreements. There would be no problem with allowing these loyal Indians to remain because they had been subjected, "The lands allotted each Chief & their connections are so limited, as to force the occupants into the civil habits and pursuits; while so large a subtraction is made from the Indian population to be concentrated [in East Florida], as to render that population more easily manageable." Only Eneamathla and a small group of Indians were allowed to remain on a two square mile plot in West Florida when the rest of the Seminole were moved into the peninsula. Eneamathla later joined Creeks on the Georgia-Alabama border and became a leader of those opposed to removal, and at age 84, he was arrested and sent to Indian Territory.

The East Florida lands assigned to Indians were located deep in the peninsula on agriculturally marginal areas to the north of the Everglades (see Figure 7). As for those

²¹⁰ Ibid., "Andrew Jackson to the Secretary of War," XXII, July 14, 1823, 719-720. Pursuant to the treaty, troops were sent to establish a presence at Fort Brooke (Tampa Bay), where disease was anticipated to be a persistent adversary. Commissioner Gadsden advised, "I would most strenuously recommend therefore a liberal supply of Hospital Stores & Two surgeons for the first year at least." Ibid., January 27, 1824, 842.



Figure 7. Florida, 1834. Note “Indian Reserve” in mid-peninsula.
 Special Collections, University of South Florida

who were to relocate, "...the position is so central [in East Florida] as to admit of being encircled by a white population capable of overawing and controlling their uncivilized propensities—" Even though using language of subjection and control, the American negotiators still to warn about the territory's dangerous maritime exposure and emphasized that the treaty would cut off "all intercourse with foreign Countries or Individuals exercising an influence over them..."²¹¹ Months later, Gadsden continued to warn that the Indians, "...still retain some of their friendly feelings toward the British & some of the more restless still believe that in the event of any disturbance with the Americans, that aid & succor will be derived from that source—" ²¹² Another six months later, Gadsden expressed his opinion that Florida would be better off if all Indians were removed, but for the time being the best solution was to "ensure their dependence & discipline." Here again Gadsden wrote that subduing the Indians and their African allies was the key to American security in the southeast: "It is a country [Florida] illy adapted to a white population; but possessing advantages valuable only to a savage, in the uninterrupted enjoyment of which he may rest secure for centuries – Under this belief as expressed; the sooner the Indians can be advised of their fate, and concentrated within the limits allotted; the sooner, in my opinion, will all apprehensions of hostilities on our southern border vanish; Florida recover from the embarrassments under which she had hitherto labored – and an enterprising population induced to improve the advantages of

²¹¹ Ibid, "The Indian Commissioners to the Secretary of War," XXII, September 26, 1823, 747-751.

²¹² Ibid, "James Gadsden to the Secretary of War," XXII, December 1, 1823, 802. Gadsden was a protégé of Andrew Jackson, and their opinions are very much similar. A decade later, Gadsden sided with Calhoun over nullification and his longstanding alliance with Jackson ended.

her climate & soils, which can alone ensure the national objects for which the purchase from Spain was made.”²¹³

The treaty enacted was mute on the subject of Africans living among the Indians. A mixed group of twenty-two citizens of St. Augustine, with surnames indicating Spanish and Anglo interests, petitioned the president for redress for lost slaves. Curiously, they began their petition by first citing Florida’s old status as a sanctuary for runaways, as if to announce that that era was over, and then asked for help in recovering blacks from the interior and from Indians. “The petitioners...beg leave to represent that the Territory of Florida, whilst it was a possession of foreign nations, was a refuge, for fugitive slaves from, the United States, and particularly from the States of South Carolina and Georgia. That property of this description, has at various times and to great amounts been allured from the possession of its rightful owners; or escaping voluntarily, has been protected & defended not only by the Indians, but by the Constituted authorities of the province; so that from the date of the Revolution up to the Change of Flags, it has been impossible for your petitioners, and other Sufferers, to reclaim their property.”²¹⁴ Reference to the Revolution was a reminder that it was not just the Spanish royal decree of 1693 that gained Florida notoriety as a haven, but the British used emancipation as an inducement to attract slaves to their support and at the same time to deprive colonists of labor during both the American Revolution and the War of 1812.

As to their whereabouts, the petitioners wrote, “...some of them are claimed to be the property of Indians; some are still in a state of freedom in the Indian Territory...some have escaped to an Island or Cluster of Island off the Western Coast of Florida, & are

²¹³ Ibid, “James Gadsden to the Secretary of War,” XXII, June 15, 1824, 971.

²¹⁴ Ibid, “Petition to the President by Inhabitants of the Territory,” XXII, October 4, 1823, 762-764.

protected by armed Banditti: Other have been carried, by Wrecking Vessels from the Cape & keys to the Bahamia Isles.” As to their numbers, “Your petitioners know not the number of all...but have reason to believe, they amount to more than One Thousand.” Again they raised the alarm that, “there is much reason for believing that they are gradually escapeing from the Continent....”²¹⁵ In 1822, Boston and Bahamas newspapers reported about as many as three hundred escaped slaves who were taken by wreckers from Key West to the Bahamas.²¹⁶ The answer to this citizens’ petition was that the status of escaped slaves living as maroons or among the Indians when the territory became a possession of the United States was a prior condition for which the United States could not be held accountable to remedy.²¹⁷

“...apply force to a much greater extent....”

Compliance with the treaty was a problem. The lands assigned were inadequate, and Indians petitioned for changes in the boundaries. Depredations by Indians, to use the white term for violations, were committed on neighboring white property. When Governor Duval reported to the Secretary of War on the troubles and added costs of supervision, including a request for more troops to enforce the treaty’s land limits, Calhoun responded in a scolding tone, “I cannot believe that the Indians can be so

²¹⁵ Ibid.

²¹⁶ Canter Brown, Jr., “The ‘Sarrazota, or Runaway Negro Plantations’: Tampa Bay’s First Black Community, 1812-1821,” *Tampa Bay History* 12(2) 1, 16. Territorial Papers, “Governor Duval to the Secretary of War,” XXII, September 23, 1823, 744-745, “I have been informed by Gentlemen upon whom I can rely, that there are about ninety negros (sic), fugitives from this Province and the neighboring States, on Andrews Island one of the Bahamas, & about thirty more on the Great Bahama & the neighboring Islands, those Negros went from Tampa Bay, & Charlotte Harbor, in boats to the Florida Keys from whence they were taken to the Bahamas by Providence Wreckers.”

²¹⁷ *Territorial Papers*, “The Secretary of War to Samuel Cook and Others,” XXII, December 30, 1823, 822-823.

infatuated as to make any decided objection to the removal [to interior lands], and that the hostile disposition which they now shew is intended to produce some relaxation in the terms of the Treaty, but when they find the Government is resolved to carry it provisions into effect they will acquiesce without trouble....It will be impossible to augment the number of Troops now in Florida unless it should become necessary to apply force to a much greater extent than I now anticipate.”²¹⁸

The Second Seminole War did not begin for ten years, but when it did, Florida was heavily militarized. In a further reply to the War Department about control of the Indians, Duval wrote, “...the Florida Indians never were controuled untill the United States took possession of this country...” and added, “These people are extremely poor, more so than any Indians in all the southern country.”²¹⁹ By 1825, some Indians were leaving the treaty-designated reserved lands and returning to their former holdings in Middle Florida. The first Superintendent of Indian Affairs, Thomas McKenney, received a report that the Florida Indians claimed they had no means of subsistence within their assigned lands and that subsidies of food were inadequate, also, “...there is no game in their country...it is exceedingly unhealthy, exposing them to sickness and inevitable death.” The territorial acting governor at that time, George Walton, agreed with the Indians’ complaints, and warned, “This district of Country, (formerly in the occupancy of the Indians,) has been surveyed, in part sold, and is rapidly populating; and if the Indians cannot be restrained within their limits, occurrences of an unpleasant nature between them and the white inhabitants must infallibly ensue....”²²⁰ Indeed, residents of Duval County, immediately north of St. Augustine, petitioned the president for protection from

²¹⁸ Ibid., “The Secretary of War to Governor Duval,” XXIII, August 17, 1824, 44.

²¹⁹ Ibid., “Governor Duval to the Secretary of War,” XXIII, October 26, 1824, 89.

²²⁰ Ibid., “Acting Governor Walton to Thomas L. McKenney,” XXIII, October 6, 1825, 336.

Indians wandering off their lands, with the threat that if the federal government could not compel Indian compliance, then local arms would: "...unless something effectual be done shortly in our behalf, the concentration of the Indians within their own boundaries, necessity will compel us, for the preservation and rightful enjoyment of our hard-earned possessions in the wilderness to resort to means within our own strength."²²¹

By early 1826, Indian relations had deteriorated and the Superintendent of Indian Affairs noted "the unusual discontent of the Florida Indians," and the assertion of the Indians that, "...the land allowed them by the Treaty was partly forced on the Chiefs, and that the Indians never agreed to give up their land."²²² After traveling through Indian lands, Governor Duval reported, "The best of the Indian lands is worth but little: -- nineteen twentieths of their whole country within the present boundary, is by far the poorest and most miserable region I ever beheld." Here therefore recommended additions to the grants for Indians but in areas that would limit access from whites, "who would otherwise crowd near the line, and sell Whiskey to the Indians."²²³

The most troubling aspect of the Florida Indians was not only their threat to white settlement, but the continued concern that through their contacts with escaped slaves they were an extraordinary danger to the larger system of slavery. One Florida researcher argued, "Unlike Indian removal in other parts of the United States, land was not the main issue..." rather, "Disputes between whites and Indians over the possession of black slaves was a very prominent feature of Indian removal from Florida."²²⁴ In 1826, the Superintendent asked his Florida Indian Agent to report immediately the number of

²²¹ Ibid., "Petition to the President by Inhabitants of Duval County," July 4, 1826, XXIII, 597.

²²² Ibid., "Thomas L. McKenney to Delegate White," February 21, 1826, XXIII, 445.

²²³ Ibid., "Governor Duval to Thomas L. McKenney," February 22, XXIII, 1826, 447.

²²⁴ George Klos, "Blacks and the Seminole Removal Debate, 1821-1835, *Florida Historical Quarterly*, 68:1 (July 1989) 55.

runaway slaves that were with the Indians and take steps to return them to their owners. In the absence of the Agent, his deputy replied, "...it was impossible to ascertain the number of runaway slaves as they were protected by the Indians' negroes, and many of the runaways had gone to New Providence [Bahamas] and Cuba." The governor added, "I am more and more Convinced that the Slaves belonging to the Indians are a Serious nuisance, they have by their art and Cunning the entire Controul Over their Masters the negros are all hostile to the white people and are Constantly Counteracting the advice and talks given to the Indians; and on several occasions, after they have been promised the Agent in Council to attend to his advice on their return to their villages their Slaves have persuaded them to disregard it...I would therefore urge...them [Indians] to Sell their Slaves and Soon as they Can find purchasers and Clear out all free negroes from the Nation."²²⁵ Six years later the same sentiment was still expressed in another citizens' petition to Congress, "A most weighty objection" to Indians in the territory was "that absconding Slaves find ready security among the Indians....It cannot be expected that people of property will settle in a Country where there is so little security in relation to their property."²²⁶ Indians alliances with Africans and proximity to the Caribbean made Florida a doubly dangerous border.

The American government inclined increasingly toward removal as the solution to Indian issues in Florida. Governor Duval recorded the apprehension of the Florida Indians about the western Indians and their prospects for a safe life west of the Mississippi. The governor also singled out one element of the Indians, the Mikasuki, as

²²⁵ *Territorial Papers*, from a letter from Oren Marsh dated May 17, 1826, XXIII, 451, n. 68; and, "Governor Duval to Thomas McKenney," March 2, 1826, XXIII, 454.

²²⁶ *Territorial Papers*, "Memorial to Congress by Inhabitants of the Territory," March 26, 1832, XXIV, 679. Caludio Saunt claims that Seminole and blacks maintained separate identities even though they were allies in the Seminole wars. Saunt, *op cit*, 247.

the most belligerent.²²⁷ Under President Adams, the new Secretary of War, James Barbour, emphasized the dependency of the Florida Indians on government subsidies and supposed that logic would tell them that life would be more agreeable in the west. “The time connected with these circumstances, is esteemed to be favorable for bettering their condition by offering them a more congenial Country West of the Mississippi, and a party is coming on, with powers, it is presumed, to negotiate in regard to this step.”²²⁸

The Indian party he referred to arrived in Washington but the president did not see them. They left after issuing a statement of their disappointment over the treaty lands in Florida, a declaration of intent to return all escaped slaves unlawfully in Indian lands, and a firm pronouncement that they did not intend to move and resettle west of the Mississippi. They also rejected a proposal for a government funded school on Indian land. Since whites had received the “gift” of reading and books before Indians, they concluded that these were unnecessary for Indians or red and white men would have been given the same gifts at the same time. This is a useful insight into these Indians’ judgment about whites. It is certainly at odds with the outlook of the Cherokee, who embraced education and attempted assimilation to remedy differences with whites and enable them to remain on their lands. In Seminole legend, whites had gained the ability to read and write before Indians through trickery. Therefore, all whites they ever met, English, Spanish and French, were part of the original deception that gave them the tools of literacy and, by implication, other modern contrivances that set whites apart from Indians. The Seminole delegation wanted no part of it. An astute diplomat may have realized that such attitudes indicated that the Florida Indians were no more drawn toward

²²⁷ Ibid, “Governor Duval to Thomas L. McKenney,” April 5, 1826, XXIII, 501; and April 7, 1826, XXIII, 505.

²²⁸ Ibid, “The Secretary of War to James Gadsden,” May 2, 1826, XXIII, 527-528.

alliances with the Spanish than with the Americans, and that there was little to fear regarding an Indian-Caribbean connection. The Seminole summarized their position in these terms, “We have heard that the Spaniards sold this Country to the Americans—This they had no right to do,—the land was not theirs, but belonged to the Seminoles.”²²⁹

Even if an Indian-Caribbean league was exaggerated, there was much to fear about an Indian-African alliance based on mutual rejection of white dominance. Slavery was always a risk to American security. The Spanish used escaped Africans as militia to fight against both British and American incursions, and Florida’s sanctuary law was certainly behind the 1739 Stono rebellion. Slaves were used against the United States in the American Revolution and War of 1812. Even so, nothing scared the slaveholding south as much as the example of the rebellion on Saint-Domingue and the independence of Haiti. By 1804, as Franklin Knight explained, Haiti had experienced, “...a thorough revolution that resulted in a complete metamorphosis in the social, political, intellectual, and economic life of the colony. Socially, the lowest order of the society – the slaves – became equal, free, and independent citizens....The Haitian model of state formation drove xenophobic fear into the hearts of all whites from Boston to Buenos Aires.”²³⁰

“the horrors of St. Domingo enacted over again in earnest...”

Ellen, Corinna and Charles Brown moved from Portsmouth, New Hampshire, to Mandarin, Florida, in Duval County. They settled with an uncle on the St. Johns River between Jacksonville and St. Augustine. Their arrival in November 1835 was just one

²²⁹ Ibid, “Talk by the Delegation of Florida Indians,” May 17, 1826, XXIII, 548-551.

²³⁰ Franklin W. Knight, “The Haitian Revolution,” *American Historical Review*, 105 (February 2000) 104-105.

month before the start of the Second Seminole War. The war began in December with the murder of an Indian agent, and on that same day a complete Indian victory that was later termed Dade's Massacre. That winter, Corinna wrote to a brother who remained in New York, reporting on the Indian war news and added, "...should the slaves rise about this time, it would make a glorious work – the horrors of St. Domingo enacted over again in earnest..."²³¹ She and her neighbors were clearly frightened by the prospect of black revolt, and it is curious that she cited Haiti rather than the more recent Nat Turner uprising in Virginia. Two months later, Andrew Anderson in St. Augustine wrote his brother that he would probably not be able to make a voyage to visit him in New York because he did not want to leave his commercial interests at the mercy of the "savages of all colors," indicating his suspicion that Indians of all colors had reason to rebel against property holders. His designation of Indians as "savages of all colors" illustrates how Florida's nonconformity with the United States' biracial system threatened white immigrants' sense of social order.²³²

The Second Seminole War officially started after more than a decade of land negotiations and internal Indian disputes over removal, and by that time black Indians were thoroughly integrated into the Seminole ranks and leadership.²³³ Chief Jumper was

²³¹ James M. Denham and Keith L. Huneycutt, eds., *Echoes from a Distant Frontier: The Brown Sisters' Correspondence from Antebellum Florida* (Columbia: University of South Carolina Press, 2004) 21-22. This letter was written on February 3, 1836. Dade's Massacre occurred on December 28, 1835, with the loss of an entire company of U.S. soldiers. Corinna Brown's comments in the letter were similar to the fears recorded in Jacksonville's newspaper, the *Courier*, warning about abolitionist plots and reminding whites about Haiti's slave rebellion. See 1835 issues of August 7, September 3, 17, and October 8. The *Courier* items are cited in Schafer, op cit., 608 n. 74. Schafer also found evidence in *Courier* issues of December 1835 and January 1836 of fears of "...plantation slave conspiracies and slave runaways, as well as military orders to round up and confine slaves and free blacks of the town." Ibid., n. 75.

²³² SAHS, MC 10-22, letter to Smith Anderson, April 14, 1836.

²³³ Corinna Brown's correspondence included this comment about color and Indians: "We had another, (I believe false) alarm last night – an old man & his daughter – one third indian and two thirds negros in blood..." who lived a few miles away became alarmed by livestock noises and ran away for safety. The

himself an African Indian, as was a senior advisor to Chief Micanopy named Abram. American troops were committed to forcibly remove all remaining Indians, and over ten thousand soldiers and sailors served in the war. The campaign dragged on for seven years with no final success from the American point of view. Commanding General Jessup reported that if citizens complained that Indians stole their slaves or that slaves ran away to the Indians, “I have only to say...that I can have no agency in converting the Army into negro catchers, particularly for the benefit of those who are evidently too afraid to undertake the recapture of their property themselves.”²³⁴ United States officials believed the blend of Indian and African concerns combined with a vague sense of danger from Caribbean influence, danger not just to Florida but to the United States that warranted the unprecedented expenditure of military resources to secure a territory.²³⁵

Some of the United States soldiers who served in the war kept diaries and wrote memoirs. One of the most fascinating was Jacob Rhett Motte, a South Carolinian and Harvard graduate who served as a military surgeon in Florida. In his description of the surrender of a band of Seminoles, Motte surely conveyed a sense of southern horror and antipathy toward what might happen if Florida or the south were to experience black revolution, “About thirty or forty warriors had surrendered unconditionally....There were also many negroes; who by the bye, were the most diabolical looking wretches I ever saw; their style of dress contributing much to render them ferocious and oriental in aspect. They had none of the servility of our northern blacks, but were constantly

next day a dozen men rode to their homestead and determined “it is more probable it is a white Indian after stealing cattle.” Ibid. 28-29. What she meant by a “white” Indian is unclear.

²³⁴ *Territorial Papers*, “Thomas S. Jessup to the Secretary of War,” May 8, 1837, XXV, 390.

²³⁵ Paul E. Hoffman, *op cit.*, 305-306.

offering their dirty paws with as much hauteur, and nonchalance as if they were conferring a vast deal of honour, of which we should have been proud.”²³⁶ These Africans no doubt had the same attitude of pride and resistance as the free black militia of Fort Mose who twice repelled British attacks and blacks in the Spanish military who forced Americans to withdraw from Florida in 1812.

During the course of the war, conflicts between the regular military and local militia provide insight into the type of people who lived in this borderland. As he prepared to march into Florida, Motte observed the gathering of a Georgia militia unit, “The streets of Columbus presented a bustling appearance; not with business, but the constant arrivals of the mighty, valiant, and invincible citizen soldiers, in whose bosoms the flame of patriotism has furiously blazed forth....It seemed as if every ragamuffin of Georgia, deeming himself an invincible warrior, had enlisted under the standard of Mars, which many from their conduct must have mistaken for the standard of Bacchus, as they observed the articles of the latter god with much greater reverence.”²³⁷ In Florida, he met an even more alarming class of citizen: “No where have I ever met a more ignorant people, and who stood in more earnest need of schoolmasters. They actually knew nothing beyond the necessity of eating to support life, and of being clothed to defend themselves from the weather;—mere vegetables.”²³⁸

²³⁶ Jacob Rhett Motte, *Journey Into Wilderness: An Army Surgeon's Account of Life in Camp and Field during the Creek and Seminole Wars, 1836-1838*, James F. Sunderland, ed. (Gainesville: University Press of Florida, 1963) 210. Other important works on the war include, Mahon, op cit.; George E. Buker, *Swamp Sailors in the Second Seminole War* (Gainesville: University Press of Florida, 1997); Potter Woodburne, *The War in Florida* (Baltimore: Lewis and Coleman, 1836, reprint by University Microfilms, Ann Arbor, 1966); Bemrose, op cit., 15, 17. Bemrose similarly described Indians he met in St. Augustine.

²³⁷ Motte, op cit., 3. Bemrose, op cit., 35, 51, 55, 60. Each citation contains disparaging comments about the civilian militia.

²³⁸ *Ibid.*, 53-54. His next entry reads, “Their huts, with but few exceptions, you could hardly have induced a sensible dog to occupy, without his shedding tears of dissatisfaction....”

Florida citizens were not impressed by the military, either. Writing to his brother in New York from St. Augustine, Andrew Anderson complained that the militia had been disbanded, disarmed and insulted by the regular military. The army had not engaged the Indians and were maneuvering dangerously so as to put the civilian population in harm's way. Anderson's opinion was that Florida was more defenseless with five thousand troops in it than before the army arrived. He suspected that Washington had an unexplained motive to prolong the conflict and therefore advocated senseless military policies and brooked incompetent officers.²³⁹

Deeper into Florida, Motte came upon a boom town that grew as a result of whites congregating for protection from Indians. As he described them, "They were mostly small farmers who had emigrated from different States and settled in Alachua County to plant corn, hoe potatoes, and beget ugly white-headed responsibilities. Which occupation they pursued with praise-worthy industry...but imagining it much easier to be fed by Uncle Sam, they provoked the Indians by various aggressions to a retaliation...." Motte's view that white citizens were responsible for the war was likely a common impression among the soldiers. If his meaning was not clear enough in the preceding comment, he went on to accuse the white cracker population of profiting from the state of alarm and government subsidies for their protection, "...they congregated in spots, built pickets or stockades – which they called forts – drew rations – as they designated themselves 'suffering inhabitants' – and devoted their attention entirely to the last of their former occupations [begetting children]."²⁴⁰

²³⁹ SAHS, Anderson letter, *op cit.*

²⁴⁰ *Ibid.*, 90-91. In his memoirs, soldier John Bemrose also commented on the local whites, "At Fort Drane there were about 150 of these creatures, without food and very scarce of clothing." Bemrose, *op cit.*, 36.

The “suffering inhabitants” remark was taken from a Congressional resolution of January 30, 1836, to authorize rations for the “unfortunate sufferers who have been driven from their homes by Indian depredations....” Debate over the request for aid brought up the question of precedent. Would this create a precedent that the country would later regret? Representatives asked, how did Florida’s situation differ from that of other threatened and fragile borderlands? Congressman Grainger of New York answered, “The situation of Florida is unlike that of the country alluded to by the gentleman from Virginia [Mr. Patton]. If I understand the character of that Territory, it is not susceptible of sustaining a dense population within its borders. There are now but few inhabitants, spread over a large expanse of country; and when they are driven from their settlements, unless the Government extends its aid, they must inevitably perish. They are not like the Niagara frontier, who fell back upon a country as rich in agricultural products as any other section of the Union.” Even fifteen years after the acquisition, Florida was still thought of as a fragile frontier, qualifying for extraordinary and precedent-setting allocations of direct aid to citizens.²⁴¹

Another member of Congress asked to change the word “sufferers” to “women, children, and men unable to bear arms.” Militia volunteers in the field would have rations provided, but, “Feed men up and stuff them with rations, and my word for it, there is no fighting.” The House debated the issue of whether the executive and military had done enough to prosecute the war and end the crisis, which would make aid to citizens unnecessary. This ignited a partisan divide on the floor of the House, with the defenders of Jackson arguing that there was no lack of spirit on the president’s account. One of

²⁴¹ *Register of Debates*, House of Representatives, Twenty-fourth Congress, 1st Session, Gales and Seaton, 2438-2448.

Jackson's supporters pointed out, "The time has been when seven hundred undisciplined militia, under a skilled commander, contended successfully against this very tribe of Indians...." referring to Jackson's prosecution of the First Seminole War.²⁴² He then went on to say that enough men were in the field against the Seminoles now to defeat them, if they had proper leadership.

