

STARS

Florida Historical Quarterly

Volume 22
Issue 4 *Florida Historical Quarterly, Vol 22,*
Issue 4

Article 1

1943

Florida Historical Quarterly, Vol. 22, Issue 4

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Recommended Citation

Society, Florida Historical (1943) "Florida Historical Quarterly, Vol. 22, Issue 4," *Florida Historical Quarterly*. Vol. 22 : Iss. 4 , Article 1.

Available at: <https://stars.library.ucf.edu/fhq/vol22/iss4/1>

Volume XXII

April 1944

Number 4

The
FLORIDA HISTORICAL QUARTERLY

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under the Act of August 24, 1912.)

Published quarterly by
THE FLORIDA HISTORICAL SOCIETY
St. Augustine, Florida

THE WRECKING BUSINESS ON THE FLORIDA REEF * 1822-1860

by DOROTHY DODD

"There is scarcely a day, from that lone and distant Tortugas, where we are now erecting a fortification, that you may not see, in the business season, from one hundred to one hundred and fifty square-rigged vessels entering and clearing from the Gulf. . ." ¹

The Gulf of Mexico is a great inland sea with two outlets, the Canal de Yucatan between Yucatan and Cuba, and the Straits of Florida between Cuba and Florida. Because of the adverse winds and currents that prevail in the former for eight months of the year, and especially that part of the year when the great ante-bellum cotton crop was moved to market, sailing ships never attempted to make the outward passage through the Yucatan Pass. Consequently, the commerce of the western ports, of New Orleans and Galveston, Apalachicola and Mobile, passed through the Florida Straits. Likewise, shipping from Central America, from Jamaica, Trinidad and Tobago, and the western

*NOTE - Few subjects in Florida's long history stir a greater interest than does wrecking-almost the only industry of South Florida for several decades after its final cession. Many tall tales about the wreckers have come down to us. Were they little better than pirates, as they were classed by some; or were they honest, hard-working, highly skilled and under-paid mariners? Several contemporaneous and apparently reliable narratives (especially one in a recent issue of this *Quarterly*) give a general picture of the business and the men; but these indicate a considerable foundation in fact as a source for some of their tales.

A large amount of documentary evidence survives in the court records and elsewhere relating to the business and its many ramifications. What do these trustworthy documents tell the historian with his sieve? Dr. Dodd gives us an answer here. - Ed.

1. S. R. Mallory in the U. S. Senate, Feb. 21, 1859, *Congressional Globe*, 35th Cong., 2d sess., pt. 2, p. 1190. For the story of the fortification, see Albert Manucy, "The Gibraltar of the Gulf of Mexico," *Florida Historical Quarterly*, XXI, 301-331.

coast of Cuba, rather than take the circuitous passage through the Caribbean, came up through the Yucatan Pass and the Florida Straits on its way to the eastern seaboard of North America and the ports of Europe.²

Logwood and cochineal from Campeche, pimiento, coffee, and rum from Jamaica, molasses and sugar from Cardenas and Matanzas, and a steady stream of cotton from the American gulf ports, flowed through the Straits to New York, Baltimore, and Boston, to London, Liverpool, and Havre, Marseilles and Genoa, Hamburg and St. Petersburg. And flowing back was an equally steady stream of general merchandise, provisions, and luxury goods for the merchants and planters of the Gulf region.³ As the western back country developed, the commerce of the Gulf increased in volume. In the late 'fifties it was estimated that the value of ships and cargoes annually passing through the Florida Straits was between three and four hundred million dollars.⁴

The Straits through which this vast traffic poured are about 80 miles wide between Key West and Havana, but narrow to some 45 miles between Cape Florida and the Bahamas. Defining the Straits on their north and west are the Florida reef and keys. The Florida keys, proper, are a chain of low islands extending in the form of a flat crescent for about 145 miles. They stretch from Virginia Key, opposite Miami, to the Marquesas Keys, about 25 miles west of Key West. Some 40 miles west of the Marquesas are the Dry Tortugas. The keys are skirted on the side next to the Straits by the great reef,

2. *Congressional Globe*, 35th Con., 2d sess., pt. 2, p. 1190.

3. For a list of vessels in distress in the Florida Straits, 1844-1846, their cargoes and ports of departure and destination, see S. Rep. 242, 30th Cong., 1st sess. [512], pp. 98-105.

4. William Marvin, *A Treatise on the Law of Wreck and Salvage* (Boston : Little, Brown, 1858), p. 2.

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which runs nearly parallel with them for their entire length, at a distance of some four to six miles. The reef itself consists of shoals and ledges of sand, rocks, and coral, lying from one to 20 feet beneath the water. At some points it crops out and appears as dry islets. Between the reef and the keys is Hawk channel, which affords safe navigation and a secure anchorage to small vessels. The current of the Gulf Stream, or Florida Stream, as it was sometimes called, begins off the Tortugas and runs in an eastward and northward direction through the Straits, its velocity increasing as the channel narrows.⁵ It sets up a strong eddy, whose current runs southwestwardly, sweeping the Florida reef.

Vessels bound into the Gulf that were becalmed or had a master unacquainted with the direction of the eddy were almost certain to be piled up on the reef.⁶ Yet ships entering the Gulf hugged the Florida shore to avoid the Gulf Stream. Outward bound vessels likewise kept to the Florida shore, for the Florida reef was regarded as less perilous than the ironbound coasts of Cuba and the Bahamas.⁷ But the curved shape of the channel, which required continual changes of course, the strength and irregularity of the current, frequent gales, and inadequate lights and charts,⁸ all conspired, in pre-steam days, to make the navigation of the Straits so hazardous that, in 1849, the insurance rate on vessels bound into the Gulf of Mexico was the same as for those bound around the Horn to Valparaiso.⁹

5. *Ibid.*, p. 1; H. Doc. 12, 31st Cong. 2d sess. [598], pp. 107-110; H. Doc. 26, 32d Cong., 1st sess. [638], pp. 146-147.

6. Lawrence Furlong, *American Coast Pilot* (Newburyport, Mass. : Edmund M. Blunt, 3d ed., 1800), p. 122; H. Doc. 158, 25th Cong., 3d sess. [347], p. 17.

7. S. Doc. 30, 30th Cong., 2d sess. [531], p. 10.

8. Marvin, *Wreck and Salvage*, p. 2; H. Doc. 26, 32d Cong., 1st sess. [638], p. 457.

9. The rate was 1 1/2 percent. The rate to Rio de Janeiro was 1 percent, to San Francisco and Canton, 1 3/4 percent. S. Doc. 30, 30th Cong., 2d sess. [531], p. 2.

THE FIRST WRECKERS

The Calusa Indians, pre-Columbian inhabitants of South Florida, were the first Florida wreckers. Their plundering of wrecked vessels and slaughter of stranded seamen soon lent a new connotation to the name *los Martires*, or "the Martyrs," as Ponce de Leon had fancifully christened the Florida keys in 1513.¹⁰ In the eighteenth century the Calusa were confined to the keys, where from Matecumbe, Key Vacas, and Key West, they preyed on the commerce of the Straits. This savage monopoly was finally broken in 1763, when the last remnants of the Calusa were taken to Cuba and enslaved.¹¹

At some time prior to 1790, turtlers and fishermen from the Bahama islands fell heir to the Calusa monopoly. They were regarded as pirates by the Spaniards, and doubtless some of their practices were piratical.¹² But in general, wrecking was a well organized, systematic, and legal business. "The usual custom in fitting out these small craft on a wrecking and turtling voyage (for they are usually combined)," writes Vignoles, "is upon shares: the merchants of Nassau are chiefly the proprietors of the vessels, into which a few barrels of pork and biscuit are put, the crews being supposed able to subsist themselves by fishing and hunting, and these crews are composed of the pilots and fishermen of the islands."¹³

10. ". . . because the high Rocks, at a Distance, look like Men that are suffering, and the Name has fitted them well on Account of the many that have since been cast away." Antonio de Herrera y Tordesillas, *The General History of the Vast Continent and Islands of America*. . . Trans. by Capt. John Stevens (London: Jer. Batley, 1725, 6 vols.) II, 35.
11. Frederick Webb Hodge, *Handbook of American Indian North of Mexico* (Bureau of American Ethnology, Bulletin 30, Washington, 1907, 2 vols.), I, 195.
12. Arthur Preston Whitaker, *Documents Relating to the Commercial Policy of Spain in the Floridas*. . . (DeLand, Fla. : Florida State Historical Society, 1931), pp. 137, 139.
13. Charles Blacker Vignoles, *Observations upon the Floridas* (New York: E. Bliss & E. White, 1823), p. 125.

The location of wrecking stations, or points of rendezvous; was determined partly by their proximity to the more dangerous portions of the reef, partly by the availability of good harbors and fresh water-factors which later were to control American settlements on the keys. The favorite station was Key Tavernier, because of its command of Carysfort¹⁴ Reef, the most perilous spot on the great reef,¹⁵ and its nearness to anchorage and water at Upper Matecumbe. Key Biscayne, to the north, and Key Vacas and Key West, to the south and west, also were frequented by the New Providence men.¹⁶

Wrecked goods and vessels were taken into Nassau, where salvage was adjudicated in the British admiralty court. After deduction of court fees and numerous colonial charges, a salvage of from 50 to 75 percent was usually awarded. The owner of the wrecker customarily received one half of the salvage. The other half was distributed among captain and crew in a predetermined ratio. By the time the United States acquired the Floridas, some 50 to 60 vessels, and more than 500 New Providence seamen, were regularly employed in wrecking. The business was said to be the chief economic support of the town of Nassau, and to bring in a colonial revenue of 15,000 annually.¹⁷

After the change of flags in 1821, the lucrative nature of this business, both to the government that controlled it and to individuals engaged therein, at-

14. Named for the British ship *Carysford*, lost there in October, 1770. See Thomas Jefferys' map, "The Coast of West Florida and Louisiana, the Peninsula and Gulf of Florida or Channel of Bahama with the Bahama Islands," 1775.

15. For a list of locations of losses on the reef, 1844-1848, see S. Doc. 5, 31st Cong., 1st sess. [553], page 90.

16. Vignoles, *Observations*, pp. 118, 125; Furlong, *op. cit.*, pp. 116, 119; Andrew Ellicott, *Journal . . .* (Philadelphia: Thomas Dobson, 1803), pp. 246, 255.

17. Vignoles, *Observations*, pp. 125, 126; H. Rep. 189, 30th Cong., 1st sess. [524], p. 13.

tracted the attention of private speculators and territorial officers alike. John W. Simonton, a New Jersey merchant with business connections in the South and Cuba,¹⁸ on December 20, 1821, purchased the claim of Juan P. Salas to the island of Key West for \$2,000. Probably as pre-arranged, Simonton at once sold three undivided one-fourths of the claim to four business associates, and the proprietors took possession of the island January 19, 1822.¹⁹ Even before the transfer of title from Salas to Simonton had been effected, the latter began to agitate for Key West to be made a port of entry. "It is the only eligible situation for a depot of wrecked property on the whole coast of Florida," he wrote from Havana, December 7, 1821, to Smith Thompson, Secretary of the Navy. It would be a good place for a naval depot and, if it should be made a port of entry, as it ought to be, "warehouses will be immediately erected, under the direction of merchants regularly established there."²⁰ By an Act of May 7, 1822, the Congress designated that part of the Florida coast from Cape Sable to Charlotte Harbor as the collection district of Key West; establishment of a port of entry therein was left to the discretion of the President.²¹ Before the year was out, Key West was made the port of entry, and a collector was appointed.²²

Vignoles, who made a reconnaissance of the east coast of Florida in the spring of 1822,²³ while con-

18. Jefferson B. Browne, *Key West, the Old and the New* (St. Augustine: The Record Co., 1912), p. 199.

19. H. Rep. 189, 30th Cong., 1st sess. [524], pp. 8, 15, 22; Florida Historical Records Survey, *Spanish Land Grants in Florida* (Tallahassee, Fla.: State Library Board, 1941, 5 vols.), V, 83-90. The dates in Browne, *op. cit.*, p. 7, are incorrect.

