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CONTENTS

Zephaniah Kingsley, Nonconformist (1765-1843)

Philip S. May

The Flags of the State of Florida

Dorothy Dodd

Luciano de Herrera, Spanish Spy in British

St. Augustine

Katherine S. Lawson

Pioneer Florida:

The First Railroads

T. Frederick Davis

History and Archeology in Florida

John W. Griffin

The Confederate Cabinet

Jefferson Davis and His Cabinet

by Rembert W. Patrick

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Contributors

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ZEPHANIAH KINGSLEY, NONCONFORMIST
(1765-1843)

by **PHILIP S. MAY**

After extensive travels and successful commercial operations in the British Isles, Africa, the West Indies, and North and South America, Zephaniah Kingsley, at the age of thirty-eight, brought to Florida in 1803 his unusual menage and here lived out the remaining forty years of an active, colorful life. During this period while Florida was first a Spanish colony and then a territory of the United States, he had a prominent part in its commercial and political affairs.

His principal business activities had long been in the slave trade, and they continued to be. The salubrious climate and fertile soil of Florida offered a locale particularly suited to the carefully considered methods by which he carried on this unusual business. Spain was offering large inducements to colonists with slaves and money. It was then (1803) expected that the Congress of the United States, as soon as permitted under the constitution, would prohibit the importation of slaves. That expectation was made a reality by the Act of March 7, 1807. The historical background undoubtedly influenced Kingsley in the selection of his permanent home.

When the Floridas returned to Spain in 1783 there was a nearly complete exodus of the few English colonists and the many Tories who had fled there from the revolted colonies and made East Florida more populous and prosperous than it ever was as a Spanish colony. Spain had always looked upon Florida as a protective barrier for her vast colonies to the south, but being in her usual financial distress she was incapable of providing adequate forces for that protection.

The English agriculturists had demonstrated the productivity of the soil, and now the Spanish adopted the liberal colonization policy which had been successful for England in Florida, hoping thus to provide a barrier that would produce as well as protect. But instead of developing a colony of loyal subjects, peaceful and prosperous, she was inviting those who took the required oath of allegiance readily, in order to secure a rich bounty of land, but whose ultimate purpose was the annexation of Florida to the United States. These came in large numbers and soon were openly advocating, annexation.

But Spain's generosity with her Florida land also brought Zephaniah Kingsley, who hoped that Florida would ever remain a Spanish colony. Spanish territory would furnish a base from which slaves could easily be smuggled across an unsettled and unguarded border. This prospect, with the opportunity to obtain extensive areas of rich soil from a temporarily beneficent government as a base for his profitable slave trade, brought Kingsley just in time to fix his right to a grant of 3,300 acres under the liberal edict of 1790.¹

Little is known of Kingsley before he came to Florida. Though a careless and inconsistent speller - a not unusual fault of the period - his published and private writings demonstrate that he was well educated. A letter to his attorney, General Joseph M. Hernandez, was written, just a month before his death, in a firm, clear and legible handwriting.² Other scattered fragments of his private papers and accounts are extant in the public records. They manifest volubility in expression and exactitude in

-
1. American State Papers, Public Lands, Vol IV, p. 748.
 2. Record of Proceedings for Administration of Estate of Zephaniah Kingsley, County Judge's court, Duval county, Fla.

accounting. It is reasonable to assume that his private writings and records were voluminous. What became of them will probably always remain a mystery. His miscegenetic descendents who might have been desirous of preserving the memory of his career, were thwarted and defeated by laws designed to deprive them of their liberty and property and even forbade them residence in the land of their birth. It is probably due to the fact that one of his sisters was the grandmother of a distinguished artist that a meager record of his geneology has been preserved.³

In Bow Church, Cheapside, London, on September 29, 1763, Zephaniah Kingsley, the father of our subject, was married to Isabella Johnstone of Tweedside, Scotland. Eight children were born of this marriage. The first six of these were natives of Scotland and England. The seventh child, a daughter, was born in Charleston, South Carolina, in 1774, and the last, Martha, in New Jersey in 1775. This last daughter married a McNeill. Their daughter, Anna, married George Washington Whistler, and became the inspiration and model for the best known painting by her son, James McNeill Whistler.

The Kingsleys migrated from England to Charleston in 1773 where Zephaniah the elder became a prominent and successful merchant. The (Charleston) South Carolina Gazette of Monday, November 28, 1774, reported the arrival from London on the previous Tuesday of the Ship "Brittania" under command of Captain Samuel Ball, Jr., having on board seven cases of tea, subject to tax. Three cases were consigned to Mr. Zephaniah Kinstey (the name was so spelled in several Charleston news-

3. McNeil-Whistler genealogical records in possession of Mrs. George Couper Gibbs

paper articles of the period, though more frequently appearing as "Kingsley"). "The Committee of Observation summoned Capt. Ball who readily attended" and satisfied the committee that the objectionable part of the cargo was loaded without his knowledge. On Thursday, the newspaper reports an "oblation was made to Neptune." Each consignee having emptied into the river the contents of the chests intended for him.⁴

In the Act For The Confiscation of Estates adopted by the South Carolina Assembly February 26, 1782, Zephaniah Kingsley was banished from the colony and his estate confiscated because he was one of the "Petitioners to the British Commandant of Charles Town to be armed as loyal militia."⁵

ZEPHANIAH KINGSLEY

Zephaniah Kingsley, the second child, was born in Scotland December 4, 1765. The only other facts available about his life prior to his settlement in Spanish Florida in 1803 are gleaned from scant references in his published writings on sociology and political economy. From these, it is known that he operated extensively and successfully in the slave trade with Brazil and the West Indies. This was to continue as his major activity in his new home, where his desire to roam was vicariously gratified by frequent changes of the complexion of the government under which he lived.

Though unsympathetic with the traitorous schemes of other beneficiaries of Spain's liberality, he came near suffering the loss of the rich grant of land to which he was entitled. This right was immediately denied by Governor White because

4. *South Carolina Historical and Genealogical Magazine*, No. 3, p. 212, *et sequitur*

5. *South Carolina Historical and Genealogical Magazine*, No. 34, pp. 194-6

the edict of 1790 was recalled by him very shortly after Kingsley took the required oath, and before he had brought his retinue of slaves upon which the extent of the allotment was determined. But Kingsley finally established his right to the grant as is disclosed in the following certificate, made January 27, 1814, by Entralgo, Notary pro tem. of Government :

"In the most ample and proper manner, I certify and attest that, in various proceedings filed in the archives under my charge, it appears that Don Zephaniah Kingsley has introduced into this province, for the cultivation of lands, 74 negroes as his property, viz. 25 of them in the schooner Laurel, from the port of St. Thomas, the 5th of May, 1804 ; 10 ditto, the 25th of June, of the same year, in the schooner Laurel, alias Juanita, from Havana; 16 ditto in the sloop Fish (Pez) from Charleston, the 15th of July, 1806; 3 ditto in the schooner Esther, from the Havana, the 21st of October, 1806; and 10 ditto in the schooner Industry, from Georgia, the 9th of March, 1808."⁶

Not waiting for his claim to be allowed, the affluent settler went immediately about the acquisition by purchase of plantations and a residence. The latter he first established in St. Augustine, but this was soon changed, perhaps because of the critical attitude of the people of the town towards his unusual domestic establishment. He settled at Laurel Grove, the first property he acquired on becoming a citizen of Florida.⁷ There he lived until he moved for the last time to Fort George Island in 1813.⁸ Laurel Grove was situated on a high and beautiful bluff just to the south of the present town of Orange Park in Clay county. There is an excellent map of the plantation in the record of a case in the Supreme Court of the United States. (37 U. S. 476). In fact, virtually the only sources of information regarding Kingsley and his activities in Florida

6. Am. St. Papers, Public Lands, Vol. 4.

7. Am. St. Papers, Public Lands, Vol. 4, p. 440

8. Transcript of record in case of U. S. vs. Kingsley, 37 U. S. 476.

now extant, are found in records of the proceedings of the administration of his estate, various suits in which he and his executors were involved, and of instruments affecting the titles to lands which he owned.

In a brief period, Kingsley acquired many of the beauty spots along the lower St. Johns river and its environs. Some of the outstanding exceptions were already occupied by prosperous planters whose descendants still own the sites of the manor houses. Among the well-known sites which Kingsley owned and identified by their current names were Drayton's Island, in the northern end of Lake George; Ft. George Island; St. Johns Bluff; and San Jose and Beauclerc in Duval county. The latter plantation was left by his will to his nephew, Charles I. McNeill, who was a brother of Whistler's mother. It is to be assumed that the beauty of the locations he purchased was only an accompaniment to the productivity of the soil which attracted him.