The resolution for aid to citizens passed 178 to 14, but the controversy boiled over in a presidential tirade and an unconcealed attack on the masculinity of Florida husbands. Tensions between the military and civilian militia opened up a portal for President Jackson's view of the Florida Indian crisis and gender. Jackson had faith in the martial spirit of American men. In his first inaugural address, he claimed that "...a patriotic militia will cover it [the nation] with an impenetrable *aegis*....a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe." Perhaps Florida's sole territorial delegate to Congress from 1825 to 1837, Joseph M. White, was unaware of the president's temper on this subject when he sent letters to the Secretary of War asking that citizens not be drafted away from their homes to serve in the militia since they were already defending their home sites. On February 15, 1837, in the last few weeks of Jackson's presidency, he went personally to the president to press his opinion about the militia draft. "I called to-day in person to see the President, to protest against any further draft on Middle Florida, and to suggest that they would have enough to do to protect their own frontiers." President Jackson replied that he did not think there was any military draft in effect and demanded to see evidence that one even existed, "...and then becoming excited he said, "Let the damned cowards defend their country,' that he could take fifty women, and whip every Indian that had ever crossed the Suwanee,

²⁴² Ibid.

and that the people of Florida had done less to put down the war, or to defend themselves than any other people in the United States.” They ought to have crushed it themselves, “if they had been men of spirit and character.” Impugning Florida’s men yet further, “He said the men had better run off or let the Indians shoot them, that the women might get husbands of courage, and breed up men who would defend the country.” A cowed delegate White despaired, “We came to no understanding.”²⁴³

Jackson’s words set off a crescendo of wrath from Floridians. The following May, Jacob Motte attended a dinner in Newnansville, near present-day Gainesville. There he described a toast offered by the women, “The ladies sent in a toast which would have withered Old Hickory into a nonentity had he been present. It was an outpouring of the overflowing bile, which some severe remarks of the General upon the courage of the Florida gentry had caused to be super-abundantly secreted in the livers of the fair Alachua [county] dames....The sentiment of the ladies...expressed their perfect satisfaction with their present helpmates; and stated that they were not in the habit of swapping husbands nor disposed to adopt such a mode of procedure, notwithstanding the amiable example them in the General’s own conduct in former times.”²⁴⁴

²⁴³ *Territorial Papers*, “Delegate White to J. Knowles,” XXV, February 15, 1837, 378-379. Florida’s lone representative to Congress during this time was Joseph M. White, who served in the non-voting position from 1825 to 1837. White has been an ally of John Quincy Adams and a leader of the anti-Jackson faction in Florida. Jackson has impugned White’s masculinity, too, by accusing him of being part of a Kentucky militant unit that fled in the face of British attack at the Battle of New Orleans. Whether or not White was there is uncertain, but the Kentucky unit was commanded by White’s future father-in-law, John Adair, whom Jackson held in contempt. As an attorney, White also irked Jackson by representing many Spanish claimants in land disputes. White and Jackson agreed on unionism during the nullification crisis. A toast at an 1830 dinner for White was, “Florida – as impatient to break into the union as South Carolina is to break out.” See, Ernest F. Dibble, “‘We Could Have Sent the Old Barbarian Back to the Hermitage’: Joseph M. White and Anti-Jacksonianism in Territorial Florida, 1821-1839,” *Florida Historical Quarterly*, 75 (fall 1996) 169, 171, 179.

²⁴⁴ Motte, *op cit.*, 92-93. The reference in the women’s toast is to the controversy surrounding Jackson’s own marriage.

Congress debated the conduct of this long war in which large numbers of soldiers died of tropical diseases, relations between the military, white settlers and the local militia were strained, and the Indians were never completely subdued?²⁴⁵ Unsuccessful prosecution of the Second Seminole War led to charges of incompetence and wasted funding as Congress, the War Department and the military argued with each other. Two commanding generals faced courts martial, and Congress vigorously debated a war that, “Year after year, army after army had been marched in the morass of that peninsula; and general after general has been dismissed...the blood of our people had been wasted, has been squandered, in those arid sands; and all for what? To force a few Indians from a desert tract of sand....” These were the words of Massachusetts Whig Congressman Caleb Cushing during the debate over a special Congressional investigation into the war. Caleb went on, “The sands of Egypt and the snows of Russia conquered the armies of Napoleon, and the climate of Florida, equally unfavorable to military operations, conquered the military forces of the United States....It was not those who had served in the army, nor those who were commanders in that army, who had been disgraced but it was the nation, the people of the United States, it was the government of the United States which had been disgraced. We have marched men by the thousands, by the tens of thousands, against a handful of Indians; and are they subdued?”²⁴⁶

In calling for an investigation, Tennessee Congressman William Campbell stated, “...the world should know why it was that a small and naked band of savages had been enabled so long to resist the power of the American army....It is true, that the enemy are

²⁴⁵ James M. Denham, “‘Some Prefer the Seminoles:’ Violence and Disorder Among Soldiers and Settlers in the Second Seminole War, 1835-1842,” *Florida Historical Quarterly* (July 1991), 70:38-54. Denham estimates 1,100 died of disease, or fourteen percent of the total who served.

²⁴⁶ *Register of Debates*, Twenty-fifth Congress, 1837, 1st Session, 642.

too weak and contemptible to excite anything like a national feeling; but still the Seminoles, from their long stand for their independence, must excite the sympathy of every honorable bosom.”²⁴⁷ Another Tennessean, John Bell, a former Jackson protégé who turned against Jackson during the bank debate and a became a Whig, complained that Congress had received no communication from the president about a war that had already cost the nation nine or ten million dollars and would cost thirty million before it was over. “It had not been thought worthy a single Executive communication, nor a single hour’s deliberation on the part of Congress. Great calls for volunteers were incessantly making upon the different States to concentrate a great force of some eight thousand troops upon the swamps of Florida to control from one to two thousand Indians and negroes....”²⁴⁸

One suggested method of subduing the Indians was the use of bloodhounds specially bred for size and ferocity and imported from Caribbean islands where they had been used to hunt and savage maroon blacks in the backcountry of Jamaica and Cuba. Opposition to the use of such large dogs who would not only track but tear apart their prey came from voices who compared this with the Black Legend of Spanish cruelty in the decades following First Contact in the Americas. By this time, 1836 to 1840, opponents included abolitionists who equally decried the use of dogs against runaway slaves. Congress debated the matter, and eventually the dogs were withdrawn because they had been trained to track blacks, not Indians, or so the reasoning went. Informally, and not as a matter of official policy, a St. Augustine newspaper article suggested that it was the name “bloodhound” which offended, and that the dogs should be renamed

²⁴⁷ Ibid., 740.

²⁴⁸ Ibid., 737-738.

“Peace-Hounds,” which was, “more appropriate to their character and services, than the name of bloodhounds, which has shocked the nerve of so many old ladies of both sexes out of Florida.”

The heat of rhetoric and taunting, especially since the hound matter was linked to the subjection of both Indians and slaves, revealed yet another and explicit gendering of the issue. Those in favor of using bloodhounds against Indians regard opposition to their plan as sympathy for abolition. Any criticism of methods used primarily for slave control, but in this case to be used against Indians, had the scent of challenge to white masculinity. On the other side, abolitionists intensified the use of the term “slave power” to describe the unjust inhumanity of those who would use vicious dogs trained specially to hunt blacks to also maul the Seminole. Exasperated with those who blocked the use of dogs, bloodhound advocates used a gender taunt to attack any one who would limit their methods of controlling color and class by arguing that their proposal had unnerved “old ladies of both sexes...” In this way, events of the Seminole War became part of a broader national abolitionist voice. The link between Indians and Africans, although not large in terms of the numbers of Africans and Indians living together in Florida, together with proximity to the Caribbean, was exceptionally frightening to southern whites.²⁴⁹

Time after time, whites mentioned Indians and Africans together when they wrote about the Florida Indian war or when members of Congress spoke of it on the floor of the House of Representatives. Historian Larry Rivers made the broadest claim: that the Second Seminole War was the nation’s most prolonged slave rebellion, “Some historians have suggested that no significant slave revolt occurred in the United States between Nat

²⁴⁹ John Campbell, “The Seminoles, the ‘Bloodhound War,’ and Abolitionism, 1796-1865,” *The Journal of Southern History*, LXXII:2 (May 2006) 268-269, 281. *St. Augustine News*, March 27, 1840, 2, as quoted in Campbell.

Turner's 1831 struggle and the Civil War's beginning three decades later. Yet...what probably constituted the largest slave uprising in the annals of North American history ravaged Florida from 1835 to 1838 during the Second Seminole War."²⁵⁰ The suggestion that the Florida Indian wars also had characteristics of a slave rebellion should be considered together with President Jackson's vituperations about manliness and the repeated characterizations of Spanish Florida and Caribbean as dangerously effeminate.

²⁵⁰ Larry Rivers, *op cit.*, 219. Rivers limited the years to those of the most active fighting.

CHAPTER VI

WHITE ADVOCATES

Liberty for people of color

The Florida borderland had a slave society different from that of the United States. Both the United States and Spanish America had three tiers, so called, of society with free whites on top, black slaves on bottom, and a middle tier of free people of color. The two models differed with respect to the size of the middle tier, access to it, liberties and privileges enjoyed by free blacks, and the legalities of defining color. The United States soon moved to eliminate the Spanish model, and within its first decade as a territory it did so. By the end of the 1820s, Florida's slave laws, restrictions on free blacks and limits on manumission conformed with laws in the rest in the southern United States. However, there were exceptions, and vestiges of the former customs persisted. Jane Landers summarized the situation well, "Although free blacks, assisted by their white kin and patrons, struggled to retain property and citizenship rights and a more flexible system of race relations, the tide was against them. Only those who had the most influential protectors managed to retain some of their customary privileges...For the rest of the enslaved black majority life took on the severely reduced, fixed and dehumanized contours of the Cotton Kingdom."²⁵¹ This chapter is about the white advocates who tried

²⁵¹ Landers, op cit., 252.

to convince their peers that there was more safety and stability in what they thought was the rational and humane Spanish practice.

Daniel Schafer, the foremost historian of British Florida who also writes convincingly about Florida's territorial era, claims, "Unable to stop the new American residents from establishing the legal framework for a two-caste system of race relations, influential Spanish subjects who stayed in Florida dug their heels in the sand and fought a futile rear guard action."²⁵² Both Landers and Schafer acknowledge the lingering Spanish influence, but both recognize the imminent demise of the former system and the loss of freedom and any pretense of citizenship for Florida's free blacks.

Arguing for continuity and the lasting influence of the old system, another historian of nineteenth-century Florida disagreed, perhaps mildly, with Landers and Schafer when he wrote, "Spanish rule of Florida ended in 1821, but for many reasons the influence of its racial policies and practices continued during the territorial era."²⁵³

Another historian, Frank Marotti, documented scores of free blacks in East Florida who were able to maintain or expand property holdings during the territorial period, largely because of their kinship with whites. However, Marotti agrees with Landers and Schafer that in spite of a degree of continued liberty and influence, those in the middle tier of the old three-tier system gradually faded from the records of land holders and legal petitioners in the East Florida counties.²⁵⁴

From 1821 to the passage of the first laws restricting free blacks in 1827, was a period of undefined status for Florida's free colored population. Passage of laws that

²⁵² Schafer, "A Class of People Neither Freemen nor Slaves," op cit., 592.

²⁵³ Canter Brown, Jr., "Race Relations in Territorial Florida," *Florida Historical Quarterly* (LXXIII:3) January 1995, 289.

²⁵⁴ Frank Marotti, Jr., "Negotiating Freedom in St. John's County, Florida, 1812-1862," PhD dissertation, University of Hawaii, 2003.

restricted and eliminated liberties for free blacks brought vigorous white reaction from some East Florida planters and former Spanish subjects. By the middle of the 1830s, leaving Florida for the Caribbean became attractive to those who supported the rights of free blacks and the rights of slaveholders to manumit as they saw fit. Another good summary of the era is by Schafer: “For the first decade and beyond, the major slaveowners in northeast Florida were nearly all holdovers from the Spanish era. They owned much of the best land, often in large blocks situated on the principal waterways. Along with economic power they held key political offices, serving as delegates to the territorial legislature, justices of the peace, sheriffs, clerks of court, and judges. Some worked vigorously to persuade territorial legislators to retain the liberal and flexible Spanish race relations policies. When their efforts failed, these holdover planters scorned the new laws while continuing to observe their older traditions.”²⁵⁵ By then it was clear that American social and legal racial policies were toxic to the liberty of people of color.

During the territorial era, Florida’s free black population resisted loss of their liberties in different ways. Under terms of the cession treaty Florida’s Spanish population, including many Minorcans in St. Augustine, were accepted as citizens and served in official capacities, but free people of color were denied citizenship. They continued to assert the freedoms they were accustomed to under Spain, and many multi-racial families continued to function as before. Even when territorial laws began to emulate the slave statutes of neighboring states, family ties and adherence to custom continued to shelter free people of color in East Florida.²⁵⁶

²⁵⁵ Schafer, 593.

²⁵⁶ Laura F. Edwards, “Status without Rights: African Americans and the Tangled History of Law and Governance in the Nineteenth-Century U.S. South,” *The American Historical Review* (112:2) April 2007, 369-371. Edwards argues that laws developed locally in order to meet the needs of local issues with local

From the cession in 1821 to the mid 1830s, some of the most important advocates for black rights, including liberal manumission laws, were white men of standing who argued for the merits of the Spanish system. Their reason for doing so was primarily that they were fathers and patriarchs of mixed race families, and some of them maintained public family relations with black women. When territorial laws changed beginning in 1827, the restrictions on sex and family life between colors led to ardent objections by this cadre of planters who themselves were parents of mixed color children.

Zephaniah Kingsley, Jr. and Anna Madigigine Jai

Among of the most important of these men was Zephaniah Kingsley, a planter in Duval County. Kingsley was a slaveholder who advocated for a slave system that included an increasing number of free blacks, a society he saw in various Caribbean locations and in Spanish Florida. He was an example of a slaveholder whom Eugene Genovese described as favoring “slavery in the abstract,” or who did not exclusively base his proslavery reasoning on race, if such a thing was truly possible.²⁵⁷

Kingsley was born in 1765 in Bristol, England, into a Quaker family, and grew up in colonial Charleston, South Carolina. In 1782, the family removed to Nova Scotia because of their loyalist sympathies. Zephaniah returned to Charleston in 1793 before moving on to the Caribbean where he was a merchant seaman and became involved in

judgments. This explains the wide diversity even in slavery cases where local control produced local decisions that were different from place to place. In actual practice, laws were built from the bottom-up rather than tops-down, and this explains the diversity of early state and territorial law.

²⁵⁷ Eugene D. Genovese, *A Consuming Fire: The Fall of the Confederacy in the Mind of the White Christian South* (Athens: University of Georgia Press, 1998).

the slave trade based in Charlotte Amalie in Dutch St. Thomas. In 1803, Kingsley requested permission to settle in Spanish Florida.²⁵⁸

During 1804 and 1806, Kingsley traveled to Liverpool and along the African coast to Mozambique before landing in Charleston with two hundred and fifty slaves. Later that year, he traveled to Havana. When he finally settled in Florida, Kingsley brought with him a young African named Anta Madigeen Ndiaye, who was approximately thirteen years of age.²⁵⁹ By the time he arrived at his plantation named Laurel Grove on the St. Johns River, Anta was pregnant by Kingsley. He treated her as his wife until his death in 1843.²⁶⁰

Kingsley lived with Anna, as her name appeared in official records, and they had four children. He freed her and their children, and claimed to have married her according to the customs of her country.²⁶¹ In his 1811 manumission of Anna and their children, Kingsley originally stated that he was “a single man,” thus the father of illegitimate children. Three days later he amended the manumission document to eliminate reference to his marital status. The manumission document described Anna: “I have as my slave a black woman named Ana, about 18 years old, who is the same woman that I purchased in Havana from a fleet which, with permission of that government, was introduced there;

²⁵⁸ *East Florida Papers*, November 25, 1803, Reel 80, Item 1803-124, Section 44, contains Kingsley’s letter requesting permission.

²⁵⁹ The ship *Esther* arrived at St. Augustine with Kingsley and three slaves, October 21, 1806. *East Florida Papers*, Reel 133, Item 1806-3, Section 70.

²⁶⁰ Schafer, *Anna Madgigine Jai Kingsley*, op cit., 20-23.

²⁶¹ *Ibid.* It is not clear if Kingsley and Anna were married under these customs in Africa or Cuba or elsewhere. He claimed to have married her on the African coast and in a foreign country, therefore his purchase of Anna in Cuba may not have been his first acquaintance with her.

this Negress I have had and have procreated with to produce three mulatto children....”²⁶²

Their fourth child was born later, when Anna was a free woman.

By the time Spain sold Florida, Kingsley was one of the most prominent planters in East Florida. According to the 1830 census, Kingsley held ninety-three male and ninety-seven female slaves. In 1823, President James Monroe appointed him to serve as one of thirteen delegates forming the first session of the territorial legislature. He was not appointed or elected to serve in subsequent sessions of the legislature, but for the next ten years Kingsley advocated the system of slavery he experienced in Spanish Florida and that he observed in other Caribbean lands where slaveholders could rather freely manumit slaves and where liberties and property rights for free blacks were more secure.²⁶³

In 1837, when his children were grown and Kingsley was in his sixty-seventh year, a visitor came upon Kingsley while he was sailing on the St. Johns River. The visitor knew of Kingsley’s reputation and was eager to meet him in person. The newspaper account published in Boston expressed surprise that such a successful man chose a black woman to be his wife and that they remained together and raised a family. The visitor described Anna, “The sooty spouse was indeed as black as jet – a strongly scented as a musk-rat – and, to prejudiced eyes, as ugly as pictures of the king of sinners.” On the plantation grounds he saw Kingsley’s children playing piano and violin while a third waltzed with a large dog. Kingsley must have spent lavishly on his children to provide them with musical training and with instruments, intending that his daughters

²⁶² Manumission document, March 4, 1811, *East Florida Papers*, Reel 171, Bundle 378, microfilm, University of Florida. Also printed in Daniel W. Stowell, *Balancing Evils Judiciously: The Proslavery Writings of Zephaniah Kingsley* (Gainesville: University Press of Florida, 2000), 23-25. In addition to his children by Anna, Kingsley had other black co-wives and children whom he manumitted and who received benefits in his will. The other wives were Munsilna McGundo, Sarah Murphy and Flora Hannahan. See Schafer, 70.

²⁶³ *Territorial Papers*, “Commission of Members of the Legislative Council,” March 3, 1823 (XXII) 640-641.

would marry well and marry white men. The visitor wrote, “He has indeed offered \$20,000 worth of property, and thirty or forty negroes, to any decent white man who will marry either of his daughters and treat her well.” They did marry whites, and through the legitimacy of their husbands’ standing Kingsley could insure that his daughters would inherit his wealth.²⁶⁴

This visitor concluded his article with a revealing statement, “What could have turned the mind of Mr K. to such tastes and associates the wise ones may surmise; yet true it is – through a white human being – with many white relations – and rich withal – he lives just as has been described from choice. Surely there is no accounting for taste.”²⁶⁵ Certainly there was a reasonable accounting for Kingsley’s family. The visitor did not account for Spanish precedent and the system that attracted Kingsley and other whites to Spanish Florida.

Kingsley’s arguments

Kingsley was a proslavery patriarch, but his writings contain direct refutations of race-based slavery. His arguments for slavery presumed the necessity of coerced labor to develop tropical and subtropical lands, and he assumed that Africans were better suited to labor in warm climates. Kingsley and other East Florida whites made no secret of their family relations with black women with whom they shared households and their mixed race children. In the latter part of the 1820s, Kingsley wrote scathing objections to new territorial laws that hindered manumissions and added legal burdens to free blacks.

²⁶⁴ *Christian Register and Boston Observer*, “Notes of an Invalid – No. 9,” September 30, 1837 (16) 39.

²⁶⁵ *Ibid.*

Finally, in 1833, he and eleven other East Floridian whites penned a Memorial to Congress seeking federal intervention to stop the territory from implementing what were to them unjust and inhuman laws against their wives and families.²⁶⁶

Neighboring slaveholders along the St. Johns River, in St. Augustine and on Amelia Island also had black families, including James Erwin, George Clarke, Francisco Xavier Sánchez, John Frasier, Francis Richard and John Taylor. At his Laurel Grove plantation, Kingsley had at least one hundred slaves along with young Anna. The year after Kingsley manumitted her, Anna and her children moved across the river to manage Kingsley lands in Mandarin where she had a substantial home and owned and managed twelve slaves.²⁶⁷

In 1812, during the Patriot War, United States militia occupied Kingsley's dwelling and properties at Laurel Grove, but they were turned back by a Spanish counterattack with their Seminole allies. In the process, Kingsley lost forty-one slaves to the attacking Indians. American forces withdrew, but undisciplined irregulars remained in northeast Florida and continued raiding the properties of loyal Spanish subjects. Anna provided valuable assistance to Spanish forces, forces that included free black and mulatto soldiers. She led them to Kingsley's fortified residence at Laurel Grove and

²⁶⁶ *Territorial Papers*, "Memorial to Congress by Citizens of the Territory," January 28, 1833 (XXIV) 800-802. Also, in Stowell, op cit., "Address to the Legislative Council of Florida," State Library of Florida, Tallahassee, undated but part of the 1826 legislative session collection; Letter to the Editor of the *East Florida Herald* (St. Augustine) December 12, 1826; *A Treatise on the Patriarchal or Co-operative System of Society as it Exists in Some Governments and Colonies in America, and in the United States, Under the Name of Slavery, with its Necessity and Advantages* issued in pamphlet form with changes in four editions from 1828-1834, State Library and Archives of Florida (Tallahassee) Florida Special Collection, 326-K55T; "Prejudice Against Color," *Working Man's Advocate* (New York) October 1, 1831 (authored by Kingsley or his mulatto son, George Kingsley); five letters written by Kingsley in *The Rural Code of Haiti, Literally Translated from a Publication by the Government Press; Together with Letters from that Country, Concerning its Present Condition, by a Southern Planter* (New York: J. Vale, 1839).

²⁶⁷ Schafer, 27-36.

burned it to deprive refuge to the Americans, then she did the same to her own two-story home in Mandarin.²⁶⁸

For her loyalty, the Spanish commander recommended Anna Kingsley to the governor. She won three hundred and fifty acres as a tribute. Her biographer, Daniel Schafer, wondered if this experience for Anna was similar to African slave raids in which burning dwellings was part of the strategy of escape and defense. Anna's Patriot War service, and in this case her leadership, proved not only her value to the Spanish authorities but proved that free blacks were reliable defenders of a society that included slavery. She joined in the common defense of those who protected her free status, even at the expense of valuable property and beloved homes.

After the Patriot War, Kingsley and Anna purchased a plantation near the mouth of the St. Johns River on Fort George Island. Don Juan McQueen began building the plantation house in 1792, and after 1804 it was owned by John Houston McIntosh who helped lead the so-called Patriot invasion and subsequently left Florida (figure 8).²⁶⁹ Kingsley expanded the building complex in two ways that emphasized the importance of Anna and her shared control of life on the plantation. Kingsley built a new dwelling for Anna and her children sixty feet from the main house, a home where she would have privacy, but connected to the main house by a covered walkway (figure 9). The other large project was the construction of slave dwellings three hundred yards directly south of the main buildings.

²⁶⁸ Schafer, 42-43; Cusick, 284-285. SAHS, Manuscript Collection 31, Box 1-57, 1-58 contain copies of damage claims of Zephaniah and Anna Kingsley.

²⁶⁹ *EFP*, January 23, 1817, sale documented in reel 166, section 81. Kingsley took possession in 1814. McQueen was a Revolutionary War veteran and became a judge in Spanish Florida. See, Landers, *op cit.*, 97.

Historian Daniel Schafer speculates that Anna designed the unique slave quarters. Thirty-two slave cabins are arranged in a semi circle, bisected by the main north-south



Figure 8. Kingsley home, Fort George Island.
Drawing for *McClure's Magazine*, 1878



Figure 9. Anna's house, Fort George Island.
Photo by author.

road from the plantation house to the fields. The cabins are constructed of tabby, an oyster shell, sand and lime compound mixed with water to produce a building material similar to stone. Each cabin had two rooms with a fireplace, twenty-one by fourteen feet and spaced at twelve foot intervals (figures 10 and 11). Four overseer cabins were larger with extra space between them and neighboring dwellings. Schafer's research in Senegal among Anna Kingsley's Wolof people leads him to conclude that the unusual arrangement of slave dwellings followed the pattern of village arrangements in Anna's African home, even with respect to the north-south alignment in relation to the main house. If this is so, the look of Kingsley's plantation intentionally replicated familiar spaces from Anna's past, and represented imposition of African order on the land and people. It also represented Anna's independence and control, albeit allowed to her by a white patriarch and his slave-derived wealth.²⁷⁰

Zephaniah Kingsley strongly supported manumission rights, not just because of his family situation, but also because of the social and economic benefits derived from a robust community of free blacks. His 1811 manumission document of Anna contained a strong statement about Kingsley's views of the system of slavery and patriarchy, "I have decided to give her freedom graciously and without any other interest, the same accorded to the aforementioned her three children." In freeing Anna and the children, Kingsley said that he was releasing them from "subjection, captivation and servitude" and relinquishing his rights of "property, possession, utility, domination." By listing these terms, Kingsley affirmed his awareness that slavery required the active assertion of all of these definitions of slavery. He specifically abjured them in freeing Anna and the children.

²⁷⁰ Schafer, *Anna Madigine Jai Kingsley*, 49-56.



Figure 10. Former slave dwellings on Fort George Island.
Drawing for *McClure's Magazine*, 1878



Figure 11. Ruins of Fort George Island slave dwellings.
Photo by the author

The manumission document then enumerated the rights that Kingsley's newly freed family would have – to “negotiate, sign contracts, buy, sell, appear legally in court, give depositions, testimonials, powers of attorney, codicils, and do anything which they can do as free people who are of free will without any burden.” These rights were specifically forbidden to slaves, and they indicate the range of liberties allowed to free people of color in Spanish Florida. The document concluded with a defense of her manumission from potential future legal challenges from Kingsley's family, a provision that proved helpful to his black wife thirty years later when Zephaniah's white relatives contested his will.²⁷¹

“...this species of our population”

Slavery laws passed by the territorial legislature in its first two sessions contained no significant statements about free blacks. In 1823, during Kingsley's term as a member of the territorial legislative council, he served on a committee to hear a petition from “free people of colour.” It is not clear what the petition wanted. Perhaps the issue was the matter of citizenship based on the ambiguous language of the cession treaty. Whatever it was, Kingsley resigned from this committee over a difference of opinion, and one of the other committee members indicated that he would introduce a bill in the legislature to deal with the subject of Florida's free blacks. No such legislation passed for several years, but this was the first indication of discussion of the question at the territorial level.²⁷²

²⁷¹ Manumission document, op cit.

²⁷² *East Florida Herald*, June 7, 1823 and June 21, 1823.