20. H. Rep. 189, 30th Cong., 1st sess. [524], p. 13.

21. 3 *U. S. Statutes at Large*, 684.

22. U. S. Senate, *Executive Journal*, III, 312, 313.

23. Olinthus J. Vignoles, *Life of Charles Blacker Vignoles* (London: Longmans, Green, 1889), p. 88.

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ceding that Key West was probably the best place for a naval depot on the keys, advocated a military and customs depot at Old Matecumbe.²⁴ No official action was taken on this suggestion, but in 1825 Jacob Housman, a wrecking captain from Staten Island, purchased the improvements of two squatters on Indian Key, just south of Upper Matecumbe.²⁵ He developed there a small settlement which subsisted almost entirely upon wrecking.

Key West and Indian Key were for many years the chief American wrecking settlements, although there were settlements of lesser importance at Key Vacas and Cape Florida, or Key Biscayne. Vignoles mentions "Lewis, Hegan, and Pent, respectable pilots at Cape Florida."²⁶ who were members of families that had squatted near Miami river some 8 to 12 years earlier.²⁷ When and by whom Key Vacas was settled does not appear from the "evidence available, but the island was purchased in 1827 by Charles Howe.²⁸ Howe was a resident of the keys until after the Civil War, and it is quite possible that he promoted the settlement that flourished at Key Vacas until the 1840's.

Meanwhile the Legislative Council of the new territory was clamoring for Federal regulation of wrecking. Spurred on, perhaps, by the fact that some of its members were shipwrecked during their passage from St. Augustine to Pensacola to attend its first session,²⁹ the Council, in 1822, asked the Congress "to provide some law upon the subject

24. Vignoles, *Observations*, pp. 124, 127.

25. Vincent Gilpin, "Florida's Indian Key," *The Rudder*, vol. LI, no. 10 (Oct., 1935), p. 59; H. Rep. 798, 30th Cong., 1st sess. [527], p. 6. I am indebted to Prof. A. J. Hanna for the reference to Gilpin's article.

26. Vignoles, *Observations*, p. 13.

27. Florida Historical Records Survey, *Spanish Land Grants in Florida*, III, 207, 208.

28. *Ibid.*, pp. 99-101.

29. *Pensacola Gazette*, Feb. 19, 1825.

of wrecking at the Peninsula of Florida, which is now in the hands of foreigners . . . and is frequently made the pretext for piracy and smuggling." ³⁰ As this request went unheeded, the Council, in 1823, addressed to the President a memorial in which it advocated the closing of the wrecking grounds to Bahama vessels, a reduction of the customary tariff in the case of dutiable wrecked goods, and provision of some machinery, less "tedious and expensive" than the process of an admiralty court, for the prompt determination and award of salvage. ³¹ The Council sought to implement the last proposal by the passage of an act that was to arouse the wrath of the nation's commercial and insurance interests.

The territorial wrecking act of July 4, 1823, provided that salvors of wrecked property brought into the territory must immediately report it to the nearest justice of the peace or notary public. The officer receiving the report was required to summon a jury of five persons, which, after investigating the circumstances of the wreck and salvage, was to make a written award specifying the amount of salvage allowed and whether payable in kind or from the proceeds of sale. The officer was further required to see that the award of the jury was carried into effect, and to transmit a certified copy to the clerk of the Superior Court of the district in which the property was landed. It was the duty of the clerk to take charge of the owner's part of the property or proceeds, if the owner was not represented at the place of arrival, and to advertise it once a month for 12 months in a newspaper of the territory. Unclaimed property, after a year and a day, reverted to the salvor, except for 10 percent

30. H. Doc. 53, 17th Cong., 2d sess. [78], p. 7.

31. "Memorial. The legislative council of Florida to the President of the United States," n. d. MS in Florida State Library.

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payable to the territory. All costs were at the expense of the property, and a tax of 3 percent was levied for the use of the territory.³²

The Legislative Council did not attempt, because obviously it had not the power, to legislate on the subjects of duties and the prohibition of American waters to foreigners. American seamen, however, took the latter matter into their own hands. Vessels from the North Atlantic ports started making wrecking voyages to the Florida Straits as early as 1822.³³ The Providence wreckers declared that they would never leave the reef until driven off by armed force ;³⁴ the Americans were resolved to force all foreigners from the Florida coasts. Under the circumstances, it is hard to accept Governor DuVal's statement, qualified though it is, that, "No violence was, it is believed, committed." To gain their end, says DuVal, the American wreckers "avoided all amicable association with the foreigners, refused to furnish provisions or aid them in any manner, threw every possible obstacle in their way, enforced vigorously the *revenue* laws of the United States, relating to foreign vessels in our waters . . . and adopted many other expedients extremely vexatious to those against whom they operated."³⁵ The struggle was decided in favor of the Americans by the Act of March 3, 1825, which declared subject to seizure and condemnation any vessel engaged in wrecking on the Florida coast which took property, salvaged within the jurisdiction of the United States, to a

32. Florida (territory), *Acts*, 1823, pp. 128-132.

33. Vignoles, *Observations*, p. 127. In 1824 a wrecking company, with a capital stock of \$2,500, was formed in St. Augustine with the intention of keeping "one or more vessels upon the ground in the fall." *Pensacola Gazette*, Sept. 4, 1824.

34. Vignoles, *Observations*, p. 126.

35. William P. DuVal to E. Livingston, Oct. 7, 1831. S. Rep. 242, 30th Cong., 1st sess. [512]), p. 94.

foreign port. Such property was required to be brought to an American port of entry.³⁶

Under this act, wreckers must perforce take salvaged property into Key West, or make the long voyage up to St. Augustine. Convenience had already dictated the former course. Gross duties paid on merchandise entered at Key West increased from \$389 in 1823 to \$14,108 in 1824.³⁷ According to Richard Keith Call, then territorial delegate in Congress, Federal revenue received between August, 1824, and March, 1825, exceeded \$35,000, and more than \$5,000 was due the territory under its wrecking law.³⁸ The latter figure indicates that wrecked property to the annual value of at least \$233,000 was pouring into Key West. The earliest statement found of the actual value of salvaged property brought into the port was made by John W. Simonton in 1826. He stated that "from December, 1824, to December, 1825, \$293,353.00 of wrecked property was sold there."³⁹

The wreckers were riding high. Every person in Key West, except possibly those in the navy,⁴⁰ was interested in the business, and the territorial law placed the adjudication of salvage entirely in local hands. In the case of the cargo of the ship *Point a Petre*, wrecked on Carysfort Reef in February, 1825, "The presiding magistrate was the

36. 4 *U. S. Statutes at Large*, 132, 133.

37. *Pensacola Gazette*, June 10, 1826.

38. *Ibid.*, Apr. 9, 1825.

39. *Ibid.*, June 3, 1826; Browne, *op. cit.*, p. 209. But 1825 was an unusually good year, for gross customs receipts were \$67,337, as contrasted with \$33,995 in 1826, and \$37,295 in the first three quarters of 1827. *American State Papers, Finance* (Washington: Gales & Seaton, 1859, 5 vols.), V, 677.

40. Even the navy was not above suspicion. The proprietors of Key West early ran afoul of Commodore David Porter, in command there, and they charged, in 1825, that he interfered in the sale of the cargo of the *Calypso* "from a desire to speculate himself" H. Rep. 189, 30th Cong., 1st sess. [524], p. 40.

judge who condemned-the auctioneer who sold-and the purchaser at the sale of some of the property." ⁴¹ Salvage awards ranged from 75 to 93 percent. "Special little is therefore left for the underwriters," runs one complaint in the *New York Mercantile Advertiser*, "and that little will not be easy for them to obtain from the holders of the property on that Island, as it is not known in whose hands it is deposited. No returns, (as required by the law) have been made to the Clerk's office of the Superior Court" in St. Augustine. ⁴²

The New York underwriters who insured the *Point a Petre* countered by bringing suit in the United States court of the South Carolina District to recover 365 bales of cotton, awarded as salvage and shipped to Charleston by the purchaser, David Canter. The District Court held the court at Key West to be of incompetent jurisdiction, on the grounds that admiralty jurisdiction was vested in the Superior Courts in Florida and that the Legislative Council had no power to confer such jurisdiction on an inferior court. ⁴³ The Circuit Court reversed this decision the next year. In 1828, the Supreme Court upheld the validity of the Florida law. The opinion, written by Chief Justice John Marshall, stated that the Superior Courts were not constitutional courts in the meaning of Article III of the Constitution, and hence did not, and could not, possess exclusive admiralty jurisdiction. ⁴⁴ This decision, while of great significance in regard to the constitutional status of territories, was, by the time it was handed down, only of academic interest so far as wrecking was concerned.

Late in 1825, the Superior Court at St. Augustine

41. *Pensacola Gazette*, Aug. 20, 1825.

42. Quoted in *ibid.*, Dec. 3, 1825.

43. *Ibid.*, Aug. 20, 1825.

44. *American Insurance Co. v. 365 Bales of Cotton*, 1 Peters 511.

followed the South Carolina District Court in declaring the Florida law unconstitutional. Jacob Housman, having fallen out with "the gentlemen of many avocations at Key West,"⁴⁵ brought goods saved from the French brig *Revenge* into St. Augustine, but, instead of libeling the property in the admiralty court, he proceeded under the territorial law. The jury obligingly allowed him 95 percent salvage. The French consul at Charleston, happening to be in St. Augustine, had the goods libeled in the Superior Court. Judge Joseph L. Smith found for the libelant, at the same time declaring the territorial act invalid.⁴⁶ By the Act of February 1, 1826, the Congress annulled the Florida act.⁴⁷

While the legal battle between the wreckers and the insurance companies was under way, the government was installing what was thought to be an adequate system of lights on the Florida coast. In 1824, appropriations were made for lighthouses at Cape Florida, on one of the Sambo Keys, and on the Dry Tortugas, for a light vessel on Carysfort Reef, and for beacons and buoys between the Tortugas and the Florida coast.⁴⁸ When the sites were actually chosen, however, the Sambo Keys were passed over in favor of Key West. The Boston contractor for the lighthouses sailed with materials in August, 1824, but was lost at sea. In spite of this disaster, it was expected that the work would be completed by June, 1825.⁴⁹ Construction apparently proved more difficult than had been anticipated, and it was not until February, 1826, that the lighthouses at Cape Florida and on Whitehead's Point, Key West,

45. *Pensacola Gazette*, Dec. 3, 1825.

46. *Ibid.*; *ibid.*, Dec. 10, 1825.

47. 4 *U. S. Statutes at Large*, 1938.

48. *Ibid.*, p. 61.