Though primarily a slave trader, he engaged extensively in shipping to facilitate the importation of his stock, and in agriculture to furnish a training school for them. Thus he got the raw material in Africa (no doubt with the help of his primary father-in-law), and eventually delivered to his purchaser an artisan, profiting from the byproducts in the process.

Exercising discrimination in selection at the source, practicing the most considerate and effective methods and policies in their training, and providing for their pleasure and comfort with shrewd foresight, as well as for humanitarian reasons, he offered to the public slaves which were strong in mind, wind and limb. By this providential care, he was enabled to ask and receive an average of fifty per cent above the market for ordinary slaves. His

profits increased when a continuation of the traffic entailed smuggling these superior articles of commerce across a poorly guarded border to southern planters, always desirous of filling their quarters with Kingsley's "niggers," and indifferent to the legality of their introduction into the United States.

The complacency of the attitude of even the United States authorities is strikingly illustrated by the sequel to the capture of a shipload of three hundred and fifty slaves that Kingsley was seeking to land. The Coast Guard officer turned the Africans over to the only man accessible who was capable of caring for them, Zephaniah Kingsley himself; who immediately put them to work deepening and widening another channel for approach to Fort George Island, which was his principal training school and base.

He prospered in all of his activities, New crops and improved types of old ones were introduced into Florida by him. His efforts did much to develop the growing of citrus fruits and sea island cotton. During one year the produce of his plantations brought him approximately ten thousand dollars, an enormous return for those days in Florida. After his death, his executor collected \$77,322.00 from the Treasury of the United States⁹ for damages suffered to his property during the activities, of the Indians and the so-called Patriots, with whom the United States was indisputably and ingloriously connected. This was one of the many claims the payment of which was assumed by the United States under the 9th article of the treaty of February 22, 1819 by which Spain relinquished East and West Florida. A part of the property for which this claim was allowed

9. U. S. Senate Ex. Doc. 82, 33d Congress, 1st Session

was the home and establishment at Laurel Grove which were burned. It was a curious twist of fate that Kingsley's estate was thus enriched through the uprising of the Patriots in which he had a part-more, however, through pressure from his associates than from his own convictions.

HIS BELIEFS ON SLAVERY

Slavery to Kingsley was a beneficent system of society. In 1828 he published anonymously in its defense:

A treatise on the patriarchal, or co-operative system of society as it exists in some governments, and colonies in America, and in the United States, under the name of slavery, with its necessity and advantages.

By An Inhabitant of Florida

The work appears to have been well received. A second edition, acknowledged by the author, was published in 1829. A third edition followed in 1833, and a fourth in 1834. Originals of each of these editions are extant. They appear to have been privately printed.

He also wrote a lesser work under the title *The Rural Code of Haiti*, which was published in 1837. An original of this is in the library of American Antiquarian Society, Worcester, Massachusetts.

"Slavery," he says in the *Treatise*, "is a necessary state of control from which no condition of society can be perfectly free. The term is applicable to and fits all grades and conditions in almost every point of view, whether moral, physical, or political."

The preface of the second edition concludes:

"The idea of slavery, when associated with cruelty and injustice, is revolting to every philanthropic

mind; but when that idea is associated with justice, and benevolence, slavery, commonly so called, easily amalgamates with the ordinary conditions of life.

“To counteract the existing prejudice against slavery, by making it evident that the condition of slaves may be equally happy and more independent of the ordinary evils of life, than that of the common class of whites denominated free—that they are now equally, virtuous, moral and less corrupted than the ordinary class of laboring whites :—that their labor is far more productive—that they yield more support and benefit to the State; which, under a well regulated system of management, is better fitted to endure a state of war than it would be with an equal number of free white people of ordinary means and condition; and finally, that the slave or Patriarchal System of Society (so often commiserated as a subject of deep regret) which constitutes the bond of social compact of the Southern seaboard of the United States, is better adapted for strength, durability and independence, than any other state of society hitherto adopted. To endeavor to prove all this, and to destroy the prejudices existing against slavery, under the circumstances with which it is now associated in the South, is the object of the present essay ; dedicated to the people of Florida, and to political economists throughout the Southern States, by a votary of rational policy, and most respectfully,

their humble servant,
Z. Kingsley.”

The argument of the *Treatise* undertakes to demonstrate that the negro is ideally suited to agricultural activities in tropical countries which soon destroy the whites who undertake manual labor

there, and that the temperament of the negro renders him happier and more productive under rigid control.

At the end of this work he turned aside from the theme of his argument to justify his own strange way of life.

“The intermediate grades of color are not only healthy, but when condition, is favorable, they are improved in shape, strength and beauty, and susceptible of every amelioration. Daily experience shows that there is no natural antipathy between the castes on account of color; and it only requires to repeal laws as impolitic as they are unjust and unnatural ; which confound beauty, merit and condition in one state of infamy and degradation on account of complexion, and to leave nature to find out a safe and wholesome remedy for evils which, of all others, are now the most deplorable, because they are morally irreconcilable to the fundamental principles of happiness and self preservation.”

This doctrine he supported not only by precept but by examples-not in the secluded cabin of the dusky favorite, but in the master's bedrooms in the manor houses. The first wife in time and position was Anna Madgigene Jai, the daughter of the chief of a tribe supposedly located on the eastern coast of Africa. She came to Florida with him in 1803 and presided over his principal residence as his wife and its mistress until forced into exile to Haiti about 1835 with her children by laws of the territory inimical to the peace and prosperity of free people of color. From contemporary verbal descriptions of her physical characteristics it is evident that she was not a pure negroid, but probably of mixed Arabian descent. She was the mother of his favorite children, who were nurtured in luxury and given excellent European educations.

Following the traditions of the East, where he spent much of his early life, there were lesser wives and their progeny: Flora H. Kingsley, of Camp New Hope ; Sarah M. Kingsley and her mulatto son, Micanopy ;¹⁰ and Munsilna McGundo and her daughter, Fatima,¹¹ and probably others.

Death came to Kingsley in 1843. The critical attitude of the society in which he lived probably explains the brevity of his obituary, which first appeared in the St. Augustine News of September 30, 1843:

OBITUARY. At New York, on the 13th inst. Mr. Zephaniah Kingsley, of Duval County, East Florida, aged 78 years.

His death was duly registered in the city of New York.

The file of the proceedings for the administration of his estate in the Probate court for Duval county furnishes the most valuable source of material recording his activities in Florida. Under the laws of the territory of Florida the will was probated in what is now the Circuit court but when Florida became a state in 1845; the proceedings for the administration of his estate were transferred to the County Judge's court for Duval county. In the Jacksonville fire of May 3, 1901, all the records of the Circuit court were destroyed but those in the County Judge's court were deposited in a vault which protected them. To these circumstances is attributable the fact that the original will was destroyed but most of the records of the proceeds of the administration of the estate were preserved. A copy of the will appears in the record of the case of Broward vs. Kingsley (19 Fla. 722) in the Supreme Court of Florida.

10. Will of Zephaniah Kingsley. Copy in transcript of record of the case of Kingsley vs. Broward, 19 Fla. 722

11. Trust deed from Zephaniah Kingsley to George Kingsley dated July 20, 1831, recorded August 19, 1836 in Former Public Records of Duval county, Fla.

His will was bitterly contested by his collateral relatives, including Whistler's mother. The complaint was that it was against public policy to permit a man to give his wealth to progeny of miscegenation. The will was finally upheld and though the estate was considerably depleted by improvident administration, the natural heirs finally obtained a considerable amount of money in the distribution under the terms of his will.

In the will he touched upon several phases of his philosophy. His concern for the treatment which would be accorded his slaves appears in the ninth and tenth paragraphs :

"Should I leave any slaves, I earnestly recommend to my Executors not to separate the families by selling them individually without their consent, if to be avoided.

"It is my will and I do hereby authorize my Executors not to separate the families, but to allow to any of my slaves the privilege of purchasing their freedom at one-half the price of their valuation, on consideration of their migrating to Hayti, if they cannot be allowed to stay as free in this Territory."

His attitude towards conventional religion is displayed in the eighth paragraph:

"I do hereby order and direct, that whenever I may happen to die, that my body be buried in the nearest, most convenient place without any religious ceremony whatever, and that it may be excused from the usual indiscreet formalities and parade of washing, dressing, etc., or exposure in any way, but removed just as it died to the common burying ground."

From information furnished by his previously mentioned death certificate, we find that these wishes were not respected. The body was turned over to

an undertaker and was buried in a Quaker cemetery in the city of New York.