The first restrictions appeared in 1826. In that year, the territorial legislature considered a law to limit the immigration of free blacks into Florida. In response, Kingsley wrote an “Address to the Legislative Council of Florida on the Subject of Its Colored Population,” published in the St. Augustine newspaper in two parts. In the address, Kingsley appealed for tolerance and rights for free blacks on the basis of the economic prosperity of slavery itself. “...violent and acrimonious feeling,” he wrote, “has got to such a Pitch that it seems necessary to do something for the preservation of our southern Property which must either rise or fall in value according as this subject is rashly or discretely disposed of....”²⁷³ The property he was concerned about was, of course, primarily slaves.

In a carefully constructed argument, Kingsley assured readers of his own dependency on slavery and that he objected to broad manumission plans. He resolutely identified with slaveholder interests. He described himself as “...a Planter in Florida whose only dependence for these last 20 years has been in the labor of his slaves, [and] cannot in this case be suspected of any membership or community with manumitting societies....” After this disclaimer, he summarized his broad familiarity with slavery as a former resident of South Carolina, as a participant in the slave trade on the African coast, and as a witness to slave societies in the Caribbean. For all these reasons, Kingsley claimed to be in a position to advocate for a rational slave policy in Florida, based not solely on North American slavery but on his broad experience with Atlantic slavery.

Continuing his argument, Kingsley claimed that climate conditions in the American south, especially in Florida, were unfavorable to laboring whites. Only

²⁷³ *EFH*, December 12, 1826 and December 26, 1826. The first under the title “For the Herald,” and the second titled “To the Legislative Council of the Floridas,” both signed “Rationalis.” Also reprinted in Stowell.

compelled black labor, if properly managed, could bring forth the riches of subtropical production. As for the wise management of the slavery process, he claimed that it was lucky that up to this point little legislation had passed to change Florida's old system of color relations inherited from Spain. To Kingsley, a change from the old standards would weaken the key factor on which Florida's future depended. In Kingsley's view, Florida was part of the circum-Caribbean and would best prosper by copying social conditions he saw there, not in the United States.

Kingsley acknowledged the danger of the slave system in the Deep South where blacks often outnumbered whites. Increased dependence on slaves for production in the southern extremes and in the tropics meant increased risks for minority whites. White vulnerability increased in the deepest south and of course in the Caribbean itself where whites were vastly outnumbered. Kingsley was not just thinking about slavery in the cotton producing south, but he also included the even more intense reliance on slave labor on sugar producing plantations.²⁷⁴ If dependence on Africans intensified in the tropics, then so did the threat to inflexible systems of race.

Kingsley felt that slavery in the United States overcompensated for the risk by creating an even more threatening and unnecessary biracial division. A better model would be the three-tier system of the Caribbean. In his letter to the *St. Augustine Herald* of December 12, 1826, he wrote, "The single object...is to increase the value of the southern possessions." The route to such increase was to make the property of whites

²⁷⁴ Two 1829 reports mentioned Kingsley's sugar production. Under the title, "Epitome of News" in the *Saturday Evening Post*, February 7, 1829 (VIII:393) 2: "The sugar culture in Georgia prospers. Mr. Kingsley, who lives on the Florida side of the St. Mary's River, and has been extensively engaged in it, says that he has never seen any from New Orleans equal to his own." And in the *Christian Watchman*, April 3, 1829 (10:14) 55, "Mr. Kingsley on his plantation on the River St. Mary's, raised the last season 50 hhds. of sugar, said to be the equal to the best St. Croix." No doubt these appraisals of quality followed Kingsley's trips to New York to promote his products.

“secure and permanent.” Kingsley echoed the themes of earlier boosters, noting that the entire territory was, “...washed by an ocean on its full extent;” and as such, “nature has given us a market to the East and to the West.” Climate was favorable for sugar, cotton and citrus, and winter weather was a blessing for those afflicted with respiratory ailments. At the base of all opportunity for profit and benefit, Kingsley acknowledged, “There is no stock in the U. States, in which capital, can be so profitably invested, as in a southern farm worked by well managed negros.”

Florida needed investors, and investors were worried. Therefore, the central problem for sub-tropical southern development was a labor arrangement that attracted northern investors more readily because it had maximum safeguards against a Haiti-like rebellion. Kingsley wrote, “...so strong is the belief with monied men to the north that this kind of property could never be rendered permanently secure, that they have hitherto been absolutely deterred from embarking in the experiment. I consider this apprehension of theirs...arises from our own mismanagement and want of policy in the enactment of laws regulating this species of our population.”

To improve the slave system, Kingsley thought that rewards, including freedom instead of punishments, would create a more durable society. He fretted that southern slaveholders had “...lost sight of all but punishments.” In the newspaper article, he advocated for a system that would encourage investment and make southern society safer by taking a different approach to slaveholding society. “Hope and self interest, are not enlisted, even as auxiliaries to fear and oppression – the sole engines of our laws. It is thus, that by a natural consequence, the affections of the free persons of color, [a] great and growing portion of our people is alienated from the Whites....It is thus that northern

capitalists are taught to fear, not only for the investments they might be induced to make, but for their own personal life and safety.”²⁷⁵ In order to secure slavery, Kingsley believed American slaveholders should compromise by relinquishing absolute control of blacks, to the end of preserving slavery and making it a safer system of labor.

“...*the grand chain of security...*”

Zephaniah Kingsley’s most extensive and widely circulated statement about slavery was “A Treatise on the Patriarchal, or Co-operative System of Society as it Exists in Some Governments, and Colonies in America, and in the United States, Under the Name of Slavery, with its Necessary Advantages,” published in 1828, with a second edition in 1829, a third in 1833, and a fourth in 1834. The cover indicated it was written “By an Inhabitant of Florida,” but the preface was signed “Z. Kingsley” in the first three editions and simply by “A Slave Holder” in its final edition. Each edition had minor changes designed to make the treatise more amenable to whites by toning down inflammatory references against white supremacy.²⁷⁶ The treatise was primarily addressed to “the people of Florida” and intended to influence the territorial legislative council with respect to laws about slavery, manumission and the rights of free blacks. It is secondarily addressed “...to political economists throughout the Southern States....”²⁷⁷

The treatise had little effect on Florida’s legislators, much less the slaveholding south. In the later 1820s, Florida law and laws in the rest of the south greatly restricted free blacks and made manumission difficult to the point of virtually eliminating

²⁷⁵ *East Florida Herald*, December 26, 1826.

²⁷⁶ Stowell, *op cit.*, 8-11.

²⁷⁷ *Treatise*, 2nd edition (1829) 3.

slaveholders' options unless they obtained specific legislative approval. One effect of these laws was that Florida's percent of free blacks decreased from 5.2 percent in 1830, second only to Louisiana, to 1.5 percent in 1860 (see Tables 4 and 5). From 1830 until the Civil War, Florida's slave population tripled while its free black population increased only ten percent.²⁷⁸ During the years that Kingsley's treatise was in circulation, political power in Florida shifted from the old Spanish population centers in the east and west toward the rapidly growing Middle Florida region where slavery had none of the Spanish nor Caribbean legacy of old East and West Florida.

Table 4. Percent free blacks to slaves in 1830.
Florida was second to Louisiana among the Deep South states.

1830	free black	slave	%
Delaware	15,855	3,292	481.6
Maryland	52,938	102,994	51.4
Louisiana	16,710	109,588	15.3
Virginia	47,348	469,757	10.1
North Carolina	19,543	245,601	8.0
Florida (territory)	844	15,501	5.2
Tennessee	4,555	141,603	3.2
Arkansas (territory)	141	4,576	3.1
Kentucky	4,917	165,213	3.0
South Carolina	7,921	315,401	2.5
Missouri	569	25,096	2.3
Alabama	1,572	117,549	1.3
Georgia	2,486	217,531	1.1
Mississippi	519	65,659	0.8

²⁷⁸ Stowell, 10.

Table 5. Percent free blacks to slaves in 1860.
The percentage decrease from 1830 is most dramatic in Florida and Louisiana.

1860	free black	slave	%
Delaware	19,829	1,798	1102.8
Maryland	83,942	87,189	96.28
Virginia	58,042	490,865	11.82
North Carolina	30,463	331,059	9.2
Louisiana	18,647	331,726	5.62
Kentucky	10,684	225,483	4.74
Missouri	3,572	114,931	3.11
Tennessee	7,300	275,719	2.65
South Carolina	9,914	402,406	2.46
Florida	932	61,745	1.51
Georgia	3,500	462,198	0.76
Alabama	2,690	435,080	0.62
Texas	355	182,566	0.19
Mississippi	773	436,631	0.18
Arkansas	144	111,115	0.13

Kingsley's treatise began by acknowledging the unhealthy conditions for the laboring white population in warm climates from the Chesapeake to the Mississippi River. He wrote about the sickly appearance among the "lower orders," that could be explained "by supposing that nature has not fitted a white complexion for hard work in the sun, as it is evident that the darkness of complexion here is a measure of capacity or endurance of labor, under that influence." Even after long residence in the warm southern climate, Kingsley claimed that the indolence of formerly robust whites was caused by skin color and the inability of whites to adapt. Blacks were not only better

suited to labor in the heat, he claimed, but also slaves could learn every industrial skill and produce manufactured goods at a fraction of the cost of free labor.²⁷⁹

Kingsley next pointed out that there was a harmful state of dependence between free laborers and employers in non-slave areas, and he claimed that slaves under the hand of a generous master are better off than poor white laborers. He ended this point with a curious reference to slaves living in “a more enviable state of existence than the poor white man, burdened with a family, who has to contend with cold and hunger, besides religious and moral tyranny.” The reference to religion deserves a comment. Kingsley was at odds with religion and contemporary morality. He did not allow religious observances among his slaves. Kingsley felt that religion was a potential cause of slave discontent and uprisings, and cited the example of Denmark Vesey, a free black leader in the African Church of Charleston. Kingsley once owned Gullah Jack, Vesey’s accomplice, who was a conjurer and active in the African Methodist Church. He also cited examples of Muslim blacks who fomented rebellion. Kingsley thought that religious teachings encouraged boldness because promise of an afterlife would embolden slaves to violence if they lost their fear of death.

After arguing the merits of the southern slave economy, which he acknowledged produced greater excess profits than white labor in the north, Kingsley alerted readers to the dangers that destabilize such a profitable system. War and revolution were obvious dangers. His readers knew that twice before, adversaries offered freedom to slaves who joined in fights against the United States.²⁸⁰ By the time Kingsley wrote his treatise,

²⁷⁹ *Treatise*, op cit., 4, 11 n. 3.

²⁸⁰ *Ibid*, 11 n. 6; and, Stowell, 63 n. 29. Kingsley described the effect of a War of 1812 incident on Cumberland Island, immediately north of Fernandina on Amelia Island, where almost fifteen hundred slaves fled to British protection.

numerous slaves had liberated themselves to live as maroons or among the Florida Indians, and some of them became part of yet another armed conflict as participants in the Seminole wars.²⁸¹

Kingsley was not primarily concerned with external military threats. He was more concerned with the internal risk that slavery would topple from the concentration of wealth above and revolutionary sentiments below. Because the profits of slave labor were so disproportionately enjoyed by slaveholders, Kingsley warned against "...the spirit of disaffection which necessarily results from every unequal distribution of privileges; [therefore] it will be requisite to alter a little our present policy." He recommended a liberal manumission policy together with *coartación* that would offer a way out of slavery and into an accepted three-tiered society. In theory, a growing class of free people of color in the middle would themselves be invested in the system, and slaves would know that they might one day be free. This is how Kingsley lived in Spanish Florida and this is what he observed in his Caribbean travels. Kingsley thought that such a remedy required a greater degree of racial tolerance than he saw in the United States. One might argue that Delaware, Maryland and Virginia had sizeable numbers of free blacks and that these upper south states might serve as a partial example of what Kingsley recommended.

Kingsley felt there was an inherent self-destructiveness in the United States' system of slavery, and only a few years after he wrote his treatise the rebellion led by Nat Turner punctuated his message. To avoid structural risk, Kingsley recommended, "Pride

²⁸¹ When Florida became part of the United States, the overall white population was four thousand, and the Indian population ranged from an actual count of 2,412 to an upper estimate of 4,800. By the time Kingsley wrote his treatise, the white population was nearing thirty thousand.

and prejudice, our present stumbling blocks in the management of our negroes, should give way to policy and the necessity of self-preservation, and induce us to remove as far as possible whatever are the obvious causes of this dangerous revolt. Power may for a while triumph over weakness and misfortune. But as all nature (from the eternal principal of self) takes part with weakness against power, the re-action finally must be terrible and overwhelming.”²⁸²

His treatise appraised and compared slavery in other American countries, starting with Brazil. Kingsley claimed that in the war between Brazil and Argentina over territory that became Uruguay, the large percentage of slaves in Brazil did not rally to the new anti-slavery Republic of Buenos Aires. The new Argentine republic was not as magnanimous as it may have seemed. Until 1853, *de facto* slavery continued in Argentina. Kingsley’s point was that Brazil’s tolerant policy toward free blacks and self-purchase created a climate of hope among slaves and resulted in a loyal population of Africans. Brazil did not destabilize during wartime because a large portion of the African population supported the country. Few slaves could purchase their freedom, but such a mechanism still acted as a safety valve. “It is true, few have the means, but hope creates a spirit of economy, industry, and emulation to obtain merit by good behavior, which has a general and beneficial effect.” Kingsley said Brazil’s free black population were, “...the grand chain of security by which the slaves are held in subordination....”

These American societies prospered, he argued, because a growing percent of black population could anticipate freedom, even if a minority could actually achieve it. According to Daniel Stowell, Kingsley exaggerated the rights of free blacks in Brazil,

²⁸² Ibid, 5, 11 n. 5. Kingsley’s remedy may have satisfied blacks who joined in Nat Turner’s revolt in 1831. Any intentional reference to Jane Austen’s 1813 novel is unknown.

since they were subject to restrictions similar to those imposed on free blacks in the United States.²⁸³ Table 6 presents census information about free black and slave populations in American nations prior to general emancipation in that country.²⁸⁴ The data show what Kingsley argued, that growing numbers of blacks who had emerged from slavery were becoming prominent segments of these societies, with the exception of the United States.

The key to Kingsley's recommendations was a combination not only of legal recognition of the rights of free blacks and a cessation of color prejudice but also an acknowledged whitening process. He wrote in the treatise that, "...free people of color,

Table 6. Pre-emancipation census. (percent)

	year	white	slave	free black
Puerto Rico	1820	44	9	46
Curacao	1833	17	39	43
Brazil	1810	28	38	28
Cuba	1827			27
Martinique	1826	10	80	10
Surinam	1830	5	86	9
Barbados	1828	15	80	5
United States	1830	82	16	2

whose persons, properties, and rights are protected by law; which enables them to acquire and hold property in their own name, and allows the free children of quarteroons by a white man, to be white by law," would be a protection to society because, "By this link, they become identified with the whites on one side, and with the slaves by descent on the other; a connexion which perfectly cements the three castes of which the whole nation is

²⁸³ Ibid, 7. Stowell, 45 n. 8.

²⁸⁴ Data derived from Stowell notes, 43 n. 4, 47-47 n. 10, 11; and United States census, 1830.

composed; and each being perfectly contented with its permanent, lawful privileges, the jealousy, which might otherwise arise from caste or difference of complexion or condition, is totally extinguished, and no one feels an interest in disturbing that with which every one is satisfied.” To Kingsley, amalgamation had the opposite effect that it did in the United States where race mixing meant the loss of whiteness.

As for the economic advantages, Kingsley pointed out that British, Dutch and French policy copied the success of Spanish and Portuguese colonial societies where a layer of free blacks assumed mercantile responsibilities and civic duties that had been the province of whites. “The Swedish, Danish and French, have abolished the distinction of color where the parties are free, by admitting them to a participation of equal rights. The British have gone still further, and not only assimilated the interests of the free people of color to their colonies with those of the whites, but have threatened to extend their legislation to the emancipation of the slaves;...”,²⁸⁵

Kingsley took special care with reference to Haiti’s revolution. As the most well known and feared example of slave revolt, Kingsley explained Haiti as a counterexample that proved his rule but in reverse. He argued that their revolution became extreme because of the severe denial of emancipation options for slaves and lack of liberties for Saint-Domingue’s free blacks. The structure of French colonial society was to blame, he claimed, along with anarchy after the first phases of the revolution and the effects of continued warfare between France and Britain. Kingsley thought it was remarkable that soon after the violence passed, Haiti’s black labor was back working in the fields and allowed whites to live in peace. Kingsley lived in Haiti after the revolution and claimed he could travel safely on horseback with his saddle loaded with cash through the Haitian

²⁸⁵ *Treatise* Appendix, 1833 and 1834 editions.

back country. He encountered groups of armed blacks who treated him with respect, “Many Americans, (I may say hundreds) at that time on the Island, can testify to the same treatment and circumstances.” To Kingsley, this attested to his belief that it was in the nature of Africans to be content and productive if treated and managed properly and that their characters were naturally more affectionate and forgiving than whites.

He attributed a lower level of Haitian production after the revolution to the absence of “Patriarchal restraint.” If not well managed, laborers would only work to fulfill their immediate needs, Kingsley thought, and not produce an excess for sale in the market. Reflecting on his experience with free blacks in the Caribbean, including Haiti, Kingsley wrote what sounds like the words of a prospectus for investors, “From these facts it follows, that, under a just and prudent system of management, negroes are a safe, permanent, productive and growing property, and easily governed; that they are not naturally desirous of change, but are sober, discreet, honest and obliging; are less troublesome, and possess a much better moral character than the ordinary class of corrupted whites of similar condition.”²⁸⁶

“...the materials of our own dissolution”

This same view was a central point in an interview Kingsley gave to abolitionist publisher Lydia Maria Child the year before he died. Child was startled by Kingsley’s apparent non-racial approach to slavery, even though he was not at all free of racialism.

Child began her interview with a reference to Kingsley’s treatise by observing, “The

²⁸⁶ *Treatise*, 7-8, 12 n. 8. Stowell noted that scholars disagree about the role of free blacks in revolutionary conditions in the Caribbean. In an 1816 uprising in Barbados, some free blacks sided with slaves. Stowell, *op cit.*, 67 n. 32.

main object of this singular production is to prove that colour ought not to be the badge of degradation; that the only distinction should be between *slave* and *free* – not between *white* and *coloured*.” Child was not correct in this statement because Kingsley would not countenance white slaves at least partly because of his belief in the physical aptitude of blacks for labor in the tropics. As she recalled in the interview, Kingsley told her, “...I have always thought and said, that the coloured race were superior to us, physically and morally. They are more healthy, have more graceful forms, and sweeter voices. They are more docile and affectionate, more faithful in their attachments, and less prone to mischief, than the white race. If it were not so, they could not have been kept in slavery.”²⁸⁷

Child responded, “It is a shameful and a shocking thought that we should keep them in slavery by reason of their very virtues.” To which Kingsley replied, “It is so, ma’am; but, like many other shameful things, it is true.” After telling her that he was in the process of relocating his operations from Florida to Santo Domingo and that his workers there were not slaves but rather indentures, Child pressed him to free his remaining slaves in Florida. Kingsley backed away from taking this step by explaining that he still needed his Florida income to fund the move to the Caribbean, “To do good in the world, we *must* have money.” The good he intended was the relocation project and shift from slave to indenture labor. Of course, he was wrong. One need not have money to do good. This response to Child could have been his summary statement; however, he added a comment which in many ways explained his entire moral outlook, “...I have

²⁸⁷ In a note in his *Treatise*, Kingsley wrote, “Few, I think, will deny that color and condition, if properly considered, are two very separate qualities.” 13 n. 13.

settled it that I can do more good by keeping them in slavery a few years more. The best we can do in this world is to balance evils judiciously.”²⁸⁸

To balance of evils relating to slavery in the United States, Kingsley felt, was dangerous, and the percentage of blacks among whites made the difference. As the percent of blacks and people of color increased, white-only freedom was more at risk. In setting forth the case for a more open attitude toward black freedom, Kingsley said that the structural problem with slavery in the United States was that it fostered no alliance between whites and blacks. In his words, “The policy generally pursued by our own slave holding state governments with regard to free colored people, and that pursued by foreign colonial and other slave holding governments, is directly opposite. In the latter, the free colored people have found it their interest universally and decidedly to place themselves in the scale of the whites, or in opposition to the slaves. In the former, necessity, from the unfavorable construction of the laws, has compelled them universally to throw themselves into the scale of the slaves in opposition to the whites.”²⁸⁹

Kingsley thought a change in prejudicial attitudes toward color in the south would reduce social risks and encourage northern investment to bring up the value of land to northern levels. He pushed his ideas in two directions. First, he presented his argument as an economic solution to appeal to fellow slaveholders, and second as a moral argument about color prejudice. In one of his strong statements about color, he wrote, “The intermediate grades of color are not only healthy, but when condition is favorable, they are improved in shape, strength and beauty, and susceptible of every amelioration. Daily experience shows that there is no natural antipathy between the castes on account of

²⁸⁸ *The National Anti-slavery Standard*, July 7, 1842, “Letters from New York #30” (3:6) 19. Also cited in Stowell, *op cit.*, 111.

²⁸⁹ *Treatise*, 9.

color; and it only requires to repeal laws as impolitic as they are unjust and unnatural; which confound merit, and condition with infamy and degradation on account of complexion, and to leave nature to find out a safe and wholesome remedy for evils which, of all others, are now the most deplorable, because they are morally irreconcilable to the fundamental principles of happiness and self preservation.”²⁹⁰

In managing his own slaves, Kingsley claimed to teach them only what was useful and would contribute to their physical and moral well being but otherwise to stay out of their family relations. “I encouraged as much as possible dancing, merriment, and dress, for which Saturday afternoon and night, and Sunday morning were dedicated...” He allowed them liberties to fish and tend their own crops after assigned plantation tasks were done. As a result, “They were perfectly honest, and obedient, and appeared quite happy, having no fear but that of offending me; and I hardly ever had occasion to apply other correction than shaming them....They had nothing to conceal from me, and I had no suspicion of any crime in them to guard against. Perfect confidence, friendship, and good understanding reigned between us; they increased rapidly.” Ministers among slaves would forbid dancing and labor on Sundays, even fishing, to the point that slaves would become unhappy and impoverished and create conditions of unrest. Religious meetings led to secretive behaviors and ultimately to loss of slaveholder authority.

Through his policies of slave management Kingsley sought to encourage his workers, “...to stimulate to industry or the acquisition of a good name, learning, or refinement;...” and to avoid harsh punishments. He was particularly outspoken about a recently passed law by the territorial legislature that allowed for lashes on the backs of male and female slaves who used abusive language against a white person. Not only did

²⁹⁰ Ibid, 10.

he oppose it on the grounds that such treatment would tend to produce the very incivility he feared, but because it specifically included women, "...not even excepting the most delicate female, whose industry and virtue alone would place [her] at the head of society in any other country." If North American slavery could leave its "present system of terror," as Kingsley called it, and replace it with the Caribbean model, then a slaveholder would no longer have to be "a kind of state prisoner" and could use his time to improve his mind.²⁹¹

Kingsley hoped his treatise would influence Florida legislators to retain not just the rights of free blacks but also slaveholder authority to grant freedom through manumission. Instead, the legislature tried to solve the structural problem Kingsley identified by greatly restricting manumission and making residence in the south virtually impossible for those blacks who were already free. In spite of Kingsley's articulate opposition, laws passed in the next few sessions of the territorial legislature followed the logical necessities of a biracial system by reducing rights for free people of color.²⁹²

Colonization versus naturalization

The treatise also touched on African colonization plans. He objected to freed slaves being forced from the land of their birth to an unfamiliar Africa where they might suffer from unfavorable conditions in "a savage and sterile country like Liberia." Plus, the cost of transportation alone would exceed the capacities of the United States. If

²⁹¹ Ibid, 14-15.

²⁹² Ibid, 13 n. 13.

colonization or removal were pursued, it would be better to transport “colored people,” by which he may have meant free blacks, to Santo Domingo.²⁹³

In 1779, Thomas Jefferson recommended a version of colonization by moving freed slaves to a reserve within the United States. Jefferson worried about the way slavery bred despotism in slaveholders. To him, the nation was structurally in jeopardy because of slavery, not only because white control of black labor was despotic but also because it included the sexual exploitation of black women. In his words, slavery promoted a “perpetual exercise of the most boisterous passions,” which Jefferson feared would lead to “a revolution of the wheel of fortune, an exchange of situation....” The unjust and inflammatory impotence imposed on blacks, Jefferson thought, would one day lead to a reckoning.

Jefferson had a personal family stake in the future well being of mixed race children because he fathered children by his wife’s half sister and his slave Sally Hemings who never recognized. Kingsley kept no secrets about his mixed race children and took careful fatherly measures for their future well being. Jefferson remained silent about his personal stake in a slave family, but he made a public argument that future generations of mulatto, quadroon, octoroon, and so forth would so attenuate skin color that at some point it would be ludicrous to distinguish people solely on the basis of color.

Jefferson and Kingsley took different views of colonization, of the ultimate reconciliation of blacks in slave societies, and about the openly public recognition of their own offspring by women of color. For Jefferson, the cost of compensation to slaveholders was an obstacle, whereas Kingsley thought slaves should be allowed the means for self-purchase. If Kingsley did not outright acknowledge that the financial

²⁹³ *Treatise* Appendix, 1833 and 1834 edition, unnumbered pages.

benefit gained by a slaveholder over the lifetime of a slave far exceeded the cost, his ideas did recognize the practical social and financial benefits to both parties of slave self-purchase.

