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THE ELECTION OF 1876 IN FLORIDA

by MARCELLUS L. STEARNS

Republican Candidate for Governor

Introduction and editing by Edward C. Williamson

The only carpetbagger boss of a Negro county machine to become governor of Florida, Union Army veteran Marcellus L. Stearns, sought reelection as the Republican candidate in 1876. Born at Lovell, Maine, on April 29, 1839, Stearns at the outbreak of the Civil War was a student at Waterville College, Maine. He left there in 1861 in answer to President Lincoln's call for volunteers. Losing an arm in the hard fighting in the Shenandoah Valley at the Battle of Winchester, he transferred to the Freedmen's Bureau, and first came to Florida in 1866, being stationed as an official of the Bureau at Quincy. ¹

Active in organizing the newly-freed slaves into the Gadsden County Republican machine, Stearns was elected as a delegate to the Constitutional Convention of 1868, and in 1872 was speaker of the Assembly. In the latter year he was nominated for governor by the Republican state convention; but opposition, particularly from Negro politicians, was so strong that he was forced to withdraw and accept the second place on the ticket. ²

Fraud and federal troops played important roles in the Republican victory of that year. To keep Negroes from the polls, the Democrats countered by resorting to threats of lawless violence. On March 18, 1874, Governor Ossian B. Hart, a moderate Republican and the first native of the state elected to that office, died, elevating the more radical Stearns to the chief executiveship of the state. The Republican state convention of 1876, firmly controlled by state officeholders, despite a strong reform movement within the party, nominated Stearns for governor.

Making a bid for the moderate vote, the Democrats nominated

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1. *Florida Handbook*, compiled by Allen Morris, (Tallahassee, 1952), p. 106.
 2. Philip D. Ackerman, "Florida Reconstruction from Walker through Reed, 1865-1873," (Master's thesis, University of Florida, 1948), p. 220; William W. Davis, *The Civil War and Reconstruction in Florida* (New York, 1913), pp. 638-639.

ex-Whig George F. Drew as their gubernatorial candidate. Although born on a farm in New Hampshire, Drew had resided in the South since the 1840's and at the time of his nomination operated a large lumber business and sawmill at Ellaville, located on the Suwannee River in Madison County. In the election the Republicans again used fraud and federal troops, and the Democrats countered by intimidating Negro voters.

First returns indicated that the vote in Florida would be very close. With the Presidency of the United States at stake, national figures soon flooded the state. To an anxious nation a partisan state canvassing board announced a Republican victory. Unwilling to accept this verdict and at the same time rejecting the proposal of extremists to physically oust Steams from the capital, Drew sought recourse within the law.³ The Republican dominated state supreme court acted favorably on his request for a *writ of mandamus* which compelled the state canvassing board to reconvene and recanvass the vote for governor and lieutenant governor without going behind the returns.⁴

Drew was now declared the victor. But Steams sought to retain the governorship. Up until the inauguration ceremony it was feared by the Democrats that he would attempt to physically keep possession of the capitol.⁵ Though this fear failed to materialize Stearns, as late as February, 1877, was still sounding out state Radical leaders on the possible continuance of the fight for the governorship. The following statement of his on the 1876 election sets forth his claim to the office, and his letter to ex-Senator Thomas W. Osborn discusses his plan of action to regain the governorship.

3. Davis, *op. cit.*, pp. 689-691.

4. *Drew v State Canvassing Board*, 16 Florida Reports 17.

5. John Wallace, *Carpetbag Rule in Florida* (Jacksonville, 1888), pp. 343-344; Susan Bradford Eppes, *Through Some Eventful Years* (Macon, 1926), pp. 375-377; *Weekly Floridian* (Tallahassee), Jan. 2, 1877.

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STATEMENT [of Governor Stearns] ⁶

The political canvass in Florida in 1876 was unusually vigorous, spirited and exciting on the part of both political organizations. But the election on the 7th of November was generally peaceable - save the lawless demonstration made early in the morning of that day by destroying the telegraph line at several points and tearing up the railroad track and burning three of its trestle bridges - one a few miles east of Tallahassee and one a few miles west from Live Oakes [*sic*] in Suwanee [*sic*] Co. for the purpose of cutting off communication between the States and United States authorities - the U. S. Marshall being at the time at Live Oakes ready to cooperate with the State authorities for the preservation of the peace. All communication was thereby suspended with other parts of the State throughout the entire day until night when the lines were again repaired. Fortunately, however, such precautionary measures had already been taken and efficient police arrangements established that the troubles which were generally feared, were nevertheless prevented.

