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## Autobiography of William Marvin

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## AUTOBIOGRAPHY OF WILLIAM MARVIN

*edited by* KEVIN E. KEARNEY

SIXTY-FIVE years ago, a venerable man in Skaneateles, New York, set himself to the task of recording the events of his life. What William Marvin wrote between the pages of a lined composition notebook was more than an autobiography. It was a chapter in American history. What is even more significant is that much of what Marvin recounted pertained to the history of Florida during the critical years 1835-1866, a period which found the nation challenged with the issues of union, disunion, and reunion. The story which follows, then, is the story of a man who served Florida during the territorial period and in its first years as a fledgling state. From his vantage point, as United States district attorney and judge of the Southern District of Florida at Key West from 1835 to 1863; as a representative of Monroe County in the territorial council; as a delegate to the first constitutional convention at Saint Joseph in 1838-9; as provisional governor of Florida in 1865; and as Florida's senator-elect in 1866, Marvin was able to view at first hand the panorama of a period of Florida's history as it unfolded before him. The student of Florida history can be grateful that he recorded what he saw. New York may claim him as her native son, but Florida can honor him by preserving the autobiography of one of her distinguished leaders. <sup>1</sup>

1. The original "Autobiography" may be found at the Skaneateles Library Association, Skaneateles, New York. The discovery of the manuscript stemmed from research on a proposed doctoral dissertation entitled, "Speaking in Florida on the Issues of Reconstruction, 1865-1868." A search was conducted for any extant Marvin papers in the hope that speech manuscripts or information concerning the speaker, might be found among them. A conversation with Julien C. Yonge supplied the essential clues which ultimately led to the discovery of the "Autobiography." Yonge had, as early as 1923, written B. F. Petheram, executor of the Marvin estate, expressing his interest in Marvin. In a reply of May 18, 1923, Petheram indicated that he would forward several Marvin manuscripts, but would retain "a short autobiographical sketch." Among the papers forwarded to the Library of Florida History was a brief sketch of Marvin's life, written by his daughter, Mrs. Harriet Marvin Ludington. This sketch supplied several crucial facts. Marvin had resided in Skaneateles from 1866 until the year of his death in 1902. Further, he had served as president of the Skaneateles Library from its organization

## AUTO-BIOGRAPHY

by WILLIAM MARVIN

Skaneateles N Y

Jany 20, 1892

I WAS BORN IN Fairfield Herkimer Co. N.Y. April 14, 1808. My father's Christian name was Selden. He was the son of Dan Marvin second son of Deacon Reinold son of Captain Reinold Marvin of Lyme, Conn. My Mother's name was Charlotte Pratt, daughter of Benjamin Pratt of Saybrook, Conn. My father moved himself and family then consisting of my brothers Erastus and Richard, and sisters Sybil and Charlotte and myself, then the infant, to Dryden, in Tompkins Co. State of New York, in the winter of 1808-9. I grew up there in a little log-house on a farm situated about three-fourths of a mile north of where the village of Dryden now is. Myself and brothers worked on the farm in summer and went to the district school in winter. The first school I went to was kept in a little log-house quite near my home; - in a few years, however, a frame school-house was built at the Four Corners, or incipient village. Here I learned spelling, reading, arithmetic, grammar, geography, and received a few lessons imparted by the school master's rod or ferrule to impress these elementary branches of learning more forcibly. At the age of fifteen, I taught, during the winter, a common district school on the Wakeley Hill about a mile and a half from my father's house, for ten dollars a month and my board. I boarded around among the patrons of the school as was the fashion of that day. I had never been from home before, and when Saturday night of the first week came around and the scholars had been dismissed, I sat down by the glowing embers of the great open fire and cried with homesickness. I went home the next Saturday

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in 1877 until 1902. On the basis of this information, a trip to Skaneateles in August of 1957 proved rewarding.

Biographical material on Marvin is relatively scarce. The hitherto unpublished "Autobiography" supplements such sources as: *The National Cyclopaedia of American Biography*, 40 vols. (New York: 1909), XI, 379; *Makers of America*, 4 vols. (Atlanta: 1909-1911), IV, 5-6; George P. Marvin, *Descendants of Reinhold and Matthew Marvin* (Boston: 1904), 186; and biographical reminiscences in *Syracuse Sunday Herald*, March 5, 1899.