Jefferson recommended a state-funded plan to end slavery, but it was a plan that included removal. According to Peter Onuf, “By removing the living evidence of their sexual transgressions and freeing the next generation from the temptations to which they had succumbed, the fathers of Virginia would redeem their republic. The perfect republican families that constituted the commonwealth would no longer be contaminated and corrupted by slavery and the passions it unleashed.” Jefferson’s reasoning about the virtue of ending slavery was based on guilt about sex and reproduction and the risk of literally breeding enemies within the nation. This sort of tyranny of gender was a variation on Kingsley who freely, even joyfully, recognized his mate and offspring yet held firm patriarchal control.²⁹⁴

Kingsley concluded his treatise by restating the argument for creating bonds of attachment between whites and slaves by providing them with the vehicles for gaining freedom and property. If slaveholders go about “...preaching up terror and dismay, misery and discontent, as dispensations of the supreme Author of all good,” and destroying natural attachments and virtue, then such extremes will “naturally...produce its opposite.” Kingsley finally asked, “Will an excess of error ever produce truth?”²⁹⁵

²⁹⁴ Peter S. Onuf, “Every Generation Is an ‘Independent Nation’: Colonization, Miscegenation, and the Fate of Jefferson’s Children,” *William and Mary Quarterly*, Third Series, (57:1) January 2000, 157-159, 170. Ronald G. Walters, “The Erotic South: Civilization and Sexuality in American Abolitionism,” *American Quarterly*, XXV:2 (March, 1973) 177-201. Arbitrary power and its abuse is not new. An issue of the *Liberator* reported, “The sixteen slave States constitute one vast brothel.” October 8, 1858.

²⁹⁵ *Treatise*, 16.

How far was Kingsley willing to go toward granting citizenship to blacks and other persons of color? He warned that the United States was at risk because of its failure to bind its black population to the interests of the majority, and colonization was as impractical as it was unnecessary. In the policies of other nations he saw examples for the American south – if not to provide full citizenship, then at least some measure of positive attachment. In an edition of the treatise released after Nat Turner’s rebellion, Kingsley wrote, “...many healthy, fertile, and civilized countries, every where around, are inviting them [free people of color] to citizenship, and we will know that revenge for cruelty and injustice is a hereditary passion in human nature: handed down from father to son, It never dies until satiated by atonement.” He appeared to recommend citizenship for free blacks in warning about the dangers of continued harsh exclusion, whereas in practice Kingsley already pursued the most direct route to a primitive type of “naturalization” through producing the natural children of black and white.

In later editions of the treatise, Kingsley went so far as to say that bad planning and lack of foresight resulted in a slave system that relied on punishment and discouraged the natural affections of its black population. Harsher control to the point of violence would not make southern life safer. Therefore, eliminating free blacks from the southern population would increase the danger of slave uprisings. Kingsley compared such an attempt with the Greek myth of the Danaides who were condemned to fruitlessly refill leaking water pitchers as punishment for committing murders. He was sure southerners would reap more than their share of grief if violence was the primary way whites controlled non-whites. A second reason he gave for objecting to violence was that it would be, “...a libel upon our pretended republican institutions, incompatible with our

national character, and cannot be considered but as an affront and open violation of the morality and civilization of the age we live in.”²⁹⁶

Harsh policies against slaves and free blacks would create a state of dependence for the slaveholding country because of the need for increased military alliances from abroad to control the inevitable uprisings of growing black populations. Such foreign alliances would weaken national sovereignty. Kingsley argued that the independence of slaveholding societies can never be secure if slaves were treated as adversaries and denied any reasonable hope of freedom for themselves and their children.

In the appendix included in his last two editions, Kingsley ended his treatise by constructing the following colloquy:

Query. What would be the natural consequence of granting the same legal protection to the persons and properties of all free people alike, or the free use and benefit of the law to protect themselves?

Answer. They would all have the same means of acquiring property, and all would feel equally interested in the public welfare and peace of the country.

Query. Is the increase of free colored people injurious or beneficial to the seaboard country of the South?

Answer. In all the southern seaboard country which is unfavorable to the agricultural labors of white people, the increase of a free colored population is not only beneficial, but absolutely necessary, to its stability....

²⁹⁶ *Treatise Appendix.*

Query. What national benefit is derived from the acts of outlawry now in force against the free colored people of the south?

Answer. No benefit whatever, but the greatest and most tormenting of all evils – a conscious dread of criminal guilt, arising from the known tyranny of the lawless and unprincipled part of the white population which the law authorizes to perpetrate every species of wicked abuse upon innocence and unoffending color....

Query. Has any property left by will to any colored person, ever been honestly and fairly administered by any white person?

Answer. Such instances might possibly have happened, but never to my knowledge.

Query. What must be the ultimate tendency of such a system of tyranny and injustice?

Answer. By exciting the indignation of the world, it must accelerate its own downfall.

Query. What remedy could be proposed for this unsafe state of society?

Answer. Either to modify or repeal the most oppressive parts of the laws now in force, or to improve the moral principles of the lower orders of white society, by a more liberal education, such as would govern their actions by principles of moral justice, without the constraint of law;... Of the two remedies, the last would be the most radical and effectual, but being the most expensive and the most tedious, would come

too late to remedy the present evils, which are now pressing upon society, and calling for immediate relief.

In 1831, another publication written either by Kingsley or by his mulatto son George pointed out how dangerous it was to live in a country such as the United States which was one fifth black and to engage in harsh treatment of them, especially when a growing segment of the white population sympathized with the plight of blacks. The writer pointed out that if color prejudice were natural and logical, no one would object to black codes and punitive slave laws. The author reminded readers to look "...to every other American nation or colony situated as we are, with a much greater proportion of colored people mixed with a smaller proportion of whites, to see that this unnatural prejudice against complexion, if it does exist at all with them, is so modified and subjected to reason and justice that no perceptible evil is produced from it, but on the contrary, every advantage of natural strength and utility which any other equal portion of people could produce."²⁹⁷

In this article, Kingsley or his son compared other American countries to the United States, and considered the advantages of moving elsewhere. "The free colored people have never asked for more than constitutional protection to person and property; and this is granted to all free people in all civilized countries, with one exception; that exception is *the United States*." Here he used the term "constitutional protection," indicating a need to take matters out of the hands of states.

Canada, he felt, was an unsuitable destination because of its presumed adversity to the health of blacks. Mexico, however, offered a distinct alternative, and Kingsley

²⁹⁷ *Working Man's Advocate* (New York: Lynde, Stanley & Co.) October 1, 1831. The article is signed "A Free Colored Floridian," which would point to George Kingsley, but the content is strikingly similar to Zephaniah's other writings. George did eventually lead Kingsley's resettlement to Santo Domingo.

appeared to consider it as a place to resettle. Mexico outlawed slavery in 1829 but allowed an exception for the state of Coahuila y Texas in order to attract and retain Anglo settlement. Kingsley noted that Mexican law was yet secure with respect to “protection of industry,” a flaw which he thought might be soon corrected. Laws to protect property might be prudently approved, he thought, but the stronger attraction for Kingsley was Mexico’s relative lack of color prejudice. In his view Mexico was, “settled with people who are mostly colored *and entirely free from all prejudice against complexion.*”²⁹⁸

The difference between biracial and multi-tier slavery

After the second edition of the Kingsley treatise, an unsigned rebuttal appeared in Benjamin Lundy’s anti-slavery newspaper, *Genius of Universal Emancipation*. The *Genius* article claimed that Kingsley’s logic was faulty and that he did not listen to his own admissions about slavery. At best, Kingsley’s treatise had the effect of “...serving up milk, to stomachs, illy prepared to bear solid nourishment.” The article rebuked Kingsley’s assertion that the southern climate was unsuitable for white labor by citing examples of white industry in New Orleans and the example of Irish immigrants who had reputations for doing hard labor in the south. Most importantly, why dangle the promise of liberty before slaves while admitting the necessity of slavery? The “cruel duplicity” of the middle tier contrivance was to “have always on hand a sufficient number of free, to assist in keeping the slaves subordinate: this is rendered still more practicable, by having

²⁹⁸ Ibid. The emphasis in this quote is in the original. Presumably Kingsley referred to Mexico’s mestizo population since Africans were a small minority in Mexico. Stowell’s assessment of Kingsley’s Mexican settlement proposal references earlier efforts of Benjamin Lundy who supported colonization plans for Haiti and Canada, and also Samuel Webb of Philadelphia who in 1832 contacted the Mexican government about settling free blacks in Mexico. Stowell, 80 n. 9.

this caste mixed.” In other words, the so-called three-tier system involved blacks actively in enforcing and benefiting from black slavery, and it effectively enlisted blacks themselves in the argument that slavery is right and necessary.

In the opinion of the *Genius* reviewer, the problem with Kingsley’s term “patriarchal system” was that it assumed that power and right are synonyms; therefore, Kingsley’s recommendations were simply derived from a might-makes-right argument.²⁹⁹ This rebuttal was a reminder that even though Kingsley claimed his ideas would reduce color prejudice and social risks, his recommendations were ultimately in the service of slavery, not of freedom. If it were true that his ideas reduced slave resistance, attracted investors, and disarmed critics, this was a recipe for strengthening slavery. Whether they knew it or not, whites advocates for the three-tier slave system were playing a deeper and more risky game.

A few months before the *Genius* articles, Kingsley’s son George married Anatoile Françoise Vantrauvers, and the marriage was performed by justice of the peace Samuel Kingsley. Zephaniah transferred ownership of his 750 acre Fort George Island plantation to his son for ten dollars and “in further consideration of affection and ten years service,” plus two other conditions. First, “that Anna Madigine Kingsley mother of Geo. Kingsley shall possess the use of her house, and whatever ground she may desire to plant during her life,” and second, “that Munsilna McGundo [his principal co-wife] and her daughter Fatima sh. possess the use of her house and 4 acres of l. – also rations – during her life.” Undaunted by critics or by territorial laws that threatened his ability to pass his property

²⁹⁹ *Genius of Universal Emancipation*, “The Florida Pamphlet,” May 1831 (2:1) 3; and “More of the Florida Pamphlet,” June 1831 (2:2) 20.

to his natural family, and Kingsley went on the public record one more time to advocate for the rights of Florida's mixed color families.³⁰⁰

Memorial to Congress of 1833

Were the differences between the biracial slavery practiced in the United States and the multi-tier model of old Spanish Florida part of a meaningful border between North America and the Caribbean? Kingsley's advocacy for the Caribbean system was drowned by large numbers of new American settlers in Florida, especially in Middle Florida. His treatise was never considered seriously in by the territorial council in Tallahassee, but he was not a solitary voice in Florida.

The strongest evidence for wider white agreement with his views is contained in a Memorial to Congress, dated January 28, 1833. Kingsley was the first signer of the Memorial, and he is probably the author of the document based on its likeness to his other writings. The petition was an extension of Kingsley's complaints and it was signed by eleven others. Each of the signers appears to have connections with old Spanish Florida, and each had interracial family connections.³⁰¹

Though it was based on his prior reasoning about slavery, the role of free blacks in society, and his liberal opinions race mixing, the language of the Memorial focused on the last point. Territorial legislation from 1827 to 1832 continued to remove rights from and add burdens to free blacks and to make manumission increasingly difficult. These limitations not only affected the black population of Florida but also reduced the rights of

³⁰⁰ Duval County Courthouse, Archibald transcripts, #405, July 20, 1831. Also, Schafer, 51, 142 n. 11.

³⁰¹ *Territorial Papers*, "Memorial to Congress by Citizens of the Territory," January 28, 1833 (XXIV) 800-802. Also reproduced in Stowell, 82-85.

slaveholders by taking away their freedom to manumit, as well as criminalizing interracial sexual relations. For the East Florida petitioners who signed the Memorial, these laws were not theoretical but directly affected their progeny and heirs. In some cases, their only children were mixed race. Their sole direct descendants were non-whites who by 1833 had no legal standing.

The Memorial was an attempt to bypass territorial government with a direct appeal to Congress for relief from what they thought was inhumane legislation. The opening sentence claimed that territorial laws damaged the peace, happiness and property of "...the ceded inhabitants of the late provinces of Spain who are by the Treaty now Citizens of the United States."³⁰² The Memorial recalled that the Adams-Onis Treaty granted citizenship to former Spanish subjects and argued that it should include the legitimacy of interracial relationships, at least of those that existed prior to the cession. They also argued free blacks should have gained citizenship under the treaty.

The Memorial was a plea for tolerant racial policies that, the author claimed, would improve national well being and secure property. Unless it were learned that differing customs and prejudice should not be the basis of prohibitive laws, the Memorialists warned, further territorial expansion of the United States would jeopardize the stability of the American republic. Intolerance of prudent, practical and non-threatening local practices of other cultures would injure the well being of the nation and result in "political quackery which will nauseate and disgust every one whose misfortune it has been to be transferred to the United States."

The Memorial then turned to parental rights and family affections. They thought it should be obvious that in slave societies, "not a very inconsiderable part [of whites]

³⁰² Ibid., 800.

have without the formalities of Marriage ceremonies, children by colored women.” They reminded Congress that in Spanish slave societies, these children were free persons. Once again referring to the treaty with Spain, the petitioners claimed, “...these practices may be at variance with the national prejudices of a portion of the United States [but] they existed in the recently acquired country and are not to be extinguished at once by intolerance and persecution or any other moral or political fanaticism.” Kingsley used classical references elsewhere, and in this instance the Memorial text compared changes forced on society with Procrustes’ sleeping accommodations for tall and short travelers who came along his roadway. If all unfamiliar social practices were forced to fit the American Procrustean bed, the resulting brittleness of race relations in the United States would heighten the nation’s vulnerability to the sort of rebellion brought by Nat Turner.

The document took the issue beyond race alone to the factor that creates interracial conditions in the first place: “...connected with this also is a law to break up all those paternal obligations and ties of natural affection which have existed for years past by imposing a fine of one thousand dollars with the penalty of disfranchisement upon every White person who is suspected of having a connexion with a colored woman and the like penalty for inter-marrying with any person suspected to be of colored origin or for performing such ceremony.”

The author challenged southern concepts about color and miscegenation, but the signers were concerned primarily with the loss of their authority as white fathers. The Memorial ended with a plea for an overturn of territorial laws: “The Legislative Acts of Florida are now replete with many cruel and unjust laws but those of mental persecution and proscription for the virtuous and sacred ties of domestic life and parental affection

are certainly the most tyrannical and the most repugnant to the free institutions of our republican government and perfect novelties in modern legislation.” This was at the heart of *Hymenaeus*’ solution twelve years earlier to the problem of citizenship for the Spanish and American population of St. Augustine – “virtuous and sacred ties of domestic life and parental affection,” – families formed whether by choice or lottery, or, in the case of Anna Madgigine Jai, by theft.

Sex and families among whites and slaves, even in Kingsley’s idealized world, imply an abuse of power that modern law regards as a felony crime. Today, sex between individuals in such unbalanced power relationships is by definition non-consensual, and for this reason no slave could ever be said to have had the capacity to consent to sexual relations with a master. In a slave society, it is doubtful that any black woman, free or unfree, could truly give her consent to sexual relations with slaveholders, Kingsley’s relations with Anna not excepted. In her day, no doubt, Anna preferred being a well-to-do slaveholder herself, even if it was a patriarch’s bestowal. East Floridians such as Kingsley and the other signers of this Memorial may have been well intentioned and alert to more dimensions of race and color than their fellow white males in the United States, but their relations with black females was a perquisite of white patriarchy. By creating families with their slaves, did they think the resulting generations would somehow reverse the original injustice?³⁰³

³⁰³ Kathleen Brown, *op cit.*, 237-238, 371. Brown claims that sex between white masters and slaves, “...lie somewhere between consent and exploitation, with individuals making choices in a context warped and circumscribed by slavery.”

Leaving Florida for Haiti

In letters published two years after the 1833 Memorial to Congress, and as he began to more seriously consider moving his operations from Florida to Haiti, Kingsley wrote enthusiastically about the island's progress, its economic prospects, and about race relations in Haiti as compared with the United States. His boosterism was evident in his extravagant claims for Haiti as a paradise for agriculture, commerce and social relations among the races. "The state of society here proves very clearly to me, that our main argument to excuse our persecution of color, (natural prejudice of caste,) if unsupported by law, soon melts, and is dissolved by our moral relations, if let alone, like any other legal privilege." He could hardly find a servant for hire since freedom and citizenship fostered the desire to work for Haitians to work for themselves rather than hire out their labor to others. The scarcity of servants for menial tasks was also the result of a Haitian government policy, "... to discourage all negative and unproductive occupations."³⁰⁴

On the Spanish side of the River Massacre which in 1844 separated Haiti from the Dominican Republic, he saw, "A great tendency to white is also observable in the complexions of the people, which seem to be changing very fast by intermixture with color." To the west of the river, on the French side, the population was blacker, "The extremes of white and black, when divested of all legal preference as in Haiti, are more commonly found in conjugal union than otherwise, and as no distinctive predilection of color has yet manifested itself, the national complexion is continually changing...."

Whiteness still had its privileges, but Kingsley downplayed the distinction. "I could

³⁰⁴ *Working Man's Advocate*, "Facts Respecting Haiti," October 17, 1835, and, "Letters on Haiti – No. II," October 31, 1835.

discover no prejudice of cast, although whites seemed rather to be treated with most deference, which I imputed either to their being considered as more helpless, or their being supposed to have the most money; but all seemed to mix together equally in society, which was regulated by the conditions of the individuals alone.”

Kingsley died in 1843 while in New York City, and was buried in a Quaker cemetery. In his will, he admonished his mixed race children to keep a will of their own in order to secure, as much as possible, their property in a society that did not acknowledge their rights. A will might not protect them, but it would be the best they could do “...until they can remove themselves and properties to some land of liberty and equal rights, where the conditions of society are governed by some law less absurd than that of color.”³⁰⁵

Other signers

The other signers of the Memorial to Congress were men of similar views, and there may have been more who shared their opinions but did not sign the Memorial. The twelve signers were: Z. Kingsley, Charles W. Clarke, George J. F. Clarke, F. Richard, Edward H. Sams, D. S. Gardiner, F. J. Ross, Sam Kingsley, J. A. Coffee, Rocque Leonardi, Ant[o] Lazari, and Adam Cooper. Six of the twelve signers made claims for confirmation of land titles from the Spanish period, confirming that they were Florida residents and land owners from the Spanish period.³⁰⁶

³⁰⁵ *The National Anti-slavery Standard*, op cit.

³⁰⁶ State Archives of Florida, <<http://www.floridamemory.com/Collections/SpanishLandGrants>> . The six were Z. Kingsley, both Clarks, Gardiner, Leonardi and Richard.

There was strong support for the Memorial among white households where free blacks resided. Table 7 lists all East Florida households that had two or more free blacks living within. Free blacks who lived alone are not in this table. All signers of the Memorial are accounted for except one, Antonio Lazari. Four of the signers had no free blacks living with them, and four were not listed as slaveholders in these counties. Table 7 also shows which heads of household with free blacks were themselves black. Not counting free black heads of household, almost half of all whites who had free colored people living in their homes signed the Memorial.

Table 8 lists each of the twelve signers with their household dependents for the census of 1830 and 1840. Some signers' households are not recorded on the 1840 census, which makes the comparison less useful. By that time Kingsley was in the process of relocating his enterprises and household to Haiti.³⁰⁷ Nevertheless, over the ten year period between 1830 and 1840, the number of slaves held by this cadre dropped significantly. As Frank Marotti illustrated in his dissertation, even though manumissions were much more difficult after the legal changes of the late 1820s, slaveholders – particularly those whose families were mixed race – continued to free slaves while legal authorities looked the other way. Some slaves found themselves living in a state of undocumented and perilous freedom if their masters allowed them to simply leave. During the same decade, the number of free colored persons in these households also declined, but the decrease was almost entirely attributable to the absence of the Kingsley family or inaccuracies in the reported 1840 numbers.

³⁰⁷ The 1830 census may not accurately record the number of Kingsley's slaves still in Florida.

Table 7. Free blacks in households, 1830.³⁰⁸
 (* Memorial signers. # Free black)

Nassau County	male	female		St. Johns County	male	female
Enecusio Cordona	3	4		Valentine Pepin#	3	2
Sarah Laws#	3	2		William Timmons	1	2
Sophy Kingsley#	1	1		Rosa Fleming#	3	1
William Leslie#	1	1		Mary Furguson#	2	3
James Baird#	3	3		Mary Pepins#	1	6
John Cooper#	3	3		Juana Fernandez#	1	6
Addam Cooper*	5	5		Dolores English#	5	3
other	1	7		William Clarke#	1	5
				John Clarke#	1	3
Duval County				James Clarke#	4	2
Joseph Andrews	1	2		George J. F. Clarke	0	1
Joshua A. Coffee*	2	2		Felicia Garvin#	4	4
Francis Richard*	4	8		Tabb Smith	4	4
Samuel Kingsley*	0	1		Emilia Nichols#	1	5
Zephaniah Kingsley*	2	7		John Solano#	4	4
John F. Brown	0	2		Patience Hull#	1	4
Isaac Hendricks	1	1		Roque Leonardi*	0	0
Daniel S. Gardner*	0	0		Dinah Saunders#	1	2
Albert G. Phillips	3	0		Lydia Pepino#	0	2
Farquhar Bethune	4	1		Bosin Wicks#	1	2
George Paltz	3	0		Charles W. Clarke*	2	1
William Lofton	3	3		Sampson Williams#	1	3
Isaac Auger#	2	1		Stephen Merrit#	3	1
Francis J. Ross*	0	0		Vicente Cruz	2	0
Sophia Fleming	3	10		Adam Fish#	2	1
Matthew Solana	1	2		Francis P. Fatio	2	5
Edward H. Sams*	0	0		Samuel P. Falio#	5	4
William Bulmer	1	1		Philip Wardman	3	2
Mary E. Saunders	0	2		Philip Edinburg #	2	1
other	5	3		other	7	9

³⁰⁸ 1830 United States Census. Totals labeled “other” represent individual free colored persons living in a household. Those identified by name had two or more free blacks living with them.

Table 8. Memorial signers' households, 1830 and 1840.³⁰⁹

1830	free white		free colored		slaves	
	male	female	male	female	male	female
Clarke, Geo J. F.	1	0	0	1	1	0
Clarke, Charles W.	1	0	2	1	1	1
Leonardy, Rocque	2	2	0	0	0	0
Lazari, Antonio	1	0	0	0	0	0
Cooper, Adam	1	1	5	5	0	0
Gardiner, Daniel	1	0	0	0	0	0
Kingsley, Zephaniah	1	1	2	7	18	19
Kingsley, Samuel	2	0	0	1	0	0
Richard, Francis	2	5	4	8	14	15
Sams, Edward	3	0	0	0	20	24
Ross, F. J.	5	0	0	0	15	13
Coffee, J. A.	1	0	2	2	0	0
1840	free white		free colored		slaves	
	male	female	male	female	male	female
Clarke, Geo J. F.						
Clarke, Charles						
Leonardy, Rocque	3	3	0	0	3	4
Lazari, Antonio						
Cooper, Adam	2	0	3	3	0	0
Gardiner, Daniel	1	0	0	0	0	0
Kingsley, Zephaniah						
Kingsley, Samuel						
Richard, Francis	3	1	4	8	1	2
Sams, Edward	3	1	0	0	20	18
Ross, F. J.	1	0	2	0		
Coffee, J. A.	1	0	0	0	3	2

³⁰⁹ 1830 and 1840 U. S. Census. 1830 from Amelia Island Historical Society. No data available for those 1840 entries left blank.

Chief among prominent white families who shared Kingsley's views were George J. F. Clarke and his brother Charles W. Clarke. Their wealth came from land inherited from their father, Thomas, who originally obtained title to lands in British East Florida.³¹⁰ The brothers, known as Jorge and Carlos during the Second Spanish Period, lived in both St. Augustine and in Fernandina. They relocated to the new town of Fernandina in 1808 when it was first laid out. The Clarks were Kingsley's contemporaries, just a few years different in age.

George J. F. Clarke (1774-1836) became a major land owner in Spanish Florida.³¹¹ He had eight children by a free mulatto, Flora, whom he purchased as a slave in 1793 and manumitted in 1797. She was once a slave of John Leslie, of Panton, Leslie & Company. George Clarke also had four children by a slave named Hannah Benet. Under the terms of his will, Clarke provided for Hannah and their children's freedom and made her the beneficiary of two thousand dollars from his claims against the United States government for Patriot War damages. This provision is particularly interesting because it made a public and official connection between the violation of Spanish Florida by the United States and required legal authorities to openly award damages to a black woman.³¹²

As a free black woman, Hannah's legal status in territorial Florida was compromised by changing laws. Clarke's provision in his 1834 will, years after the

³¹⁰ Petition of George J. F. and Charles W. Clarke to Land Commissioners, State Archives of Florida, Spanish Land Grants, American State Papers.

³¹¹ He was party to fifty-three grantor and thirty-four grantee transactions in the deed books of the St. Johns County Courthouse. The transactions include grantor transactions with Felicia Garvin, his daughter by Flora, and by his brother Charles to Elizabeth Wiggins, a black woman. St. Johns County Courthouse, Grantor Book I-J 11, I-J 26.

³¹² SAHS, Manuscript Collection 31, Box 1, folder 51. Patriot War claim mentioned that Clarke "kept a black wife & 6 to 8 children." SAHS biographical folder #1 for George J. F. Clarke notes that John Leslie had a white wife but had a mulatto son, Billie, by his housekeeper who was perhaps the same Flora.

territorial legislature limited the liberties of free blacks in Florida, was an assertion of support for his black family that depended on justice from the general government. It was an example, after his death, of extended protection for his mixed race family and their black mother, awarded by the national government to a person who was otherwise denied full protection by the laws of the territory, and a financial award based on an admission of United States wrongdoing during the Patriot invasion. Ironically, the Patriot invasion was itself foiled partly by the strength and acts of black militia and volunteers, including Anna Kingsley who, after a long legal battle, retained her rights to Zephaniah's bequest which also included benefits from Patriot War compensation.³¹³

George Clarke was involved in a number of litigations. In 1823 he was plaintiff in a superior court case against a non resident, Remi Brunett, for one thousands dollars damages pertaining to a debt. In 1825, Clarke was a defendant in a case brought to the superior court by John Drysdale, a resident of St. Johns County. In the 1830 census, Drysdale lived with a wife, two daughters, two sons and held five slaves. In this suit, Clarke admitted, "I confess this action and that the plaintiff sustained damages to the amount of three hundred and twenty two dollars and forty cents beside his costs and damages and charges to be taxed," and agreed to pay. In 1826, William H. Allen sued Clark for three hundred dollars pursuant to a promissory note made by Clarke two years earlier. The legal cases reveal nothing about George Clarke's racial opinions, but they and his frequent land transactions indicate his standing as a man of means.³¹⁴

Charles Clarke (1773-1840) had six children by Beatriz Maria Wiggins, a free mulatto woman. Landers noted that Beatriz was not listed in Spanish records as the wife

³¹³ Landers, *op cit.*, 242-243; Stowell, 84.