On the 8th up to the time the information was received that the National Election would turn on the result in Florida - about 4 P. M. the State was conceded to the Republicans - as a candidate of that party for the office of Governor, I received many congratulations from prominent Democrats upon my election. There was no serious doubt felt about it by prominent men of either party. The reports of the election from the different counties were coming in very favorable to the Republicans. At this time or immediately after, before there was time to act on the information, there were twenty of the thirty-nine counties in the State reported. Of these, nine were Rep. and 11 were Dem. The nine Rep. counties had given majorities aggregating 7,418 against 6,085, at last presidential election 1872, a gain of 1,333 or 22 per cent. While the eleven Dem. counties had given majorities aggregating 2,070

6. Unsigned handwritten manuscript of Marcellus L. Stearns: his handwriting certified by his late nephew, Aretas E. Stearns; typewritten copy in possession of Florida Historical Society.

against 2,024 in 1872 - a gain of only 46 or less than 3 per cent. Consequently the net Republican majority in the first twenty counties reported was 5,348 against 4,061 in 1872. The nineteen counties remaining to be heard from gave in 1872 a net Democratic majority of 2,482 and allowing the same ratio of increase for these counties as had been made in the eleven Democratic counties already reported: namely, 3 per cent, would have given in 1876 a net Democratic majority of 2,556. In other words, on the day after election, it was known that 20 counties had given a net Republican majority of 5,348 and that the other 19 counties, if they maintained the same comparative gains on rate of 1872, would give a net Democratic majority of 2,556 which taken from the net Republican majority left the State to the Republicans by 2,792 majority. Thus matters stood on the 8th and hence it was that the State was generally conceded to the Republicans by an increased majority over 1872. As soon, however, as the news was telegraphed from New York that the result of the National ticket depended on the result in Florida, the whole Democratic Camp was aroused. Their partizans began to gather in crowds and loudly boast of their ability and determination to sieze the State at all hazards. The wildest commotion prevailed. There was a sudden change in the peaceful aspect of affairs as well as in the Democratic opinion that the Republicans had carried the State.

One of their number, however, did venture several days afterward to send a private dispatch to a friend North that the Republicans had undoubtedly carried the State. But that dispatch having been made public, he was soon bulldozed into retracting it and adhering to the Democratic policy of lying the State through at any cost.

Experience in former elections had shown that the Democracy of Florida would not hesitate to resort to wholesale fraud by raising and falsifying returns whenever it became necessary. In 1872 the Republicans carried the State by 1,579 majority, yet the whole Democracy and its press without an honorable excep-

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tion, set up a claim to the State and strenuously asserted that claim up to the day of the canvass - not, however, by giving facts and figures but by general assertions. It was not discovered upon what ground they based their claim until the State Canvassers met and opened the county returns. Then it was found that the return from one county, Jackson, had been changed just 2,000 votes, by erasing the figure 1 in the columns of thousands of the Republican vote and inserting it in the column of thousands of the Democratic vote - thus effecting a change of 2,000 votes in favor of the Democracy and electing their entire ticket by 421 majority. This fraud, however, was so apparent that the canvassing board unanimously voted to send to the county for a certified copy which was done and State finally declared for the Republican ticket by 1,579 majority.⁷ Remembering these facts and knowing the inducements now to be greater and the opportunities equal, the Republicans feared similar proceedings and consequently determined to send messengers to all the counties not reported to ascertain the vote and get it announced as quickly as possible, also to get certified copies of county and precinct returns and collect any and all facts it was possible to obtain bearing on the election. The first messengers dispatched by special train that night soon returned and reported that two rails had been removed from the track and their tram ditched about three miles out from Tallahassee. It was under this condition of affairs, that I answered a telegram from the Chairman of the Republican National Executive Committee enquiring what the situation was as follows:

“The Telegraph lines were now again cut, the Democrats having first telegraphed to party friends living at or near the termini of said lines, their instructions. [“(?)”] I only know that when our messengers finally got through on the railroads and took teams for these distant counties, they found the roads picketed with armed men who threatened their lives if they