and staid there until Monday Morning, when I returned to my school. I have never been homesick since. There were in the school a considerable number of boys and girls older than myself; yet I succeeded in commanding their respect and obedience to the regulations of the school. I returned home in the spring, gave my wages to my father, and worked on the farm during the summer. The next fall I went to Phelps, in Ontario Co. N.Y. and taught the school in the Bannister District during the winter. During the same winter my brother Erastus taught the district school in the village, and my brother Richard in the Butler District. Three brothers teaching schools in the same town at the same time. The tradition in that town handed down to the present day is: that we taught good schools. I returned to the farm in the spring and worked on it in the summer. The next winter I taught the school in the Hildreth district in Phelps and returned again to the farm in the summer. I gave my wages for both winters to my father. The next fall, being now past eighteen years of age, and beginning to feel a little bit the pride and ambition of early manhood, and my pride being a little offended at what I conceived to be a neglect on the part of my brother Erastus to answer a letter asking him to get a school for me in Phelps where he then was, I determined to cut loose from my brothers, and seek my own fortune in my own way independent of any aid from them. My father had given me a good suit of clothes and about twenty dollars to defray my expenses in going out to Phelps and to have some money left. I started in the month of October on foot to go to Phelps, but changed my mind at Ithaca and instead of going to Phelps I there took the stage-coach to Owego. At this place, I ate at my breakfast eels taken from the Susquehannah River for the first time in my life, not knowing at that time that they were eels. I have enjoyed the eating of them ever since without ever thinking of "snakes." I walked the greater part of the way through the States of Pennsylvania, and Maryland to Bladensburg near Washington City. I now and then, however, hired a ride in the stage-coach and occasionally got little short rides in some farmer's wagon going on the road. I was about two weeks making this journey, stopping for a day or more at Wilkesbarre, Harrisburg, York and Baltimore. I frequently stopped on the road at some farmer's house and staid all night. I staid over

one Sunday at a German farmer's house and went to the little church in the neighborhood where the services and sermon were in the German language. If a young fellow should undertake at the present day to make the same journey in the same way, he would in all probability be arrested in his progress and be confined in prison as a tramp; but I was everywhere kindly received and entertained. In some instances freely, and in others for a small compensation.

On arriving at Bladensburg I had only twenty-five cents in money left. I stopped over night at the principal hotel. Of course, I could not pay for my night's lodging and breakfast. In the morning after breakfast, I told the Landlord who was an old and courteous gentleman, of my impecunious condition. Instead of cursing and swearing at me, he treated me as kindly and gently as he could possibly have treated his own son. He was probably attracted by my ruddy and beardless face and open, frank demeanor. He asked me what I could do. I told him I could teach a school. He said he thought there was room for one in that village. In less than two hours afterwards, I had hired a suitable room and seen the father or Mother of nearly one half of the families in the village, and asked them to send their children to my School. My school flourished, and I made and saved some money. I got board at a moderate price with a man and his wife who kept a tailor's shop. On Saturdays and holidays I did not keep the school open, and frequently took these occasions to walk into Washington five miles distant to see the city which at that time was not wholly confined to Pennsylvania Avenue but nearly so. I attended the President's reception held in the East Room of the White House, on the 4<sup>th</sup> of July 1827, and shook hands with the President John Quincy Adams. There were not more than twenty or thirty persons present at the time. Among them were several foreign Ministers each wearing his court dress. Richard Rush, and James Barber, Members of the Cabinet, were there. The most distinguished looking person of all present was colonel Winfield Scott. Colonel Scott appeared to me to be about forty years of age. He was in full uniform and carried in his hand his chapeau with a beautiful white plume on it. He was spare in figure and seemed to be about six feet two or three inches tall. He loomed up above all the persons around him and appeared to

my eye to be as graceful and handsome as an Apollo. He was already distinguished in history for leading the gallant charge made against the British Troops at the battle of Lundy's Lane in Canada in the War of 1812. Much later in life he won high military honors as a general in leading the small American Army from Vera Cruze to the conquest of the City of Mexico in 1847. I became personally acquainted with him in his advanced age. He had then become corpulent thereby losing the beauty of his person, but never the less, he was a grand and majestic-looking man. He was a genial gentleman and a splendid soldier. The President, Mr. Adams, as I remember him was about fifty years of age, of medium height and well rounded out. The contrast in personal appearance between him and Colonel Scott was very striking.

While residing in Bladensburg, I came near being drowned in the Potomac River. I had learned through letters from home that a Miss Edmonston of Phelps - a handsome young woman - was visiting friends in Alexandria and I quite desired to see her. I, therefore, induced another young fellow to join me and we took a small sail boat and sailed down the Eastern Branch, past the Navy Yard into the Potomac where we met with high head winds and considerable sea. We were driven ashore by the winds on the Virginia side, the boat was capsized and we [were] thrown into deep water, but succeeded fortunately in getting to shore. The boat was lost. I walked from the place of the wreck to Alexandria and called on the young lady in my clothes dripping wet, and with my feet sore from walking. I found her visiting her Uncle and Aunt, Mr. and Mrs. Scofield who were nice Quaker people. They took me in, allowed me to visit the kitchen to dry my clothes and invited me to stay over night and the next day which was Sunday. They were as kind and as good to me as they could be. The good old man rebuked me gently for my folly in undertaking to sail a boat on the Potomac when perfectly ignorant of the way to manage it. The rebuke was entirely just, for I had never attempted to sail a boat before in my life, and I doubt very much if my companion had. I was not drowned! but ought to have been, and perhaps may live to be hung!