49. *Pensacola Gazette*, Jan. 29, 1825; S. Doc. 17, 18th Cong., 2d. sess. [109], p. 4.

were completed. The light, on Garden Key, Dry Tortugas, presumably was finished before the end of the year. The structures were substantial conical brick towers, each 65 feet high.⁵⁰ A beacon and five buoys were installed at dangerous points.⁵¹ The light boat also took up her position at Carysfort, but not before she had gone ashore near Cape Florida and had been hauled off by wreckers.⁵² In 1826, another appropriation was made for a lighthouse on one of the Sambos, or on Sand Key,⁵³ and the light at the latter place was lit April 15, 1827.⁵⁴ The value of the light system was at once apparent, and it was optimistically reported that, "Employment for the wreckers diminishes daily, and some of them have left the wrecking ground."⁵⁵

There was little decrease in the amount of wrecked property brought into Key West, however, and for want of a better method of settlement, a system of arbitration was resorted to. Needless to say, there was little, if any, decrease in the rates of salvage allowed by the arbitrators.⁵⁶ The only recourse of the underwriters was to sue whenever the salvor or purchaser of wrecked property was unwary enough to come within the jurisdiction of an admiralty court.⁵⁷ The Congress was fully aware of the situation, and the Senate, in 1826, passed a bill to establish an admiralty court at Key West.

50. *Pensacola Gazette*, Dec. 3, 1825; Apr. 15, 1826.

51. *Ibid.*, Aug. 6, 1825.

52. *Ibid.*, Sept. 24, 1825.

53. 4 *U. S. Statutes at Large*, 173.

54. *Pensacola Gazette*, May 25, 1827.

55. *Ibid.*, July 29, 1826.

56. *Ibid.*; Aug. 4, 1826; Nov. 2, 1827.

57. Capt. Charles Johnson, "who has for some years past been extensively engaged in the wrecking business on our coast, has been arrested in New York, in a great number of suits brought by the Insurance companies in that city, on the grounds of the illegality of the proceedings at Key West." Quoted from the *East Florida Herald* in *Pensacola Gazette*, Sept. 8, 1826. See also, *ibid.*, Apr. 11, 1828.

The House failed to pass the bill, probably because the territorial delegate, Joseph M. White, could not make up his mind whether or not it would be politic to have such a court.⁵⁸ Simonton, the Key West proprietor, favored it, and charged that opposition came largely from St. Augustine interests, who hoped that the wreckers could be forced to come into St. Augustine.⁵⁹ Memorials in favor of a court went to the Congress from the Legislative Council and from the wreckers themselves.⁶⁰ Finally, by the Act of May 23, 1828, the Congress established a Superior Court at Key West.

The new court was given a territorial jurisdiction south of a line extending from Indian River to Charlotte Harbor. In addition to the usual admiralty jurisdiction vested in such courts, the judge was given the means to control wrecking by the provision that no vessel should be employed as a wrecker except under his authority, and that no person should be employed on a wrecking vessel who had made a collusive agreement with the master of a wrecked vessel.⁶¹ The provision for the licensing of wreckers, which was an innovation never introduced in any other United States judicial district, seems to have been suggested by the more responsible element at Key West.⁶² It was continued in the 1847 act establishing a District Court at Key West, with the additional stipulation that the licensed vessel should be seaworthy and properly

58. *Ibid.*, July 1, 1826.

59. Browne, *op. cit.*, p. 210. This charge seems to be supported by the letters of "Amicus Floridae," picked up from the *East Florida Herald* by the *Pensacola Gazette*, Aug. 4, Sept. 8, 1826.

60. *Ibid.*, Jan. 26, Mar. 9, 1829.

61. 4 *U. S. Statutes at Large*, 292, 293.

62. Governor DuVal, after talking to Richard Fitzpatrick, of Key West, on the subject of wrecking, advised the Legislative Council in 1825 that a law to license wreckers was desirable. *Pensacola Gazette*, Dec. 24, 1825.

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equipped for the business of saving shipwrecked property.⁶³

James Webb, then residing in West Florida, was appointed the first judge of the Superior Court at Key West, a position which he held until his resignation in 1839, when he was succeeded by William Marvin. The latter, who had served as United States district attorney at Key West from 1835 until his appointment as judge, remained on the bench until 1863.⁶⁴ These two men, using firmly the statutory powers granted to them, transformed wrecking into a well regulated business. When asked how he controlled the wreckers, Webb once replied, "Oh . . . that is easily done. If they commit any offense against honor or justice, instantly I take from them their licenses."⁶⁵ According to Marvin, "embezzlement of wrecked goods; voluntarily running a vessel aground under the pretense of piloting her; colluding with the master of a vessel wrecked or in distress; or corrupting him by an unlawful present or promise," had all been held good cause for withholding or revoking a license.⁶⁶ A less drastic control was the forfeiture of salvage, either in part or in whole.⁶⁷

THE BUSINESS OF WRECKING

Wrecking was a speculative business. The owners of wrecking vessels staked their capital on the chances of participating in the salvage of profitable wrecks; the crews wagered their time and lives. The court sought to allow enough salvage to keep an adequate number of wreckers on the Florida coast, and yet not to attract more than were actually

63. Marvin, *Wreck and Salvage*, p. 5.

64. *Pensacola Gazette*, Sept. 30, 1828; Browne, *op. cit.*, p. 210.

65. Charles Nordhoff, "Wrecking on the Florida Keys," *Harper's Magazine*, XVIII (1859), 584.

66. Marvin, *Wreck and Salvage*, p. 5.

67. See *ibid.*, pp. 226-237, for examples.

needed.⁶⁸ The number of licensed wrecking vessels, however, increased out of proportion to total salvage awards. There were 20 on the reef in 1835, 27 in 1851, and 57 in 1858, although salvage decreed in the last year was less than twice that awarded in 1835.⁶⁹ Many of the vessels were owned in New York and Connecticut; they were manned by "down Easters," Bahama Conchs, and a scattering of European seamen. They were fast-sailing, clean-rigged sloops and schooners, ranging from 10 to 100 tons in burden, with an average value of about \$2,500.⁷⁰ About half of them combined fishing for the Havana market with the more uncertain business of wrecking.⁷¹

One half of the total salvage allotted to a vessel went to the owner. At least one commentator insisted that the owners sometimes operated at a loss. During 1838, the year he was considering, total salvage of \$34,578 was awarded. The share of the owners of the 20 licensed wreckers could have been only \$17,289, or an average of \$862 had every vessel shared in the proceeds. Yet this writer estimated the average annual expense of maintaining a wrecker at \$2,700.⁷² A later writer, discussing wrecking in 1847, stated that "the whole expense

68. *Ibid.*, pp. 211, 212.

69. *Ibid.*, p. 5; Browne, *op. cit.*, p. 224; "Key West, Florida," *Hunt's Merchants Magazine*, XXVI (1852), 54, reprinted in *Florida Historical Quarterly*, vol. VIII, as "Key West and Salvage in 1850." All data as to salvage, number of vessels saved, value of vessels and cargoes, and total expenses, given here or later, are taken from the following: 1831-1840, *Hunt's Merchants' Magazine*, VI (1842), 292; 1841-1843, *ibid.*, XXXII (1855), 627; 1844-1847, *ibid.*, XX (1849), 247; 1848-1857, Marvin, *Wreck and Salvage*, p. 2; 1858-1859, "Report of Committee of Immigration," Florida Senate, *Journal*, 1872, p. 26.

70. S. Doc. 30, 30th Cong., 2d sess. [531], p. 10; H. Doc. 136, 32d Cong., 2d sess. [651/1], p. 764; John James Audubon, *Delineations of American Scenery and Character* (New York: G. A. Baker & Co., 1926), pp. 268-270.

71. Marvin, *Wreck and Salvage*, p. 5.

72. *American Almanac*, 1840, p. 276.

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of keeping up this business cannot be short, *in actual money paid out*, of \$100,000." ⁷³ This could hardly have been true, for with the exception of 1846, annual salvage awards had not reached \$100,000 during the preceding 10 years, and in the very year of which he wrote, the total was only \$50,854. For the 16-year period, 1844-1859, the average annual salvage was \$114,378, and by the end of that period, as already noted, 57 licensed wreckers were in operation. Undoubtedly, the margin of profit would have been extremely small had the proceeds been divided evenly between all licensed wreckers. For some owners, however, there were indirect profits. As merchants and owners of wharves and warehouses, they derived commissions, fees, and profits from handling the ships and goods brought into Key West by the wreckers.

The other half of the salvage was divided among the crew. If the vessel was over 30 tons burden, the master received three shares, the mate two, the cook (who was frequently a Negro) one and a quarter, and ordinary seamen one each. In vessels between 12 and 30 tons burden, the master received only two shares, while in smaller vessels he and the crew shared alike. Boys under 18 years of age drew half shares. Divers shared according to the value of their services. Except for subsistence, salvage shares were the sole compensation of master and crew on a purely wrecking voyage. Wages were sometimes paid on a mixed fishing and wrecking venture; in such cases a seaman was entitled to salvage shares in addition to his wages. ⁷⁴ The largest shares ever decreed by the court in the period under consideration, except to a few divers in the case of the *Isaac Allerton*, were \$188 to the salvors

73. *Hunt's Merchants' Magazine*, XVIII (1848), 553.

74. Marvin, *Wreck and Salvage*, pp. 253, 254.

of the ship *Mississippi* in 1840. Between 4 o'clock in the afternoon and 6 o'clock the next morning, 39 men from three wrecking vessels transshipped 30 tons of cargo and threw overboard 60 tons of stone ballast in order to heave the *Mississippi* off Looe Key. The ship *Isaac Allerton* sank in five fathoms of water in 1856. Most of the cargo was saved "by divers, who, without any artificial apparatus, and in the natural way, dived into the hold of the ship, and fastened a line or rope to the several boxes and packages, by which they were afterwards hauled up." ⁷⁵ One diver received \$769, and six received \$500 each, but the average shares awarded to the more than 400 persons who worked off and on for six weeks in saving the cargo were only \$50. ⁷⁶

A competitive element in wrecking was recognized by a rule of the court that wreckers should be admitted to assist at a wreck in the order in which they arrived. The first boarder was required to hand a copy of his wrecking license and the court's rules of wrecking to the master of the wrecked vessel. The latter had the right to refuse all assistance, or to employ any vessel he chose to help him, but in the event that he indicated no choice, the first wrecking vessel on the scene enjoyed priority. Its master was known as the wreck-master, and directed salvage operations. Other salvors could be excluded from the wreck so long as the first-comers had the necessary means to save the property. ⁷⁷ In the case of important wrecks, however, it was usually necessary to permit all comers to assist, for it was hardly possible for a single small wrecking vessel to render all necessary assistance to a wrecked ship.

75. *Ibid.*, p. 219.

76. *Ibid.*, pp. 215, 219.

77. *Ibid.*, pp. 252, 339, 340.

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It took eight wrecking vessels, employing 92 men, to get the ship *Sierra Nevada*, off Crocus Reef in 1858. The cargo of the ship *America*,⁷⁸ lost on the Tortugas in 1838, was salvaged by 12 vessels carrying 120 men. Fifteen vessels and 152 men were employed in salvaging the cargo of the ship *Crown*, lost on Ajax Reef in 1857. It required four wreckers to get the brig *Lexington* off Pickles Reef in 1835, and the same number to heave the ship *Hector* off Great Conch Reef in 1832.⁷⁹ The obvious advantage of cooperative effort under such circumstances led to the practice of consortship, peculiar to the Florida wreckers.