³¹⁴ SAHS, Superior Court, Eastern District of Florida, Box 100, folder 16; Box 106, folder 29; Box 86, folder 20.

of Charles Clarke but rather as an *agregada*, or lodger in his household. Both Clarke brothers served as officials in Spanish legal and militia posts, and both protected mixed race *Floridianos*. That responsibility and outlook continued into the United States territorial period, as evidenced by both brothers' continued provisions for their families in wills and through land deeded to Clarke descendants. St. Johns County Courthouse records contain a curious note for a transaction between the brothers. In an 1833 entry, George Clarke conferred to Charles certain acreage, "And also the personal property following: Negro slaves, that is to say none."³¹⁵ Perhaps this was an affirmation noted for the official record that any blacks living on this land were free.

Francis Richard, Jr. (1776-1839) was born in Saint-Domingue, where his father was a sugar planter on the French island until the outbreak of revolutionary fighting. At that time, the family moved to Spanish Florida, and Richard became a large landholder in Duval County. The 1830 census listed twelve free colored persons in his household and twenty-nine slaves. Richard had one white son and nine mixed race descendants by colored women, and, like the Clarkes, provided for their education and well being. One of his mixed race daughters married a white planter, a nephew of Zephaniah Kingsley. Partly because of his large family, Richard is one of the most frequent entries in the grantor-grantee deed books of the county during the 1820s and 1830s. After his death in 1839, his niece's husband Robert Bigelow acted as executor in the sale of 5500 acres and the valuable saw mill property to Kingsley's son-in-law, John S. Sammis.³¹⁶

³¹⁵ SJCCH, Grantor Book II,-11, deed conveying property from Charles Clarke to Elizabeth [Beatriz] Wiggins; Grantee Book N-470, 1833; Landers, op cit., 243-244.

³¹⁶ Duval County Courthouse, Archibald transcripts #79, 112, 113, 131, 149, 190, 191, 213, 270, 271, 272, 273, 274, 279, 292, 335, 414, 415, 416, 469, 669. Several of the transactions are with Robert Bigelow, a Connecticut native. In 1850, Bigelow had four slaves and claimed a net worth of \$5000. Archibald transcript transaction 669, dated December 1, 1840, conveyed the property to Sammis for \$4575.

Like Kingsley, Richard began resettling part of his family in the Caribbean. Under terms of his will, Richard left "...to a free colored woman now residing in the Island of Hayti in the West Indies named Teresa [his daughter] my slaves Harry, Prince, and Elizabeth and her issue." This daughter was already living in Richard's birthplace. His will also directed that slaves not given to others in his family should be sold and five hundred dollars of the proceeds would go to "Eve, a colored woman" and the rest would be divided among his white son Francis, "and my colored children Fortune, Josephine, Genevieve, Teresa and her children Lewis, Michael & Christina." In a further directive of his will, Richard added, "As it is possible that my colored children before mentioned will soon all reside in the Island of Hayti in the West Indies, it is my wish and desire, and I hereby direct, that in case my son Francis aforesaid should die leaving no heirs, the slaves and the increase thereof herein mentioned as given and bequeathed to him be divided in specific property equally as nearly as can be among my colored children before mentioned and shipped to them in the said Island of Hayti."³¹⁷

In 1837, Kingsley's son-in-law, John Sammis, husband of his mulatto daughter Martha, managed Richard's saw mill and resided nearby. Sammis served as an appraiser for the Richard estate after Francis' death. Late in her life, Richard's white widow, Mary Ann, age 40, and two children, Eugenia and Clinton, ages 5 and 4, lived with Kingsley's other mulatto daughter Martha Baxter in a region of Duval County where the Kingsley and Richard multiracial descendants continued to own property through the Civil War.³¹⁸

³¹⁷ Duval County Courthouse, Probate file 1756. Schafer, *op cit.*, 139 n. 8, found that Richard's mistresses and children emigrated to Puerto Plata, Dominican Republic. The racial status of Richard's children was evidently a matter of local historical society concern. SAHS biographical file on the Richard family includes a warning letter from local historian Dena Snodgrass, dated June 18, 1983, that information about Richard's illegitimate black children should be used "with extreme caution."

³¹⁸ *Ibid*; Probate accounts include rental agreement between Richard and Sammis for the saw mill and numerous entries and indentures for "negro hire" and an entry of \$1500 for the expected settlement due

Richard was involved in at least three Superior Court proceedings. In 1825, St. Augustine merchant firm Porier & Llambias sued Richard for the loss of a cargo of lumber in a marine accident. The cut lumber cargo was en route from the St. Johns River to the port of St. Augustine when it was swept away by a gale and scattered along a beach. Evidence presented included an agreement for Richard to deliver lumber to a schooner captain. It is not clear why Richard was liable for the loss. The last document in the file was dated May 1830, and no resolution was recorded. In 1833, the Superior Court affirmed a country court ruling that awarded Richard a judgment of \$93.75 from Doctor Peter Porcher of St. Augustine for a matter originally judged two years earlier, but there is no indication of the cause or reason for the litigation. The only other mention of Richard in the Superior Court files was his testimony in a lengthy legal proceeding involving another Memorial signer, Edward Sams, described below.³¹⁹

In 1830, Edward H. Sams (d. 1845) lived in Duval County and had forty-four slaves. Two white boys under age fifteen lived with him but there were no white females in his household. Ten years later he held thirty-eight slaves. No free blacks were listed as part of his household in either census. In 1826, Sams was the defendant in a suit brought by Hugh W. Proudfoot. The court record contains no information about the nature of the proceeding other than the names of the plaintiff and the defendant and the date of the claim. There is no decision in the file, but two years later a St. Augustine newspaper contained this notice, “Marshal’s Sale. By virtue of a writ *Fieri Facias* issued

from “the U.S. govt as due the estate for losses in 1812-13;” The probate file includes a list and valuation for twenty of Richard’s slaves, including “Jimmy, a carpenter and mill wright” at \$1000, and Mary Ann “cripple and perfectly helpless” officially valued at \$00; 1850 U.S. Census; Schafer, *Anna Madgigine Jai Kingsley*, op cit., 94-95; Schafer, “Superior Court Records and the Richard Family,” *Jacksonville Historical Quarterly*, fall 1994, 4.

³¹⁹ SAHS, Superior Court, Eastern District of Florida, Box 155, folder 9; Box 150, folder 16.

by the Superior Court of the District of East Florida...I will expose to public sale in front of the courthouse of the city of St. Augustine on Tuesday, the first of June next, at one o'clock, P.M. of that day a negro man named Montrose taken as the property of Edward H. Sams, at the suit of Hugh H. Proudfoot. – Terms cash.” This was likely the culmination of the earlier litigation.³²⁰

The following year, Sams was at the center of more extensively detailed litigation surrounding an accusation that he hid slaves in order to avoid losing them in judgments. This 1831 case, shortly after he lost his slave Montrose in the Proudfoot judgment, contains an affidavit by Jonathan Thomas that claimed Sams bragged about how easy it was to secrete slaves across the Georgia border and that it was also done in reverse by Georgia slaveholders, “...for there were as smart men in Georgia as there were in Florida...” In this case, Sams was acting as agent for Thomas, and Thomas sued Sams for losses or a breach of their agreement. The claim included an accusation that Sams was in collusion with a ship captain to transport slaves to Cuba, presumably to make and conceal profits from Thomas. A deposition by Thomas claimed that Sams sold a negro for horses and that the also, “...was destroying and wasting his property in the most wanton way.” The documents also claim that, “Sams had burnt a negro house, and shot a negro boy in the leg severely, and had declared that he had sold a negro woman which was mortgaged to the Bank of [?]...”³²¹ Other depositions dispute the allegations.

This law suit illustrates the connection among Sams, Kingsley and Francis Richard. The litigation was a result of Sams’ relocating slaves to a new plantation site, from one location on the St. Johns River to another farther upriver. He had to move

³²⁰ SAHS, Superior Court, Eastern District of Florida, Box 47, folder 23; *East Florida Herald*, “Notice of Marshal’s Sale,” (VIII:19) May 5, 1830.

³²¹ SAHS, Superior Court, Eastern District of Florida, Box 159, folder 39.

because Kingsley was executor of an estate that included the plantation which Sams had been renting, the Greenfield Plantation, and a new tenant, Whipple Aldrich, took possession. The 1830 census shows Aldrich and his wife and nine white children under age twenty, sixty female slaves and thirty-eight male slaves. Only twenty-nine of his ninety-eight slaves were older than age twenty-four. At the time, Aldrich was the largest slaveholder in the county.³²²

Sams relocated to New Castle, a plantation site on a bend in the St. Johns River that was originally established in 1769 during the British period.³²³ There was inadequate housing at the new location, so Sams left some of his slaves with Francis Richard, who lived another few miles upriver. Richard's father had been an overseer at Greenfield during the last Spanish era. Sams claimed he would move the slaves to New Castle once homes were constructed. Richard affirmed Sams' intentions and testified that Sams moved his slaves and other property in broad daylight and did not conceal his activities nor intend to act fraudulently.

The conclusion of this case is not in the record, but further testimony by Richard gives insight into slave and white relations. In 1830, Henry de Masters, between the age of 30-40, lived alone at a location near the Greenfield plantation. De Masters was suspicious and testified that Sams was moving slaves to a different location, presumably where he would hide them, and had mistreated a few slaves so badly that some had run

³²² In 1811, Greenfield was a 3000 acre plantation with 206 laborers. Sea island cotton accounted for 750 acres, with 400 acres in corn and peas. The rest of the land was uncleared. The owner at that time, John Fraser, had a black wife named Phenda. In his will Fraser described his wife, "She is a very sensible woman and of a clear mind, and as such would not meet with contempt in a country where little attention is paid to colour." Daniel L. Schafer, "Family Ties that Bind: Anglo-African Slave Traders in Africa and Florida, John Fraser and his Descendants," *Slavery and Abolition* (20:3) December 1999, 2 and 17 n. 7.

³²³ Duval County Courthouse, Archibald Transcripts #122, October 22, 1828, Sams purchased New Castle, 720 acres "Old McIntosh," from Francis Fatio for \$2,160 under a warranty deed. On the same date, Sams sold to Fatio 300 acres farther upriver on Goodby's Lake, "Ashley Place," for \$1,660 on a mortgage basis, Archibald #123.

away. Francis Richard testified that he and Sams went looking for the runaways and that several living in a hammock near the property of Major Cornelius Taylor, another neighbor who had eight slaves and two adult white women and four white girls in his household. Taylor and de Masters are listed side by side on the 1830 census.

Richard testified that Sams pursued the runaway slaves to a hammock, a dry elevated island in marshland, near or on the Taylor property, "...to the camp occupied by the aforesaid runaway negroes." On their way to the hammock, they met a male slave with a bag over his shoulder and carrying a light or a torch. The white men asked the approaching slave who he was, and the slave replied, "That is my business." The white men grabbed the slave, but he wrested himself loose and told them that he dared "any white man to hit him, that he was on his master's land and would walk anywhere he pleased." At this point, Richard said they recognized the slave as Caesar who belonged to Cornelius Taylor.

Sams and Richard continued to the hammock where they found eight slaves who apparently had permission to spend time at this remote location. Sams stayed with them overnight at their camp. The next morning while en route back to the Greenfield plantation, Sams encountered Taylor and complained about how Caesar had treated and spoken to him the night before. Taylor defended his slave by telling Sams that, "he had done nothing more than he had been ordered to do, or words to that effect." Further discovery in this case indicated that Caesar had a wife who was a slave on a neighboring plantation, and he was probably en route to visit her when he came upon Richard and Sams.³²⁴ In 1832, Sams was in court again, this time for nonpayment of the mortgage on the New Castle property. The sheriff foreclosed, and sold New Castle at auction to

³²⁴ Ibid.

Benjamin Putnam. Sams evidently did not vacate New Castle until 1841, and there are numerous demand filings in the court folder from Putnam to get Sams to deliver the land.³²⁵

In the 1840 census, Sams had a free colored women in his household and two colored children under age ten. Sams died in 1845, and in his probate file inventory valued his possessions at only \$143.50. The census of 1850 lists Peggy Sams, age forty-eight, a mulatto, in Duval County along with five year old Loyd and two year old twins, Alexander and William, and a twenty-three year old female, Betsy Sams, all mulattos. Another female-headed Sams family was also in the county, Sally Sams, age forty, mulatto, along with Angelina, an eleven year old mulatto child. Although Edward Sams had no free blacks in his household in 1830, by 1850 there were two female heads of household in the county with his name and at least four children, all mulattos and all free. His signing of the 1833 Memorial probably coincided with the start of his own mixed race family.³²⁶

Between 1823 and 1831, Francis James Ross (d. 1861) bought or sold property in Duval County nine times. In the autumn of 1823, Ross purchased eight hundred acres from John McIntosh, the Patriot War leader, valued at \$2,000, which may be the same New Castle land later occupied by Edward Sams. The title traced ownership from the Spanish governor to Philip Dell in 1801, then to John McIntosh in 1805. Two months later, Ross mortgaged the same parcel with McIntosh as the note holder. In 1830, unable to make payments on the loan, Ross filed a quitclaim deed. A note in the deed transcript reads, “difficulties arise in payment between Ross and McIntosh.” That same year, the

³²⁵ SAHS, Superior Court, Eastern District of Florida, Box 157, folder 47. Original filing for payment was in March 1832, and the final injunction indicating Sams’ compliance was dated January 19, 1841.

³²⁶ Duval County Courthouse, Probate file 1871.

census shows that Ross lived in Duval County with four other white males, two of them under age twenty, no white females, and fifteen male and thirteen female slaves. In 1840, he lived in Hamilton County which borders Georgia and is located half way between St. Augustine and Tallahassee. At that time his household included two free black males. In 1845, he was the largest planter in Hamilton County, and held fifty-two slaves and 1,720 acres. The 1850 census shows him with forty-two slaves, with at least five female mulattos among them. Between 1833 and 1852, Ross purchased six hundred and eighty-seven acres of land from the federal government.³²⁷

Rocque Leonardi, sometimes spelled Roque Leonardy, was a descendant of indentures who worked on the failed Turnbull plantation. The Spanish census of 1793 listed his grandfather, Don Roque Leonardi, his wife and five children plus one slave and three “negro servants.” His father, Juan, is in the 1813 census with his wife, Catalina Rogero and three sons age seven to fourteen plus six free mulattos. Rocque is one of the older children. In 1827, his wife Susanna paid him five hundred dollars for two lots in St. Augustine and “all my household furniture together with a Negro Boy by the name of Antonio and about the age of eleven years....” Also included in the transaction were a bay mare and a colt. In 1840, Leonardi had seven slaves. He married a second time in 1845 to Sabrina Acosta, and an 1857 deed book entry recorded a property conveyance to Sabrina for ten dollars “in consideration of love and affection” to “share and share alike forever.”³²⁸

³²⁷ Archibald transcripts, transactions 14, 15, October 4, 1823 and December 4, 1823, the latter described as 800 acres north St. Johns River above Jacksonville. Bureau of Land Management, General Land Office, <<http://www.glorerecords.blm.gov/PatentSearch/>>.

³²⁸ SJCCH, Grantor Book H-18; Grantor Book Q-28; St. Augustine Cathedral Parish Birth Records, 1800-1866, 688-689; Parish Marriage Records, 12-327, April 4, 1845. SAHS, Biographical folder mentions “Rocque Leonardy (of Italy).” EFP, Bundle 329A, reel 148, census returns (1784-1814).

The Leonardis and another Memorial signer, Daniel Gardiner, were involved in a law suit. Daniel S. Gardiner was born in New York and was a carpenter who lived in both Duval and St. Johns Counties. The first evidence of his being in Florida was his signature on an 1822 petition supporting a candidate for public office. Roque Leonardi's son, Matias, served as a carpenter's apprentice to Gardiner. Late in 1827, Gardiner (also spelled Gardner) faced charges from Juan and Catalina Leonardi for mistreating Matias. The apprentice agreement called for Matias to live with Gardiner until the age of twenty-one. But when he was seventeen, Matias' parents alleged that Gardiner mistreated their son. They claimed he, "...stuck and beat Matias over the head and head and shoulders violently...and whipped and beat him with sticks till the blood ran down his back..." The reason for such mistreatment, so said the parents, was that their son had spoken Spanish which was his native language. The court returned Matias to his parents along with an order for Gardiner to pay the court costs and that the "bond or indenture by which Matias is bound" was canceled. By 1830, Gardiner moved north to Duval County. In 1831, he purchased two hundred acres on Hazard Creek from Isaac Hendrick, and later served as an officer in the Florida militia during the Seminole war.³²⁹ Since both Leonardi and Gardiner signed the 1833 Memorial, they either put this issue behind them by then or vital family interests drew them together in support of the Memorial in spite of the nasty details of the law suit.

Another signer of the Memorial was Joshua Coffee (b. 1795), also spelled "Coffey," a surveyor who helped set the Indian boundary lines after the 1823 Treaty of

³²⁹ SAHS, Superior Court, Eastern District of Florida, Box 134, folder 58. There is some doubt that this is the same person as the signer of the Memorial. Both have the same name, but the census of 1850 lists Gardiner, age 50, as a farmer. In 1830, he lived alone in Duval County and was between 20-30 years old. Duval County Courthouse, Archibald transcripts #189, April 25, 1831. Stowell, 84. There are also two unpaid medical bills for Gardiner in the ledger of Dr. Seth Peck, SAHS MC-2, Box 1, folders 39, 40.

Moultrie Creek. He lived in St. Augustine and in Duval County, and in 1831 Coffee became deputy surveyor for East Florida. His household included five free blacks, and his mixed race daughter, Elizabeth Coffee, married Zephaniah Kingsley's nephew, Charles McNeill.³³⁰

In 1830, the estate of Robert Rowley sued Coffee for one thousand dollars to settle a debt. Rowley was a citizen of St. Augustine who died shortly after signing a petition in the fall of 1829 in support of the reappointment of federal Judge Joseph L. Smith. Contention over Judge Smith's reappointment arose over his alleged unfair dealings with the Spanish population of St. Augustine. Defending himself in a letter to President Jackson, Smith said the problem was that former Spanish subjects were still un-American. In Florida, he wrote to the president "...is added the remnant of a Spanish people, who I certainly would be the last to reproach, but who, just released from the despotism of Spanish rule, under our free institutions, do not always exhibit a capacity to submit to Laws, widely different from the arbitrary mandate of a Provincial Governor, rest almost exclusively in the moral sense of the community."³³¹ Smith clearly pandered to Jackson's often stated opinions about the Spanish. Coffee, on the other hand, opposed the reappointment of Judge Smith and sided with the Spanish residents who complained about Smith's prejudices. Whether this difference of opinions factored into the law suit between Rowley and Coffee is unclear, but Coffee's opposition to Judge Smith shows his support for the old Spanish inhabitants. He likely did not share Smith's negative opinion of them.³³²

³³⁰ Schafer, 74. U.S. Census 1830.

³³¹ *Territorial Papers*, "Judge Smith to the President," November 18, 1829 (XXIV) 287-290.

³³² *Ibid*, "Memorial to the President by Inhabitants of East Florida, January 11, 1830 (XXIV) 326-327.

The next year, Coffee charged St. Augustine newspaper publisher Elias P. Gould with libel for printing claims that he had been party to illegal land dealings in an issue connected with Spanish citizens' complaints against Judge Smith. As a federal office holder, this accusation could ruin Coffee and jeopardize his surveyor appointment. Coffee sought two thousand dollars in damages, but there is no record of a decision or settlement in the case file. Elias Gould supported the reappointment of Judge Smith and signed the same affidavit along with Robert Rowley. It is not clear whether this was part of an ongoing temperamental split among St. Augustine residents over the Spanish legacy or if there were supportable claims of fraud, but Smith was not reappointed. Their similar prejudices notwithstanding, President Jackson's patronage excluded Smith.³³³

Samuel Kingsley was a judge, justice of the peace and postmaster in Duval County. He was not related to Zephaniah Kingsley; but, as mentioned earlier, Samuel Kingsley presided over Zephaniah's son's wedding. He became a justice of the peace in 1827, and the 1830 census listed him as living alone and between 40-50 years old. There must have been a trusting relationship between Samuel Kingsley and Francis Richard because Richard posted a three hundred dollar bond in support of Kingsley's appointment as postmaster the following year. Samuel Kingsley also signed an 1826 petition to the president from citizens worried about property damage caused by Indians, "...doing serious mischief to the Inhabitants by killing their Cattle & hogs, robbing their plantations, and enticing away their slaves..." The petition claimed that the governor promised "...to scour the swamps in the Indian boundary, and to recover their runaway slaves..." but needed federal approval for such action on Indian lands. According to the

³³³ SAHS, Superior Court, Eastern District of Florida, Box 103, Folder 24; Box 153, Folder 44. *Territorial Papers*, "Commission of Robert R. Reid as Judge (Eastern District)," May 24, 1832 (XXIV) 705.

census of 1830, Kingsley was not a slaveholder in Duval County, but as a signer of the 1826 petition he registered common concern with other slaveholders.³³⁴

Adam Cooper (d. 1843) lived in Nassau County. In 1816, Cooper manumitted a slave, Delia. There were ten free blacks in his household in 1830, and six free blacks living with him in 1840. In 1831, he was Nassau County signer on a Memorial to the President supporting the reappointment of Joseph L. Smith as federal judge for East Florida, quite the opposite of Joshua Coffee. Little else is in the records about Adam Cooper.³³⁵

Coffee and Gardiner both signed an 1824 petition, one of many that complained about Indians stealing slaves, but their petition noted that slave stealing by Indians was nothing new. Because Indians were too numerous and the former Spanish government in East Florida was weak, they claimed Indians “...were in the constant habit of stealing, or enticing away the slaves of the people of Florida, as well as those of the adjacent states.” Indians either made slaves of escaped blacks or let them roam as free persons, and “...in this situation were many fugitives from your memorialists, at the cession in 1821.” The petition called for action by Congress to authorize a retaking of slaves from Indian lands.³³⁶

³³⁴ *Territorial Papers*, “List of Territorial Appointments,” February 1827 (XXIII) 781; “Table of Post Offices,” (XXIII) 982; “Memorial to the President,” March 6, 1826 (XXIII) 462-464.

³³⁵ *East Florida Papers*, reel 166, sec. 18; *Territorial Papers* (XXIV) 600, December 31, 1831. Obituary notice in the *Florida Herald and Southern Democrat*, May 29, 1843.

³³⁶ *Territorial Papers*, “Petition to Congress,” March 8, 1824 (XXII) 857-858.

Another white advocate

One other signer of this same 1824 petition was Moses E. Levy. Though not a signer of the 1833 Memorial, Levy (1782-1854) deserves mention in this chapter. Both Levy and Kingsley experienced slavery in the Caribbean, and both were slaveholders who advocated milder methods than they found in the United States. Generations earlier, Moses Levy's family fled Iberia during the *Reconquista* and made new lives in North Africa, and Moses was born in Morocco. His father was a Jewish courtier to the sultan. The sultan died when Moses was nine years old, and his family moved to British Gibraltar. Following his father's death, eighteen year old Levy traveled to the Caribbean where he lived in the Virgin Islands, Puerto Rico and Cuba. The revolution on Saint-Domingue affected Levy's thinking about and how slavery might end. Many years later, in 1828, he wrote his own treatise on slavery, "A Plan for the Abolition of Slavery." The treatise has no author's signature, but Chris Monaco's research suggests that Levy was the author.³³⁷

Levy came to Florida because of the impending United States' acquisition. In 1820, with Spanish rule in Florida ending, he purchased fifty-three thousand acres in Florida from the Spanish government in Cuba in order to establish a Jewish utopian community. In the summer of 1821, Levy arrived in Florida fifteen days after the change of flags. The date of his arrival caused trouble for him later since citizenship was only

³³⁷ C. S. Monaco, *Moses Levy of Florida: Jewish Utopian and Antebellum Reformer* (Baton Rouge: Louisiana State University Press) 2005.

offered to Spanish subjects in Florida at the time of the transfer. Levy did not qualify, but he signed the citizenship roster anyway.³³⁸

Levy started sugar production facilities south of St. Augustine before establishing his commune called “Pilgrimage” in Micanopy in East Florida, a lush but remote place in the Alachua country near modern-day Gainesville. His property was on the northern edge of Indian lands as defined by the Treaty of Moultrie Creek. In 1823, twenty-one Jewish refugees from Europe arrived at Pilgrimage. Two years later, the colony was in financial peril, and Levy traveled to England to raise support from influential members of the Jewish community in London. These efforts failed, but while in England, Levy became a speaker and authority on slavery. He still had sixteen slaves at Pilgrimage, but Levy joined the British voices for abolition. His first-hand knowledge of slavery in the Caribbean and the United States and his sympathies with the abolitionists gave him unusual standing. This was when he wrote his treatise. Even though he described slavery as an evil and advocated the abolitionist cause, Levy continued to hold slaves in Florida.³³⁹

Kingsley and Levy knew each other, but there is no evidence that they consulted one another in writing their treatises. Like Kingsley, Levy thought that the end of slavery should come gradually, alongside the development of non-slave-dependent agriculture and enterprises. Meanwhile both men used their profits from slavery to fund their respective settlement plans. Levy thought one way to move away from slavery would be to send British convicts to the Caribbean rather than Australia, and these mostly male

³³⁸ *East Florida Herald*, “Ship Arrivals,” July 28, 1821. Moses Levy arrived in St. Augustine on the ship *Florida* from Charleston with eight other passengers and a cargo defined as “assorted.”