7. For a different version of the election see Davis, *op. cit.*, pp. 639-641.

attempted to proceed farther and that they were thus prevented from reaching most of these distant counties - that the returns were held back until the county began to demand them, then they were sent in only after it was too late to get certified copies or other evidence of their fraudulent character and made to show a Democratic increase of 115 per cent over their vote of 1872 instead of less than 3 per cent shown in their counties reported before the importance of Florida was known. Having a very full knowledge of the political situation in the State at the time, I am unable to account for this difference except upon the basis of wholesale and systematic fraud committed in the interest of the Democratic State and National tickets and I believe most of it was obtained in that manner. Many Democrats have since asserted that their success was not at the polls but effected after the election and that they would prove it beyond dispute if I would contest the office of Governor in the Courts with my opponent - from my knowledge of the facts, I am convinced that it was the intention of the Democrats to make the returns show 100 majority for the Tilden electors and they would have succeeded in making them show 90 majority as they claim if one of their own counties had not failed them. This was Baker County - a small Democratic County which gave 95 Democratic majority but was returned by the County Canvassers, by throwing out two precincts, 41 Republican majority, which made the returns from all the counties in the State show on their face 45 majority for the Hayes Electors. An effort has been made to create an impression that this change in Baker County was effected by Republicans. This is a great mistake. The facts are these: The County Canvassers were Democrats who partaking of the general spirit and following the precedents of their party, honestly believed they had the authority to throw out precincts for fraud at the polls - In this County, two Democrats were running for the Legislature, Mr. Gurganus, the regular nominee of his party and Mr. Conova [Canova] as an independent Demo-

cratic Candidate. The Republicans made no nomination but supported one or the other of these candidates. Mr. Conova up to this time had been an extreme partizan and one of the most active workers in his party and the contest became very bitter and personal in the county. Conova was defeated, but charged that his defeat had been procured by unfair means, intimidation and fraud at these two precincts.⁸ A majority of the county canvassers being his ardent supporters, listened to his complaints with favor, threw out the two precincts and returned Conova elected. Thus it was that the fraud in Baker Co. as it is called, grew out of a local fight among Democrats and was done by Democrats for Democrats. At the time it was done there was no reasonable doubt but what the State had gone Republican by a large majority and consequently could not have been done with a view of affecting the State or Electoral ticket. If there was any improper motive it must have been for the purpose of affecting the local ticket and when as some of the county officers now testify, the County Judge Diggers said to them, "We are beaten unless something is done", he did not refer to the State or National tickets of either party, but to the local county ticket. Now, this whole matter was brought to the attention of the State Board of Canvassers by the Democratic Attorneys who urged them to go behind the county return and correct the error which was promptly and unanimously done. So it required no Jason to be sent in search of this "Golden Fleece" which was discovered, captured and returned at the time to the rightful possession by the State Board of Canvassers. But when this Board went behind and corrected Baker County returns, the Republican Attorneys asked them to go behind and correct the returns of other counties where they had been defrauded - especially Jackson County, a large Republican County where there

8. George P. Canova, contrary to Stearns's statement, appeared before the Assembly Committee on Privileges and Elections and relinquished his claim to the seat, declaring that he did not consider himself fairly elected, *Florida Assembly Journal*, 1877, pp. 23-24.

are 600 or 800 Republican majority but which had now for the first time been returned 100 Democratic majority. I believe and now publicly charge that there was a fraud of 600 votes committed in the interest of the Democratic party at the election of 1876 in Jackson County, State of Florida, and I demand that this Committee fully investigate it to the end that justice may be done and the truth of history established. The State Canvassers after a full, fair, open and public investigation of all the evidence adduced before them by either and both parties during the time allotted to them in which to make the Canvass from the 27th day of November to the 5th day of December, did declare the Hayes Electors chosen by a majority of 930 votes and upon this declaration of the proper and lawful officers I did issue the Certificate of Election to said electors. I believe the Canvass was conducted throughout impartially and conscientiously with a view of arriving at a correct and just result in accordance with the law as understood and construed by the Democratic member of the Board in a long written opinion submitted to and adopted by the Board two years before. This construction of the law was questioned by neither party in 1876 during the examination and canvass of the votes. Both parties occupied exactly the same position before the Board as to their duties and powers. The face of the returns were against the Tilden Electors so the Democrats desired the Board to go behind the returns and investigate but they were against the Republican State Ticket so the Republicans desired the Board to go behind the returns and investigate. Thus the Democrats were on the offensive in regard to the Presidential Electors and on the defensive in regard to the State ticket, while the Republicans were on the offensive in regard to the State ticket and on the defensive in regard to the Presidential electors.