Although, I was doing very well with my little school in Bladensburg, as the summer advanced, I began to be afraid of

becoming sick with the prevalent fevers of the neighborhood. I was told that the western part of the state possessed a much more salubrious climate. Some time therefore in September or October, I removed to Frederick City. I took board in a little tavern on Main Street. In a few days, I visited two or three of the schools in the city and was offered employment as assistant teacher in one of them, but I declined the offer preferring to build up a school of my own. In a few days I had hired a room and procured a few benches and writing-desks and advertised in the newspapers for pupils. I opened school with one scholar - a little boy. I taught him faithfully, keeping him and myself *in* the whole number of regular hours. In about the third or fourth week after commencing my school and I had obtained ten or twelve pupils, one of my patrons brought to my school and introduced to me a gentleman by the name of Patterson. Mr. Patterson said to me: "I wish to study Arithmetic, and learning that you had but just opened your school and had but few pupils, I thought that you could give me more of your time than any other teacher in the city, and I, therefore, have come to you." I was wonderfully surprised and astonished for I immediately recognized him as the Rev. Mr. Patterson - a Presbyterian Clergyman who had two or three years before had charge of a church in Dryden where my family lived. I had often heard him preach. He was about fifty years of age - an Irishman by birth and a brilliant orator. I replied to Mr. Patterson that I would be glad to receive him in my school-room and give him a desk. He came to the school the next morning, bringing a slate and Daboll's Arithmetic. He sat down to his desk and began to study. In less than a month he had gone through and marked out every question and problem in the book. I had occasion to assist him but little. At the end of the month, he told me that he was going to leave me and was very sorry that he could not compensate me in any way for the assistance I had rendered him. He went on to say, "I am a graduate of the University in Dublin, but not having been intended for a business life, my education in Arithmetic was neglected. I now find it necessary to resort to teaching a common school for a living and I felt my incompetency to teach Arithmetic. I therefore, came to you. I have engaged a school in Liberty in this County and am to open it next week.

As soon as I have got any money from my school, I will come to the city and pay you whatever you may think is right." I told him that I was glad if I had been of any assistance to him, and I had hoped that he would succeed in his school, and that whenever he came to town to be sure to come and see me. He bade me good-bye and I saw no more of him for three or four months. At the end of this time, on coming to my hotel about nine o'clock at night, I was told by the landlord that a man had been there inquiring for me, that he was noisy, ugly and abusive and that they had turned him out of the house - that he had insisted upon seeing me, saying he was my friend and that he had come to see me, and he would stay all night with me. I went out into the street to see if I could find him. I found the man was Mr. Patterson. He was quite drunk. I begged the landlord to take him in and give him a bed for the night. He refused my request. I then got a reliable waiter of the hotel to go with him to another hotel not far off, and I instructed the waiter to pay for his lodging and breakfast and gave him a dollar for that purpose. Mr. Patterson was unwilling at first to go, but afterwards acceded to my wishes and went with the waiter. I saw no more of him until at the end of five or six months, when, as I was riding on horseback through the little hamlet of Traptown on my way to Harpers Ferry I met him in the road at the edge of the village. He was very glad to see me - looked well, and was neatly dressed though his clothes were well worn. After a few moments conversation, I said to him: Do you remember ever seeing me before you met me in my school-room? He answered "No." I said: Do you remember a family by the name of Marvin living in Dryden? - "My heavens," he replied, "but you are not the son of Selden Marvin, and brother of Sibyl Marvin?" I said: yes, I am - "Why," said he, "did you not tell me this before?" I replied "I did not wish to recall to your mind any recollections of the events of your life in Dryden. You were then occupying a distinguished position in the public eye and apparently every way in prosperous circumstances." Oh! how well," he said, "I remember so many good people in Dryden, especially your father and sister." "But how is it," I said "that you are not occupying a pulpit to-day? You were very popular and much liked as a preacher in Dryden." He replied: "Yes, I know that - I was educated for the ministry

in the Presbyterian Church and preached for many years in Ireland, but whiskey got the mastery over me and I was obliged to give up the ministry in my native home. I came then to the United States and to Dryden where I was engaged as the minister of the Presbyterian Society there. I did my work well and kept sober, as you know, for six or eight months. At the end of that time as you doubtless know, I was discharged by the church authorities for being drunk and bruising the face of one of the elders of my church; for you must know that when I am excited by liquor I *must* fight somebody. I succeeded well with my school in Liberty, but as soon as the term was over and I had got some money, the temptation to drink whiskey was irresistible, and in a spree, I used my fists quite too freely on one or two of the leading men of the village. I was obliged to give up my school and so it has been with me. I am the victim of alcohol." He seemed to be much saddened by a consciousness of his infirmity. I felt very sorry for him and could not, as young and inexperienced as I was, understand why he should get drunk. I ventured to advise him not to drink any intoxicating liquors nor to go into any place where they were sold. He shook his head, in a sort of despairing way and said: "I don't know - I don't know. God forgive me. I am not my own Master." I shook hands with him, and in my heart offered a little prayer that God would help him, and bade him good-bye. I have never seen or heard of him since. He was in his manners an accomplished gentlemen, a fine scholar and a brilliant preacher.