³³⁹ U. S. Census, Alachua County, Florida, 1830. David Levy “for his father” held nine male and seven female slaves.

whites would have little choice but to breed with local black women, “The spirit of the black population will be thus neutralized, and, by attending to the education of their freeborn offspring, the now wild wastes of America will be populated by an enlightened generation, in which black skin will be lost with slavery in the gradual shades of improvement.”³⁴⁰ Levy valued miscegenation for its whitening effects, as if lighter skin colors would make the population increasingly eligible for citizenship.

Levy returned to Florida in 1829 and remained there until his death. Indians burned the Pilgrimage sugar mill in 1835 at the beginning of the Second Seminole War. The following summer, United States troops destroyed the area because Micanopy, in addition to being the location of Levy’s failed commune, was near a Seminole meeting place. Levy still owned the land, but the long war denied him access to its value since his land was in the path of the combatants. Levy’s support for his colony left him in debt, and he lived for a while off the support and kindness of friends, particularly with Dr. Andrew Anderson in St. Augustine to whom Levy sold all his slaves in 1839. His fortunes changed for the better, and in the 1850 census Levy resided in St. Augustine, age 68, with a net worth of \$60,000.³⁴¹

Levy’s son was much better known in his lifetime. David Levy distanced himself from his Jewish heritage, changed his name to David Yulee (a variation on a family name Yuli), was involved in Democratic politics and became Florida’s last territorial delegate to Congress, and after statehood in 1845 he was Florida’s first senator. The son, however, shared none of his father’s idealism about ending slavery. Quite the contrary,

³⁴⁰ M. E. Levy, “A Plan for the Abolition of Slavery, Consistently with the Interests of All Parties Concerned,” (London: 1828) 15, as cited in Chris Monaco, “Moses E. Levy of Florida: a Jewish Abolitionist Abroad,” *American Jewish History* (86:4) 1998, 392.

³⁴¹ SAHS, MC 10-22, Moses Levy bill of sale for twenty-eight slaves to Andrew Anderson, December 4, 1839, for \$15,000.

he was a prominent fire-eater before the Civil War, and Moses was so upset by his son's renunciation of his religion and by his politics that he legally disinherited David.

When David Yulee was a territorial delegate to Congress, opponents challenged his citizenship on the basis of his father's arrival in Florida two weeks after the cession from Spain. Although estranged from his son, Moses supported his own citizenship by testifying that he could not remember the details of his arrival. An inquiry decided in favor of Levy's citizenship by surmising that ill winds delayed Levy's ship and that his intentions to be in Florida at the right time were proof enough to allow his citizenship to stand. However, when his son David served in Congress, he was derided by John Quincy Adams as the "alien Jew Delegate." David was born in St. Thomas, and rumors circulated that he was half black as the result of his father's sexual relations while living in the Caribbean. Moses denied that his son was mulatto, and Zephaniah Kingsley lent his support to the Levy-Yulee claim that miscegenation was not involved. Fortunately for David, his father's unsigned treatise and antislavery activities in London never came to light to further complicate matters for the pro-slavery Democrat.³⁴²

Levy and Kingsley are examples of Atlantic world figures who brought lessons from their experience on both sides of the ocean and in the Caribbean to their Florida homes. Were Kingsley and the co-signers of the 1833 Memorial and Moses Levy truly advocates for citizenship and freedom for Africans in Florida? Kingsley did not challenge slavery. He wanted to avoid Haiti-like revolution by warning of the risks created by a slave system that rested solely on a bi-color definition. Levy's treatise and opinions are not thoroughly presented in this study, but as a person with business experience and well placed contacts on both sides of the Atlantic and in the Caribbean, he

³⁴² Monaco, *Moses Levy of Florida*, 158-160.

thought that Florida – with its Spanish heritage, Caribbean location, and stable political situation compared with Spain’s disintegrating American empire – would be a suitable place for his enterprises and ideals.

Legacy of white advocacy

The 1833 Memorial was likely tabled in Congress. Its signers gained no redress from the general government for their complaints against the territorial legislature. Kingsley died while his move to Santo Domingo was only partly complete, and his older son, George, drowned a few years later while en route from the island. His daughters, however, resided in Duval County as free women. Their children became civil servants and lived as citizens of the community. Anna and Zephaniah Kingsley’s mixed race descendants and those of Francis Richard continued to live on family lands along the east bank of the St. Johns River adjacent to the growing city of Jacksonville through the antebellum and Civil War years.

Anna knew her free status was in constant jeopardy, and she lived at times at their Santo Domingo plantation. After his death, Zephaniah Kingsley’s white relatives challenged his will to prevent Anna from inheriting property, but in 1846 Florida judges decided in her favor. Anna Madgigine Jai Kingsley won her case in court for her part of her white husband’s estate. The decision in that case was tantamount, at least in this single case, to awarding citizenship to Anna on the basis of the original words of the Adams-Onís Treaty that said all inhabitants of Spanish Florida shall be “...admitted to the enjoyment of all the privileges, rights and immunities of the Citizens of the United

States.”³⁴³ Even if this was a single victory, it would have pleased the white advocates for multi-racial slavery, for Anna was not only African and a former slave – she was also a slaveholder.

³⁴³ Schafer, *Anna Kingsley*, op cit., 73. The superior court judge refused to hear an appeal to a lower court ruling in Anna’s favor, thereby in effect, as Schafer found, confirming the “...promise in the Adams-Onís Treaty of full citizenship rights to all free persons residing in the colony when Spain ceded East Florida to the United States.”

CHAPTER VII

BLACK CITIZENS

Free blacks in Florida

In 1821, free blacks who stayed in territorial Florida could only hope that the liberally written terms of the Adams-Onís Treaty would be honored and that their liberties would continue. That hope was in vain. Under the United States, Florida became a biracial slave system with diminishing space for free blacks, for the manumission of slaves, and for free people of color to live free of legal jeopardy. However, during this time of changing laws, some free blacks and mixed race families continued to behave as they had in Spanish Florida and to assert liberties and expect a measure of justice. Thirty years later, Florida Judge Albert Semmes described the mixed race population of Florida as, "...a class of people who are neither freemen nor slaves...."³⁴⁴

Free blacks lived everywhere in the United States, but they never comprised more than two percent of the national population. As individual states, Maryland and Delaware consistently had a much higher percent of free blacks than the national average. Table 9 shows the drop in the percent of free blacks in the total population of each state

³⁴⁴ Daniel L. Schafer, "'A Class of People Neither Freemen nor Slaves,'" op cit., 599. Judge Semmes quote is from an 1853 decision in the case of a slave woman who murdered her white father, a man who had eleven children by one of his slaves. The case involved the deceased's white family's contestation of the legal status of the children and wife whom he had manumitted.

Table 9. Free blacks as a percent of total population during antebellum years.
Ranked by states with the highest percent black population in 1860.

	1820	1830	1840	1850	1860
South Carolina	1.4	1.4	1.4	1.3	1.4
Mississippi	0.6	0.4	0.4	0.2	0.1
Louisiana	7.1	7.8	7.2	3.4	2.6
Alabama	0.4	0.5	0.3	0.3	0.3
Florida	4.2	2.4	1.5	1.1	0.7
Georgia	0.5	0.5	0.4	0.3	0.3
North Carolina	2.3	2.6	3.0	3.2	3.1
Virginia	3.5	3.9	4.0	3.8	3.6
Texas				0.2	0.1
Arkansas		0.5	0.5	0.3	0.0
Tennessee	0.6	0.7	0.7	0.6	0.7
Maryland	9.8	11.8	13.2	12.8	12.2
Kentucky	0.5	0.7	0.9	1.0	0.9
Delaware	17.8	20.7	21.7	19.7	17.7
Missouri	0.5	0.4	0.4	0.4	0.3
New Jersey	4.5	5.7	5.6	4.9	3.8
Rhode Island	4.3	3.7	3.0	2.5	2.3
Pennsylvania	1.9	2.8	2.8	2.3	2.0
Connecticut	2.9	2.7	2.6	2.1	1.9
Ohio	0.8	1.0	1.1	1.3	1.6
New York	2.1	2.3	2.1	1.6	1.3
California				1.0	1.1
Michigan		0.8	0.3	0.6	0.9
Indiana	0.8	1.1	1.0	1.1	0.8
Massachusetts	1.3	1.2	1.2	0.9	0.8
Nevada (territory)					0.7
Kansas (territory)					0.6
Illinois	0.8	1.0	0.8	0.6	0.4
Nebraska (territory)					0.2
Oregon					0.2
Vermont	0.4	0.3	0.3	0.2	0.2
Maine	0.3	0.3	0.3	0.2	0.2
Iowa			0.4	0.2	0.2
New Hampshire	0.3	0.2	0.2	0.2	0.2
Wisconsin			0.6	0.2	0.2
Minnesota				0.6	0.2

from 1820 to 1860. The percentage of free blacks throughout the slave south remained relatively constant, with the exceptions of Louisiana and Florida where there were significant drops. There are two explanations for this. One cause was the rapid rise in white population; the other cause was changing antebellum laws that increasingly forced free blacks to leave a state or be threatened with enslavement. During these decades, Florida's white population increased enormously (see Appendix A). Its free black population also increased by 300%, but this was nowhere near the white population increase, from approximately 2,500 in 1820 to over 80,000 in 1860.

Spanish Florida's free blacks likely had no illusions about how they would be treated by the United States. After all, they and their forebears had ample experience with Anglo America and with the United States, and some of them took up arms to defend Florida and protect their rights. Jane Landers claims, "The few free blacks who trusted cession treaties and remained in the new territorial Florida found the white supremacist planters who immigrated into the area unable to tolerate such a challenge to the myth of black inadequacy." Loss of the international border and what it meant for black possibilities, limited as they were, began a process of increasing restrictions, limits and prohibitions for Florida's free blacks. Soon, Florida's whites eliminated the middle space for black freedom and enforced the American two-caste system of race.³⁴⁵

The freedom of blacks in Spanish Florida was based on Spanish accommodations to economic necessity, kinship ties with whites, the political decision to offer sanctuary,

³⁴⁵ Landers, 248. For an account of the devolution of free black rights in Florida, see Rivers, *op cit.*, *Slavery in Florida*, 66-67, 126, 144, 246, 255-256; Manley, *op cit.*, 105-106; Brown, "Race Relations in Territorial Florida," *op cit.*, 287-307; Joseph Conan Thompson, "Toward a More Humane Oppression: Florida's Slave Codes, 1821-1861," *FHQ*, 71:3 (January 1993), 324-339; also, of broader interest, see Mark T. Tushnet, *Slave Law in the American South: State v. Mann in History and Literature* (Lawrence: University of Kansas Press, 2003).

and the influence of the Catholic church. *Coartación*, or the legal right of a slave to self-purchase, was legally enforceable, and it existed alongside legally approved manumission. Ira Berlin cites instances of slave self-purchase in early seventeenth-century British Virginia, but these examples were prior to the first slave codes that appeared in the 1660s and were not part of British colonial law.³⁴⁶

For a century, Florida's sanctuary law offered freedom to slaves who escaped from British colonies. The royal sanctuary decree of 1693 was withdrawn in 1790 as a measure to encourage Anglo immigration, but by then, generations of free blacks had already lived in Florida. The church also played a role in blunting the effects of slavery by marrying and baptizing slaves and by enforcing laws such as the prohibition of selling slave children away from their mother without consent of a priest. White fathers might free their own mixed race children as a mark of affection and an acknowledgement of relatedness. Benefits were more likely to be available to slaves in towns rather than for laborers on plantations who worked far from a church or seat of law. In Florida and in the Caribbean, these practices played a practical role in the economy, and, in the case of Florida, in the security of the colony.³⁴⁷

Before it was clear that the United States would not offer citizenship to free blacks, a number of them left Florida. Jane Landers traced one hundred and forty-five to Cuba. This cadre included forty black militiamen, twenty-seven women and seventy-eight children.³⁴⁸ Landers identified several emigrating families by name and found that

³⁴⁶ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in America* (Cambridge: Harvard University Press, 1998), 29-31, 36-38, and on 214 he also discusses Spanish *coartación*.

³⁴⁷ A royal *cedula* of 1526 provided that any slave could purchase his or her freedom or *coartación*. Also, Landers, *Black Society*, op cit., chapter one, "Precedents for Afro-Caribbean Society in Florida," 7-28.

³⁴⁸ Landers, *Black Society*, 247; and, Landers, "Black Community and Culture in the Southeastern Borderlands," op cit., 133-134. The source is Relation of the Florida Exiles, Archivo General de Indias, August 22, 1821, Cuba 357, 358. Also private correspondence with Landers. Reference to the exiting

some families were split, such as the Edimboros, with a father remaining in Florida while his son and grandchild left for Cuba. The Spanish government offered assistance and a stipend to those who chose to emigrate to Cuba, and those who remained in Florida may have planned to explore opportunities as part of the United States and keep open their options to emigrate at a later time.

Slavery laws and manumission

In 1822, the first session of the territorial legislature passed an Act for the punishment of slaves, in which slaves were to be indicted, tried and punished in the same manner as whites. Capital crimes for slaves included murder, manslaughter, rape, burglary, poisoning, arson and rebellion. Lesser offenses could bring punishment of up to sixty lashes, but of course no fees were assessed as penalty, because slaves had no significant financial resources to pay legal fines. The Act forbid slaves from engaging in commerce without the permission of their owner, and illegal purchases had to be repaid fourfold by the owner of the slave. Anyone selling a free person as a slave would be punished by death. Stealing a slave was also punishable by death. Section 13 of the Act permitted emancipation by terms of a will if the deceased's estate provided subsistence for the elderly and young. This provision required support for all emancipated slaves over age forty-five years of age or under twenty-one if male and eighteen years if female. Nothing in this Act mentioned free blacks or mulattoes.

“colored troops” is in a message from Governor Copping in *Territorial Papers* (XXII) 88, dated June 23, 1821.

The third session of the legislative council in 1824 passed an “Act Concerning Slaves,” that required that any slave to be emancipated must be of sound mind and body. As in the previous manumission Act, freed slaves younger than twenty and older than forty-five must be cared for by the estate of the manumitting slaveholder, whose estate would be “liable to the expense of food and clothing.” Safeguards to protect slaves included prohibitions against requiring labor on Sundays, excessive labor, meting out cruel or unnecessary whipping, or withholding food. Slaveholders must keep a white overseer at all times. No more than seven slaves could travel on the roads without a white person with them. Assault with intent to kill was added to the list of capital crimes for slaves. Slave possession of a firearm was prohibited. Slaves more than five miles from their master’s residence were considered runaways and liable to arrest. Still, there were no laws restricting free blacks and free mulattoes.³⁴⁹

Free black rights reduced

Until 1826, legislative council members were appointed by the President. The first elected council was the 1826 session. Not until the sixth session, in 1827, did territorial laws specifically restrict the liberties of free blacks and mulattoes. The 1827 “Act Concerning Slaves, Free Negroes and Mulattoes” was the first set of laws to address free blacks. The first section of the Act defined slaves as “all persons lawfully held to service for life, and the descendants of the females of them...” The term “mulatto” was

³⁴⁹ *Laws of Florida Territory*, 4th Session, 1824, “An Act Concerning Slavery,” sections 1-13, 1998 Florida State University College of Law Library (Tallahassee: William Wilson, 1998), 174. As found in “Florida Historical Legal Documents,” <<http://palmm.fcla.edu/law/>>. According to the *East Florida Herald*, March 1, 1823, jailor pay for administering lashes was one dollar.

also defined as “...every person other than a negro, who shall have one fourth part or more of negro blood, shall be deemed a mulatto.” There were no further definitions such as octoroon or any further attenuations of color and so-called blood line distinctions.

Under the 1827 Act, free blacks and mulattoes as a class could not possess firearms, consort with whites in the performance of unlawful acts, sell intoxicants to slaves, use provoking language to address whites, or strike whites except in self defense. In other sections of the Act, the term “negro or mulatto, bond or free” was added to the designation “slaves” to make it clear that any former assumption of separate status for free blacks had changed. In the 1827 Act, free blacks were joined with slaves in most of the black codes, including the terms of punishment. They were subject to lashes and sometimes to fines as well.

More rules for free blacks and mulattos included a ban on seditious speech, punishable by a twenty dollar fine and up to thirty-nine lashes. Whites found in the company of free blacks or slaves at an unlawful assembly were liable for a like fine and the same number of lashes, but in this case, “well laid on.”³⁵⁰ Such a statute for association between whites and slaves was a measure to guard against slave revolt, and the punishment virtually stripped white privilege from those convicted. Free blacks could not sell alcohol to slaves. Non-capital felonies resulted in burning the hand of the slave in open court, and a second such offence was punishable by death. For false testimony, bond or free blacks had their ears nailed to a post and made to stand in this position one hour plus thirty-nine lashes, well laid on. Slaveholders paid ten dollars for runaway slaves captured in Indian lands, half of which went to the person capturing the

³⁵⁰ *Laws of Florida Territory*, 6th session, 1827, “An Act Concerning Slaves, Free Negroes and Mulattoes,” section 14.

slave – presumably as an inducement to Indians to give up runaways – and the other half went to Indian Agent expenses.

The Act also defined race and color in differing terms from section to section. In the case of a law forbidding abusive language and striking of whites, the wording stated: “That if any negro or mulatto, bond or free, shall at any time use abusive and provoking language to, or lift his hand in opposition to any person not being a negro or mulatto....” Perhaps this negative definition of persons “not being a negro or mulatto” meant to include all other persons of color who were not white in the protected class. Other sections of the Act defined crimes against whites and did not use the negative definition, for instance, “...if any slave or slaves shall at any time commit an assault and battery upon any white person....” Also, “...if any slave shall maim a free white person....”³⁵¹ The 1827 Act left room for varying interpretations of the status of other non-whites, those with less than one quarter black blood, whose skin color might be no different from St. Augustine’s Minorcans, Greeks or Spaniards.

A special provision inserted into the Act exempted St. Augustine and Pensacola from laws affecting free blacks and slaves. In these two cities, and later for Key West as well, municipal regulations took precedence over territorial law. The exceptions allowed free blacks greater movement and permission to engage in commercial activities, and were likely a recognition of ongoing custom in these towns – customs rooted in necessity, majority opinion and family relations. The exception in the 1827 Act specifically allowed municipal authorities to decide if free blacks and mulattoes could possess firearms or allow slaves in these towns to engage in commerce “as a free man” including hiring themselves out. Slaves and slaveholders in both towns were subject to unique

³⁵¹ Ibid., sections 22, 35, 38.

municipal laws. For instance, City Ordinance No. 10 in St. Augustine assessed slaveholders one dollar a year for each slave seventeen to fifty years of age who was a mechanic in the city, plus fifty cents on every other slave from twelve to fifty years of age. Fifty cents was the same city tax levied on horses. Dogs were taxed one dollar each.³⁵²

In 1827 Act also increased the penalty for “carrying them [slaves] off by water.” Any ship master doing so would be guilty of a felony punishable by death and a five hundred dollar payment to the slaveholder. The previous 1822 law subjected offenders to a fine of one hundred and fifty dollars. Five years later, the higher fine must have indicated heightened concern to prohibit escapes via the movement of commerce through the ports of Florida, or perhaps it represented a specific concern about slaves escaping to the Caribbean.

The next year’s legislative session approved a longer set of slave and free black laws, “An Act Relating to crimes and misdemeanors committed by slaves, free negroes and mulattoes.” This Act continued the exemptions for St. Augustine and Pensacola. The same restrictions on commerce by slaves remained, but now slaves could specifically engage in selling “brooms, baskets or fabrics of straw or rush” even without the permission of the “master, owner or overseer.”

The most significant part of the 1828 Act forbade free blacks from entering the territory. If accused of wrongfully entering the territory, a free black must post a two hundred dollar bond and await trial. If found guilty, the accused had to post a five hundred dollar bond and leave the territory within ten days. If the accused could not post

³⁵² *East Florid Herald*, January 4, 1823, “City Ordinance No. 10,” section 1. Dibble, *Joseph Mills White*, op cit., 69. Dibble claims that the history of different race relations was the reason for the exceptions.

such a bond, and few could, the arrested free black or mulatto would be held for “immediate sale....” This did not apply to slaves or free blacks who were working aboard vessels in Florida ports, so long as they remained in the employ of the ship’s captain, and this portion of the Act did not apply to free blacks in Key West. Section 53 of the code exempted “free negroes and mulattoes” in Key West because many were en route to other locations. Key West was a transit point with a high percent of the population involved in maritime trade and movement. The island of Key West had an option to apply or not apply this particular section of the Act, presumably since commerce would virtually halt if the movement of free blacks were restricted or even threatened.

Other of the sixty-three sections of the 1828 Act prohibited free blacks from assembling, selling alcohol to slaves and from conducting commercial activities on Sundays. Curfews restricted their movements at night. It prohibited interracial marriages and encumbered inheritances to mixed race children. White men could be fined one thousand dollars and risk losing their civil rights for having sex with a black or mixed race woman.³⁵³

Negroes and mullatoes, “bond or free,” could testify in court in cases involving other black persons but not otherwise. The Act criminalized abusive language by free or enslaved blacks toward “any person not being a negro or mulatto.” Slaves could not move on roads and ferries unless they had permission documents. Capital punishment attended slaves, and free blacks and mulattoes for plotting to injure whites by assault, poisoning and arson. In the event of a capital conviction, the jury instructions included

³⁵³ *Laws of Florida Territory*, 7th Session, 1828. As found in “Florida Historical Legal Documents,” <<http://palmm.fcla.edu/law/>>

determining a value of the slave for repayment to the owner from the territorial government.

Lesser punishments were by means of lashes, and even free blacks who had means to pay legal penalties were to be equally disgraced and physically marred by the lash. The penalty for felonies was not to exceed one hundred lashes. Lesser infractions were subject to a maximum of thirty-nine lashes. Other punishments included nailing the ears of a felon, "his or hers," to a post for a period of one hour or to have "his or her hands burnt with a heated iron in open court...." Rape or attempted rape of a white woman was penalized by a combination of branding, cropping [maiming the ears], or death.

In court cases involving accusations against slaves, defendants were furnished with an attorney, paid for by the slaveholder up to a maximum fee of fifty dollars. Slaves who served as witnesses in court were sworn in using the words, "you are brought here as a witness, and by the direction of the law, I am to tell you before you give your evidence, that you must tell the truth, and nothing but the truth, and if it be found hereafter that you tell a lie and give false testimony in this manner, you will for so doing receive thirty nine lashes upon your bare back and have your ears nailed to posts, there to stand for one hour."³⁵⁴

In the 1829 legislative session, manumission itself was virtually outlawed in "An Act to prevent the Manumission of slaves, in certain cases, in this Territory." Slaves brought into the territory could not be freed unless the slaveholder forfeited a two hundred dollar fee and posted a bond equal to the value of the slave. The latter was to be used to transport the freedman out of the territory within thirty days. As for manumission

³⁵⁴ Ibid., sections 57, 58.

of slaves not brought into the territory, "...any slave or slaves manumitted, contrary to the provisions of this act, shall not be deemed free...." There was no manumission option for slaveholders and slaves in Florida. Any attempted manumission would be reversed, the person apprehend and sold at auction, with the proceeds going to the territorial treasury. In 1833, the legislature added a ban against free blacks having firearms.³⁵⁵

One result of this legislation was the gradual migration of East Florida's free blacks to Mexico and to the Caribbean. By 1855, St. Augustine's free black population was only eighty-two.³⁵⁶ Table 10 shows the changes in populations of free blacks in the three counties of northeast Florida. Although St. Augustine's percent of free black population dropped, the absolute number remained about the same. The percentage consistently dropped from decade to decade, but most of the percent changes were caused by a rise in the total population.

Table 10. Population of Nassau, Duval and St. Johns counties.

	free black	tot. pop.	%
1830	304	6,019	5.1
1840	256	8,742	2.9
1850	236	9,228	2.6
1860	298	11,756	2.5

In most of the territory, Florida's former Spanish racial system was legally quashed by the end of the first decade of territorial jurisdiction, but vestiges of it persisted

³⁵⁵ State Archives of Florida, *Laws of Florida Territory*, 8th Session, 1829, An Act to prevent the Manumission of slaves, in certain cases, in this Territory, sections 2, 3; others as cited in Schafer, op cit.

³⁵⁶ Schafer, 591.

in urban Spanish St. Augustine and Pensacola and in the port of Key West. In some cases free blacks were able to retain property and even add to their property holdings if they had white family links or the patronage of influential whites. Even after new territorial laws restricted manumission, white slaveholders continued to free slaves as they had before. In some cases, the legal status of free blacks was undetermined or if their owners were absent these people lived in a legal limbo between freedom and bondage.

Florida's economic situation may have been one reason why free blacks were left alone for a while after the Spanish left. Comparatively low productivity may explain the interim of permissiveness. Harsh treatment of slaves was more common in slave societies that produced highly desired products such as sugar. As one historian put it, "Sugar production, with its huge profits, massive slave imports, and 'brutal use of African labor on an unprecedented scale' characterized Cuban agriculture in the early decades of the nineteenth century. The status of Cuba's large, free colored population plummeted in rhythm with the ascendancy of sugar production."³⁵⁷ On the other hand, slave societies with more fragile economies depended on a broader balance of production and the associated labor skills. In these economies, non-white mobility was more tolerated and skills more appreciated. As profits increased in slave economies, slavery became more harsh and free blacks were tolerated less.