A consortship was simply an agreement of partnership between the owners or masters of two or more wrecking vessels. It could be made for a definite or an indefinite period of time, or merely with reference to a particular wreck. If of the latter type, it was not considered binding upon the court, although it was usually carried into effect if the provisions concerning distribution of salvage seemed fair.⁸⁰ When a consortship covered more than a particular wreck, however, it was an enforceable contract. The schooner *George Washington* was consorted with the sloop *Globe*, "man for man & ton for ton," at the time the latter assisted in getting the *Mississippi* off Looe Key. For her services the *Globe* received \$5,522.49. Although the *George Washington* rendered no service to the *Mississippi*, Judge Marvin ordered that \$2,455.64 of the *Globe's* share of the salvage be paid to her consort. The wreckers could enter into such con-

78. This is the wreck described in Nordhoff, "Wrecking on the Florida Keys," *loc. cit.*, pp. 577-586.

79. Marvin, *Wreck and Salvage*, pp. 213-221.

80. *Ibid.*, pp. 250, 251.

tracts as they liked, Marvin said, but the court would enforce them.⁸¹

Ordinarily a vessel consorted with other wreckers took care to inform them when a wreck had occurred. The schooner *Hester Ann*, John H. Geiger, master, and the schooner *Caroline*, John Wood, master, were in Key West when they heard of the wreck of the ship *James* north of Cape Florida in 1836. They sailed at once, but ran out into the Gulf to inform the schooner *Amelia*, James Andrews, master. The *Amelia*, in turn, informed the fourth member of the consortship, the schooner *Splendid*, Richard Roberts, master. When the four schooners arrived at the wreck, their combined crews cooperated in loading them, all four vessels staying on the scene until the last had a full load. In 16 hours the 38 members of the crews, assisted by eight men hired from the *James*' crew, broke out, transshipped, and restowed 519 bales of cotton. For their services the four wreckers were awarded \$12,-313.55, which was 40 percent on the cargo saved.⁸² The salvage was distributed under the standing rule in such cases, "ton for ton, and men according to tonnage."⁸³

No remuneration was allowed for the saving of life,⁸⁴ yet the severest critics of the wreckers conceded that they made it their first concern to save the lives of passengers and crew. "To the praise of the wreckers be it said," wrote one such critic, "that they never have refused to listen to the calls of humanity, even when doing so has often been to their loss. The cases are numerous where they

81. *Andrews v. Wall & Geiger*, Florida Supreme Court file no. 0860. Both the territorial Court of Appeals and the United States Supreme Court affirmed Marvin's decree. *Wall v. Andrews*, 3 Howard 568.

82. *Jones v. Barker*, Florida Supreme Court file no. 0865.

83. Marvin, *Wreck and Salvage*, p. 253.

84. *Ibid.*, p. 131.

have left their wrecking ground, and carried wrecked passengers upwards of a hundred miles, furnishing the passengers with food and passage free of charge." ⁸⁵

Most of the elements in wrecking, the bad as well as the good, are found in the story of the ship *Ajax*. ⁸⁶

About 3 o'clock on the afternoon of Monday, November 14, 1836, Richard Roberts, master of the schooner *Splendid*, discovered a ship ashore on the eastern part of Carysfort Reef. On boarding her an hour later, he found that she was the *Ajax*, Captain Charles A. Heim, from New York to Mobile with an assorted cargo. Captain Heim at first refused assistance, but about 7 o'clock he called for help. Roberts brought the *Splendid* alongside and transshipped cargo until midnight. The violence of the wind and waves, which parted the schooner's "fasts and chains," then made him haul off, but he anchored and promised to remain to relieve the passengers and crew, if need be. In about half an hour his anchor broke, and he stood off and on in the Gulf, having first sent a boat to the master, telling him to raise a light if he needed help.

The *Splendid* got back to the *Ajax* about 8 o'clock Tuesday morning, when W. H. Bethel arrived with the sloop *Sudlow*. The latter, at Captain Heim's request, at once took off the 40 cabin passengers and their baggage, the sloop's cabin and deck being reserved for their accommodation. "The wind & sea becoming severe, the sloop parted her fasts & chains, split two of her timbers & injured her bend & bow." As it was too dangerous to stay alongside, the *Sudlow* moved off and transshipped cargo by boat. Her underdeck was loaded by 6 o'clock in

85. "Wrecks, Wrecking, Wreckers, and Wreckees on Florida Reef," *Hunt's Merchants' Magazine*, VI (1842), 349, 350; see also, Nordhoff, *loc. cit.*, p. 584, for similar testimony.

86. *Housman v. Ship Ajax*, Florida Supreme Court file no. 0865.

the evening. The *Sudlow's* crew then helped load the *Splendid*, hoisting goods from the *Ajax's* hold, as the ship had bilged during the morning. At midnight the *Sudlow* left for Key West.

During the afternoon, the schooners *Caroline* and *Fair American* and the sloop *Thistle* had arrived. Their masters, John Wood, Latham Brightman, and Daniel Post, had consorted "ton for ton & man for man" to save goods from the *Ajax*. Their combined crews, 24 men, worked all night and "broke out of the lower hold by diving, damaged goods sufficient to load the *Thistle* by 8 o'clock the next morning." When the *Thistle* dropped off from the wreck, "she struck on the stock of an anchor carried out from the . . . [*Ajax*] - beat a hole in her bottom sunk & was totally lost with nearly all her lading, the weather preventing the other vessels rendering any effectual assistance, & even compelling them to seek shelter in Caesar's Creek."

In spite of the weather, the *Splendid* succeeded in completing her load by 9 o'clock Wednesday morning. The schooner *Hester Ann*, William C. Greene, master, then pulled alongside and loaded up by sundown. Her place was promptly taken by the sloop *Mount Vernon*, Austin Packer, master. The *Mount Vernon* loaded till midnight, when "it commenced blowing so hard that she hauled off for safety. All hands continued laboring in the hole of the ship rescuing merchandise from the water till 3 o'clock in the morning." At daylight Thursday, the *Mount Vernon* was again brought alongside and was loaded by 10 o'clock. The *Splendid*, *Hester Ann*, and *Mount Vernon* then took on the steerage passengers and crew, about 50 in all, and their baggage, and sailed for Key West, where they arrived Friday morning.

That morning the *Fair American* ventured out from the shelter of Caesar's Creek, to which she

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promptly returned after leaving most of the combined crew of her consortship on the abandoned *Ajax*. Although the weather was still rough, the crew broke out cargo until Monday, when the *Fair American* and *Caroline* returned to be loaded. The sloop *Van Buren*, chartered by William F. English, reached the wreck Monday, and the sloop *Sara Isabella*, Jacob Housman, master, arrived the next day. Sided by the "reciprocal services" of the crews of the *Thistle* and *Fair American*, the late comers saved a quantity of goods "by diving them up from the lower hold."

After the *Ajax* had again been abandoned, the schooner *Endeavor*, William Bethel, master, put in a belated appearance on Saturday, November 27, and "dived up goods." Finally, the *Splendid* and *Sudlow*, the first two wreckers on the scene, returned to glean, by diving, a cargo of wet and damaged goods.

When the masters of the several wrecking vessels filed their libels for salvage, Captain Heim admitted the justice of all except Housman's and Brightman's claims. His charge that the *Fair American's* cargo of ready-made clothing, silks, and cottons, worth \$2,000, had been landed at Indian Key, and that articles loaded on the *Sarah Isabella* had also been embezzled, were substantiated, and Judge Webb declared forfeited the individual shares of Housman and Brightman. The salvage decreed was 35 percent on goods saved dry, 50 percent on goods saved wet and damaged.

When wrecked property was taken into Key West, its disposition afforded employment and profit to many persons. Salvaged cargo was required to be consigned by the captain of a wrecked vessel to some resident of the island, who acted as his business agent. Usually a merchant was chosen who was

also the owner of wharves and warehouses. In addition to receiving the customary wharfage and warehouse fees, the master's agent was entitled to 5 percent upon all moneys disbursed by him for wharfage, storage, labor, etc., and 1 percent upon revenue bonds, if they were necessary. If salvage was awarded in kind, the property had to be appraised, and appraisers received \$10 a day for their services. If salvage was paid in money, the goods were sold by the United States marshal, whose costs were about 2 percent. Both the salvors and the owners were required to be represented in court by proctors, or lawyers. The libelant's proctor received 3 percent of the salvage and a flat fee of \$20 charged to the property. The respondent's proctor received 3 3/4 percent upon the residue of the property, except when salvage and expenses exceeded 50 percent of the value. In such cases he received 3 percent. If there was any doubt as to whether a salvaged vessel was seaworthy, the court ordered a survey, and the surveyors, usually three in number, each received \$5 a day.⁸⁷ There were other charges upon the property, incident to refitting vessels to continue their voyages, which gave employment to shipwrights and carpenters and profit to ship chandlers. There were also, for merchants, the profit of resale of wrecked property. An anonymous description of Key West in 1851 stated truly that wrecking "is the principal reliance of all the business men, mechanics, and laborers of the place."⁸⁸

The average annual total revenue from wrecking between 1844 and 1859 was \$200,181, of which salvage was \$114,378 and expenses \$86,677. Total salvage for these 16 years was \$1,832,059, total ex-

87. Marvin, *Wreck and Salvage*, pp. 301-305.

88. "Key West, Florida," *loc. cit.*, p. 55.

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penses were \$1,370,841, and total salvage and expenses were \$3,202,900. This last figure was the total charge on salvaged vessels and cargoes valued at \$25,453,744. Thus the wreckers' toll was only 12.5 percent, with actual salvage 7.2 percent. Data as to expenses and value of vessels and cargo prior to 1844 are not available, but the actual salvage awarded from 1831 to 1859 was \$2,760,711, or an annual average of \$70,779. The leanest year for the wreckers was 1834, with salvage of only \$32,040; the best, 1859, with salvage of \$198,404. Salvage exceeded \$100,000 only three times before 1850: \$174,132 in 1835, \$107,495 in 1837, and \$124,400 in 1846. It dropped below that figure three times after 1850: \$75,850 in 1851, \$80,112 in 1852, and \$82,400 in 1855.

The community in which this business centered was never much more than a village in size. In 1838 Key West had less than 500 white inhabitants ;⁸⁹ in 1850 its white population numbered 1,825, and in 1860 only 2,241.⁹⁰ Insurance companies, which bore the burden of loss from shipwrecks, saw in Key West's monopoly of wrecking the cause of many of their woes. One writer graphically summarized their complaint as follows : "The marshal advertises the goods . . . the auction sale comes on, and thirty to forty thousand dollars worth of goods are sold on an island containing about five or six merchants, nearly a hundred miles from any inhabited land. . . The day of sale arrives. Who are the bidders? The aforesaid five merchants! How easily

89. The Florida census of 1838 gave Monroe County a population of 452 whites. The entire population of the county was in Key West, for Key Vacas, Indian Key, and Cape Florida were then in Dade County, and it is improbable that any returns were received from the mainland south of Charlotte Harbor. H. Doc. 208, 25th Cong., 3d sess. [347], p. 25.

90. U. S. Superintendent of the Census, *Ninth Census of the United States: 1870* (Washington, 1872, 3 vols.), I, 98.

might these merchants agree not to run the one the other on his bid, and thus a whole cargo, worth thirty thousand dollars, might be divided among them at a cost of about two thousand dollars each or less." ⁹¹

In order to create competition with Key West, which would prevent "many gross frauds committed upon underwriters," the underwriters of the principal commercial cities of the country tried vainly in 1838 to have Indian Key made a port of entry. ⁹² But circumstances conspired to increase, rather than decrease, Key West's hold on the business. Indian disturbances caused the virtual abandonment of the settlements at Cape Florida, Indian Key, and Key Vacas in the early forties, and thereafter all wrecking vessels sailed from Key West.

Another complaint of the underwriters was that they suffered loss from premature sales of wrecked property, which might have been avoided if they had had time to send an agent to pay salvage in money, or to purchase goods when sale was necessary. ⁹³ The early practice was to send a special agent from Boston or New York when word of a major wreck was received. Thus, when the *James* was wrecked in 1836, the underwriters sent an agent posthaste. The *James* went ashore March 27, word of the wreck reached Key West April 3, libel proceedings were instituted April 19, and Oliver H. Jones, special agent for the underwriters, intervened in the suit on May 19, to prevent unnecessary sale of part of the cargo. Incidentally, while in Key West, Jones heard that there had been a collusive agreement between the master of the *James* and the masters of four of the 12 vessels that wrecked the ship. The

91. "Wrecks, Wrecking, Wreckers, and Wreckees on Florida Reef," *loc. cit.*, p. 351.