I succeeded in building up a good paying school in Frederick in which I taught, however, only the minor branches of an English education, i.e. spelling, reading, arithmetic, English grammar & geography. I was not qualified to teach the more advanced studies. I taught in Frederick more than two years. In this time, I connected myself with the Methodist Society there. My father was an earnest, shouting Methodist and believed in the reality and necessity of sudden conversions and had taught me as soon as I was old enough to understand the matter that I must be converted, and so when I was about fifteen years old I went to a camp meeting on purpose to get converted in the Methodistic, orthodox way, and so, as I thought, I received that blessing, if blessing it was, and I thereupon a few Sundays after-

wards was admitted on probation to membership in that society. My connection with the Methodist society in Frederick was a good thing for me, for it helped to make me acquainted with a considerable number of religious, good people whose influence upon my own life and character was good. Many of them opened their houses to me and I had pleasant places to visit. Under these influences I formed no bad, sinful associations. I thought at one time of becoming a Methodist preacher, but a letter from my brother Richard who was then a student at law in the office of Mr. Sibley of Canandaigua had considerable influence in directing my mind from the Methodist Ministry and directing it to the study of the law. Stimulated by his letter, I became a student in the office of a Mr. Spellman and gave the hours not employed in school to the study of the law. I read Blackstone's Commentaries, Bacon's Abridgement, Chitty's Pleadings, and Tidd's Practice and other books. I came to know and had a slight acquaintance with some of the members of the Bar. Among them Frederick and William Schley, William Cost Johnson, Francis Thomas and others. In the winter of 1828-9, General Andrew Jackson passed through Frederick on his way to Washington City to be inaugurated President of the United States. He stopped and dined at the principal hotel and I had an opportunity to call on this distinguished hero, and was invited to do so. I did not avail myself of this opportunity. The reason was simply that I was too proud to do so. Bashfulness, self-consciousness, and a sense of awkwardness all spring, in my judgement, out of pride. These have, all my lifetime, been a cause of great discomfort to me and have prevented my becoming acquainted with many distinguished men and women. I have never been a hero worshipper. I have always, however, regretted my folly in not seeing General Jackson on this occasion. He travelled from the Hermitage in Tennessee through Kentucky, up into Western Virginia and over the Cumberland Turnpike through Maryland to Washington in his carriage drawn by four fine horses. There were no rail-roads in the country in that day.

In the spring of 1830, I was admitted on examination as an Attorney & Counsellor at Law in the Courts of Maryland at a Court held in Upper Marlborough, Prince George's County. I knew but little law and was altogether too young and inexperi-

enced to have the charge of any law business. Never the less, the easy good nature of my examiner, Counsellor Dorsey and the kindness of the presiding Judge availed me on this occasion in place of real merit.

I had, by this time, become very anxious to return home to my father's house. I accordingly dismissed my school and in June 1830, started for home. I travelled by stage coach to Baltimore, thence on to Philadelphia and New York. On arriving at the latter place, I thought it best before going home, to visit my uncle Dan Marvin - my father's brother, then eighty years old and living on Grassy Hill in Lyme, Conn. I passed a month very pleasantly with him and my cousins John and Dan. I also visited my Aunt Hope Chapman - my Mother's sister - living across the river in Saybrook. After my visit was concluded, I returned to the City of New York, from thence, I proceeded up the river by steam boat to Albany. From Albany I travelled to Schenectady in rail-road cars. I think, this short piece of road was the only railroad in operation in the United States at this time, though I am not quite sure of this fact. It was certainly the first and only rail road in the State of New York.<sup>2</sup> The rail consisted of a square piece of timber and common bar iron about two inches wide and an inch thick spiked on it. The cars were like common coaches seating each six persons sitting vis-a-vis after the English fashion. We made the trip between the two cities about eighteen miles apart, in two hours and a half and thought we made good time. We all considered the road, engine and cars a great success. What an advance in the mode of travel over the old stage coaches! From Schenectady I travelled in stage coaches to my home in Dryden. My father received me very graciously - he embraced me in his arms, hugged me to himself and shed tears of joy over me. I reciprocated his affectionate greeting and shed tear for tear. My step-Mother also received me kindly. I had brought home with me good clothes, a license

2. The road from Albany to Schenectady, built in the latter part of the 1820's, was an early attempt to link Albany with the Erie Canal at Schenectady. The Charleston and Hamburg Railroad, however, is ranked as the first American railroad. The *Best Friend of Charleston*, the first American-built steam locomotive, pulled the first train of cars in December 1830, over six miles of track from Charleston, South Carolina to Hamburg, Georgia. Stewart H. Holbrook, *The Story of American Railroads* (New York: 1947), 6-28.

to practice law in Maryland and three hundred and fifty dollars in good bank bills. I gave a part of the money to my father. I was now a little more than twenty-two years of age, temperate and moral in my habits, sincere and earnest in my disposition and unsophisticated in the ways of the world, I knew nothing of what is called fashionable society. I was in good health and fine looking being about five feet eleven inches in height and weighing one hundred and fifty pounds. My hair was black. My beard was black and thick but kept closely shaven.