The solicitude he felt for the anomalous position in society occupied by his families is set forth in the eleventh paragraph:

"I do hereby appoint Kingsley B. Gibbs, George Kingsley and Benjamin A. Putnam, as Guardians to my infant natural children, amongst whom I acknowledge all of those of Flora H. Kingsley of Camp New Hope, also Sara Murphy's mulatto child Micanopy now in Hayti. I do also solemnly enjoin my colored and natural children, that seeing the illiberal and inequitable laws of this Territory will not afford to them and to their children that protection and justice, which is due in civilized society to every human being; Always to keep by them a Will, ready made and legally executed, directing the disposal of their property, after their death until they can remove themselves and properties to some land of liberty and equal rights, where the conditions of society are governed by some law less absurd than that of color. This I strongly recommend, nor do I know in what light the law may consider my acknowledged wife, Anna Madgigene. Jai, as our connubial relations took place in a foreign land, where our marriage was celebrated and solemnized by her native African custom although never celebrated according to the forms of Christian usage; yet she has always been respected as my wife and as such I acknowledge her, nor do I think that her truth, honor, integrity, moral conduct or good sense will lose in comparison with anyone."

To escape the severe laws of the Territory of Florida relating to free people of color, about 1835 Kingsley established Anna Madgigene Jai and her children, together with some of his lesser wives and their children, in Hayti. He was on his way

there to visit them when he died in New York.

Following the end of the War for Southern Independence, Anna Madgigene Jai returned to Duval county where she continued to reside until she died some time prior to June 18, 1870, when her will was probated in the County Judge's court for Duval county. The principal beneficiary under her will was Martha Baxter, a daughter of Zephaniah and Anna, who had married a white man, as did also their daughter Mary Sammis. The latter predeceased her mother. Anna had filed a claim against the United States founded on the depredations following the uprising of the Patriots in 1813. It was curiously listed in the United States Senate report on these claims in the name of "Madgigire, Ann, alias A. Kingsley." It was not allowed.

However and with what reason his principles of sociology may be condemned, his courageous loyalty to them inspires admiration. Another distinguished and contemporaneous disciple of these principles was George J. F. Clarke who took an even more important part in each stage of the public affairs of Northeast Florida during that period.¹²

Kingsley prospered not because of the soundness of his theories, but because he was one of those rare individuals whose unusual courage, vision, intelligence, adaptability and industry would have also made him a leader under any other conditions.

Though he did great and continuing violence to the conventions of a society more critical than that of the present day, his talents were recognized by four different governmental authorities under whose dominion he lived in Florida.

Finally, he was selected by the President of the United States to serve as a member of the second Legislative Council of the Territory of Florida. By

12. See *Florida Historical Quarterly*, XXI. 197 (Jan. 1943)

ZEPHANIAH KINGSLEY, NONCONFORMIST 159

the act of Congress creating the territory it was provided that the Legislative Council should consist of "the Governor and 13 of the most fit and discreet persons of the territory," so Kingsley apparently was of that category.

THE FLAGS OF THE STATE OF FLORIDA

by DOROTHY DODD

The first flag of the State of Florida was flown for the first and, so far as is known, for the last time on June 25, 1845. The raising of the state and national banners, closing the ceremonies marking the inauguration of William D. Moseley as first governor of the State of Florida, on the east portico of the recently completed capitol, was accompanied by a twenty-eight-gun salute. The band then played "Yankee Doodle."¹

The flag, not officially adopted, had been prepared by a number of citizens of Tallahassee, with the sanction of Governor Moseley. It was described as follows by the *Floridian* of June 28, 1845: "The Colors display as their Union the flag of the United States—the glorious stripes and stars"² - and are composed of five horizontal stripes—the first *Blue*, - second *Orange* - third *Red* - fourth *White* - fifth *Green*. On the centre of the second stripe is a white scroll, on which is inscribed the motto—*Let us alone.*"³

No one seems to have objected to the rather bizarre color combination, but the motto raised a furor. The Whigs charged that "Let us alone" was a party motto, "now about being foisted upon this State" by the Democrats.⁴ The *Floridian*, a Demo-

1. *Florida Sentinel*, July 1, 1845.

2. There were twenty-six stars at that time. The twenty-seventh star, for Florida, was added on July 4, 1845.

3. Quoted *ibid.* According to T. Frederick Davis, "Pioneer Florida: Admission to Statehood, 1845," *Florida Historical Quarterly*, XXII (Jan. 1944), 137, contemporary accounts varied as to the sequence of colors in the flag. "The editor of the *Star* (Tallahassee) suggested they were intended to represent youth, energy, purity, etc."

4. *Florida Sentinel*, July 1, 1845.

cratic organ, seeking to refute this, claimed that it was "the substance of the answer of the French manufacturers of Lyons, to the French minister of Finance (Colbert), when he asked what they wished the Government to do for them."⁵ To which the Whig *Sentinel* rejoined, if its origin was sought it would be found to be "the frantic exclamation of an 'unclean spirit' to our Saviour." (Mark 1:24.)⁶

On the morning of the inauguration, James E. Broome, chairman of the citizens' committee of arrangements for the ceremonies, had presented the flag to the governor elect and the joint legislative committee on the inauguration. This committee promptly introduced, a resolution in both houses providing, "That the Colors now presented be the Colors of the State of Florida, till changed by law, and that the same be placed over the Speaker's chair of the House of Representatives."⁷ The House at once adopted the resolution, as well as a resolution of thanks "to the patriotic citizens of Tallahassee for the present of a stand of colors for the State of Florida."⁸

But the Whigs in the Senate, though in the minority, succeeded in having consideration of the resolution deferred from day to day. On June 27, R. B. Haughton, "after briefly stating his objections to the motto, appealed to the liberality of the majority for further time, in order to propose a substitute." George S. Hawkins replied "that there was no disposition to press the matter too urgently; but if it was procrastinated, the gentleman should obligate himself to show a better. Mr. Haughton

5. Quoted *ibid.*

6. *Ibid.*, July 15, 1845.

7. Florida Senate, *Journal*, 1845, p. 8; Florida House of Representatives, *Journal*, 1845, p. 10.

8. *Ibid.*, p. 11.

thought this could easily be done and he would undertake it."⁹

The resolution was again debated on July 2, when a number of devices were suggested. When Haughton proposed "a magnolia with a rattlesnake entwined around its trunk, with an English motto which we (the editor of the *Sentinel*) have forgotten," Hawkins approved the device but suggested "Let us alone" as an appropriate motto. Among other suggestions were, "A single Live Oak, with the motto, '*Robore, sicut fronde perennis,*' - in strength as in verdure perpetual," and "a Live Oak upon a craggy beach, against which the surfs of a raging sea are beating, and in the distance a view of the tempestuous ocean, with the motto, 'The same in sunshine as in storm.'" ¹⁰ No agreement being reached, the resolution was referred to a select committee, which failed to make a report on it.

At the adjourned session, which began in November, the Senate, by a vote of 8 to 5, "consented to and adopted" the flag and its motto "as the Flag of the State of Florida."¹¹ The Senate's action was embodied in a Senate resolution, whereas the House's approval had been expressed in a joint resolution. "Therefore," the *Florida Sentinel* pointed out, although both houses have passed upon this motto, and approved it, yet for want of attention to the matter of form, it has not been legally adopted, and is *not* the motto of the State."¹² Whether legally adopted or not, presumably the flag thereafter gathered dust over the speaker's chair, for we hear no more of it.

In any event, this flag was hardly appropriate as

9. *Florida Sentinel*, July 1, 1845.

10. *Ibid.*, July 8, 1845.

11. Florida Senate, *Journal*, 1845 adj. sess., pp 170, 199, 200.

12. *Florida Sentinel*, Jan. 6, 1846.

an emblem for the "independent nation" of Florida of 1861, for it bore as its union the stars and stripes of the Union of States from which Florida seceded. On November 30, 1860, the day on which Governor Madison S. Perry signed the act calling the secession Convention, George W. Call, who had introduced it, introduced a bill to provide for a state uniform and flag.¹³ The warlike implications of the measure were unmistakable, and four senators voted against its passage on December 1.¹⁴ As both houses adjourned on that day to await the action of the Convention, the bill was not considered in the House until after the state had seceded.

Unofficial Flags of 1861

Unofficial "secession flags" were flying in many parts of Florida even before formal action had been completed to summon the Convention.¹⁵ The emotional tension incident to Florida's withdrawal from the Union and her brief period of "nationhood," before she became a member of the southern Confederacy, demanded banners. At least three semi-official flags figured in ceremonies during this time.

Anticipating secession, the "Ladies of Broward's Neck," in Duval county, presented to Governor Perry, "through one of their number (Miss Helen Broward) . . . a flag with such devices as they deem appropriate to the Occasion, which they hope will meet with the approbation of his Excellency, the Governor Elect, and th[e] State Convention soon to assemble at the Capitol."¹⁶ In acknowledging "the receipt of the beautiful States Rights flag," Governor Perry wrote: "It is indeed appropriate

13. Florida Senate, *Journal*, 1860, p. 42.

14. *Ibid.*, p. 60.