92. S. Docs. 54 and 55, 25th Cong., 3d sess. [339].

93. S. Docs. 429 and 447, 25th Cong., 2d sess. [318].

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four masters had agreed to pay \$2,500 for the exclusive privilege of wrecking the *James*. The agent tracked one of them to his home on Long Island, and secured an affidavit which resulted in the forfeiture of the salvage awarded to the guilty wreckers.⁹⁴

Similarly, a special agent was sent in 1838, when the ship *Bombay* ran on a reef near the Tortugas. The underwriters did not hear of the disaster until some 20 days after it had occurred. When their agent, Alden Gifford, reached Key West, he found that the master of the *Bombay* had sold her hull for \$1,400 to wreckers who purchased her salvaged rigging and materials in Key West for \$3,000, and promptly resold the refitted ship to a New Orleans company for \$12,000. Gifford pursued the *Bombay* to New Orleans, hoping to seize her there, but what luck he had does not appear.⁹⁵

The underwriters finally adopted the obvious remedy about 1844, and stationed a resident agent at Key West to look after their interests. By 1858 there were also resident in the town consuls or vice consuls for Great Britain, France, Spain, Belgium, and Russia.⁹⁶

Until the middle of the nineteenth century, no complete survey had been made of the Florida reef. The inadequate, and often inaccurate, nautical charts in use were based on the old Spanish charts, on those made by the British between 1763 and 1784, and on a few more recent, but limited, British surveys.⁹⁷ The lighthouse system, too, had deteriorated with the destruction of Cape Florida lighthouse by the Indians in 1836⁹⁸ and of the Key West and Sand

94. *Jones v. Barker*, *loc. cit.*

95. S. Doc. 429, 25th Cong., 2d sess. [318], pp. 3-5.

96. Marvin, *Wreck and Salvage*, p. 341.

97. *Hunt's Merchants' Magazine*, XIX (1848), 427.

98. *Niles' Register*, L (Aug. 13, 1836), 393.

Key lighthouses by the hurricane of October 10, 1846.⁹⁹ It is true that appropriations were made in 1837 and 1838 for rebuilding the Cape Florida light and for a new lighthouse on Carysfort Reef,¹⁰⁰ and a survey for lighthouse sites was actually made in the latter year,¹⁰¹ but nothing more was done for almost 10 years.

As the commerce of the Straits increased, however, it became increasingly evident that measures should be taken to prevent the serious loss to the nation's commercial facilities occasioned by shipwrecks there. This was no sectional or local question, Stephen R. Mallory pointed out, in 1848, when advocating a survey of the Florida reef, for three-fifths of the cargoes lost there came down the Mississippi River, and three-fourths of the vessels were owned in the northern and eastern states. "Upon this great highway of commerce," he said, "where the property of every section of our Union is afloat, the object of those familiar with the peculiar perils which beset it should be not only to make the route thoroughly safe, but to remove every *excuse* for shipwrecks."¹⁰²

The coast survey of the Florida reef and keys, which was to result in the excellent hydrographic charts now available was begun in January, 1849.¹⁰³ Appropriations for rebuilding the lighthouses at Key West and Sand Key, and for erecting a lighthouse at Carysfort Reef, were made in March, 1847,¹⁰⁴ and the rebuilt Cape Florida light was lit for the first time in April of that year.¹⁰⁵ The Key West light was speedily completed, being lit on Feb-

99. "Key West, Florida," *loc. cit.*, pp. 56, 58.

100. 5 *U. S. Statutes at Large*, 185, 1292.

101. H. Doc. 158, 25th Cong., 3d sess. [347].

102. S. Doc. 30, 30th Cong., 2d sess. [531], p. 12.

103. H. Doc. 12, 31st Cong., 2d sess. [598], p. 39.

104. S. Doc. 224, 29th Cong., 2d sess. [495], p. 53.

105. *Hunt's Merchants' Magazine*, XVII (1847), 205.

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ruary 10, 1848,¹⁰⁶ but the Sand Key and Carysfort lights presented difficult engineering problems. Erected at a cost of approximately \$100,000 each, the Carysfort lighthouse was lit March 10, 1852, that at Sand Key July 20, 1853.¹⁰⁷ As the coast survey progressed and the system of lighthouses was extended up and down the reef, the business of the wreckers decreased to such an extent that, in 1874, sight of the Alligator Reef lighthouse brought from a former wrecker the comment, "I wish them d---d lights was sunk below the sea."¹⁰⁸

The wrecking business continued, however, well up into the next century. Between 1900 and 1910, inclusive, more than \$220,000 salvage was awarded by court decree, and more than \$100,000 was paid for claims settled out of court.¹⁰⁹ It was just 100 years after the United States acquired the Floridas that the wrecking license register of the court was closed, in December, 1921.¹¹⁰ This marked the end of "an established & well defined profession, distinct from & unconnected with all other occupations," which was, in the words of Judge Webb, "on a coast like this, when properly pursued . . . not only essentially beneficial to commerce, but . . . honorable in itself."¹¹¹

106. *Ibid.*, XVIII (1848), 447.

107. *Ibid.*, XXVI (1852), 496; H. Doc. 3, 33d Cong., 2d sess. [780], 319, 331.

108. F. Trench Townshend, *Wild Life in Florida* . . . (London: Hurst and Blackett, 1875), p. 230.

109. Browne, *op. cit.*, p. 167.

110. Survey of Federal Archives, *Inventory of Federal Archives in the States, Series II, The Federal Courts, No. 9 - Florida* (Jacksonville: Historical Records Survey, 1940), p. 32.

111. *Curry v. Barque Howard*. Florida Supreme Court file no. 0861.

PIONEER FLORIDA

by T. FREDERICK DAVIS

A FREE PUBLIC SCHOOL IN ST. AUGUSTINE, 1832

This is an account of the first public school, under the American system of support by property taxation, established in Florida after it became a possession of the United States by transfer from Spain in 1821. The school was opened in St. Augustine in 1832, and these facts concerning it are derived largely from the contemporaneous *St. Augustine Florida Herald*, copies of which are in the Library of Congress. Apparently there are no extant official records of the establishment of this school, and it seems to be unknown to writers on Florida's early educational movements. Therefore, the ordinances concerning the school, as published in the *Florida Herald*, are quoted in full for their preservation and for reference as well as their interest.

Following a year or two of agitation by several educational societies in Florida for the establishment of free public schools in the Territory, the city council of St. Augustine on February 4, 1832, passed an ordinance for raising revenue, the second section of which had a bearing upon the establishment of a free public school. This was followed by a specific ordinance on the subject, passed by the council on March 31, 1832, (*St. Augustine Florida Herald*, May 17, 1832) :

AN ORDINANCE providing for the establishment of a free school within the limits of the city of St. Augustine and for the expenses of the same, and the appointment of Trustees for said school.

Be it ordained by the authority of the Mayor and Aldermen of said city, that there shall be established

within the limits of said city, a school which shall be free to all free white children of both sexes residing within the limits of said city: Provided that no children shall be admitted to said school whose parents or guardians, or other persons having them under charge, shall not pay a city tax ; which said school shall be under the government of three Trustees to be appointed annually on the 1st of March by the city council.

2. Be it further ordained by the authority aforesaid, that one fourth of all the taxes that may be levied and collected under and by virtue of any ordinance of said city be paid over on the first day of January in each and every year, by the City Treasurer under the direction of the city council to said trustees to be appropriated by them towards the support of said school.

3. Be it further ordained by the authority aforesaid that the said trustees shall have power to make all necessary rules and regulations for the government of said school; to appoint a teacher or teachers for it, and allow such teacher or teachers such compensation as they may deem proper and make report of their proceedings to the said city council when requested or directed by them.

4. Be it further ordained by the authority aforesaid that it shall be the duty of the trustees so appointed as aforesaid on the expiration of their term of office to pay over to those who may succeed them such of the school funds as may be in their hands taking duplicate receipts therefor and depositing one of said receipts with the city treasurer.

Sec. 5. Be it further ordained by the authority aforesaid, that in further aid of the establishment of said free school, and providing for the expenses of the same, there shall be levied and collected for the year 1832, the following tax by persons owning

taxable property within said city agreeably to an ordinance, entitled an ordinance to provide for raising a revenue for the use of the city of St. Augustine for the year 1832, and the collection thereof, passed the 4th of Feb. 1832. [:]

On every hundred dollars in value of real estate, 25 cents, and when the value is under one hundred dollars, 12 1/2 cents.

On every slave between the ages of fifteen and fifty, 25 cents.

On every dray or cart kept for hire, 25 cents.

On every four wheel pleasure carriage, 25 cents.

On every dog, 25 cents.

On every person (other than transient traders) vending goods, wares or merchandise within said city, the following taxes, on amount of capital employed in trade, to wit:

On every hundred dollars, 10 cents,

On every sum less than one hundred dollars, 25 cents.

On every billiard table, 25 cents.

6. Be it further ordained by the authority aforesaid, That the amount of the taxes levied by this ordinance, shall be ascertained by the returns made to the city Treasurer as required by the 2d sec. of the said ordinance, of 4th Feb. 1832, where returns have been made and where no returns have been made, then by the assessment made by the said city treasurer agreeably to said 2d sect. of said last named ordinance. And the said taxes shall be deemed to accrue from the 1st day of Jan. last, and be payable on the 1st Monday in May next to the City Treasurer, and the same remedy for the collection thereof shall be had and used as is provided for the collection of the city revenue, by said ordinance of 4th Feb. 1832, and the same penalties and liabilities in cases of failure to pay said taxes at the time

aforesaid, shall attach and be enforced against all defaulters.

7. Be it further ordained by the authority aforesaid that the moneys collected and received under and by virtue of this ordinance shall be paid over to said Trustees by said city treasurer, under the direction of said city council.

8. Be it further ordained by the authority aforesaid that the trustees aforesaid are hereby requested to have the said school open and ready with one or more instructors for the reception of free white children of both sexes, of this city, on or before the 20th day of May next.

Passed 31st of March 1832.

John Gray, Jr. Mayor.

Test, Jos. S. Sanchez, Clerk.

The trustees appointed by the council in accordance with the ordinance were three of St. Augustine's most prominent citizens, Thomas Douglas, W. H. Simmons and G. W. Perpall (*Florida Herald*, May 17, 1832). The day designated for the opening of the school, May 20, was Sunday. We have no explanation for this, and it remains for surmise to picture religion as playing a part in the ceremonies.

Opposition

Opposition to the school developed at once. Communications, mostly against the school, poured in to the editor of the *Florida Herald*, who published a number of them. From these we view the antagonism as coming from people of considerable property, who were amply able and preferred sending their own children to private or pay schools and were therefore not disposed to pay the special taxes for the education of children of the poor—they were not philanthropic to that extent. To accomplish the downfall of the school, its opponents held a mass-meeting at the court house, when considerable feeling was displayed. They claimed that the city had

no legal right under its charter to levy special taxes for the support of a school; and further, that it was not a free school anyway, as only children of a tax-payer could attend, as provided under the first section of the ordinance creating it. Legal action was sought to prevent the collection of the school tax, which was later shown to be a legal prerogative under the city charter. The second claim about being a "free" school was only technical, for there was not a white resident of St. Augustine so poor that he could not get himself a dog, pay the 25 cent tax, and thereby become a "tax-payer" in the sense of permitting his children to enroll in the school.

