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## Book Reviews

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## REVIEWS

## "POLITICAL AND LEGAL HISTORY OF FLORIDA"

*Florida Statutes Annotated* (Atlanta & St. Paul, 1943) contains (v. I. pp. LXI-CXXXI) a section under the title "Political and Legal History of Florida," written and compiled by Judge James B. Whitfield, former Justice of the Supreme Court of Florida. These sixty pages have been reprinted and separately bound to make this section available to historical students and others than lawyers who may be interested in Florida's legal history.

Judge Whitfield's long and keen interest in the State's general history and his intimate knowledge of her legal history especially fitted him for this undertaking, and assures both its discrimination and its comprehensiveness as well as its accuracy.

By way of introduction there is a pre-territorial summary, with an exact description of the boundaries of the two colonial Floridas-and this prompts the statement here that the especial value of the work lies in its factual compilations and its exact answers to numerous questions suggested by Judge Whitfield's years of service on the bench ; all of which are fully documented with citations.

The important articles of the treaty of cession to the United States follow, together with mention of certain legal aspects of the actual cession, and the establishment of a provisional government with General Andrew Jackson as governor.

A section is devoted to the Territory: the inauguration of the territorial government, legislative, and judicial, and the locating of its seat. Here are compiled complete rosters of the governors of the Territory, the presidents of the Legislative Council, presidents of the territorial senate, speakers of the territorial house, secretaries and auditors

of the Territory, territorial delegates to Congress, and Superior Court judges.

Another section relates to the State, 1845-. There is the legal procedure for the constitutional convention of 1838-1839, Florida's admission to the Union, the first State election with the results in detail, subsequent elections, State officers during the War for Southern Independence and the provisional government following, with the State officers during reconstruction.

The next section relates to the Supreme Court of Florida, with a complete roster of elections, appointments, and dates of service of the justices, until the present and his own resignation and retirement on January 4, last.

There are brief sections on the Railroad Commission, Auditing Department, Board of Health, and other boards, all with their creation and first members. Follow sections on State lands, the organic and the common law, a further section on the State's boundaries, and one on the creation of the counties.

The most extensive (27 p.) and doubtless the most valuable section relates to land titles, which are often complicated in Florida through changes in sovereignty and because of other reasons. Through especial interest, research, and experience on the bench, Judge Whitfield has unusual knowledge of the subject; so this section will be the most helpful.

Land surveys in Florida are first described with a chart showing the method of numbering. Titles in Florida often have their origin in colonial land grants, so these are discussed, together with the treaties through which Florida passed from nation to nation. Then there are grants from the general

government to the Territory of Florida, with others to the State. There are the Sixteenth or School sections, the Seminary lands, the vast Internal Improvement lands, and the Swamp and Overflowed lands, each of which has its section. Seven pages are devoted to the Internal Improvement Fund, which is evidence of its large part in getting so much of Florida into private hands and at length into the ownership of individual settlers.

Other sections explain Sovereignty lands, School Fund lands, and Public lands ; and there is a condensed statement of facts on the most famous of all Florida land grants, the so-called Forbes Purchase, through which, after many years of litigation, there was confirmed, by action of the United State Supreme Court, a principality of much more than 1,000,000 acres of Middle Florida lands to the successors and assignees of Panton, Leslie and Company.

Florida's five constitutional conventions are briefly mentioned, and there is a list of the numerous printed compilations and revisions of Florida's statutes, with citations of the acts under which they were made.

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**"THE BUILDING OF CASTILLO DE SAN MARCOS."**

The *Quarterly* long advocated the resumption by the old fort at St. Augustine of its ancient and real name, so there is a recurring sense of fitness whenever *Castillo de San Marcos* is read or heard. There was no warrant for renaming it Fort Marion. We did not win it ; it fell into our lap, with Florida, like a ripe plum—a relic of another age which we could change in no way. And now that the long and moving story of its building is being brought to light, its century-long alias seems almost like

historical fraud. The Castillo is Florida's most noteworthy monument, and it ranks high among the historic landmarks of this country.