15. *National Intelligencer*, Dec. 1, 1860.

16. The Ladies of Broward's Neck to M. S. Perry, Dec. 28, 1860. John C. McGehee MSS, privately owned.

to the occasion which has induced its presentation; and you have only anticipated by a few days, the proud position of our beloved commonwealth by placing Florida under the symbol of a bright and effulgent star by the side of South Carolina on a field of azure which I devoutly pray God may fitly represent the future serenity and cloudless sky of Southern nationality. If however the black cloud of war should arise upon our horizon and overspread our political sky, I shall . . . commit the flag you have sent to the gallant youth of our State with the assured confidence that they will . . . nobly vindicate the truth of the patriotic motto which your fair hands have inscribed upon its folds 'The rights of the South at all hazards' In the pressure of grave official duty I have only time to add that the flag presented will be unfurled on all fitting occasions which may present themselves in the progress of the important and interesting events which are now daily transpiring." ¹⁷

A "fitting occasion," and, indeed, the one for which the flag had been designed, occurred on January 11, 1861, when the Ordinance of Secession was signed on the east portico of the capitol. After the members of the Convention had affixed their signatures to the document, and a fifteen-gun salute had greeted the birth of the new "nation," Governor-elect John Milton, officiating in the absence of Governor Perry, who was indisposed, presented the flag to the Convention and to the people on behalf of the "Ladies of Broward's Neck." ¹⁸

Governor Perry's letter of acknowledgement,

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17. M. S. Perry to The Ladies of Broward's Neck, Jan. 5, 1861. McGehee MSS.
18. *Journal of the Proceedings of the Convention of the People of Florida Begun . . . January 3, A. D. 1861* (Tallahassee: Dyke & Carlisle, 1861), p. 40; William Watson Davis, *Civil War and Reconstruction in Florida* (New York: Columbia University Press, 1913), p. 67.

quoted above, indicates the design of the flag to have been two stars on an azure field, with the motto, "The rights of the South at all hazards." William Watson Davis, however, describes it as "a white silk flag bearing three blue stars . . . for Florida, Mississippi, and South Carolina, the states which had quit the Union."¹⁹ The seeming discrepancy in these statements is resolved by a description of the flag, now displayed in the Florida Room of the Confederate Museum in Richmond, furnished through the courtesy of India W. Thomas, House Regent.²⁰ The flag, seven feet two inches wide and four feet four inches deep, is of white silk with a dark blue silk fringe. Across the top, painted in black letters, is the motto, "The Rights of the South at All Hazards." On the right side are seven horizontal stripes, alternate red and blue. In the center is a circle of pale blue, two and three-fourths feet in diameter, which contains three large stars, outlined in blue with red points and white centers, forming an inverted pyramid. In the centers of these stars are the letters SC, F, and M. Along the lower arc of the circle are twelve smaller pale blue stars.²¹

19. *Ibid.*

20. Letter to Julien C. Yonge, December 8, 1944. The present location of the flag was ascertained through an unpublished address made by Mrs. Nicholas Ware Eppes in 1912 to Anna Jackson Chapter, United Daughters of the Confederacy, a typed copy of which is in the P. K. Yonge Library of Florida History, University of Florida. The occasion of the address was the return of the flag, which had been taken from the capitol by a Union soldier during Reconstruction, through the kindness of Mrs. A. P. Hassan, of New York. A notation states that Anna Jackson Chapter gave the flag to the State of Florida in 1914 and that in 1917 the State placed it in the Confederate Museum.
21. The third large star must have been added in Tallahassee when word was received of Mississippi's secession on January 9. The twelve smaller stars undoubtedly stood for the states that were expected to secede, including the border states of Missouri, Kentucky, and Maryland. Mississippi is therefore represented by both a large and a small star.

News of the passage of the secession ordinance reached St. Augustine on January 12. According to the *St. Augustine Examiner*,²² "the report was communicated almost instantly to the entire population, and there was exhibited a scene of intense excitement never before witnessed by us. In approbation of the result, all the bells of the City echoed in loud, long and continuous peals the feelings of a rejoicing public." Later in the day public ceremonies were held in the Plaza, where military companies from Jacksonville and St. Augustine, "handsomely uniformed and effectually equipped for any emergency," formed in front of a recently erected flagstaff. After an address by Judge Benjamin A. Putnam, "the national flag of Florida, wrought by the fair hands of some of our patriotic ladies - whom may God forever bless - rose beautifully amidst deafening cheers and saluting discharges of artillery and small arms, and as it reached the top of the staff unfolded gracefully and expanded to a favoring breeze, bearing on its ground the cherished Palmetto with an Eagle resting on a globe and holding in its mouth the State's motto, *Let us alone.*' "

On the same day, January 12, Captain James Armstrong surrendered the Navy Yard at Pensacola to the State of Florida at the demand of Captain V. M. Randolph and Richard L. Campbell, commissioners appointed by Governor Perry for the purpose.²³ The Union flag was hauled down and, the next day, Sunday, January 13, "a dingy white flag" was hoisted which "looked like an old signal flag with a star put on it."²⁴ Colonel William H.

22. Jan. 19, 1861.

23. *Official Records of the Union and Confederate Navies*, Series I, vol. 4, pp. 17, 18.

24. *Ibid.*, p. 28.

Chase, commanding the Florida troops, immediately took steps to replace this obvious makeshift with a more suitable flag. By General Order No. 3, issued January 13, he required a flag, whose design he prescribed, to be displayed at the Navy Yard, forts, barracks, and hospital in possession of state troops. "Until otherwise ordained by the people of Florida assembled in convention," the order read, "the emblems of the flag will be thirteen stripes, alternate red and white, commencing with the red, a blue field, with a large white star in the center."²⁵ On January 14, the commander of the U. S. S. *Wyandotte*, lying in Pensacola harbor, noted in his log, "Florida forces hoisted the American flag with lone star."²⁶ Chase's order required that the flag, when hoisted for the first time, be saluted with thirteen guns.²⁷

The Official Flag of 1861

Not until February 1, 1861, did the House of Representatives unanimously pass the Senate-approved bill to provide a state uniform and flag.²⁸ The act, approved February 8, directed the governor, "by and with the consent of his staff," to adopt "an appropriate device for a State flag, which shall be distinctive in character."²⁹ Six months later, on September 13, 1861, Governor Perry had the secretary of state record the description of the flag adopted in compliance with this act. The flag is described as follows:

"The one half of the Flag next to the Staff is blue: the other half has alternately one red, one white, one red stripe. Each stripe (three in all) of

25. *Ibid.*, pp. 58, 59.

26. *Ibid.*, p. 210.

27. *Ibid.*, p. 58.

28. Florida House of Representatives, *Journal*, 1860, p. 232.

29. Florida *Acts*, 1860, ch. 1131, sec. 4.

equal width and perpendicular to the staff. (The stripes are the same as the Confederate stripes,³⁰ only they form one half the Flag). On the blue ground, and occupying somewhat more than one half of it is an elliptical band (the axis of the ellipse in the proportion of fifteen to thirteen, the longitudinal axis parallel with the Flag Staff) bearing superiorily 'In God is our Trust'-Inferiorily-'Florida' - making as it were a frame for the Shield. In the centre of the ellipse is a single strong Live Oak Tree. Beyond it is seen the Gulf of Mexico, with vessels in the distance. In front of and near the foot of the Oak is a piece of Field Artillery. Beyond the gun, and resting against the boll of the Oak, is seen a stand of six colors-the Confederate and State Flags, to the front. To the left of the Fieldpiece are Four Muskets stacked. To the right and near, balls piled, and a drum."³¹

Governor Perry added, "The Flag has been deposited in the Executive Chamber." Whether it was ever raised over the capitol or in the field does not appear from the records we have.

The Flag of 1868

The carpetbag constitutional Convention of 1868 was the first such body that saw fit to make constitutional provision for a state flag. The constitution of 1868 provided that the Legislature should, as soon as convenient, "adopt a State Emblem having the design of the Great Seal of the State impressed upon a white ground of six feet six inches fly and six feet deep."³² The Constitution further directed the Legislature, at its first session,

30. The "Stars and Bars," adopted March 4, 1861, remained the national flag of the Confederacy until May 1, 1863.

31. Florida Secretary of State, MS Record Book, 1845-65, p. 377.

32. Florida Constitution, 1868, Art. XVI, sec. 31.

to adopt a seal for the state; of the size of the American silver dollar.³³

In compliance with this mandate, the Legislature, by the Joint Resolution of August 6, 1868, adopted as the great seal of the State of Florida, "A seal, of the size of the American silver dollar, having in the centre thereof a view of the sun's rays over a highland in the distance, a cocoa tree, a steamboat on water, and an Indian female scattering flowers in the foreground, encircled by the words: 'Great Seal of the State of Florida: In God we Trust.'"³⁴ As this completed the design of the flag, the Legislature took no further action concerning a state emblem.