The opposition, at times bitter, was finally successful, and the school, after nearly five months of operation, was ordered discontinued by the city council. Much of the bitterness concerning the school is reflected in the proclamation of the mayor announcing its demise. (From the *Florida Herald*) :

PROCLAMATION

Mayor's Office Oct. 17th, 1832.

In pursuance of a resolution of the City Council, I hereby make known to the citizens of St. Augustine, that the free school recently established in this city under and in virtue of the act of incorporation of the 4th of February 1831 [1832?] has been suspended. It is proper and perhaps expected by those who have both advocated and supported so useful and beneficial an institution to explain the motives and reasons which have induced the City Council to discontinue it. A charitable and benevolent feeling for those whose station in life rendered them unable to bestow upon their children the advantages of education, and an honest and thorough conviction of the important benefits that must necessarily result to the community from a measure effectually

calculated to improve the minds and morals of the young who are now springing up among us, and render them useful citizens, and virtuous members of society, induced the City Council to establish this school by taxation, as the only mode which could render it permanent. The plan was the only effectual one that could be suggested, and which is in general and practical operation in many parts of the United States, where hundreds and thousands of the youth of our country are enjoying and reaping the benefits of a good education on economical terms. Various objections were stated by certain persons to this institution at its first establishment, but obviously intended to cloak the real motives of their opposition, as we think that no reason offered by them can strike the mind of any reasonable being with any force whatever. Three competent persons were appointed to conduct the school, one female and two male instructors, to receive the three a sum not exceeding \$1100 per annum, and this raised by a tax in proportion to the amount of property owned by those subjected to it. But the small circle of opposition soon began to expand, until the most decided and inveterate hostility, threw every embarrassment that could be devised in the way, and resorted to every measure that could impede and finally annihilate the school, by refusing themselves to pay, and encouraging others also to resist the payment of the taxes necessary for its support. They have succeeded, and let the consequences rest with them. The school is ended-one hundred and twenty children are again turned adrift; those, whose parents can afford it, to continue their education in some other institution, but those whose parents are unable to assist them, to grow up in ignorance, and at some future day to curse in bitterness of heart those who have thus

contributed to their degradation and wretchedness. The City Council have discharged their duties-and though they have been compelled to submit to the opposition for the present, they are sustained by a conscious feeling that they have acted for the people's good. To those who have opposed them in this useful measure, they wish that time may bring no bitter reflection for the injury they have done to themselves and their unfortunate fellow creatures. Whilst they sincerely regret the condition of those who have been the victims of a selfish opposition, and trust that their suffering offspring will find a redress in the watchful care of a superintending providence.

Let those alone rejoice, who grudge to the children of the poor, the benefits of learning.

John Gray, Jr. Mayor

Test, Jos. S. Sanchez, Clerk.

From a communication in the *Florida Herald*, October 25, 1832, we have a glance at the operation of the school:

"Previous to the dismissal of the school, an examination of the scholars was held by the Trustees and Members of the Council, in the presence of several of the most respectable inhabitants of the city. The proficiency of the boys in the different branches taught at the school, in Reading, Parsing, Writing, Arithmetic, and Astronomy, excited the admiration of all present, and reflected the highest credit on the diligence and capacity of the scholars and the skill and attention of their teachers. The Council, indeed, were partly indebted to chance, for having been enabled to secure the services of a gentleman of such superior qualifications as a Teacher, as Mr. Whittle, the Head-Master of the Seminary, who appears to have been ably seconded

by the zeal, and diligent attention of his Assistant, Mr. Frazer.”

The opposition to the school seems to have been directed solely against the taxation imposed to support it. There is nothing in the controversy, as published, to indicate a spirit antagonistic to the education of the poorer class of whites, or even that of the negroes, as has been so often charged against the well-to-do of the South before the War Between the States. In fact, a school for negro children actually existed in St. Augustine at the time; this we learn from one of the communications published in the *Florida Herald* advocating the free public school :

“Even the mind of the African has been awakened to a sense of the value of Education Out of their slender means, the negroes of this place [St. Augustine] have contributed to maintain the humble school of Mr. Ashman, which numbered at one time, between twenty and thirty scholars, the greater part of whom were coloured children. Some of these were the children of slaves.”

THE SPRING GROVE GUARDS

by SAMUEL E. COBB

It was in the spring of 1835, a few months before the actual commencement of that long, harrassing conflict between the Indians of Florida and the whites. Pioneer settlers in Florida had been subject to sporadic attacks by the Indians for many months. A few lives had been lost but, at this time, the conflict between the Indians, who claimed prior possession of the country, and the whites, who claimed ownership under the treaties of 1823 and 1832 had hardly reached a state of warfare.

Occasionally the Indians would steal a few cattle. They had attacked lone white men or groups of whites. They were prone to petty thievery and violent reprisals against the white interlopers. For the most part, however, the two races were on relatively friendly terms with each other.

"It was customary for the Indians to leave the Seminole nation and go among the Inhabitants, but they evinced no unfriendly feeling towards the whites . . ." ¹ However, it was probably not without some apprehension of an impending conflict that a small group of settlers met "at Spring Grove at Hogtown", Alachua county, for the purpose of organizing a military company. The presence of armed forces of the United States government had lent a military atmosphere to life in the territory. The organization of a local militia unit offered the settlers an opportunity to feel that they were a part of this life; and too, it was an opportunity to gather at intervals from their isolated homesteads.

On that day at Spring Grove, young men from all parts of the surrounding country might have been

1. Florida territorial papers, Division of legislative archives. The National Archives. Washington.

seen riding to the meeting place designated by the man who was to become captain of the Spring Grove Guards. For such rallies were great events in the lives of these pioneers—occasions to gather with their families in wagons and buggies for a day of meeting and visiting.

Stephen V. Walker called the meeting, under the authority of an act of the legislative council of Florida approved January 29, 1835, to "raise and organize an independent uniformed company of mounted riflemen in Alachua County called the Spring Grove Guards."²

The company was "organized without any reference to Indian Hostilities,"³ but was obviously inspired by apprehension of the future conflict.

At that first meeting, it was decided that the company should meet once every month at Spring Grove "for parades and other duties."⁴ Commissioned officers were chosen by election and non-commissioned officers were appointed by the captain. Henry Hope, first lieutenant, and George Rawles, second lieutenant, were chosen to assist Captain Walker.

Although provision was made for one captain, one first lieutenant, one second lieutenant, two third lieutenants, five sergeants, four corporals and one hundred *privates*, it was stated by Lieutenant Rawles that "from fifty to sixty men joined the company From these the officers were chosen.

"The men were all mounted on good horses and each man was furnished with a gun & equipment Some 3 or 4 boys, belonged to the company whose ages were about 13 and 14 years.

"By direction of the captain some 15 or 20 men would go on scouts about once a week, remaining

2. *Ibid.*

3. *Ibid.*

4. *Ibid.*

out sometimes one & sometimes 3 days going sometimes 10 miles & sometimes farther." ⁵

A short time after the company was organized an event took place in which members of the guard, though not assigned to active duty at the time, were nevertheless actively engaged in a conflict with the enemy.

At a place called "Hickory Sink" a party of whites, estimated to have been six or eight, came upon as many Indians. The Indians were killing stock - stock owned and fed by the whites. The white citizens "under took to disarm" the Indians. A struggle ensued during which blows were apparently exchanged freely. One of the Indians fired on the whites. This immediately brought about a change in the tenor of the conflict and shots were exchanged by both sides. The Indians were routed, leaving one of their men dead on the field and carrying a wounded brave in their flight. Three of the white men were wounded during the skirmish.

Although this skirmish was not an organized one on the part of the Guards, "some of these men were at the time members of the Spring Grove Guards." They were not on duty at the time.

Captain Walker, upon learning of the fight, notified the Indian Agent, General Wiley Thompson at Fort King:

General Thompson

Sir,

There was several of my neighbors out in the woods the other day and was fired on by the Indians, and three of them badly wounded for which they ask satisfaction of you, you being the proper person, and if they cant get no other satisfaction, they are determined to take it of them, if they dont keep on the other side of the boundary line. We are going to start on a scout on the 25th inst for to cruise on the line, and if we find any that refuses to be taken, We shall deal with them as they deserve. My company consists of one hundred men, and there are about the same number from the upper county and elsewhere

5. *Ibid.*

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that volunteers their services for to take the rout. Please to send me an answer, and some advice on the subject, yours in haste

S V Walker

22nd June 1835

General Thompson replied the following day:

Seminole Agency
23rd June 1835

Capt. S. V. Walker

Sir,

Your letter of yesterday's date was handed to me this evening by Mr. Warren.

I regret the occurrence of the circumstance referred to by you, of which I had heard before the arrival of your express. I have made a demand on the nation for the Indians who committed the outrage. Tomorrow the Chiefs are to assemble here for the purpose of ordering the delivery of the depredation over to the civil authority. I have no doubt they will be given up. I am much pleased to learn that you with your company intend to scour the country on the Indian border in the direction which you indicate, as I have no doubt it will have a Salutory effect upon these Micasuky Indians; who are the most troublesome of any belonging to the nation; especially if the operations should be directed by prudence and proper discretions as I trust they will. You are aware of the delicate character of our relations with this people, and that all causeless irritation should be avoided. The outrage complained of is well calculated to excite indignation and alarm: but I do not consider it as evidence of a settled purpose of any considerable portion of these people to commence hostilities; and I trust that the results of the ensuing three or four days will evince the correctness of my opinion. I have to request therefore that, during your excursions, you will not cross the Indian boundary, nor permit any acts to be done which would tend to irritate the Indians, that can be reasonably avoided.

If you can extend your scouts to and beyond the suwaney river, it will enable you to accomplish the object of driving the Indians within their boundary.

Should you fall in with any, try to get possession of them without bloodshed-take their guns & Packs from them; and I think it will have a good effect to lodge them in a Gaol. The idea of a Gaol carries terror to the Indian's mind. Be so good as to keep a strict register of the Guns &c that may be taken, so that they may be turned over to this office and eventually returned to their owners.

Very respectfully
Your Hml Servt⁶
Wiley Thompson

6. Florida territorial papers, Division of legislative archives. The National Archives. Washington.

After this episode, Captain Walker organized a party of men from the ranks of the guard and "made several little examinations of the country." These scouting parties were organized on other occasions; with no regularity, but in order to keep the neighboring country patrolled.

A report of the activities of the Spring Grove Guards states that "it does not appear . . . that any Indians resisted the settlement after the affair at Hickory Sink."

Although the company was never formally disbanded its activities appear to have ceased by 1844.

In a report made by the board appointed to investigate the validity of post-war claims made by this company, which was signed by L. Thomas, Assistant Adjutant General, United States Army and George G. Waggaman, Captain, to the Hon. William Wilkins, Secretary of War, it was stated that "This was a company of mounted volunteers claiming Service from June 17th to November 28th 1835, a period of five months and twelve days, prior to the commencement of the Seminole War. It was called out by no competent authority ; performed no military service which can be regarded as such ; No necessity existed for its being in service. The evidence shews that in claiming pay for the services of this company fraud was attempted to be committed on the Government."⁷

Edmund Bird, first lieutenant made the following deposition in favor of the company:

. . . The company of Spring Grove Guards was called out by him [Capt. Walker] on the 17th day of June 1835, after the battle of Hickory Sink, and continued its scouts for the suppression of Indian depredations and hostilities, until the 28th day of

7. *Ibid.*

November 1835, when called into the Service of the United States; that its services were absolutely necessary to the safety of the citizens and their property.”