I spent the summer at home with my father. In the early fall I went to Vienna, now called Phelps, to visit my oldest sister Sybil who had about a year before married Theodore A. Pinckney of that place. He made her acquaintance in Vienna where she was engaged in teaching school. Harriet, her first born was a few weeks old at the time of my arrival. I found on application to the Court of Common Pleas in Ontario County that my license to practice law in the Courts of Maryland would not avail me in the Courts of New York, but that I must go through a clerkship of three years in the office of a practicing attorney in the state of New York to entitle me to apply for an examination and license in these courts. I accordingly arranged with Thomas Smith of Vienna, Attorney-at-Law, to become a clerk in his office and at the same time share equally with him in the profits of the business. I remained with Mr. Smith three years and more. I studied hard and worked hard. He was a justice of the Peace as well as an attorney. He was not disposed to do the pettifogging and this business was thrown into my hands. I earned in fees from this business alone between six and seven hundred dollars a year. This more than paid my board and clothed me.

In the early fall of 1832, my father, step Mother, and oldest brother Erastus died within a period of three months at Kennedyville, Chautauqua County, New York. They died of the fever of the country. My brothers Erastus and Richard had bought a large lumber establishment at Kennedyville and Erastus and his young wife were living there. My brother Richard was living and practicing law in Jamestown. My father had missed somewhat the society of his older children particularly that of Erastus. He had become too quite anxious to make larger provision for his younger children before he died. With a view therefore mainly

to promote what he thought would be their interest, he suddenly and unadvisedly sold his farm and house in Dryden and took his wife and seven little children, the youngest being an infant, and conveyed them and a few household goods in a two horse wagon through the country as new as it was then to Kennedville in Chautauqua Co. He had determined to buy lands and settle himself and family in that new country. Before he had established a new home, he sickened and died. He executed a will before he died in which he gave all of his property real and personal to his wife and younger set of children, except a legacy of a hundred and fifty dollars as I remember it to my young sister Mary Ann, or Sarah, I forget which. He was persuaded by my brother Richard to make this remarkable difference between the two sets of children. Richard, as he afterwards told me, said to his father that the older set of children - five in all - Erastus having died - were sufficiently grown up to be able to take care of themselves, but that the younger ones and their Mother would need all the property that he had to assist in bringing them up. I have always thought that the conduct of brother Richard on this occasion was very noble and generous in renouncing for himself and the older children his and their claims to an equal share in their father's estate. The older children never disputed the will but allowed it to be carried out. They consequently never received any part of their father's estate except the small legacy above named. Their acquiescence in this matter will appear the more magnanimous when we take into consideration the fact that the second marriage of their father and the consequences that followed were by no means agreeable to them. My Mother died when I was about eight or nine years old leaving six children. The oldest, Erastus being about nineteen years old. About a year after my Mother's death, my father married Elizabeth Vandenburg - a widow with three little children. Her little ones came with her into the family. By this event the little log house consisting of three rooms and a garret was crowded to overflowing by a family of eleven persons. This number was afterwards increased by the addition of seven more children. In this condition of affairs, it was impossible that the older children could be happy in their father's house. I do not desire to say a word in disparagement of my

step Mother. She possessed many good qualities. She was a healthy, hard working, industrious woman but not always gentle and sweet in her disposition. But if she had had all the virtues of a Saint Theresa, she could have done but little to make the family happy in such a small house. There were too many of us together, and the older children at very early ages began to find homes and employment away from their father's house. Erastus, Richard and myself all went from home and taught school whilst still young. Sibyl, the older sister, left home while still a young girl and taught school in Phelps where she married Mr. Pinckney. After her marriage she took my younger sister Mary Ann into her family. Mary Ann married William Hildreth of Phelps. My sister Sarah married Mr. Guile of Dryden and left home. In this manner the older children soon became scattered and in after life had but few opportunities of knowing much of their younger brothers and sisters.