The Constitution of 1885 retained the flag and seal adopted in 1868.³⁵ By a joint resolution passed in 1899 and ratified in 1900, however, diagonal red bars were added and proportional dimensions were prescribed to make the flag as we know it today. Its formal description is as follows:

"The State Flag shall be of the following proportions and description: Depth to be three-fourths length of fly. The Seal of the State, of diameter one-third the fly, in the center of a white ground. Red bars, in width one-eighth the length of fly, extending from each corner toward the center, to the outer rim of the Seal."³⁶

33. *Ibid.*, sec. 20.

34. James F. McClellan, *A Digest of the Laws of the State of Florida*, (Tallahassee, 1881), p. 931.

35. Florida Constitution, 1885, Art. XVI, sec. 12.

36. *Ibid.*, as amended in 1900.

LUCIANO DE HERRERA, SPANISH SPY IN
BRITISH ST. AUGUSTINE

by KATHERINE S. LAWSON

When Governor Melchor Feliu closed the extensive and complicated operation of evacuating Spanish residents from St. Augustine on February 5, 1764, he reported that in order to provide for looking after certain properties of the king, and to dispose of many horses running in the woods, he had left seven soldiers and an interpreter there. One of these was a militiaman, Luciano de Herrera,¹ whose family had long been resident in the colony.

In the case of Herrera there was evidently another purpose than the ostensible one, as is revealed in his correspondence with "your Excellency" of Havana during the succeeding years, copies of which are now in the library of the St. Augustine Historical Society. Evidence of Herrera's standing is a letter he wrote in 1771 asking for introductions to persons in Spain who would be of assistance when he should arrive in Cadiz with Jesse Fish and John Gordon who would petition the king to validate purchases they had made of St. Augustine properties, Governor Grant having refused to recognize such sales.

Translations of portions of the correspondence mentioned follow :

Havana 3rd October 1776-
To Don Luciano de Herrera.

My Dear Sir :-With the motive, from having seen some letters of the 16th and 30th of last July to

1. The others were : Mounted dragoons Antonio de Leon, Sebastian Espinosa and Manuel Solano; infantrymen Francisco Canto and Pablo de Aguilar ; and militiaman Francisco Salgado. The interpreter was Josef de Almo.

this Lord Bishop communicating news of the occurrences in those Colonies, I have resolved to pray that you will inform me of whatever news has occurred since then.

The love which you have shown to your nation in those Letters and the security you can have in pleasing me make me expect that you will reply with entire fidelity, and the necessary caution to this confidence.

The points on which we have the greatest curiosity and which we most desire to know are; how many embarkations and of what weight more or less does England maintain in these seas, and in what destinations are they found; how many troops have they disembarked and in what places are they stationed.

Likewise we will be interested in news of the clashes and encounters which the European troops have with the Americans and the advantages which each party derives from them, as well as the enterprises they propose. But what will be principally longed for is an indication of the present stopping place of a Merchant Parquet Boat that went out from this port the 4th of May last; they call her the Santa Barbara, and her captain Don Rafael Gonzales; her destination was to buy flour and negroes for the General Contract and should for this end be going to the Island of Dominica but we have some vague notices that having experienced bad weather in the navigation she arrived at one of those Colonies and it is believed with some certainty that it was Philadelphia.

In this Pacquet Boat Don Miguel Eduardo makes the voyage charged by the Asiento to conduct the negotiations of Flour and negroes.

I request you then to procure the knowledge cleverly if the referred to Pacquet Boat is in Phila-

delphia, or at least if Don Miguel Eduardo is to be found in that city, because his family here are very anxious and I charge you that this investigation be made with all ardor and diligence but without occasioning the least suspicion. If it becomes necessary for you to send some person of confidence to Philadelphia for this investigation you may do it with knowledge that with notice of the expense incurred I will reimburse you promptly and even reward you if the result may be favorable.

It may be, by the hand of the person you send to Philadelphia or by some other conveyance that you judge safe, you will be able to send as soon as possible to that City the enclosed letter and arrange that the reply be returned, with the understanding that it will go open as you find it as it does not contain anything more than a question if the location of the Pacquet Boat and of Don Eduardo is known.

The Master, Miguel Josef Chapuz, with pretext of going fishing will go out of this port and enter that, to put this letter in your hands and by the same I will hope for reply with all the news you wish to communicate to me and also the advice if I will be able to send the same Master or another, and at what time, more or less, that the results of the errands you will perform may come to the conclusion of locating the Pacquet Boat Santa Barbara referred to.

If you should succeed in understanding that the Arms of England now employed in those Colonies intend any enterprise against the Dominions of Our Sovereign, I do not doubt that your loyalty will oblige you to make the greatest efforts to communicate the advice to me with all possible precaution by whatever means for I promise you that

this esteemed service will not remain without recompense.

You cannot fail to know the confidence and secrecy which my correspondence requires. The safest way is to burn letters of the nature of this after they have been read, yourself remaining in necessary cases with some reminding words quickly written so that in any event they cannot give room for suspicion.

If you receive reliable news of Don Miguel Eduardo or should receive a reply to the letter enclosed which goes to Willing, Morris and Company and there is delay in any boat of ours arriving there, I will esteem it if, it being possible, you will despatch an English boat with whatever other pretext to this Port with the understanding that I will have paid here what you may stipulate for the voyage. May God guard you &c.

(unsigned)

Havana, 6 of October, 1776--
To Don Luciano de Herrera.

My Dear Sir:-As a sign of how I have esteemed the news you have communicated to the Lord Bishop and to reward those you will be pleased to send me in the future, I am sending you by the Patron Josef Chapuz a Barrel of Malaga Wine, two earthen jugs of oil, three Jars of Sweets of "Limon-sillos," three boxes of Guava and six sombreros of palm leaf which I have been told are esteemed in that country.

You will receive this friendly gift as a proof of my affection and believe that I will serve you with pleasure in anything which may offer. God guard you.

(unsigned)

In the Archivo General de Indias at Seville (Papeles de Cuba, legado 1227) there are numerous dated items of information regarding British ships, troops, their locations and numbers, clashes between Colonials and British, arrival of French ships with aid for the Americans, the battles of White Plains, Staten Island, New York City, Long Island; and a quantity of other information that must have supplied all the news "His Excellency" needed concerning the conflict along the Atlantic coast and the possibility of attacks on St. Augustine and the Musquito river section. Plainly Herrera wasn't restrained in his movements and correspondence because of his Spanish origin, and he proved a perfect news source for the Spanish governor. But it was not until March 21, 1777, that Herrera writes:

Most Excellent Sir: At this time I have just been informed by a man who comes from Bermuda who says that he was one of the mariners of the Pacquet Boat Santa Barbara; that in the month of June in front of the Bar of Philadelphia they were taken by an English frigate which took all the money from them that they had and afterward ordered them to Virginia where they were about two months and after that they were ordered to Bermuda where he left the said Pacquet Boat, which was ready to go out the beginning of September for Guarico, that Senor Don Miguel Eduardo and her captain remain in good health from which I hope Your Excellency will have had the pleasure to see them in that city.

There are here several French and Italians who speak English and also Spanish, one of them has said that a Spaniard had informed him that the Schooner Espanola had come only to know the news and that for the voyage it had insurance of 200 pesos.

LUCIANO DE HERRERA, SPANISH SPY

175

I feel that the English have suspicion of me, for which I pray Your Excellency will charge the greatest care in talking if you should arrange to send any Spaniard here.

It is certain that I have in this city a father who in the service of His Majesty spent all his youth in this presidio and as he can no longer work I pray your clemency and that it will be decided to send him something that he may not lack a piece of bread and for which charity I will always give thanks to Your Excellency.

The poor people of Mosquitos pass through many necessities, even nakedness occasioned because the Patron [Turnbull] went to London eleven months ago and has not returned or ordered clothing, and I am of the opinion that the Americans have taken it.

In the interim I remain with all respect anxious for occasions to arrive in which I can prove my obedience to the service of Your Excellency whose life may our Lord guard for many and happy years. St. Augustine, March 21, 1777 - I kiss the hand of Your Excellency and with all respect I am your most obedient and most humble servant.

Luciano de Herrera [rubric].

Most excellent Sir :

The 13th of December last the Master Chapuz (the bearer of this) put in my hands the very great favors of Your Excellency which immediately as soon as they were read I committed to the fire. This place at the time was very much in revolt for the disunion there was between the citizens and some Royalists, and nothing could be followed with certainty regarding news of the North with which communication was cut for many days. For this reason I did not succeed in writing to a friend on board a

Ship of War who with date of 20th of January tells me that he had heard that a Ship of 28 guns at the beginning of June had detained a Spanish Pacquet Boat named Santa Barbara in front of Philadelphia and that the ship had taken the silver they had on board that he did not know if it was returned ; that which I have for travelling to Philadelphia remains in my possession until a second order from Your Excellency.