Although this company of militia appears to have been a loosely-knit organization, its members were inspired by patriotism as well as self-preservation and consisted of hardy pioneers with a common cause. That cause was to establish order in the Territory of Florida. One of its accomplishments is certain; that is that it stimulated an interest in military affairs and helped to unite the early settlers of Florida.

In presenting their claim for services to the United States government for suppressing Indian hostilities in Florida, former members of the Spring Grove Guards testified at Newnansville in January, 1844. Some of their names, with excerpts from their testimony are :

George Rawles, Alachua county, second lieutenant
Wounded at battle of Hickory Sink.

Henry Hope, Hernando county, private

At the time of organization “no regularly organized militia force [existed] in that part of the county” “they [the Indians] killed our cattle very often but never offered any hostility to the settlers ; they continued these depredations after the company was formed: on one occasion the white men took to flog the Indians for killing some cattle when a fight ensued, one Indian was killed and some white men were wounded.”

Robert Bevin, Alachua county, private

“Some of the Indians who had killed a cow.”

David C. Cash, Alachua county

“Resided in lower part of the county.”

Seaborn Garrason, Hernando county, private

Resided six miles from Hogtown.

"Scouts of nearly the whole company were sent out two or three times a week remaining out one day and going sometimes to a distance of fifteen miles."

Enoch T. Geiger, Alachua county

"I was never a member "of Spring Grove Guard" I resided about seven miles from Hogtown; I was present on several occasions when the Company was mustering; I have heard of the company going out in scouts, I do not know why these scouts were sent out . . . I frequently saw Indians in the settlement before the affair at Hickory Sink but they were always very friendly, I never saw any in the settlement after the skirmish."

Isaac Garrason, Hernando county, private

"I had a plantation two miles and a half distant."

James Hague, private

"Resided at that time in the Hog-Town settlement . . . about four miles from where the company mustered. At the time of the fight there were some friendly Indians at my house. To my knowledge nothing more was done by the Indians until the commencement of the War when they burnt some houses: I did some little service in this company but not much. We went sometimes on Scouts looking to see what the Indians were doing. I do not recollect of seeing an Indian when I was on these scouts, I was not regularly discharged from this company I do not recollect, when the company broke up."

Abraham Geiger, Alachua county, private

Resided "on the Sanfelan (?) hammock 2, 3 or 4 miles from Hogtown, not present at Hickory Sink-once went on a scout to hunt for Indians with twelve or fourteen men of the company

under the captain which lasted one day and examined the country seven or eight miles round."

Matthew Hindley, private, Alachua county

Was not present at organization-not at Hickory Sink.

Benjamin Mills, private, Alachua county

Went out with a party of men, 35 or 40, the day after Hickory Sink.

George Knight, private, Alachua county

"Twice went out with them with, as well as I recollect, about twenty men, remaining out a day each time, going about the distance of twenty miles."

Joshua Miller, private, Alachua county

Lived within half a mile of Spring Grove on a farm, and joined the company before the affair of Hickory Sink" . . . called upon on one occasion to go to Hatchet Creek where it was known there was a camp of Indians, to see what they were doing. My family being sick I did not go."

Samuel R. Piles, member, Alachua county

"I cannot say how long I was a member of the Company of Volunteers called the Spring Grove Guards I can only say it was a very short time, I know that I did not belong to it five months. My father Brother and uncle belonged to it all the time . . . I did not expect to be mustered into the service of the United States or to receive any pay for it. The Indians were frequently in my neighborhood but they did not do anything unless it was to steal occasionally."

Josiah Seckinger, private, Alachua county

"The place of meeting was bout three miles from my home, where I followed my business as a blacksmith . . . I sometimes attended the meet-

ings, about half the time. I never done another duty than to attend the parades . . . I do not know how the company was discharged but think it died away when hostilities commenced, at which time the people commenced raising volunteer companies."

Bennett M. Dell, Alachua county

Resided about two miles north of the town of Newnansville, Alachua county. "I felt satisfied that the Indians were determined on making mischief and so expressed myself to General Thompson, the Indian Agent at Fort King a month before the war commenced-I thought the Citizens should be on their guard."

Jesse Carter, Columbia county, scout

Remained with them one day.

David Higginbotham, Alachua county, private

Resided at that time on the side of Paynes Prairie 2 miles from place of rendezvous. The Company was discharged by being mustered into the service of the United States."

FLORIDA'S FIRST PUBLICITY CAMPAIGN

There were almost no settlers in the Spanish Floridas on their cession to Great Britain in 1763. Nearly all of the white inhabitants were in St. Augustine and Pensacola, and these were little more than garrison towns; but, coming into possession, the government in London began an effort at once to build up real colonies. In the *Mississippi Valley Historical Review*, the issue of December last, Professor Charles L. Mowat tells of this in his "The First Campaign of Publicity for Florida."

The effort began with a proclamation (printed in this *Quarterly*, the issue of April 1925, pp. 36-42) making a generous offer of grants of land to settlers both civilian and ex-service men-and the campaign was on. Knowledge of the country was meager, but this did not prevent the broadcasting of hopeful anticipations as facts.

As a beginning, Professor Mowat quotes from a manuscript among the Shelburne papers in which William Knox, a planter of Georgia and later under-secretary of state for American affairs, "compares Florida's soil and climate favorably to Carolina's and stated that the mulberry tree, cotton, and indigo were indigenous to the country. Cotton should, he thought, become the staple . . . and indigo might be raised more advantageously than in Carolina where it could be cut only twice a year as compared to four times in Florida. Moreover in the production of silk the earlier spring and the absence of frost gave Florida the advantage over Georgia. Knox also urged the cultivation of vineyards and the making of wine, and to ballast outgoing vessels he suggested the production of pitch, tar, turpentine, and live oak trees. Sugar might be raised As for settlers, the nature of the soil and climate suggested the Greeks and other Inhabitants of the

Archipeligo,' and particularly families from the British island of Minorca should be encouraged to come to Florida. This last suggestion was also made in a rare pamphlet signed by one Archibald Menzies . . . entitled *Proposal for Peopling his Majesty's Southern Colonies on the Continent of America* . . . and also made mention of Minorca. This suggestion was, of course, subsequently carried out in Dr. Turnbull's unique and ill-fated colony at New Smyrna.

"This was the day of the first real speculative boom in American lands. From St. John (Prince Edward Island) to Natchez promoters and land companies were busily scheming to acquire and subdivide small baronies or vast inland empires."

In West Florida there was a growing tide of settlement, but it must be remembered that none of this was in the present West Florida. Some settlers were drawn to the valleys of the Tombigbee and Alabama, and others to the Natchez district. The meager effort at Campbelltown near Pensacola was soon abandoned, and Welles on St. Andrews bay appears to have been little more than a name on the map. Though the capital was Pensacola it was soon learned that the better lands were much to the northwest.

The Privy Council in London made 227 individual grants of 2,856,000 acres in East Florida between 1764 and 1770, and only 199 of 2,108,000 acres in Nova Scotia, Quebec, New York, and West Florida combined ; but a decade or two later there was scarcely a settler on those millions of Florida acres.

"The present article" says Professor Mowat "attempts to show how a campaign of publicity, not as high powered, perhaps, as that of the twentieth century, yet for its day equally persuasive, directed the attention of the prospective proprietor or col-

onist to the peninsula of Florida. Nor were the promises made for the country entirely empty, though a century and a half were to pass before they approached fulfillment."

Governor Grant issued a proclamation stating the terms on which grants of land in the first instance of one hundred acres for the head of a family and fifty acres for each of the other members of the family, white or black, could be obtained on application to the council in St. Augustine. He "described the great salubrity of the climate and the longevity of the former inhabitants and referred to the fertility of the soil. Vegetables could be raised throughout the winter without any art; two crops of corn could be raised each year; indigo equal to the best in the French islands, flourished as a perennial and could be cut four times in the season; West Indian fruits, such as oranges, limes, and lemons could be grown ; mahogany and other good lumber was available in abundance ; all points were accessible by water. This proclamation had wide circulation throughout the American colonies and was reproduced in books and gazettes."

Research in official records and contemporaneous printed material has shown Professor Mowat that: "Meanwhile a more vigorous and prolonged campaign of publicity, unofficial or not more than semi-official, had got under way to remove the ignorance and prejudice which prevailed in England and America about the new province. The acquisition of Florida, in so far as it had been noticed, had had a poor reception in England, where it seemed a trifle compared with the surrender of Havana.

"Knowledge of the country's topography was as hazy as the geographical notions of British statesmen and commoners of the eighteenth century generally. *The Gentleman's Magazine* reproduced

maps of the region in 1755 and again in the November and December issues of 1763, but these were quite inadequate, and were in fact based on Henry Popple's map of the British empire, first made in 1732. *The American Gazeteer* was informative, as in addition to a description of St. Augustine, it praised the climate and natural products, especially vines, sassafras, Indian corn, mandioca, and cotton, and the possibilities of raising cattle and hogs.

"Much more helpful was a book produced specifically to give information on Florida. This was William Roberts' *Account of the First Discovery, and Natural History of Florida* . . . containing excellent maps. Roberts had not himself visited Florida, but as a professional writer summarized existing knowledge of the country. . . . He gave some account of the climate, soil, fauna and flora, topography, and Indian population. He declared that the soil would produce two or three crops of Indian corn a year, and suggested indigo and cochineal as some of the more valuable things which might be raised.

"A more ambitious work was Dr. William Stork's *Account of East Florida*, which appeared first in 1766. Stork, a botanist and a member of the Royal Society, had not, so far as can be ascertained, visited East Florida at the time of the book's publication, though the work was certainly an improvement on earlier productions. His account was later criticized as inaccurate in many details and based wholly on hearsay, and it was even alleged that he had been sent out by the government after the conclusion of the peace and so naturally exaggerated the blessings of the province. He did, however, visit East Florida later as the agent for various land grantees. . . ."

Stork gives a general description of the country with some detail especially in regard to the natural

productions and what they suggest economically—the various species of timber, “the indigenous orange,” and other introduced fruits; myrtle wax; barilla, the cochineal insect; the animals, birds and fish, oysters and turtles. He is generous in his descriptions, both of those and cultivated products—rice, cotton, silk, indigo, Indian corn and sugar. As Professor Mowat expresses it, “The province would be an ideal place for men of middling fortune who could not live comfortably in England.”

In its issue of January 1767 the *Gentleman's Magazine* came to the assistance of the government and the land speculators with “An Exhortation to Gentlemen of small Fortunes to settle in East Florida.” Professor Mowat suspects this was written by Dennis Rolle, who was already having difficulties with his project at settlement, or by Dr. Stork. There also appeared Rolle’s “Extract . . . and Proposals . . .” which will be described in an article on Rolle by Professor Mowat in the next issue of this *Quarterly*.

“In a second edition of 1766, and again in the third edition of 1769, Dr. Stork’s *Account* appeared in a revised form, and with significant addition. With the title *A Description of East Florida*, the 1769 edition had a number of minor alterations, and included De Brahm’s observations on the coast south of Musketo . . . and much of the journal kept by John Bartram of Philadelphia on his journey up the St. Johns in 1765-66.”

Dr. Mowat has unearthed a number of other contemporaneous descriptions of Florida, some of which—or perhaps all in some degree—stemmed from Stork and Roberts; Among these are *The Present State of the British Empire . . .* (London 1768) pp. 350-70; Wynne, *A General History of the British Empire in America* (London 1770) II, 318-

40; Rogers, *A Concise Account of North America* (London 1765) pp. 146-8. He says Cluny, *The American Traveller* (London 1769) is original but uninformative, describes Florida in great part as "a flat, sandy, and almost barren Desert."