My step Mother and myself were appointed executors of my father's will. By her death which occurred soon after that of my father, I became sole executor and as the property came into my possession the care of the younger children devolved more on me than on my brothers and sisters. What to do with seven little orphan children, the oldest, Pollie, about fourteen years old, and the youngest, Elizabeth, and infant, I think not a year old, was a very perplexing question. Had not my father been a leading member of the Methodist Society and much beloved in Dryden, I think that I would have been in hopeless despair as to what to do with my little brothers and sisters. What I did do was this: I persuaded Mr. and Mrs. West who lived near Kennedyville to take the infant as their own and bring her up, I promising to pay them for their trouble the yearly interest on her share of the estate. I proceeded with the other six children in a two horse wagon in the month of November to Phelps where I left Chauncey, the oldest boy, in a good place. I took the other five children back to Dryden where my father's and Mother's friends came to my assistance. I bound Wesley, then eight or nine years old, to Gilson Ballard, and I persuaded Mr. and Mrs. Theophilus Williams, who had no children, to take Harrison, a sickly, little boy then five or six years old and bring him up as their child. I gave Harriet to Mrs. Hoagland. Mrs. Hoagland

refused to take the child unless I would write on the fly-leaf of her Bible a deed of gift of the child to her and a promise that none of the Marvins should ever reclaim the child "for," said she, "I know you Marvins. You are all ambitious and fond of 'larning' and as soon as the child is grown up you will want her to be sent to school and made a Marvin of and I want her to be a Hoagland; she is to be my child and take my name." I did as she requested and wrote in her Bible a deed of gift of the child and a full warranty of title in which the Marvins were all forbidden from ever interfering with her claim. Notwithstanding this solemn transaction, Harriet, as she grew up, refused the name of Hoagland and took that of Marvin. She became a fine intelligent woman and married William Tanner, a very respectable mechanic. She is at this date 1892, living in Lamar, Missouri. I left Henry, a bright boy, eight or nine years old, in the family of Mr. Charles Givens. Pollie, the oldest of the children, about fourteen years old made herself very useful in helping me to take care of her younger brothers and sisters. She was quite able to take care of herself. I do not remember what disposition she made of herself at this time. These children all grew up to adult age. Chauncey and Henry became farmers and settled in Michigan. Chauncey died ten or twelve years ago leaving no child. Henry died recently at Battle Creek, Michigan, leaving, I think four sons and a daughter. Both brothers left handsome properties. Wesley became first, a school-teacher and then a lawyer and is living to-day in Norwich, N. Y. He is married but has had no children. Harrison grew up in Dryden, married there, has two fine grown up daughters, and is now living in Albany, New York, in the employment of the State Government. Pollie married Mr. Alexander Hodge of Mississippi where she was at the time teaching school. Her husband died about ten years ago leaving no children. She is now living with her sister Mrs. Tanner in Lamar, Missouri. When I look back upon the history of each and everyone of these children and consider how well they all turned out in point of moral character and social respectability, I can not help thinking that there has been all along a special Providence that has presided over their careers. Although, I was obliged by circumstances to be separated from them while they were growing up, yet, I kept a constant watch

over them and helped occasionally by my advice, and applied the money in my hands as executor to assist them, as the circumstances required.

In January 1834, I left Phelps and travelled by stage-coach through Geneva, Ithaca, Dryden, Norwich and Cherry Valley to Albany. I remained here in the law office of Tabor and Dean. While there I studied law less than I did phrenology. Dean was delivering a course of lectures on this subject before the Young Men's Association. I became fascinated with this subject as discussed by [Johann G.] Spurzheim and [Franz J.] Gall and George Comb of Edinburg.<sup>3</sup> I became very fond of Dean. He was a laughing, philosopher. From Albany, I went down the river in a steam-boat to New York where at the May Term of the Supreme Court, application was made for my admission at that Court. The Court was held in the City Hall. I was in a class of thirty-five candidates for admission. The class was examined by three counsellors at law appointed by the Court. The examiners sat on the bench and the candidates occupied the bar. At the examination an incident occurred which was very pleasing to me, and worth recording here on account of a display of magnanimity on the part of one of the examiners worthy of note. The course of examination was for the examiner to ask one question of one candidate, [sic] the next question of the second candidate, [sic] and so on, going through the whole class in regular order. At the end of about an hour of the examination, the examiner

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3. Marvin's enthusiasm for phrenology was typical of the period. It was thought at the time that one could make an accurate analysis of an individual's character and abilities, by studying the size and shape of the subject's head. Some thirty-seven independent faculties were classified, and charts of the skull were supplied to aid in identifying and locating them. If a particular area of the cranium seemed to be well developed, it was assumed that the subject possessed a correspondingly well developed faculty for that region.

Franz Joseph Gall evolved a theory of cerebral localization and acquired international fame after lecturing in Austria from 1797 to 1802, and in Paris, in 1807. Johann Gaspar Spurzheim, a pupil and colleague of Gall, popularized his concepts and contributed the term phrenology, the "science of the mind." Spurzheim lectured in England in 1814 and 1825, and in America in 1832. In England Spurzheim caused George Combe to devote his life to phrenology, and in America the lecturer received an impressive reception and was permitted to expound his concepts in a series of public and private lectures at Yale, Boston, and Harvard. John D. Davies, *Phrenology Fad and Science a 19th-Century American Crusade* (New Haven: 1955), 5-7.