All the news I am able to gather I remit to Your Excellency and I will not fail in anything to be loyal to my Sovereign, giving to Your Excellency the most merited thanks for the honor you have deigned to do me and in recognition of my obedience I pray that Your Excellency will be pleased to accept the bagatelles which are enclosed with the attached memorandum.

Herrera suggests further, that in case England is going to war on Spain he may be able to get to the Ais river in a canoe where he would probably find some boat to take the message to the governor. He also asks if it will be convenient to send a fishing boat from time to time to the Mosquito to bring such news.

The freedom of movement Herrera enjoyed is shown by the records of the Turnbull New Smyrna colony's baptisms kept by Father Pedro Camps, priest at the colony, in many of which Luciano de Herrera stands as god-parent, the baptized one always bearing an English name.

With the entries concerning the possibility of England's warring on Spain this espionage correspondence ends, so far as it has been located.

Herrera lived until 1789. He saw the return of the Spaniards and apparently became a leading citizen of St. Augustine.

PIONEER FLORIDA

by T. FREDERICK DAVIS

The First Railroads

Practical operation of railroads in the United States began in 1827, when the Quincy (Mass.) Rail Road, three miles in length, started operation in April or May. This was followed immediately by the opening of a nine mile line at Mauch Chunk, Pennsylvania. Soon afterwards preparations were made for the construction of several other lines of railroad, the longest and most important of which was the Baltimore and Ohio Railway. Much publicity was given the B & O, resulting in an increasing shift of transportation interest from canals to railroads generally. By the end of 1834, before Florida's first railroad construction began, there were in operation or nearing completion not less than sixteen railroads in the United States, with a combined trackage of 1613 miles; a number of them had supplanted their original horse power with steam locomotives. The foregoing is derived from *Niles' Weekly Register*, of Baltimore, 1827-1835.

Meanwhile, the interest in railroads reached Florida, the first legislative action on the subject being a resolution introduced by Florida's delegate in Congress, Joseph M. White, on April 15, 1830, for a survey and estimate of cost of a "Rail-way" from Augusta, Georgia, to St. Marks, Florida, as an extension of the Charleston Rail-way to the Gulf of Mexico. The resolution failed of adoption by Congress; but this did not kill the interest of Floridians in railroads, for before 1835 six charters had been granted by the Florida legislature for the construction of railroads within the limits of the

Territory. Of these, only one progressed beyond the paper stage—the Tallahassee-St. Marks railroad, which was eventually completed. Though this was the first railroad to start construction, it was not the first completed in Florida.

St. Joseph-Lake Wimico Rail Road

Established on St. Joseph's Bay in the forepart of 1835, St. Joseph was a break-away from the town of Apalachicola. In every sense it was a "boom" town—the "Cripple Creek" of Florida, until a yellow fever epidemic and a hurricane wiped it off the map after an existence of six or seven years. At one time it was one of the largest and most prosperous towns in Florida.

Among the first conceptions was a bid for the business, especially cotton, of the back country contiguous to the Apalachicola river, to be accomplished by digging a canal, eight miles in length, to Lake Wimico, an arm of the Apalachicola, thus providing a direct water route to St. Joseph, which in turn would furnish a deep-water outlet to the Gulf of Mexico. A company was organized and a charter was granted by the legislature to "The Lake Wimico and St. Joseph's Canal Company," approved February 14, 1835. This company was composed of Robert Beveridge, Edward J. Hardin, J. C. Maclay, James D. Bullock, E. J. Wood, David Webster, Wm. G. Porter, Thomas Penny, R. C. Adams, Wm. D. Price, Cyrus Dykman, J. G. Floyd, H. Hawley, O. C. Raymond, James Black, Thomas Bertram, John Jenkins, Oren Marsh, James Y. Smith, George S. Hawkins, John D. Roland, and James Evans.

Suddenly changing their plans for a canal to a railroad and anticipating the approval of the next legislature for the change, the company proceeded with the building of the railroad, and it was well

under way when the authority was granted by an amending act to the original charter, approved January 14, 1836.

An advertisement in the Tallahassee *Floridian* of September 5, 1835, is the earliest notice we have found bearing on the construction of the St. Joseph-Lake Wimico railroad. J. D. and W. Gray, contractors for building the railroad, advertised for 500 laborers and 200 carpenters to "work on the Tallahassee-St. Marks and the St. Joseph-Lake Wimico" railroads. Wages offered for laborers were \$20 to \$30 a month, and for carpenters \$35 to \$50 a month, with found. The advertisement was carried in every issue of the *Floridian* until November 7, 1835.

In the absence of any definite record, we may assume that actual work on the St. Joseph railroad began sometime in the fall of 1835; and the surmise is strengthened by an incident at St. Marks in the following December, when "103 Irish laborers from the St. Joseph's rail road" went to St. Marks, probably got drunk and proceeded to paint the town red. After an hour's rioting, they were subdued by about 40 citizens aided by crews from the shipping in the port.¹

Work on the St. Joseph railroad appears to have progressed without serious delays. Early in March 1836 "The railroad from Bayou Columbus to this place [St. Joseph], is now completed, or is so far done as to enable cars to cross from one depot to the other, and is open for the transportation of merchandise. Heavy shipments of goods have been ordered from New York, New Orleans, and elsewhere to this city, for the interior merchants, and contrary to the expectation of many, it is now well

1. *Niles Weekly Register*, Jan. 16, 1836, p. 337.

ascertained that most of the spring and summer business will be transacted here. We also learn that the steamers Reindeer, Hiperion, and several others on the river [Apalachicola] are to commence their trips from the depot to Columbus [Georgia] in a few days, and will discontinue their trips to Apalachicola [town] entirely. This rail road was the last one chartered by the Legislative council, and is the first in operation in the Territory. [!]"² Apparently settling the question as to the first rail-road in operation in Florida.

The formal opening of the St. Joseph-Lake Wimico railroad probably took place on Thursday, April 14, 1836: "We understand that the St. Joseph Railroad will commence operations on the 14 April. A steam boat chartered by Mr. Gray [the contractor] will leave St. Marks on the 12th [April], with a party of ladies and gentlemen [of Tallahassee], who are desirous of being present on that occasion." Upon their return to Tallahassee "the ladies and gentlemen" published a card of thanks "to the captain of the steamer *Arab*, who took them to the opening of the St. Joseph-Lake Wimico Rail Road."³

Horse power was evidently used in the beginning, for it was not until the following September that we have specific mention of a locomotive: "*Locomotives in Florida* - On Monday, the 5th inst. [September, 1836], a train of twelve cars containing upwards of 300 passengers passed over the railroad, connecting the flourishing town of St. Joseph with the Apalachicola River. The trip, a distance of eight miles, was performed in the short space of twenty-five minutes. The engineer is confident, from the superiority of the road and engine, that

2. Pensacola *Gazette*, March 19, 1836, quoting St. Joseph *Telegraph* of late date.

3. Tallahassee *Floridian*, March 26 and April 23, 1836.

the route can be accomplished in eight minutes." ⁴
This was the first railroad locomotive in Florida.

Tallahassee-St. Marks Rail Road

In 1831 and again in 1832 charters were granted by the Florida Legislative Council authorizing the building of a railroad from Tallahassee to St. Marks, a distance of about 23 miles. The result was agitation without action, which induced a third charter, approved February 10, 1834, incorporating the Tallahassee Rail Road Company, to build a railroad from Tallahassee to St. Marks or other point on the St. Marks river.

In June 1834 the entire stock of \$100,000 for building the road had been subscribed, and on the 27th of that month the first formal meeting of the company was held and directors elected. These were Richard K. Call, (elected president at a meeting the next day), Ben Chaires, Willis Alston, William Maner, William Kerr, and Romeo Lewis. Lieut. George W. Long, U. S. Engineers, was appointed engineer of road construction. ⁵

Unfortunately, and strangely too, very little contemporaneous data have been preserved on the structural progress of this railroad; in fact, so far as known, the main source now available are items in the local weekly newspaper Tallahassee *Floridian*, and these are few and far between.

4. James O. Knauss in *Fla. Hist. Soc. Quarterly*, V.5, 1927, p. 183 quoting Savannah *Georgian* of Sept. 24, 1836.

In 25th Cong. 3rd sess. H. Rep. doc. 21, Dec. 13, 1838, is a report dated Oct. 25, 1838, of G. J. Floyd, collector of customs for the Apalachicola district, listing all steam engines in the district. There were two locomotives on the St. Joseph & Lake Wimico Rail Road, with names **St. Joseph** and **Wimico** (all locomotives were named at that period). The **St. Joseph**, constructed in 1836, had been in use two years. The **Wimico**, built in 1837, had been in use 18 months. Both were built by M. W. Baldwin. Both were listed: "power of engines in horses, 12."