Another, and anonymous, dissident was *Present State of Great Britain and North America. . .* (1767) "There seems little doubt that its author was John Mitchell, maker of the celebrated map of the British and French dominions in North America drawn in 1755; who writes of East Florida with its coasts low, marshy or scorched with burning sands, while inland were banks of sand, rocks, and with a few savannas, varied with swamps appropriately called 'dismals'. Epidemic fevers were common, and if St. Augustine was somewhat more healthful it was only because of winter frosts which, however, killed off sugar cane or any other tropical products. The sandy marshy soil made it impossible to produce wine and olive oil, silk, cotton, indigo, and cochineal, the main articles for which the region was supposed to be well suited. The fine St. John's River was nothing but a muddy canal, with less good land along it than perhaps any other river in the world. East Florida was, in fact, nothing more than the pine barren or sandy desert which it had first been called."

The truth lay, of course, as Bernard Romans held, between the exaggerations of Mitchell and of Dr. Stork-between the deficiencies pinned on the land by the one and the perfection claimed by the other. And this, doubtless, was the opinion of William Gerrard De Brahm who has given us the most comprehensive description of East Florida of that period. Though his work was unpublished it has become well-known from copies in the British Museum and in the library of Harvard University.

The important facts of the author's life and this monumental work of his are to be found in two articles in this *Quarterly*: Professor Mowat's "That 'Odd Being' De Brahm" (April, 1942; XX, 323-45); and in Carita Doggett Corse, "De Brahm's Report on East Florida, 1773" (January 1939; XVII, 219-26).

But private letters were, thinks Professor Mowat, doubtless of more effect than what was put into print; and he has brought to light many of these. Of first importance were letters from Governor Grant to acquaintances in South Carolina and Georgia, a number of whom came to settle in Florida. And he locates other letters, some from agents sent out by nonresident land owners.

Yet there was no influx of settlers, either to people any of the huge grants or to apply for small ones for themselves. Turnbull and Rolle made quite a showing at first, but the one had only temporary success and the other's was a mere flash in the pan. There were a few plantations along the St. Johns and the St. Marys and fewer near the coast south of St. Augustine. The population, including St. Augustine, was little more than three thousand with no sign of early growth.

Such was the result of the pull from the Florida end. Then came the push from without, and the stream of refugees shoved towards Florida from Carolina and Georgia. These needed no publicity - it was only propinquity with them, and their settling proved to be but a tarrying in Florida when another push scattered them in all directions.

FREDERICK DELIUS IN FLORIDA

Though music holds the largest share in the lives of only a few, it claims no negligible part in the everyday life of many—so why should it not have a place in our history.

One of the foremost of modern composers owes much to Florida and the St. Johns, for during a portion of the formative years of his musical growth Frederick Delius, in semi-solitude, and in study and training lived on the banks of our river.

The latest in the series of *Franco-American Pamphlets*, published by the American Society of the French Legion of Honor, is "The Music Master of Solano Grove" by Professor A. J. Hanna; which is largely an account of Delius's life in Florida and Florida's influence on the composer and on his work.

Even as a youth Frederick was one of those few who live largely in music; so his business-minded father sent him from his English home to far-away Florida to grow oranges and forget music.

It was in 1884 that the young Delius came to an old grove on the St. Johns, and here for three months he worked industriously with the oranges to please his father. Then music would no longer be denied, and he went to Jacksonville to buy a piano. "Here," says Professor Hanna "he met Thomas F. Ward, a music teacher from Brooklyn, and mutual interests brought the two men together; consequently, when Delius boarded the steamer for the return trip to Solano Grove, he was accompanied by Ward, and followed not by one but by two pianos Ward was one of those rare masters who are able to detect unusual talent and who are endowed with the ability to develop a pupil by firm disciplinary measures. With eagerness he gave the young genius the instruction and training he so clearly deserved.

The pupil was taught to respect the routine requisite for achievement, and so completely did he master it that even amid later distractions in Paris the habits acquired in the Florida woods remained; and Delius acknowledged that Ward's counter-point instruction was the only training from which he ever derived any benefit.

"Delius learned that harmony is derived from instinct, hence he made a tedious study of Negro melodies. He had a unique opportunity in Florida to confirm the theory that the musical heritage of American Negroes constitutes a significant contribution to the field of music. From every passing steamboat were wafted to Solano Grove strains of plantation songs. . . . Of even greater influence on the maturing genius," thinks Professor Hanna, "was the inspiration of nature on this American river 'It was here' said his sister 'that Delius found his soul'".

"After Ward's departure his inseparable companion was an old Negro who was kept tirelessly singing plantation melodies handed down from slavery days. . . . Now no longer supported by his father, young Delius started out on his own. For a time he supported himself by music in Jacksonville, Roanoke, and New York before returning to Europe where opportunity and recognition were to be his reward.

"Delius acknowledged his indebtedness to the influence of Solano Grove by giving the name 'Florida' to the first of his orchestral compositions. Appropriately, the first of his compositions to be printed, 'Zum Carnival' (1891) was dedicated to a Florida friend, William Jahn, Jr. and was printed by the small press of Alexander B. Campbell's music and print shop of Jacksonville. . . ."

The music world was long in giving Delius his

proper place, and Professor Hanna says : "Only within the last decade . . . has he come to be regarded as one of the great contemporary composers. . . . His 'Appalachia' has been described by Cecil Gray as one of the most surprising and original works of modern times . . . and Deems Taylor believes 'the warmth of his (Delius's) orchestral coloring is much more suggestive of Florida than of Yorkshire'."

Delius lived on the east bank of the St. Johns between Picolata and Tocoï, in a cottage which still stands, from March 1884 to August 1885. He came again in 1898 and remained for several months. His sister records that "He loved Florida and spoke of it with affection to the end."

More and more Floridians are coming to know of Delius and his life here. Some of his Florida letters, with the manuscripts of two of his unpublished songs, have been collected; a critical bibliography of writings relating to Delius has been compiled ;* and the cottage on the river has been secured for preservation as a Delius shrine.

* *Vid.* The Union Catalog of Floridiana at Rollins College. Fenby, *Delius as I Knew Him*; Frederick Delius by Clair Delius; and Heseltine, *Delius*.

THE FLORIDA HISTORICAL SOCIETY

The annual meeting of the Florida Historical Society will be held in St. Augustine on April 27. In normal times our members gather from many parts of the State; though few can come from a distance now, it is hoped that those will attend who live nearby.

THE COMMITTEE ON ARCHAEOLOGY

As is right and to be expected, active work of the Archaeology committee of the Society on the projects it has planned has been suspended because of the war. The bibliography of archaeology in Florida, begun under the direction of Professor Hanna, which has long been in preparation is ready ; but will not be published until the peace.

Yet much can be done now in spreading an interest in and more knowledge of our pre-history ; and the committee has for distribution on request reprints of a paper "Archaeological Needs for Florida" which Lieut. Frederick W. Sleight, U.S.N. contributed to *American Antiquity* (viii 387-391). Lieutenant Sleight, a member of the committee, carried out a site survey in the Ten Thousand Islands south of Key Marco in 1940 (Fla. Hist. Q. xx 107). Mrs. Doris Stone is chairman of the committee.

It was decided at the meeting of the directors of the Society in December that contributions of war bonds be asked from the members to create a fund for a permanent home for the Society and its library. As a beginning, President Wilson, Vice President May, and Mr. X. L. Pellicer have each purchased a bond in the name of the Society. Will you not follow their lead? The Society can never take its proper place as a public servant, nor carry out its work as it should be done, until we have a home of our own.

LIBRARIAN AND SECRETARY MARCHMAN

Our librarian, Watt P. Marchman, is now a staff sergeant somewhere in England; "where" he writes "history and tradition have a more prominent place in the lives of the people than in the States. I hope for an opportunity before I leave England to look into some of the historical sources pertaining to the British period in Florida's history."

His address has been changed to: S/Sgt. Watt P. Marchman, 218th Signal Depot Co., APO 519, c/o Postmaster, New York.

It was Librarian Marchman who, before he went into the service, proposed the war bond plan, with his "War bonds for building."

THE LIBRARY

There have been a number of accessions to our library since the last issue of the *Quarterly*, among which are the following, all of them donations from members and other friends:

Alachua Advocate, Gainesville, June 21, 1882. From W. A. Pratt, Lake Worth

Florida Slaves and Free Negroes in the Seminole War, 1835-42. (Reprinted from *The Journal of Negro History*. Oct. 1943). Kenneth W. Porter. From the author.

Palm Beach Post-Times, special edition (162 p.) Palm Beach county activities, attractions, industries, educational system, agricultural development, etc., etc. From Mrs. E. W. Lawson.

The First Campaign of Publicity for Florida, by Charles L. Mowat. Reprint from *Mississippi Valley Historical Review*. From the author.

De Bry's map of Florida 1594. (original) This is one of the earliest and rarest of all Florida maps. Presented by Rodney Sharp, of Boca Grande.

Fifty-two Years in Florida by John C. Ley. 1899. (A history of early Methodism in Florida.) Loan, through Professor A. J. Hanna.

D.A.R. scrapbook, presented by the Maria Jefferson Chapter, St. Augustine. Mostly newspaper clippings collected by chapter historians in Florida and made up by Mrs. David M. Wright, state historian. Historical notes of Bartow and Polk county, Ocala, Tampa, Sanford and Seminole county, St. Augustine, etc.

Newspaper letters of F. R. Stebbins. Presented by E. J. Stebbins. Descriptive of eight cruises on Indian river to Lake Worth, 1878-1888 ; waterways, settlements, fruits, shell mounds, etc.

"Royaliew, Florida. In Memoriam," by Anna G. Rossiter. Presented by the author. Early Mount Dora (Royaliew), recollections of first settlers, beginnings of schools, churches, etc.

A large number of public and university libraries throughout the country subscribe to the *Quarterly* and are preserving files. Recently, files as complete as possible (about three-fourths of all numbers issued) have been purchased by the library of Emory University, the Enoch Pratt Free Library of Baltimore, the libraries of Vanderbilt University and Louisiana State University.

LIBERTY SHIPS NAMED FOR FLORIDANS

Many of the Liberty cargo ships being built throughout the country are given the names of persons noteworthy in the history of the several states. The Florida Historical Society was asked to suggest names of such Floridians, and several months ago a committee of the Society with Professor A. J. Hanna as chairman suggested the following to the Maritime Commission:

Elizabeth Croom Bellamy
William Dunnington Bloxham
John Mercer Brooke
Napoleon Bonaparte Broward
Richard K. Call
Pedro Menendez de Aviles
William P. Duval
Henry M. Flagler
John Murray Forbes
Edmund Kirby Smith
William Wing Loring
Stephen Russell Mallory
Henry B. Plant
Jean Ribaut
Henry S. Sanford
Andrew Turnbull
David Levy Yulee

Of these the Commission has; somewhat illogically, used the following: Bellamy, Brooke, Broward, Call, Mallory, Forbes, Smith, Loring, Sanford, Turnbull. It is believed the others will be used later. Captain Frederick Tresca has recently been suggested.

Doubtless some of the members of the Society would like to make further suggestions, and such names may be sent to the present chairman of the committee, Vice president Philip S. May, 1106 Lynch Building, Jacksonville, who will be glad to have them, for the Commission has asked for more names.

CONTRIBUTORS TO THIS NUMBER

Dorothy Dodd, Florida State Archivist, received her master's degree from Florida State College for Women, and her doctor's degree from the University of Chicago. She has contributed numerous articles to this *Quarterly*.

T. Frederick Davis is the author of "History of Jacksonville" and has contributed many articles to us, including our special Ponce de Leon number.

Samuel E. Cobb is a native Floridian. He is a member of the staff of The National Archives.