The existence of free blacks in such a society was counter to the logic of higher and higher profits from coerced labor. Colonial Florida's relative lack of prosperity, therefore, was a contributing factor to freedoms for free blacks in the society. This was a

³⁵⁷ Schafer, op cit., 589. The embedded quote is from Robert L. Paquette, *Sugar Is Made with Blood: The Conspiracy of La Escalera and the Conflict between Empires over Slavery in Cuba* (Middletown, Conn.: Wesleyan University Press, 1988) 35.

society that did not exist solely for producing single crop fortunes, but that needed the contributions of all residents as artisans, militia, dockworkers, seamen and merchants in a more complicated if less wealth-producing colony. Once Florida became part of the United States, insecurity about her borders delayed the development of prosperity that in turn made the free black community less and less tolerable. In territorial Florida, free blacks had a stronger place in the life of the two old Spanish towns of St. Augustine and Pensacola. However, the cotton producing lands of Middle Florida, where great wealth was produced for white slaveholders, had none of the mechanisms that made free blacks so useful in East and West Florida.

For instance, even though it occurred in 1838, an example illustrates the casual attitude of St. Augustine authorities toward slaves. Job was a slave of Thomas Starke, who lived at Spring Garden Plantation in Greenville County, South Carolina. Job ran away to Florida but was caught and held at the St. Augustine jail. Thomas Starke came to get Job and take him back to South Carolina, but by then Job had spent nearly a year in custody in St. Augustine. En route back to South Carolina, Job ran away again. In a letter to the United States Marshal for the Eastern District of Florida, Joseph S. Sanchez, Starke once again requested assistance to find and retrieve his slave.

After recovering Job the first time, Starke admitted that he had “turned my negro man loose,” meaning that he had released him from wearing shackles, and Job took the opportunity to run. This was perhaps better, Starke wrote, “...for I should no doubt have punished him too severely as I was very much enraged with him for having to pay such an enormous amt of [legal] expenses.” In order to recover Job again, Starke appealed to the marshal to spread word that Job was missing. He guessed Job would return to St.

Augustine and hide using contacts he made during his previous escape to Florida. Job told his master that while he was in custody in St. Augustine, the jailer sent him out to work and run errands in town. The account reads, "...he had been put to grinding corn as soon as he was put in jail and after about a month he was sent to stores to buy corn to grind and then sent to sell the meal & by this means was enabled to form acquaintances both with white and black and he can stay about the city now for twelve months, perhaps more, without being molested if you do not assist me in apprehending him." Such freedom of movement for Job while he was supposed to be in jail as an unclaimed runaway indicates that St. Augustine authorities were not concerned with ungoverned slaves moving about the city.³⁵⁸ Job did not need to run away to live as a maroon or with the Indians in order to live a relatively free life.

In 1821, Indian Agent Jean Penieres estimated that in addition to five thousand Seminole Indians in Florida, there were several hundred maroons. In one location, he estimated there were "50 or 60 negroes or mulattoes, who are Maroons, or half slaves to the Indians." Penieres' observation about the half slave relationship with Indians indicates the unclear status of Africans among the Indians, at least to the eyes of outsiders. He continued, "These negroes appeared to me far more intelligent than those who are in absolute slavery; and they have great influence over the minds of the Indians." Penieres estimated maroons in another part of the state numbered perhaps three hundred. "It will be difficult to form a prudent determination with respect to the maroon negroes, who live among the Indians....They fear again being made slaves under the American

³⁵⁸ Joseph Sanchez file, St. Augustine Historical Society, Record box MC-19, file 1-13, letter dated April 8, 1838, from Thomas Starke. Another record in the same file is an 1836 account for the sale of two slaves, with total legal charges for marshal and prison expenses of \$403.60. Legal expenses for Job may easily have been half of this unless the cost were reduced by the income derived from Job's labor.

government, and will omit nothing to increase or keep alive mistrust among the Indians, whom they, in fact govern....It will be necessary to remove from the Floridas this group of lawless freebooters, among whom runaway negroes will always find refuge.”³⁵⁹ If blacks had such great influence over the minds of Indians, Penieres’ observation indicates that it was because Indians trusted black views of whites since they had lived among them and understood the perils of subjection to whites.

Free blacks resist

Free blacks in St. Augustine were not silent about the changes in the laws. In 1824, Robert Brown, a free person of color, wrote a letter to the St. Augustine newspaper defending free blacks from unjust taxation. Daniel Schafer summarizes the writer’s issue, “Calling himself a man of common sense born in East Florida and a land owner, Brown said he had asked his white neighbors about the precedent for the eight dollar annual poll tax levied by the county on free blacks at age fifteen (whites paid only one dollar, at age twenty-one). The common replies were: ‘such is the case in Georgia, an old and well regulated state,’ and that whites were expected to provide more services to the government than free blacks.” Brown called the taxes “...’unequal’ and ‘consequently unconstitutional,’ and suggested that Georgia’s laws had been passed to ‘fence and shore up’ the evil of slavery in that state.”

Brown pointed out that although it was true that whites had more civil obligations than blacks, which was one of the arguments given for why blacks should pay a higher per capita tax, they would prefer to have equal civic rights and duties with whites. He

³⁵⁹ *EFH*, March 1, 1823. Penieres report to Andrew Jackson, July 15, 1821.

concluded by arguing that St. Johns County should no more emulate Georgia's slave laws than it should copy Connecticut's blue laws that punished husbands for kissing their wives on Sundays.

The argument about husbands kissing wives was well chosen. Why should affectionate relations among the races, affections that had produced children and resulted in cherished family ties, not also be judged in terms of family and class rather than strictly in terms of color and race? The month after the Brown letter, an East Florida federal judge, Joseph L. Smith, ruled in favor of another free black, James Clarke, who petitioned against the poll tax, but the judge's interpretation of the law was short-lived. In 1828 a similar law passed the territorial legislature and extended the tax across the entire territory. The collective effect of laws passed by the territorial legislature between 1827 and 1829 restricted the lives of free blacks and essentially made Florida a two-tier racial society.³⁶⁰

During these years, Florida's free blacks were legally expunged in much the same way they were in other parts of the slave south. However, a number of free blacks in East Florida continued to relate to whites as they had in times past. The new laws were on the books but were not uniformly enforced. Free blacks continued to hold property and to live among and in relation to whites as they had in colonial Florida. Historian Larry Rivers concluded that during the decades after the cession, "...the whispers of three and a half centuries of Spanish experience and tradition echoed ever more softly. Only in a few places...did the old ways persist, but they had survived long enough to impress their

³⁶⁰ Ibid, 592. Robert Brown letter is from the *East Florida Herald* dated October 23, 1824.

image deeply on the institution of slavery in Florida.”³⁶¹ This was not the case for all of Florida, but it was true in the old urban centers.

Mixed families, white allies

As discussed in the prior chapter, an influential portion of East Florida’s white population had a stake in preserving the former Spanish racial arrangements. The influx of non-Spaniards during Britain’s twenty year rule and the continuing Anglo immigration to Florida during the Second Spanish Period fostered a mix of popular attitudes among whites that favored the Spanish mix of tolerance and necessity with respect to race, slavery and free blacks. In addition to the economic reason described by Daniel Schafer, Larry Rivers cites two additional reasons for this. First, when the Spanish returned to Florida, civil and church law contravened the Anglo laws of the British Period. Second, the three-tier system was a logical means to an end, considering that slaves had the alternative of vanishing into a largely unsettled interior space with no neighbors except Indians who were likely to incorporate Africans into their lives.³⁶²

The fate of East Florida’s free black property owners during the territorial period is well documented in a dissertation by Frank Marotti. His research investigates St. Augustine’s free black “resistance to the imposition of an American-style slave society upon a Spanish-style society with slaves.” Marotti’s research focuses on land ownership, and he concludes that some free blacks were able to retain land for two reasons. First, they were accustomed to such rights under Spanish law, and they persisted in asserting

³⁶¹ Rivers, op cit., 15, 68.

³⁶² Ibid, 68-69.

land ownership claims. The second reason is that influential whites supported them, did not oppose them, or were in fact part of their family. Being accustomed to rights under the Spanish system emboldened free blacks to assert themselves and to question the imposition of black codes as they were enacted in the territory. Having white family connections and patrons gave them allies and advocates among prominent white citizens.³⁶³

For a period of time after the cession, Florida slaveholders continued to behave as they had under Spanish law with respect to their slaves. They sometimes ignored new requirements for posting bonds when manumitting slaves, their freed slaves were not forced to leave the territory, and East Florida authorities rarely prosecuted. The number of manumissions, however, declined. Marotti documented one hundred and nineteen manumissions in St. Johns County between 1821 and the Civil War. Over half of them, 54%, occurred in the 1820s, 26% in the 1830s, and 21% in the 1840s. Only seven slaves were manumitted during the Second Seminole War, perhaps due to anxieties about the role of blacks among the Indians. After statehood in 1845, only eleven manumissions took place before the Civil War. These numbers tend to confirm a persistence of Spanish era behaviors up until the Second Seminole War but not afterward.³⁶⁴

Some blacks lived in an undefined legal space, neither free nor slave. George Rivers was born a slave in St. Augustine, but his father was a free black man. On his owner's death, George was sold to a man who lived on a plantation at a distance from the town. George earned the trust of his new owner and traveled to and from a store to obtain supplies. Over time, George became well known to the store owner, who

³⁶³ Marotti, *op cit.*

³⁶⁴ *Ibid.*, 130-131.

purchased both George and his wife Lugarda. George and Lugarda lived in a state of partial freedom tending orange groves across the river from his master's store on the St. Johns River. When this master died, his will provided that George and Lugarda would be free if they demonstrated to his white heirs that they were worthy. They were freed in 1849. This complicated story illustrates how blacks' lives could become entwined in the affairs and the affections of interrelated white patrons, slaveholders and benefactors.³⁶⁵

The story of George Rivers is an example of the jeopardy for people of color who were born to mixed-status parents, one free and one slave, and the vagaries of being freed under the terms of a slaveholder's will. Manumission in this case was conditional upon his master's family's attitude toward Rivers and his wife. Wills were often contested by relatives who had a financial interest in the estate; therefore, a slaveholder's will with respect to manumitting his or her slaves was not the final word. Another slave, Tony Welters, was to be freed upon his master's death. Two of the three heirs to his master's estate agreed to these terms for Welters, but the third insisted on his share of Welter's stated value of seven hundred dollars. During the three years it took for Welters to earn this amount of money, he lived in virtual, but not legal, freedom.³⁶⁶

Ownership documents were still traded for slaves who escaped to Indian lands. Eight years after the cession, a slave named José Rafael ran away to the Seminoles. Even in his absence, his ownership rights were sold to Bernardo Seguí for four hundred dollars, and Seguí in turn sold them again for three hundred dollars to Indian Agent Gad Humphries. Eventually, Rafael's brother became free and purchased José's contract from

³⁶⁵ Ibid, 155-156. The information was verified through multiple deed books of St. Johns and Putnam Counties.

³⁶⁶ Ibid, 154.

Humphries. Rafael was a runaway the entire time that the rights to own him were being bought and sold.³⁶⁷

In 1821, just prior to the cession, Valentine Pepino purchased his daughter's freedom while he himself was in the process of buying his own liberty under terms of *coartación*. An 1823 document described Pepino as still being a slave, but four years later when he paid four hundred dollars for the freedom of another of his children, Pepino was described as a free man. The circumstances of his release from slavery are unclear, but what is known about him and his family illustrates an active and accepted practice of pricing and purchasing family members even when the purchaser might still be enslaved him or herself. It also illustrates that the society in St. Augustine permitted an arrangement that allowed Pepino to purchase his and his children's freedom in processes that took six years to complete.

Marotti claims that in East Florida, white men and women of influence did not suffer loss of prestige because they were related to slaves or to mixed race free men and women. Biracial children of free blacks and the biracial children of whites may be slaves or they may gain freedom during their lifetimes, but the interrelations of whites and blacks in Spanish East Florida created, in Marotti's estimate, "a gradual whitening of elite elements of the free black population."³⁶⁸ This is the opposite of southern thinking elsewhere, where the loss of whiteness was the outcome of race mixing.

In 1836, seven years after the territorial legislature passed laws making manumission almost impossible, white doctor and businessman Andrew Anderson wrote to his brother in New York to tell him that he had made a contract with a slave named

³⁶⁷ Ibid, 159.

³⁶⁸ Ibid, 192. The subject of mulattoes or lighter skinned Africans as among the leadership cadre of free blacks is sometimes addressed as a function of white familial patronage and favoritism.

John for a self-purchase arrangement. Dr. Anderson trusted John and the tone of his letter indicated that the purchase contract was a reward of a sort, but it included terms not just for John's market value purchase but also for "insurance and interest." This latter feature was presumably a reference to the bond requirement for manumission.³⁶⁹ The contract between Dr. Anderson and John was a form of *coartación* that was a way around the restrictions on manumission.

Parents and children

Black parish records from the Second Spanish Period record over sixteen hundred baptisms in St. Augustine. One fourth were mixed race, and an equal percentage were born to free parents (Table 11). During this period and continuing into the American

Table 11. Black baptisms in St. Augustine, 1784-1821. Fourteen of the total were not classified by race or color.

color	slave	free	total	%
Black	1008	193	1201	75
Mulatto	190	148	338	21
Quadroon	3	33	36	2
Octoroon	0	16	16	1
total*	1201	390	1605	99
% of total	75	24		

period, records of the fathers of mixed race children who were baptized included names of the most notable white citizens of St. Augustine as well as a cross section of men of lesser means. According to Jane Landers, during the Second Spanish Period, "European-

³⁶⁹ SAHS, Anderson papers, letter dated April 14, 1836.

African unions were common and accepted in Florida, much as they were on the African coast and in other areas of Latin America.”³⁷⁰

Landers and Marotti emphasize that miscegenation and even forms of virtual marriage were practiced even among prominent and wealthy whites with no stigma or adverse effect on their social or political standing. Landers provides a list of names of white elites who lived openly with mixed race families: “Among the prominent planters, merchants, and government officials with African wives and consorts and mixed-race children were Joseph (Job) Wiggins, Zephaniah Kingsley, James Erwin, John Fraser, Francis Richard, Luis Mattier, Francisco Xavier Sánchez, John Sammis, Oran Baxter, Juan Leslie, Miguel Ysnardy, Eduardo Wanton, the brothers Jorge J. G. Clarke and Carlos Clarke, and the physicians Tomás Tunno and Tomás Sterling.” Under the Spanish, “Even in cases involving concubinage, the law and community consensus protected their widows and heirs, and the church often interceded ‘paternally’ on behalf of mothers of African descent. Many men left substantial property to their common-law wives and natural children, and the community respected the desires of the deceased, as well as the rights of the bereaved.”³⁷¹

Marotti emphasizes the point made by Landers by stating, “Miscegenation, then, was a basic aspect of family relations in East Florida when the Americans took control of the area in 1821.” Tolerance for these arrangements ended legally in 1832 with a law forbidding whites from consorting with, much less marrying, black or colored women.³⁷² Baptismal records are particularly useful because even up through statehood in 1845,

³⁷⁰ Landers, 150. Baptismal data is reproduced from Landers, 119.

³⁷¹ Landers, *Black Society*, 150.

³⁷² *Laws of the Florida Territory*, 10th session, 1832, “An Act to Amend an Act entitled “An Act concerning Marriage License,” section 1.

two-thirds of St. Augustine residents were Catholic. After the 1832 anti-miscegenation law, there are no further baptismal records that describe color with respect to fatherhood. Even the former term “unknown white” to describe paternity disappeared. The other large congregation in the city was Episcopal, and their baptismal records kept virtually no information about race or slave status at all.³⁷³

The relatively high percentage of mulattoes among free blacks in southern coastal cities such as New Orleans and Charleston was a characteristic one would also see in the Caribbean.³⁷⁴ During an 1843 visit to St. Augustine, William Cullen Bryant observed, “You meet in the streets men of swarthy complexions and foreign physiognomy, and you hear them speaking to each other in a strange language.” The strange language he mentioned was Mahonese, a Spanish dialect of the Minorcans. Physical appearance obviously was the result of miscegenation among black, white and Mediterranean residents of St. Augustine, and Bryant’s observation does not include the mixing of Africans with Indians in the interior of Florida. “The Spanish race,” he concluded, “blends more kindly with the African, than does the English, and produces handsomer men and women.”³⁷⁵

Black, mulatto, quadroon and all darker skinned people of East Florida were a problem to whites arriving from the United States. The growth of a class of free people of color was decidedly a problem to whites who took lessons from the Haitian Revolution. In Saint-Domingue and other parts of the Caribbean where a middle tier of

³⁷³ Marotti, 194-196, 206-211.

³⁷⁴ Matthew Pratt Guterl, “‘I Went to the West Indies’: Race, Place, and the Antebellum South,” *American Literary History* (18:3) 2006, 446-467; Joel Williamson, *New People, Miscegenation and Mulattoes in the United States* (New York: Free Press, 1980), 19-21.

³⁷⁵ Philip D. Rasico, “The Spanish Lexical Base of Old St. Augustine Mahonese: A Missing Link in Florida Spanish,” *Hispania* (69:2) May 1986, 267-277; Marotti, 197, from William Cullen Bryant, *Letters of a Traveler: Notes of Things Seen in Europe and America* (New York: Putnam, 1850) 111.

free blacks existed, the existence of such a class presented two options to white authority. One was the hope that free blacks would attach their loyalties to white authority, even though their social and political rights were less than those of whites. The other was more problematic. Free people of color might collude with slaves and lead them or join them against whites.³⁷⁶ In 1796, a major leader of Haiti's slave revolt, Jorge Biassou and his cadre of fighters created alarm when they came to live in Spanish St. Augustine. An outright military threat such as the presence of Biassou and the common everyday industry of free people of color eroded the mystique of white supremacy.³⁷⁷

The good old flag of Spain

Free blacks gradually lost much of the land they held during the Second Spanish Period. Of the 5,950 acres they claimed in Spanish Florida, only 3,695 acres was validated by the territorial land commissioners. The Kingsley children and other descendants of the signers of the 1833 Memorial to Congress kept much of their land in Duval County. Before the cession, the Clarke family with its strong ties to black families settled the town of Fernandina. Of the forty-four town lots they owned in Fernandina, thirty black petitioners lost their appeals for these lots after the cession because they had no evidence of ownership.³⁷⁸ Much of the property owned by free blacks in East Florida

³⁷⁶ Landers, 209-210, 215-216; David Barry Gaspar and David Geggus, eds., *A Turbulent Time: The French Revolution and the Greater Caribbean* (Bloomington: Indiana University Press, 1997); Sibylle Fischer, *Modernity Disavowed: Haiti and Cultures of Slavery in the Age of Revolution* (Durham: Duke University Press, 2004).

³⁷⁷ Gaspar and Geggus, 245.

³⁷⁸ Landers, 237-246.

was sold through so-called voluntary conveyance until little remained in black hands by the 1850s.³⁷⁹

At least one free black land claimant shortly after the cession considered himself to be a citizen, “In his successful petition for title to 210 acres fronting the Hillsborough River, for example, Joseph Sanchez, a free man of color, called himself a ‘citizen of the United States and resident of East Florida.’” Another black land owner who claimed citizenship had this term stricken out of the record by his uncle, the white patriarch George J. F. Clarke, who substituted the word “native” of East Florida instead of “citizen.”³⁸⁰ Perhaps it was the assumption of all black land owners that they were, under the Treaty, and as free men with property, entitled to citizenship.

The story of black land ownership in East Florida is one of mixed success because although there were overall losses of land owned by free blacks, some were able to hold and even expand their land holdings. During the antebellum period, free blacks purchased nearly forty lots in St. Augustine from whites, mostly non-relatives. But after the first decade of American possession, the trend was unfavorable for them. Marotti concluded, “By the end of the antebellum period, free blacks in the county [St. Johns County] had been reduced to an impoverished vestige of the class that had prospered under the Spanish flag.” Free blacks lost their lands for several reasons. Proof of ownership was a prime reason. Undocumented titles, unpaid discriminatory taxes, or other unpaid bills often resulted in whites taking lands from blacks. Another disadvantage for black land ownership were insufficient or overturned provisions in the wills of white parents for their mixed race children. For example, a prominent St.

³⁷⁹ Ibid, 224-224.

³⁸⁰ Marotti, 222-223.

Augustine white land owner Jesse Fish was killed by lightning and had no will. His black wife Clarissa and their seven children did not inherit his lands. Without a will, Fish's estate went to his white next of kin, a niece. His nearest relatives were in fact Clarissa and their children, but the law did not recognize their rights.³⁸¹

Marotti concluded his dissertation with a story about a mixed race descendant of white patriarch George J. F. Clarke. She grew up in Jacksonville and St. Augustine in the early twentieth century, and said in an interview, "When you owned property, you had respect." Her comment linked two important issues – land ownership and pride in not feeling inferior to whites. Many generations later, she attested to the persistence of Spanish Florida by asserting the importance of holding on to "that property that was got under the good old Flag of Spain by our Fathers."³⁸²

If free blacks retained property largely because of their family connections with influential white men, one conclusion is that political freedoms for people of color rested on black female sexuality. Jennifer Morgan's research on slave women asserts that slave women's "reproductive lives were at the heart of the entire venture of racial slavery." In fact, the condition of perpetual slavery that passed from generation to generation was itself a gender and color solution to slaveholders' desire for labor divorced from political power, derived from the subjection and control of black women. It was fully dependent on successful reproduction. Morgan cites new evidence that the ratio of females to males among slave arrivals in the Americas was closer to parity than previously thought. This indicates that rather than continually removing bodies from Africa, slaveholders in the

³⁸¹ Marotti, 225. Presumably in recognition of the family relationship, Fish's mother eventually deeded five hundred acres to Clarissa and her children. Later, Clarissa purchased a home in St. Augustine for a price of five hundred dollars.

³⁸² *Ibid*, 247-249, interview with Mrs. Orville Payne, and Whitwell letter to Dr. John Peck, May 30, 1868, in Peck Papers in the SAHS.

Americas hoped for a self sustaining and growing population of laborers as a result of the child bearing capacity of slave women.³⁸³ Because of the value of natural increase of slave populations, the fertility and subjection of slave women was the cornerstone of slavery. All discussion of free blacks in Florida retaining property – or other liberties – by virtue of their family connections with whites highlights the fact that black female reproduction was the foundation of not just families but it created and supported claims to property and therefore potentially to citizenship.

In Territorial Florida, free blacks had a mixed experience. Legally, they lost their rights and did not attain citizenship, but there were instances of relative independence where white kinship and connections with the Spanish past protected them. The best example was Anna Kingsley's legal victory in the dispute over her husband's will and in the implied basis for the court's decision that she was a *de facto* citizen or entitled to inherit property as if she were a citizen. She attained a type of fictive citizenship. Mixed race descendants of some East Florida whites continued to hold property, but many others lost theirs. Sometimes whites looked the other way or did not prosecute illegal manumissions. They did this because free blacks who remained under white supervision and within the reach of white approval were not threatening to white supremacy. They were part of it.

³⁸³ Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004) 1-11; B. J. Barickman, *A Bahian Counterpoint: Sugar, Tobacco, Cassava, and Slavery in the Recôncavo, 1780–1860* (Stanford: Stanford University Press, 1998) 159.

CHAPTER VIII

CONCLUSION

Summary

The foregoing chapters have established that: (1) Differences among Indian, Spanish and British conceptions of race, color and kinship were key factors that created the Florida borderland. (2) These differences enabled or denied freedom and citizenship for people of color within the borderland. (3) Spanish practices regarding color, miscegenation, and mixed race families did not subjugate non-whites in the same way as in the United States. (4) Spanish law had provisions to enhance liberties for people of color; United States law generally denied the freedoms for people of color; Indians could enable freedom for Africans. (5) For whites in the Florida Territory, attractions and obstacles were both related to race because of the assumed necessity of slavery and the risk of not being able to control non-whites, including Indians. (6) Certain white slaveholders from the Spanish era who were fathers of mixed race families argued against the loss of their patriarchal rights. (7) Revolutionary movements in the Caribbean worried the United States about the possibility of destabilizing provocations in Florida. (8) Kingsley's persistence for Spanish era race practices, resistance from the Indian-

African alliance and the fear of danger from the Caribbean threatened the United States' conceptions of race and white control of Florida.

True to our native land

Anna Madgigine Jai Kingsley died in Jacksonville in 1870 and lies in an unmarked grave near her daughter's home. Today, this house, the nearby home of Francis Richard and the Kingsley Plantation buildings on Fort George Island are among the oldest structures in Duval County. In 1873, the land surrounding Anna's grave became a development of cottages for northerners who wished to winter in Florida. The development, the "Arlington Bluff Association," leased lots for ninety-nine years, in order to retain ownership of the land. A broadside advertisement for the Association announced, "A certain portion of the proceeds from the sale of lots will be devoted to the support of a school already established in Jacksonville called the Cookman Institute; the especial object of which is the education of colored teachers and others."³⁸⁴

This land that was owned by Kingsley's descendants, people of color and their white kin through the entire territorial period and the Civil War, became a source of funds to educate East Florida's newly emancipated black population. Cookman Institute, now Bethune-Cookman University and relocated to Daytona Beach, and the Stanton School were the first schools for blacks in Jacksonville, whose population after the Civil War grew much faster than St. Augustine or Fernandina.

³⁸⁴ State Archives of Florida, "Arlington Bluff Association" broadside, 1873, Record Group 900000, Series M95-2. The location of Anna Kingsley's grave is the detective work of Daniel L. Schafer, *Anna Kingsley*, op cit., 119.

James Weldon Johnson attended and later headed Stanton School, and A. Philip Randolph was a student at Cookman Institute. Johnson was born in Jacksonville just one year after the death of Anna Kingsley and fifty years after the cession from Spain. Neither of Johnson's parents were slaves. His father was a free black raised in Virginia, and his mother was from the Bahamas who had mixed black and white ancestry. Johnson grew up in a city that was half black and half white, and his parents had always been free. He was part of what would have been, fifty years earlier, the tier of free blacks that territorial Florida whites virtually eliminated by legislation. His home may not have been any more unique than other southern port cities, and the persistence of white tolerance toward free people of color in old East Florida may be impossible to document accurately. Even though he spoke Spanish, his experience may not reflect persistence of Spanish cultural patterns. However, blacks in Duval County were affected by the legacy and values of the Kingsleys. Looking back on the 1870s and 1880s, Johnson claimed that "...Jacksonville was known far and wide as a good town for Negroes."³⁸⁵

On Lincoln's Birthday in 1900, a chorus of five hundred black school children in Jacksonville sang the first public performance of Johnson's *Lift Every Voice*. The words of the anthem expressed the truth of the "unborn hope" of liberty thwarted by slavery and segregation. The lyrics confronted white supremacy in the same way that slaves escaping to Spanish Florida and the success of Spain's black militia proved that whites were not in full control. *Lift Every Voice* ends with an assertion that reverses a central narrative of whiteness as black voices sing they are "true to our native land," and thus lay claim to all the rights of citizenship.