5. Tallahassee *Floridian*, June 28, 1834.

According to an article on Tallahassee in the *Floridian* of August 1, 1835: “. . . The most important work, however, and that which will benefit the country most, is the Rail Road now, in progress from Tallahassee to St. Marks, or some point nearer deep water. The work was begun sometime last January [1835], with 40 or 50 hands ; but is now under contract with Messrs. John D. and William Gray, of Columbia, South Carolina, who are considered to be the most able and experienced contractors in the Southern Country. Thirteen miles of this Rail Road, it is expected, will be completed and put in operation with ten Burthen Cars and two Passenger Cars, by the first day of January next [1836], and the whole road from Tallahassee, to St. Marks, will be completed by the first day of June, 1836. The work is now progressing with despatch, under the immediate superintendence of Mr. John D. Gray, and Mr. [L. W.] Dubois as Engineer. ”

It might be inferred from the foregoing that the work on the railroad between January and June or July, 1835, was attempted locally without contract; that under this arrangement it did not progress satisfactorily, and for that reason it was decided to call in the Gray company to take over the job. We have already noted the contractor's advertisement of September-November, 1835, for laborers.

Of the subsequent work on the railroad there is no detailed record. That there were unforeseen and vexatious delays cannot be doubted, for at the end of three years after the work was begun in January, 1835, the entire line from Tallahassee to St. Marks had not been completed. It is likely, however, that a section of it, perhaps half, was put in use in the meantime, with mule-drawn cars. But

this is only inference, for it is not until late in 1837 that we again pick up the record thread of the road's activities.

A news item in the Tallahassee *Floridian* of December 30, 1837, says: "The Tallahassee Rail Road Company have recently procured a locomotive to run on the road, in consequence of the increased business in transportation. We understand the engine has made a trip or two and performs very well. We regret, however, that on starting from the upper depot [Tallahassee] on Thursday last, the cap of the boiler exploded with a tremendous report, but fortunately no one was injured by the accident. We are informed there was a defect in the workmanship, the iron being too thin and a small fracture inadvertently left in the cap. It will be repaired in a few days."

Two items in the *Floridian* subsequently suggest that the engine might have been procured to inaugurate the completion of the railroad to the St. Marks terminus. An advertisement of Thomas Randall on land matters, dated January 13, 1838, incidentally stated: "The Rail Road from Tallahassee to St. Marks is now near its completion." In the *Floridian* of April 28, 1838: "The sale of lots in the new town of Port Leon [near St. Marks] on the St. Marks River takes place on Thursday next [May 3] . . . The cars will run free between this city [Tallahassee] and St. Marks on that day."

If these statements were literally true, then the Tallahassee railroad to St. Marks was completed sometime between January 13, and May 3, 1838. Since Port Leon was the child of the railroad it would have been appropriate to withhold the formal opening of the railroad for a double celebration on May 3, 1838, when the town lots were placed on the market; they did things that way in those days.

HISTORY AND ARCHAEOLOGY IN FLORIDA

by JOHN W. GRIFFIN

There was a time when archaeology was conceived of as the collection of relics and history was thought of as the study of names and dates. The two disciplines seemed far apart. Yet history and archaeology are very closely related. Both are concerned with "history" in the broader sense. Both study and seek to interpret unique events placed in time and space. The major difference lies in the techniques used. History gains most of its information through written documents, archaeology for the most part deals with times and groups which have no written records of their own, and is forced to rely upon material remains. This is the distinction between history and pre-history, and is essentially a difference in the materials available and the techniques for dealing with them. The meeting of the two disciplines is to be seen most clearly in periods to which both approaches may be applied. The three hundred and more years of white and Indian contact in Florida should provide such a case.

It is evident that far more Europeans and European goods were present in the early contact period than has been usually assumed by the archaeologist and the casual reader of history. A few large and important expeditions tend to fill the whole historical canvas, and thereby to falsify the true picture.

We know of the discovery by the De Soto expedition of the Spaniard, Ortiz, who had lived with the Indians near Tampa bay from the time of the Narvaez expedition until 1539. We know of Fontaneda who was living with the Calusa at the middle of the sixteenth century. We learn from the De Soto narratives that several members of that expedition stayed behind at various points along

the route. How many more Europeans, before and later, were shipwrecked or strayed from various expeditions, we do not know. We have records of the voyages of the more prominent of the Elizabethan seafarers, but evidence from their accounts suggests that numerous others were wandering the seas and touching upon the shores of the New World in the same period. Undoubtedly many Europeans left no records of their contact with and life among the natives.

The De Soto narratives, again, provide us with evidence that certain European materials were in the hands of the Indians by 1540. And this expedition itself added to that store through its gifts, and also probably through simple theft and pilfering of the dead Spaniards by the Indians.

The Biedma account describes materials found by the Spaniards upon opening an Indian "mosque" at the town of Cofitachique, presumed to be on the Savannah river. Biedma says (Bourne, vol. II, p. 14): "We found buried two wood axes, of Castillian make, a rosary of jet beads, and some false pearls, such as are taken from this country to traffic with the Indians, all of which we supposed they got in exchange, made with those who followed the Licentiate Ayllon."

Elvas (Bourne, vol. I, p. 67) notes a dirk and beads that had belonged to Christians as being found in the same town. These may be the same objects mentioned by Biedma, and are attributed by Elvas to the Ayllon colony. Ayllon had in 1526 planted an unsuccessful colony on the James river, near the later English site of Jamestown.

At Piachi in southern Alabama the De Soto expedition learned that the Indians had killed a Don Teodoro and a black who had been with the Narvaez expedition, and Biedma (Bourne, vol. II, p. 17)

notes that they were shown a dagger which the don had worn.

Elvas (Bourne, vol. I, p. 48) states that in north-western Florida the expedition found the skulls of horses, which they attributed to the ill-fated Narvaez expedition.

The above notes serve to indicate that by 1540 Europeans and European materials were not unknown to the Indians of the Southeast.

The rapidity with which certain European materials were taken over by the Indians is indicated by John Sparke, the chronicler of Hawkins's second voyage in 1565. Sparke notes (pp. 56-57) that among other forms of arrowheads used by the Timucuo of northeastern Florida were, "peaked points of knives, which they having gotten of the Frenchmen, broke the same, and put points of them in their arrow's heads." The French colony near the mouth of the St. Johns had been founded only the year before, although Ribaut had touched the coast in 1562.

From the time of the De Soto expedition to the end of the Seminole wars is roughly three hundred years. Three hundred years during which certain Florida tribes became extinct and others moved in. Three hundred years during which the Indians took on more and more of European culture. Archaeologically, there must be some record of this long period of time.

Such evidence does of course exist, but it has been largely neglected by most students of the archaeology of Florida. The old idea that archaeology deals with the remote prehistoric has tended to quiet interest in one of the most significant periods in the archaeology of Florida, that of the contact between the white and the Indian.

To list the sites in which trade goods have been

found is unnecessary at this point. It will suffice to note that throughout virtually the entire state such associations occur. Burials near the surface of the Belle Glade site were accompanied by glass beads. A mound on Pine island, south of Charlotte Harbor, contained considerable trade goods. Other mounds of southwestern Florida have been found to date from the historic period. Moore notes burials accompanied by European articles along the east coast bordering the Halifax, Hillsboro, and Indian rivers. A site near Lake Apopka yielded a cooper's adze. Such instances could be multiplied.

Little systematic effort has been made to identify the European goods as to date and derivation. A study undertaken with the view in mind of examining the Indian cultures in terms of their time associations with this trade material would advance our knowledge of the archaeology of the contact period immeasurably.

Not only did the Indian take over and use imported materials. There seems to be some evidence that upon occasion the aborigines made copies of European objects. Quimbey has noted that during the excavations at the Fatherland site in Louisiana a teapot shaped vessel in a native red-slipped ware was found associated with a burial with trade goods. This site has been identified as the Grand Village of the Natchez, and Quimbey notes that Du Pratz had requested copies of some of his French earthenware from the Natchez, and that the resulting vessels turned out "a quite beautiful red."

In another place the writer has suggested that certain unique pedestal based vessels found at the Madisonville site in Ohio may be explained as crude native copies of the chalice or some similar goblet-shaped vessels of the Europeans. This site contains trade goods, and thus falls within the contact

period, making such an interpretation plausible.

This type of influence is naturally difficult to prove, but it would seem likely from what we know of man and culture that this kind of imitation did occur. It is, in fact, one of the methods by which cultures spread.