propounded to me a question in practice touching the mode of entitling the papers in a suit against a Sheriff to recover of him the debt for an escape of the debtor from imprisonment when he was committed on a *capias ad satisfaciendum*, a subject a little difficult. I answered the question. The examiner immediately asked me a second question which naturally grew out of my answer. I answered that. He asked a third, a fourth, and a fifth, each question growing out of my previous answer, his object plainly being very kindly to show me that he considered my first answer to be wrong. When I had answered the fifth question, he bowed towards me from the bench very politely and said: "Sir, *you* were right. I was wrong." A mean man would not have made this open and frank acknowledgment of his error. The name of the examiner was James Roosevelt.<sup>4</sup> I was not entitled to any special credit for answering rightly, inasmuch, as we had had occasion in our office, a short time before, to sue the sheriff in just such a case and I was therefore familiar with the mode of making out the papers. Never the less, the little incident drew the attention of the whole class mostly made up of young men residing in the city, to the plainly dressed, simple-looking candidate from the country and I was very generally congratulated by them. My license as an attorney in the Supreme Court was signed by John Savage Chief Justice and my license as solicitor in the Court of Chancery by Reuben Hyde Walworth, Chancellor, both documents bearing the date May 1834.

Immediately after I was admitted to the Bar, I commenced the practice of law in Phelps where I was living. In December 1835, professional business took me to St. Augustine in Florida. I sailed from New York in a Hudson River Sloop of the burthen about ninety tons having on board a general cargo of merchandise bound to that place. It was my first voyage on the ocean and it

4. James I. Roosevelt (1795-1875), great-uncle of Theodore Roosevelt, distinguished himself as a congressman and jurist. Elected as a Democrat to the Twenty-Seventh Congress, he served in the House of Representatives from March 4, 1841, to March 3, 1843. Declining renomination in 1842, he devoted himself to the study of foreign law in the courts of England, Holland, and France. He served as justice of the Supreme Court of the state of New York from 1851 to 1859, and was appointed United States district attorney for Southern New York by President James Buchanan in 1860. *Biographical Directory of the American Congress 1774-1949* (Washington: 1950), 1757.

was horrible. I was sea-sick twenty days and suffered intensely. The voyage ought to have been made in five days, but owing to head winds and bad navigation, it lasted twenty-five days. When I landed in St. Augustine I was so weak that I could scarcely walk, I found the orange trees about St. Augustine hanging full of fruit but killed dead to the roots by a recent frost.<sup>5</sup> I stayed there three months. I made the acquaintance of Houli, [?] Charles Downing, Mr. Putnam, Judge Gould, Dr. Anderson, Judge Smith, Judge Robert Raymond Reid, Doctor Wheadon, David Levy afterwards called Yulee, and who became a Senator in Congress; and a number of gentlemen from the State of New York; among them Lot Clarke, George Field, & Arthur Bronson.<sup>6</sup> Charles Downing introduced me to Joseph White, then delegate from Florida in Congress, and recommended me to him as a suitable person to be appointed U.S. District Attorney for the Southern District of Florida. Having this endorsement from Downing, who had taken a fancy to me, White recommended to President Jackson my appointment to that office.

Whilst sojourning in St. Augustine, I visited Jacksonville then consisting of not more than twenty or thirty small, wooden houses and a population of, I should think, less than three hundred souls. Judge Doggett, Isaiah Hart, Samuel Burritt, a young

5. In the nineteenth century, Florida was visited by two disastrous freezes, one occurring in 1835 and the other in 1895. The disaster of 1835 has been described by Rowland H. Rerick as the "first great freeze in the history of Florida. . . ." On the evening of February 7, and on the morning of February 8, 1835, the mercury dropped to seven degrees above zero. "Great damage was done throughout the Territory. A severe northwest wind . . . blew ten days in succession, but more violently for about three days. The St. Johns river was frozen several rods from the shore, and afforded the inhabitants a spectacle as new as it was distressing. All kinds of fruit were killed to the ground and many trees never started again, even from the roots. The wild groves suffered equally with the cultivated ones as far south as the twenty-eighth degree of latitude." Rowland H. Rerick, *Memoirs of Florida*, 2 vols. (Atlanta: 1902), II, 267.
6. The person identified as Doctor Wheadon was probably Doctor Frederick Weedon, physician and friend of Osceola, celebrated Seminole war leader in Florida. Weedon, a resident of Saint Augustine, attended Osceola from the time he was imprisoned at Fort Marion until the Indian's death at Fort Moultrie. Recorded history reveals that it was Weedon who secretly severed the famous Indian's head from his body and preserved it. For an account of the incident see May M. Ward, "The Disappearance of the Head of Osceola," *Florida Historical Quarterly* (January-April, 1955), XXXIII, 193-201.