Whatever deficiencies there were in the Spanish colonial governments, reports to those in authority were never lacking, nor were efforts to preserve them ; hence much, even of the details, of the building of San Marcos can be got from the vast store of contemporaneous documents in Seville. A great part of those documents which relate to colonial Florida have been sought out and copied—some for the Library of Congress, some for the North Carolina Historical Commission, and others for the former Florida State Historical Society. So the story of the building of the old fort can at length be told.

In his *The Defenses of Spanish Florida, 1565 to 1763*, Verne E. Chatelain gives us the facts in some detail; and now Albert C. Manucy, secretary of our Society, has given the story life and compelling interest. His *The Building of Castillo de San Marcos* is the first published in a series of interpretive booklets issued by the National Park Service, on the staff of which he is assistant historical technician.

This is an unusually attractive brochure of thirty-four octavo pages, printed by the United States Government Printing Office in their best style, and sold by the Superintendent of Documents, Washington, at ten cents. Most of the ten illustrations are full-page, all being carefully chosen and skillfully reproduced. Of especial interest is Mr. Manucy's graph "Why Spain Built the Fort" showing the location of St. Augustine in its relation to the Gulf Stream, with the track of the Spanish treasure fleets, the life-line of the Empire, almost within sight of the fort, the pirate nest across the Bahama channel, and the English settlements steadily drawing nearer down the coast.

The location, with a conjunction of circumstances and threats, at length brought this massive stone fortification into existence in a wilderness, built during a quarter of a century by the persistence of five governors. What to the English might have been little more than a matter-of-course, of routine, was a herculean undertaking to Spain, already on the decline as a great power, especially at a time when scarcity of resources at home meant poverty in this remote post. In fact, these twenty-five years, as Mr. Manucy brings out so clearly, were alternate years of bare sufficiency and of actual want-for a lack of bread itself was the greatest obstacle these determined governors had to overcome, and time and again during the whole period starvation was in sight.

"The garrison was more or less accustomed to being underclothed, underfed, and unpaid" and the laborers on the fort were no better off. These were mostly Indians earning their scanty food and little else ; but, says Mr. Manucy, "there were a few Spanish peons, a few of the Crown's Negro slaves, and a number of convicts, either from the local presidio or sent from Carribbean ports." But the star performers were certain skilful prisoners from the Carolina colony, several of whom, oddly enough, became permanent residents earning good wages.

The need of a masonry fortification if the English were to be held back was realized for decades, but it took a pirate raid in 1668 to force Queen Mariana to begin Castillo de San Marcos. A year or more was spent in preparation, actual construction began late in 1672 and the long struggle had begun ; to be ended, for the time, with the completion of the main structure in 1696. Forty years later the great arches were built to make its bomb-proof rooms; and in 1756, after another period of repairs

and additions, the work ended with the placing of the royal coat of arms and the inscription over the sally port which we see today. And in another century Mr. Manucy tells "how these isolated subjects of a decadent empire labored through the long, hard years, mingling their own sweat with that of the peons to build this impregnable defense."

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### LOCAL HISTORIES

Local history, in the aggregate, is as important as that of a country, and is of far greater interest to the majority. In comparison its bulk is huge, but little of it was recorded until the daily newspaper incidentally took up the job of preserving a record of the happenings of the community. The pioneer settlements of Florida had no newspapers of course, for with the first issue of a paper any village became a town overnight. The settlement of Florida can be considered as beginning with its cession to the United States (and this is not to start a controversy) and for more than half a century afterwards there was virtually no daily newspaper. The weekly paper recorded some of the general but little of the local news. You would be surprised at the often total absence of local news in the files of these early Florida newspapers. Why is this so? Little may have happened in these small towns from week to week, but did not the editor, who was reporter as well, ask himself why laboriously set up an account of an incident that every child in the place had known of for perhaps a week. And these newsless newspapers or any other kind were few in Florida.

So we should be grateful to those who have collected, written, and preserved local history. While