The most difficult problem of the historic period in archaeology, and the one in which the historian is likely to be the most interested, is the location of specific villages mentioned in the historical records. The difficulties inherent here are well known to every student who has made any effort to master historical geography. The delineation of routes, the definition of distances, and the identification of geographic features are among the obstacles to any such research. They are not insurmountable, but they are considerable.

From the point of view of the archaeologist one thing must be constantly borne in mind. The identification of the culture of one documented village does not prove that all such materials are attributable to the tribe which occupied that village, and conversely it does not prove that all of the villages of that tribe shared that culture. A single tribe may change its culture through time, may share a culture with other tribes, or may, in its various territorial divisions, possess divergent cultures. This is merely a statement of two cultural truisms ; that "tribe" and "culture" are not inseparable concepts, and that culture change is a constant feature of human society.

We get some idea of regional cultural differences in Florida from the early accounts. In 1539 the De Soto expedition found the Timucua of the west coast living in villages built around a plaza, with the chief's house and the temple located upon mounds. Burial of the bones after the flesh had

been stripped from them was practiced. On the east coast in 1565 we find the Timucua living in palisaded villages with the chief's house centrally located and partly subterranean. Burial, at least of the chief, was of the primary variety and in a mound. This would seem to indicate that the Timucua to the west had already adopted some of the characteristics of the Temple Mound stage known throughout the Southeast in late times, and that the Timucua of the east coast still retained some of the older cultural elements. Pyramidal mounds are, however, found in East Florida, and if we may trust our historical accounts, may be presumed to have spread to that region at a time later than 1565, since they were absent at the time of the French accounts. This defines an interesting archaeological problem of an historical nature.

Together, the historian and the archaeologist can do much to clarify the picture of the aboriginal population during the contact period. We have seen that we have evidence of contact both from historical sources and archaeological sites. The time is now ripe for us to recognize the fact that both the historian and the archaeologist are recording history, and to apply the resources of the two disciplines to the unfolding of the culture history of the Florida Indian. Contributing to this union of effort the Florida Historical Society has taken a step in the right direction with its committee on archaeology.

REFERENCES

- Bourne, Edward Gaylord. *Narratives of De Soto*, 2 vols. (New York), 1922. Contains the Elvas, Biedma and Ranjel accounts.
- Final report of the United States De Soto expedition commission.* House Doc. 71, 76th Congress, 1st session. (Washington), 1939.
- Griffin, John W. "The pedestal vessels of the Madisonville site." To be published in *American Antiquity*, vol. X.
- Sparke, John, "Narrative of Hawkins' second voyage" in *Voyages*

of the Elizabethan seamen (Edward J. Payne, ed.) Oxford, 1907.

Swanton, John R. *Early History of the Creek Indians and their Neighbors*, Bureau of American Ethnology, Bulletin 73, 1922.

Quimbey, George I. "The Natchezean Culture Type," *American Antiquity*, vol. VII, no. 3, January 1942.

THE CONFEDERATE CABINET

Jefferson Davis and his Cabinet. By Rembert W. Patrick. Baton Rouge: Louisiana State University Press. 1944. 401 pp. \$3.75.

Florida had but one member of the Confederate cabinet ; but, in a way, that was more than her share. For in man-power, in military resources, and in wealth of every kind she had but a fraction of what her neighbors possessed ; yet Stephen R. Mallory was Secretary of the Navy from the beginning to the end of the war, and Dr. Patrick has this to say of him:

“Truly Mallory made an extraordinarily able Secretary of the Navy. His temperament enabled him to work in harmony with the President, and generally with his fellow cabinet members and with naval commanders. He had imagination and the initiative to strike out on new paths. He was industrious and kept the business of his department well in hand. . . . For four years fraught with almost insuperable difficulties he directed the Navy Department brilliantly.”

This opinion of Mallory and his services is shared by Douglas Southall Freeman, biographer of Robert E. Lee, and, where is there a better judge. In a review of Professor Patrick's work (*The Saturday Review of Literature*, October 21) Dr. Freeman ranks Mallory as one of “the three men who did most in the cabinet. . . .” But he says, “if there had been forty-eight hours in a day Jefferson Davis probably could have dispensed with a cabinet. . . .” hence: “the Confederate cabinet is less known than that of Lincoln. Dr. Patrick's book consequently in-

troduces to American readers about a dozen unknown men among the eighteen he presents.

"All of them are well portrayed, though Dr. Patrick has been tempted by the abundance of material on Toombs and Hunter to give them a larger place in his book than they held in Confederate councils. Some members of the cabinet were neither capable nor interesting. . . . Until his transfer from the War Office to the State Department, Judah Benjamin was the leading figure in the cabinet. The extent of his subsequent influence on Davis and the policy of the Confederate States is not easy to determine.

"As the cabinet jack-of-all-trades, Benjamin commands a separate chapter. Other members are treated chronologically by departments. If this seems at first glance to be an artificial arrangement, it must be said that Dr. Patrick could not have put the sketches together in a history of the cabinet. Except for a few weeks in Montgomery, there could be no cabinet history because there was no cabinet. There simply was a group of departments of somewhat doubtful cooperation.

"Davis appears in Dr. Patrick's pages with the hard lines somewhat softened. Treatment is tolerant and on most pages is admiring. Perhaps too little is made of Davis's intense personal loyalties and of his quick response to chivalrous gestures. . . ."

Dr. Freeman continues: "The whole story has not been told by Dr. Patrick and could not be compressed in a single volume ; but he has written well and has selected wisely from the materials. He has used his sources, particularly the contemporary newspapers and magazines, with so much skill that one hopes that this fine first book will be followed by others in the same field."

THE FLORIDA HISTORICAL SOCIETY

Accessions to the library

Donated by Mrs. Nelson R. Perry, the following nineteen titles :

History of America, by Antonio de Herrera. Translated into English by Captain John Stevens, 1725. 6 vols.

Voyages de Francois Coreal, Aux Indes Occidentals, Paris, 1622. 2 vols.

History of Hernando De Soto and Florida, 1512-1568, by Barnard Shipp, Philadelphia, 1881.

Notices of Florida, (Seminole War) by M. M. Cohen, 1836.

Young Marooners on the Florida Coast, by F. R. Goulding, Philadelphia, 1882

Across the Everglades, by Hugh L. Willoughby, 1898

Palmetto Leaves, by Harriet Beecher Stowe, Boston, 1873

The Caloosahatchee, and the City of Fort Myers, Florida, Compiled by Thomas A. Gonzales, 1932

Everglades of Florida, 62 Congress, Senate doc. 89. 1911. Maps.

The Plant Life of Highlands Hammock, Florida, by Charles Snyder Donaldson, 1933. 61 pp.

On The Indian River, by C. V. Hine, 1891. 298 pp. Illus.

Young Wrecker On The Florida Reef, by Richard Meade Bache, Philadelphia, 1876

The Everglades, and Other Essays Relating to Southern Florida, by John Gifford, 134 pp. Illus.

The Seminoles of Florida, by Minnie Moore Wilson, 1911. Illus.

Liberty and Slavery, by Albert Taylor Bledsoe, Philadelphia, 1856

In Lower Florida Wilds, by Charles Torrey Simpson, 1920. Illus. 2 maps.

Florida Chronology, 1513 to 1930, by Robert Ranson, St. Augustine, 1930

Newspaper clippings:

Lee County Area Visited by Early Spanish Explorers, American Eagle, Estero, Florida, March 4, 1937

Osceola, Indian Chieftan,

Record of Eighty Years Given By Aged Negro, Adam Sanks, From St. Augustine Evening Record, Special Edition.

That Vanishing Eden, A Naturalist's Florida, by Thomas Barbour. Gift of the author.

History of Snyder Memorial Church, 1870-1944, 54 p. illus. Gift of Herbert Lamson.

Fray Antonio de San Alberto. Gift of Enrique M. Paz.

Early History of Sorrento, Florida, by Hattie M. Allen, typed, 6 p.

Painted Pottery From Crystal River, Florida, by Gordon R. Willey and Philip Phillips, reprint from American Antiquity, Oct. 1944. 10 pp. illus., bibliography

Bulletin of the Duval County Medical Society, October, 1944. Includes historical article "Medicine in Duval County During Its Earliest Years," and the first authentic record of the practice of medicine by a physician in Duval County.

Life Cycle of the Modern Florida Seminoles, by Robert F. Greenlee, typed MSS. 8 p.

Medicine and Curing Practices of the Modern Florida Seminoles, by Robert F. Greenlee, reprint from American Anthropologist, 12 p.

Hurricane of Oct. 1944. 15 views.

Remember William Penn, 1644-1944, Memorial volume.

Biography of Caroline Lee Hentz, 5 pp. Typed script. Contributed by A. J. Hanna

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