³⁸⁵ James Weldon Johnson, *Along This Way* (New York: Viking Press, 1933) 45.

The defining feature

This study began with a question stimulated by Jane Landers' work on blacks in Spanish Florida: When Florida became part of the United States, what happened to its free blacks? Previous research suggested that they were absorbed into the biracial construction of the United States, and all formerly free people of color lost their rights and freedoms. If not lost outright, their liberties were in jeopardy. Frank Marotti's dissertation traced black-white kinship and land ownership among St. Augustine's free blacks in the territorial period and confirmed this assessment, but he documented some exceptions. The questions for this dissertation began to focus on Florida as a border defined by the contrasting policies about slavery and color of England, Britain the United States on one hand and Spanish and Caribbean practices on the other. As Peter Wood and Landers showed, colonial and national policy about slavery and freedom put Africans at the center of events.

Into the United States' territorial period, Zephaniah Kingsley's extended arguments in support of Spanish manumission laws and property rights for non-whites appeared to be a persistent element of the old Spanish, even Caribbean, way of life. This course of investigation became less satisfying for two reasons. First, Kingsley advocated for a system that would broaden and deepen support for slavery. In spite of his openness to color mixing, slavery for Kingsley was still a matter of white supremacy.³⁸⁶ Ultimately, he was in agreement with the white patriarchy around him. His arguments were not a progressive alternative to slavery, but his was just as morally bankrupt a slave

³⁸⁶ There is no clear evidence that Kingsley supported black men having children with white women.

system that condoned the subjection of black women to white men. How else does one whiten society and create a middle tier of “mixed race” or people of color? Second, it became clear from documents in the territorial documents that the growing threat to the United States in Florida was from defiant Indians.

Slavery in any form was not the principal defining feature of the Florida borderland. Resistance to slavery was. Indians and escaped slaves resisted and fought the United States. Slaves themselves resisted in the ways available to them. Free blacks and free people of color who were part of the so-called middle tier of society, who may own property and be able to work for themselves but who were denied citizenship, were still subject to white authority. Their freedoms were granted by whites and depended on whites. The model that Zephaniah Kingsley promoted for territorial Florida and the broader slave south was a method to co-opt blacks with an offer of limited freedom, or perhaps a defined form of sub-citizenship, in order to secure slavery. Kingsley’s arguments were in the interest of justifying and prolonging slavery, but he was threatening to biracial slavery in the United States because he argued for creating a greater place in society for non-whites. Kingsley’s system, the proximity of the Caribbean and the resistance to white control by Indians and blacks was a fuse to a truly dangerous explosive.

The insecure Deep South

What happened to Indian-African resistance in Florida? From the standpoint of my segregated public school education in Duval County, it made no difference. The

narrative of Florida history taught in white schools was brief. Ponce de Leon set foot on *la Florida*. The French arrived. Then the Spanish arrived, but like magic the oddly dressed sixteenth century characters vanished. No bridge existed between them and the space age and newly air conditioned Florida of my youth. Real American history, the real heritage to be proud of, was the Pilgrims, Williamsburg and Old North Church. As taught in public schools, there was, in effect, no history of Florida between 1565 and the Civil War, except for a quaint period of “settlement” after Indians were gone.³⁸⁷

The reason for this narrative is simple. The missing history was dominated by Indians and slavery. The white narrative preached the lie of white mastery over Indians and Africans, the fantasy of white supremacy, as it was retold and elevated generation after generation. Historians who wrote about Florida could not uncover the nuances of a compelling narrative until the facts about Indians and slavery were placed squarely in the center of the story. Only then did resistance to the all-white narrative make Florida history, and the importance of the old borderland, come alive.

The real border was where the threats to white patriarchy were strongest. Kingsley’s arguments attenuated racism but not patriarchy nor slavery. His system was a threat to rigid whiteness. A deeper threat to whiteness came from the alliance of Indians and Africans in East Florida. To defend slavery and whiteness, the United States sent thousands of its military, millions of its treasure, and spent years to subdue the Indian-

³⁸⁷ Margaret Kinnan Rawlings, *The Yearling* (New York: Gosset & Dunlap, 1938) 47-48, 65. Rawling’s character Fodder-wing fired young Jody’s imagination with stories that Spanish conquistadors, not Indians, still roamed central Florida. Jody asked his father, “You reckon the Spaniards fit [fought] the bears?” to which his father replied, “I reckon they had to, when they stopped to camp. They had Injuns to fight and bears and panther-cats. Same as us, only we ain’t got the Injuns.”

African alliance and to make Florida and its long shorelines a barrier to protect the Deep South.

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APPENDIX A

Tables A-1 to A-5 show state and territory level data ranked in order of the percent of “colored” inhabitants (the term used in those censuses), the column on the far right.

Table A-1. 1820 United States Census.
Florida data are taken from the last Spanish census in 1814.

state/territory	total	free	slave	%	%
	population	colored		slave	colored
FLORIDA (1814)	3,081	128	1,651	53.6	57.7
SOUTH CAROLINA	490,309	6,714	251,783	51.4	52.7
LOUISIANA	153,407	10,897	69,064	45.0	52.1
GEORGIA	340,989	1,763	149,656	43.9	44.4
MISSISSIPPI	75,448	458	32,814	43.5	44.1
VIRGINIA	1,065,379	36,889	425,153	39.9	43.4
MARYLAND	407,350	39,730	107,398	26.4	36.1
NORTH CAROLINA	638,829	14,612	205,017	32.1	34.4
ALABAMA	144,317	633	47,449	32.9	33.3
DELAWARE	72,749	12,958	4,509	6.2	24.0
KENTUCKY	564,317	2,759	126,732	22.5	22.9
TENNESSEE	422,813	2,727	80,107	18.9	19.6
MISSOURI (territory)	66,586	347	10,222	15.4	15.9
NEW JERSEY	277,575	12,460	7,557	2.7	7.2
RHODE ISLAND	83,059	3,554	48	0.1	4.3
CONNECTICUT	275,248	7,870	97	0.0	2.9
NEW YORK	1,372,812	29,279	10,088	0.7	2.9
ILLINOIS	55,211	457	917	1.7	2.5
PENNSYLVANIA	1,549,458	30,202	211	0.0	2.0
MASSACHUSETTS	523,287	6,740	-	0.0	1.3
INDIANA	147,178	1,230	190	0.1	1.0
OHIO	581,434	4,723	-	0.0	0.8
VERMONT	235,764	903	-	0.0	0.4
NEW HAMPSHIRE	244,161	786	-	0.0	0.3
MAINE	298,335	929	-	0.0	0.3
Totals	10,089,096	229,748	1,530,663	15.2	17.4

Table A-2. 1830 United States Census.³⁸⁸

state/territory	total	free		%	%
	population	colored	slave	slave	colored
LOUISIANA	215,529	16,710	109,588	50.8	58.6
SOUTH CAROLINA	581,185	7,921	315,401	54.3	55.6
FLORIDA (territory)	34,730	844	16,041	46.2	48.6
MISSISSIPPI	136,621	519	65,659	48.1	48.4
VIRGINIA	1,211,405	47,348	469,757	38.8	42.7
GEORGIA	516,823	2,486	217,531	42.1	42.6
ALABAMA	309,527	1,572	117,549	38.0	38.5
NORTH CAROLINA	737,987	19,543	245,601	33.3	35.9
MARYLAND	447,040	52,938	102,994	23.0	34.9
DELAWARE	76,748	15,855	3,292	4.3	24.9
KENTUCKY	687,917	4,917	165,213	24.0	24.7
TENNESSEE	681,904	4,555	141,603	20.8	21.4
MISSOURI	140,455	569	25,096	17.9	18.3
ARKANSAS (territory)	30,388	141	4,576	15.1	15.5
NEW JERSEY	320,823	18,303	2,254	0.7	6.4
RHODE ISLAND	97,199	3,561	17	0.0	3.7
PENNSYLVANIA	1,348,233	37,930	403	0.0	2.8
CONNECTICUT	297,675	8,047	25	0.0	2.7
NEW YORK	1,918,608	44,870	75	0.0	2.3
ILLINOIS	157,445	1,637	747	0.5	1.5
MASSACHUSETTS	610,408	7,048	1	0.0	1.2
INDIANA	343,031	3,629	3	0.0	1.1
OHIO	937,903	9,568	6	0.0	1.0
MICHIGAN (territory)	31,639	261	32	0.1	0.9
VERMONT	280,652	881	-	0.0	0.3
MAINE	399,455	1,190	2	0.0	0.3
NEW HAMPSHIRE	269,328	604	3	0.0	0.2
Totals	12,820,658	313,447	2,003,469	15.6	18.1

³⁸⁸ Territorial data for Florida comes is from Donald B. Dodd and Wynelle S. Dodd, *Historical Statistics of the South, 1790- 1970* (University: University of Alabama Press, 1973) 14; and, Daniel L. Schafer, "'A Class of People Neither Freemen nor Slaves,'" op cit., 593.

Table A-3. 1840 United States Census.

state/territory	total	free		%	%
	population	colored	slave	slave	colored
SOUTH CAROLINA	594,398	8,276	327,038	55.0	56.4
LOUISIANA	352,411	25,502	168,452	47.8	55.0
MISSISSIPPI	375,651	1,366	195,211	52.0	52.3
FLORIDA (territory)	54,477	817	25,717	47.2	48.7
ALABAMA	590,756	2,039	253,532	42.9	43.3
GEORGIA	691,392	2,753	280,944	40.6	41.0
VIRGINIA	1,239,797	49,852	449,087	36.2	40.2
NORTH CAROLINA	753,419	22,732	245,817	32.6	35.6
MARYLAND	470,019	62,078	89,737	19.1	32.3
DELAWARE	78,085	16,919	2,605	3.3	25.0
KENTUCKY	779,828	7,317	182,258	23.4	24.3
TENNESSEE	829,210	5,524	183,059	22.1	22.7
ARKANSAS	97,574	465	19,935	20.4	20.9
MISSOURI	383,702	1,574	58,240	15.2	15.6
NEW JERSEY	373,306	21,044	674	0.2	5.8
RHODE ISLAND	108,830	3,238	5	0.0	3.0
PENNSYLVANIA	1,724,033	47,854	64	0.0	2.8
CONNECTICUT	310,015	8,105	54	0.0	2.6
NEW YORK	2,428,921	50,027	4	0.0	2.1
MASSACHUSETTS	737,699	8,669	-	0.0	1.2
OHIO	1,519,467	17,342	3	0.0	1.1
INDIANA	685,866	7,165	3	0.0	1.0
ILLINOIS	476,183	3,598	331	0.1	0.8
WISCONSIN (territory)	30,945	185	11	0.0	0.6
IOWA (territory)	43,112	172	16	0.0	0.4
MICHIGAN	212,267	707	-	0.0	0.3
MAINE	501,793	1,355	-	0.0	0.3
VERMONT	291,948	730	-	0.0	0.3
NEW HAMPSHIRE	284,574	537	1	0.0	0.2
Totals	17,019,678	377,942	2,482,798	14.6	16.8

Table A-4. 1850 United States Census

state/territory	total	free	slave	%	%
	population	colored		slave	colored
SOUTH CAROLINA	668,507	8,960	384,984	57.6	58.9
MISSISSIPPI	606,526	930	309,878	51.1	51.2
LOUISIANA	517,762	17,462	244,809	47.3	50.7
FLORIDA	87,445	932	39,310	45.0	46.0
ALABAMA	771,623	2,265	342,844	44.4	44.7
GEORGIA	906,185	2,931	381,682	42.1	42.4
VIRGINIA	1,421,661	54,333	472,528	33.2	37.1
NORTH CAROLINA	869,039	27,463	288,548	33.2	36.4
MARYLAND	583,034	74,723	90,368	15.5	28.3
TEXAS	212,592	397	58,161	27.4	27.5
TENNESSEE	1,002,717	6,422	239,459	23.9	24.5
ARKANSAS	209,897	608	47,100	22.4	22.7
KENTUCKY	982,405	10,011	210,981	21.5	22.5
DELAWARE	91,532	18,073	2,290	2.5	22.2
MISSOURI	682,044	2,618	87,422	12.8	13.2
NEW JERSEY	489,555	23,810	236	0.0	4.9
RHODE ISLAND	147,545	3,670	-	0.0	2.5
PENNSYLVANIA	2,311,786	53,626	-	0.0	2.3
CONNECTICUT	370,792	7,693	-	0.0	2.1
NEW YORK	3,097,394	49,069	-	0.0	1.6
OHIO	1,980,329	25,279	-	0.0	1.3
INDIANA	988,416	11,262	-	0.0	1.1
CALIFORNIA	92,597	962	-	0.0	1.0
MASSACHUSETTS	994,514	9,064	-	0.0	0.9
MICHIGAN	397,654	2,583	-	0.0	0.6
MINNESOTA (territory)	6,077	39	-	0.0	0.6
ILLINOIS	851,470	5,436	-	0.0	0.6
MAINE	583,169	1,356	-	0.0	0.2
VERMONT	314,304	718	-	0.0	0.2
WISCONSIN	305,391	635	-	0.0	0.2
IOWA	192,214	333	-	0.0	0.2
NEW HAMPSHIRE	317,976	520	-	0.0	0.2
Totals	23,054,152	424,183	3,200,600	13.9	15.7

Table A-5. 1860 United States Census.

state/territory	total population	free colored	slave	% slave	% colored
SOUTH CAROLINA	703,708	9,914	402,406	57.2	58.6
MISSISSIPPI	791,305	773	436,631	55.2	55.3
LOUISIANA	708,002	18,647	331,726	46.9	49.5
ALABAMA	964,201	2,690	435,080	45.1	45.4
FLORIDA	140,424	932	61,745	44.0	44.6
GEORGIA	1,057,286	3,500	462,198	43.7	44.0
NORTH CAROLINA	992,622	30,463	331,059	33.4	36.4
VIRGINIA	1,596,318	58,042	490,865	30.7	34.4
TEXAS	604,215	355	182,566	30.2	30.3
ARKANSAS	435,450	144	111,115	25.5	25.6
TENNESSEE	1,109,801	7,300	275,719	24.8	25.5
MARYLAND	687,049	83,942	87,189	12.7	24.9
KENTUCKY	1,155,684	10,684	225,483	19.5	20.4
DELAWARE	112,216	19,829	1,798	1.6	19.3
MISSOURI	1,182,012	3,572	114,931	9.7	10.0
NEW JERSEY	672,035	25,318	18	0.0	3.8
RHODE ISLAND	174,620	3,952	-	0.0	2.3
PENNSYLVANIA	2,906,215	56,949	-	0.0	2.0
CONNECTICUT	460,147	8,627	-	0.0	1.9
OHIO	2,339,511	36,673	-	0.0	1.6
NEW YORK	3,880,735	49,005	-	0.0	1.3
CALIFORNIA	379,994	4,086	-	0.0	1.1
MICHIGAN	749,113	6,799	-	0.0	0.9
INDIANA	1,350,428	11,428	-	0.0	0.8
MASSACHUSETTS	1,231,066	9,602	-	0.0	0.8
NEVADA (territory)	6,857	45	-	0.0	0.7
KANSAS (territory)	107,206	625	2	0.0	0.6
ILLINOIS	1,711,951	7,628	-	0.0	0.4
NEBRASKA (territory)	28,841	67	15	0.1	0.3
OREGON	52,465	128	-	0.0	0.2
VERMONT	315,098	709	-	0.0	0.2
MAINE	628,279	1,327	-	0.0	0.2
IOWA	674,913	1,069	-	0.0	0.2
NEW HAMPSHIRE	326,073	494	-	0.0	0.2
WISCONSIN	775,881	1,171	-	0.0	0.2
MINNESOTA	172,023	259	-	0.0	0.2
Totals	31,183,744	476,748	3,950,546	12.7	14.2

Tables A-6 to A-8 are county-level census data, divided into Florida's three administrative sections: East, Middle and West Florida. Nassau (Fernandina and Amelia Island), Duval (Jacksonville) and St. Johns (St. Augustine) Counties are in East Florida.

Table A-6. 1840 Florida Census.

Florida counties	total	free		%	%
	population	colored	slave	slave	colored
East Florida					
NASSAU	1,892	30	908	48.0	49.6
DUVAL	4,156	105	1,801	43.3	45.9
ST JOHNS	2,694	121	888	33.0	37.5
ALACHUA	2,282	1	562	24.6	24.7
MONROE	688	76	96	14.0	25.0
COLUMBIA	2,102	3	450	21.4	21.6
DADE	446	4	30	6.7	7.6
HILLSBOROUGH	452	2	13	2.9	3.3
ORANGE/MOSQUITO	73	-	-	0.0	0.0
Total - East	14,785	342	4,748	32.1	34.4
Middle Florida					
LEON	10,713	21	7,231	67.5	67.7
JEFFERSON	5,713	2	3,549	62.1	62.2
GADSDEN	5,992	13	3,342	55.8	56.0
MADISON	2,644	-	1,202	45.5	45.5
HAMILTON	1,464	3	427	29.2	29.4
FRANKLIN	1,030	26	222	21.6	24.1
Total - Middle	27,556	65	15,973	58.0	58.2
West Florida					
JACKSON	4,681	43	2,636	56.3	57.2
WASHINGTON	859	2	353	41.1	41.3
ESCAMBIA	3,993	307	1,356	34.0	41.6
CALHOUN	1,142	17	420	36.8	38.3
WALTON	1,461	41	231	15.8	18.6
Total - West	12,136	410	4,996	41.2	44.5
Territory total	54,477	817	25,717	47.2	48.7

Table A-7. 1850 Florida Census.

Florida counties	total	free		%	%
	population	colored	slave	slave	colored
East Florida					
NASSAU	2,164	26	1,077	49.8	51.0
ORANGE/MOSQUITO	466	2	226	48.5	48.9
DUVAL	4,539	95	2,106	46.4	48.5
ST JOHNS	2,525	115	993	39.3	43.9
MARION	3,338	1	1,269	38.0	38.0
ALACHUA	2,524	1	906	35.9	35.9
HERNANDO	926	-	322	34.8	34.8
LEVY	465	-	145	31.2	31.2
PUTNAM	687	10	204	29.7	31.1
HILLSBOROUGH	2,377	11	660	27.8	28.2
COLUMBIA	4,808	1	1,266	26.3	26.4
MONROE	2,645	126	431	16.3	21.1
ST LUCIE	139	1	27	19.4	20.1
DADE	159	1	11	6.9	7.5
Total - East	27,762	390	9,643	34.7	36.1
Middle Florida					
LEON	11,442	56	8,203	71.7	72.2
JEFFERSON	7,718	5	4,938	64.0	64.0
GADSDEN	8,784	7	4,880	55.6	55.6
MADISON	5,490	-	2,688	49.0	49.0
WAKULLA	1,955	1	790	40.4	40.5
HAMILTON	2,511	9	685	27.3	27.6
FRANKLIN	1,561	-	377	24.2	24.2
Total - Middle	39,461	78	22,561	57.2	57.4
West Florida					
JACKSON	6,639	30	3,534	53.2	53.7
ESCAMBIA	4,351	375	1,332	30.6	39.2
CALHOUN	1,377	38	453	32.9	35.7
SANTA ROSA	2,883	4	784	27.2	27.3
WASHINGTON	1,950	12	504	25.8	26.5
WALTON	1,817	-	336	18.5	18.5
HOLMES	1,205	5	163	13.5	13.9
Total - West	20,222	464	7,106	35.1	37.4
State total	87,445	932	39,310	45.0	46.0

Table A-8. 1860 Florida Census.

Florida counties	total	free		%	%
	population	colored	slave	slave	colored
East Florida					
MARION	8,609	1	5,314	61.7	61.7
ALACHUA	8,232	8	4,457	54.1	54.2
NASSAU	3,644	54	1,612	44.2	45.7
COLUMBIA	4,646	1	2,063	44.4	44.4
DUVAL	5,074	162	1,987	39.2	42.4
PUTNAM	2,712	31	1,047	38.6	39.7
SUWANNEE	2,303	1	835	36.3	36.3
ST JOHNS	3,038	82	1,003	33.0	35.7
SUMTER	1,549	-	549	35.4	35.4
MANATEE	854	-	253	29.6	29.6
CLAY	1,914	7	519	27.1	27.5
VOLUSIA	1,158	-	297	25.6	25.6
LEVY	1,781	-	450	25.3	25.3
MONROE	2,913	160	451	15.5	21.0
BRADFORD	3,820	1	744	19.5	19.5
HILLSBOROUGH	2,981	2	564	18.9	19.0
HERNANDO	1,200	-	200	16.7	16.7
ORANGE/MOSQUITO	987	1	163	16.5	16.6
BREVARD/ST LUCIE	246	1	21	8.5	8.9
DADE	83	1	2	2.4	3.6
Total - East	57,744	513	22,531	39.0	39.9
Middle Florida					
LEON	12,343	60	9,089	73.6	74.1
JEFFERSON	9,876	4	6,374	64.5	64.6
GADSDEN	9,396	6	5,409	57.6	57.6
MADISON	7,779	9	4,249	54.6	54.7
WAKULLA	2,839	-	1,167	41.1	41.1
LIBERTY	1,457	1	521	35.8	35.8
HAMILTON	4,154	23	1,397	33.6	34.2
LAFAYETTE	2,068	1	577	27.9	27.9
FRANKLIN	1,904	6	520	27.3	27.6
TAYLOR	1,384	-	125	9.0	9.0
Total - Middle	53,200	110	29,428	55.3	55.5
West Florida					
JACKSON	10,209	43	4,903	48.0	48.4
CALHOUN	1,446	27	524	36.2	38.1
ESCAMBIA	5,768	153	1,961	34.0	36.7
SANTA ROSA	5,480	61	1,371	25.0	26.1
WASHINGTON	2,154	10	474	22.0	22.5
WALTON	3,037	12	441	14.5	14.9
HOLMES	1,386	3	112	8.1	8.3
Total - West	29,480	309	9,786	33.2	34.2
State total	140,424	932	61,745	44.0	44.6

APPENDIX B

St. Augustine (1827) by Ralph Waldo Emerson

For fifteen winter days
 I sailed upon the deep, & turned my back
 Upon the Northern lights, & burning Bear,
 On the twin Bears fast tethered to the pole
 And the cold orbs that hang by them from heaven,
 Till star by star they sank into the sea.
 Full swelled the sail before the driving wind,
 Till the stout pilot turned his prow to land,
 There peered, mid orange groves & citron boughs,
 The little city of St. Augustine.

Slow slid the vessel to the fragrant shore,
 Loitering along Matanzas' sunny waves,
 And under Anastasia's verdant isle,
 I saw St. Mark's grim bastions, piles of stone
 Planting their deep foundations in the sea,
 And speaking to the eye a thousand things,
 Of Spain, a thousand heavy histories.
 Under these bleached walls of old renown
 Our ship was moored.

--An hour of busy noise,
 And I was made a quiet citizen,
 Pacing my chamber in a Spanish street.
 An exile's bread is salt, his heart is sad-
 Happy, he saith, the eye that never saw
 The smoke ascending from a stranger's fire!

Yet much is here
 Than can beguile the months of banishment
 To the pale travellers whom disease has sent
 Hither for genial air from northern homes.
 Oh many a tragic story can be read, -
 Dim vestiges of a romantic past,
 Within the small peninsula of sand.
 Here is the old land of America
 And in this sea girt nook, the infant steps
 First footprints of that Genius giant-grown
 That daunts the nations with his power today.

Inquisitive of such, I walk alone
 Along the narrow streets, unpaved and old,
 Among few dwellers, and the jealous doors
 And windows barred upon the public way.

I explored
 The castle and ruined monastery,
 Unpeopled town, ruins of streets and stone,
 Pillars upon the margin of the sea,
 With worn inscription oft explored in vain,
 With a keener scrutiny, I marked
 The motley population. Higher come
 The forest families, timid & tame
 Not now as once with stained tomahawk
 The restless red man left his council fire,
 Or when, with Mexique art, he painted haughtily
 On canvas woven in his boundless woods
 His simple symbols for his foes to read.
 Not such a one is yon poor vagabond
 Who in unclean and slovenly apathy
 Brings venison from the forest, -- silly trade,
 Alas! red men are few, red men are feeble,
 They are few and feeble & must pass away. --

-- And here,

The dark Minorcan, sad and separate,
 Wrapt in his cloak, strolls with unsocial eye:
 By day, basks idle in the sun, then seeks his food
 All night upon the waters, stilly plying
 His hook & line in all the moonlit bays.
 Here seals the sick man with uncertain gait
 Looks with feeble spirit at things around
 As if sighing said, "What is't to me?
 "I dwell afar; -- far from this fearless fen
 "My wife, my children strain their eyes for me
 "And oh! in vain. Wo, wo is me! I feel
 "In spite of hope, these wistful eyes no more
 "Shall see New England's wood-crowned hills again."

[Gap in manuscript]

There liest thou, little city of the deep,
 And always hearest the unceasing sound
 By day & night, in summer & in frost,
 The roar of waters on thy coral shore,

But softening southward in thy gentle clime
Even the rude sea relents to clemency,
Feels the kind ray of that benignant sun
And pours warm billows up the beach of shells.
Farewell; & faire befall the, gentle town!
The prayer of those who thank thee for their life,
The benison of those thy fragrant airs,
And simple hospitality has blest,
Be to thee ever as the rich perfume
Of a good name, & pleasant memory!

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