The Board were unanimous on all points of law and, while not unanimous on all questions of fact, they were unanimous in their votes on these questions to the extent of electing the Republican

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tickets both State and Electoral. When this result was ascertained, the Democrats immediately changed their opinion of the law and desired to submit the question of construction to the Supreme Court of the State to which proposition the Board of Canvassers readily consented, being desirous of only a legal result and confident of the correctness of their position. But the Court overruled the Attorney General's opinion of the law and held that the returns must be canvassed according to the face of the same regardless of frauds. This decision defeated the Republican State Ticket but left the Republican electors chosen. Throughout the Canvass, there were present a large number of prominent gentlemen from abroad representing both political parties who witnessed the count and every transaction connected therewith - I never heard one of these gentlemen express a wish or desire that the Canvassers should do anything more than to discharge their duty honestly and conscientiously and ascertain the true result of the ballots cast at the polls. The Republican visitors with whom I was thrown most by reason of political asociations always said "Give us a fair, honest result and if Hayes has fairly carried the State, give it to him, and if Tilden has carried the State, give it to him." William E. Chandler⁹ of New Hampshire was especially emphatic on this point and, on one occasion when I expressed some apprehension lest, under the excitement growing out of the prevailing conviction among Republicans that they were being kept out of Democratic Counties for the purposes of fraud against them, some of our own men might be impelled to commit some rash and fraudulent act in regard to the election, he said it would be most unfortunate for anything of the kind to occur, the eyes of the whole world are upon us and it would be better to lose the election by unfair means than to have the country think we had attained it by unfair means and fur-

9. William E. Chandler, New Hampshire National Republican Committeeman, later served as secretary of the Navy and United States senator. Chandler headed the group of national Republican visitors who came to Florida to make certain that the state would be returned for Hayes.

thermore in that event, it was more than probable that Gov. Hayes would come out publicly and decline the office.

I fully believe Florida was carried as honestly for Hayes as Massachusetts or New York or Indiana for Tilden.

I invite the fullest investigation into every transaction connected with the election in Florida in 1876 confident that the more thorough de investigation, the more evident will appear the integrity of the result.

Washington, D. C.

Feb. 21st, 1877 ¹⁰

Dear Osborn:

Yours received [.] You are undoubtedly correct that in these times (and I doubt if ever there was otherwise) the man must seek the office and not the office the man. I agree with your views and shall act upon your suggestions here. But in regard to the Quo Warranto I do not agree with you altogether. I cannot talk to Randall ¹¹ and I could have no faith in what he would say to me. I think some of our friends whom he would trust and at the same time fear to betray - say Higgins Durkee and Eagan ¹² - should do the talking with him and get his views and pledges &c. If they can make the arrangements with him. I will undertake the case and can & will raise the money here to carry it through. For me to talk to Randall would be fruitless for I should be afraid of him and he of me and afterwards I could simply inform my friends that it would be useless to try the writ which would be no more gratification to them than than [*sic*] it is now. Meanwhile Randall would continue his cheap talk to them - Now let them put him to the test & squarely pledge him and I

10. Marcellus L. Stearns to Thomas W. Osborn, Feb. 21, 1877, Rutherford B. Hayes Papers, Hayes Memorial Library, Fremont, Ohio. Photostat of original letter and typewritten copy furnished Florida Historical Society by Watt P. Marchman, Director of Research.

11. Chief Justice Edwin Randall of the Florida Supreme Court - a Republican carpetbagger.

12. Edwin Higgins and J. H. Durkee - Jacksonville carpetbaggers; Dennis Eagan - Madison carpetbagger.

will put the thing through and furnish the means. But I don't propose to run any risk by giving Randall a chance simply to ratify their other illegal action and throw further doubt upon the Electoral vote [.] Again is not there some probability of Hayes going back on what Republican Governments there are in the South instead of helping build up others - It seems to me the tendency of public opinion is that way, and we may look for the warm and loving embrace of the Southern whites by the next Administration. The power and strength which they have demonstrated is having its influence and commands respect - The National Republican ¹³ came out this morning strongly advocating this policy.

Truly Yours

M. L. S[tearns]

13. A Washington, D. C. newspaper.