lawyer of much promise and Colonel Fleming were among the principal inhabitants. I also joined a party of gentlemen, among whom were Lot Clarke, George Field, Arthur Bronson, Mr. Mather, and Mr. Allen from the state of New York, and Dr. Anderson and other gentlemen of St. Augustine, to make an exploring trip up the St. John's river. We hired a steamboat and made a voyage of several days, starting from Piccolata. As soon as the boat left the wharf, we were all called into the cabin, and a meeting was organized by appointing Dr. Anderson, Chairman, and Mr. Allen, Secretary. A Committee was thereupon appointed to take charge of the general direction of the trip, and to decide how far up the river we would go, where we would stop, and land &c, &c. This business being done, an amusing incident occurred. Mr. Arthur Bronson of Bridgeport, Conn., but who kept a law office in New York, rose and in a very grave, formal manner said : "Mr. Chairman : Before this meeting adjourns, I wish to submit a proposition for its very serious consideration. As we expect our trip of exploration up the river will last several days, and we shall sleep on board nights, it is very evident that the circumstances will be such as to permit of the possibly of our annoying each other in a very unpleasant manner. The habits of some men are not all good. Some men have very habits, and I, now, refer especially to the very bad habit that some men have of snoring in their sleep. I never snore myself; it is not your lean, lank men like myself that ever snore, but it is your plump, round, fat men like my friend Captain Mather who sits here before me with his rubicund face smiling all over, that snores. I once stayed over night at the Eagle Hotel, in Albany, kept by this gentleman and after I had been in bed some hours, I was awakened from my sleep by the loud snoring of some man in the adjoining room. The noise he made was insufferable. It penetrated to my very gizzard. It exploded in my ears, too, with such irregular intonations; sometimes, in the deepest base notes and at other times in the shriller notes, thus confusing and jumbling together all the noises that the nasal organ is capable of making. I was patient under this infliction for half of an hour or more. At the end of this time, I could stand the hideous noises no longer. I got up and went to the man's door. I knocked on it and roused him up. He asked:

‘if it was time to take the stage-coach?’ I replied ‘No, but that it was time to quit snoring.’ He cursed me - told me to go to hell and turned over in bed. I went back to my bed, but before I could get to sleep, he was snoring again. I would have broken into his room and choked the man to death, but I was afraid he was a bigger and stronger man than I. You see, I am a small man. I was afraid to attack him. I got little or no sleep that night. Now I think this practice of snoring is a very ungentlemanly one. I never indulge in it, and I propose that if any gentleman shall be heard to snore at night in this cabin where we are all to sleep, he shall be shot.” The proposition was put to vote and carried. Lot Clarke was appointed marshal, to see that the resolution was carried out if any gentleman should offend. We all slept comfortably in the cabin that night - no gentleman was guilty of playing tunes on his nasal organ, but about sunrise, the next morning, Mr. Bronson was heard to snore in good, loud, earnest tones. It was evident from the manner in which he engaged in this business that he was accustomed to it. The marshal’s attention being drawn to the offender, he directed me as his deputy to shoot him. I took my gun and going on the outside of the cabin to a window near where Mr. Bronson slept, I fired it off!! It awoke him instantly. The whole scene of the night before came up to his memory. He exclaimed: “I am shot. I am killed. I acknowledge myself to be a dead man.” Everyone laughed heartily, and Mr. Bronson was treated as, and called “the dead man” throughout the trip. The trip lasted four or five days, and was very pleasant. The weather was delightful. Numerous alligators were sunning themselves on the banks of the river. These were generally saluted by one or more shots from the rifles of some of the gentlemen. Large numbers of ducks were in the river, and numerous parrots, or parroquets, were seen flying from the branches of the trees. The large live-oaks, and the long gray moss hanging from the branches of these and many other trees made the whole scene very novel and interesting to me. Except at Spring Garden situated above Lake George, there were no houses on the river above Piccolata at that time, except, a little house, or cabin made of split logs consisting of one room, as near as we could see, at Palatka which Nehemiah Brush had just built. He owned a large Spanish grant

at this place.<sup>7</sup> We visited a beautiful spring situated on the westside of Lake George and about a half mile or more from it. It was a hundred feet in diameter and about eighteen feet deep. It discharged sufficient water to make a stream big enough to allow our yawl boat to pass through it up to the spring. The water, like the Wakulla Spring near St. Marks, was as clear as the air. I drank of its waters and bathed in them. The temperature was about sixty degrees. This little incident in my life occurred fifty-eight years ago, but it is as fresh in my memory as if it had occurred but yesterday. I am not quite old enough, yet to decide whether or not this spring was the fountain of youth that the old Spanish Knight Ponce de Leon was in search of when he discovered Florida.

In the summer of 1835, President Jackson appointed me United States District Attorney for the Southern District of Florida. I accepted the office, and, in October sailed from New York to Charleston, South Carolina and thence, in the mail schooner to Key West. The acceptance of this office and removal to Key West changed the whole course and current of my life. I resided no longer in a Northern climate, where the winds, ice, and snow compelled me to live within the doors nine months of the year, but had become the inhabitant of an island located half way between the Peninsula of Florida and Cuba, where the bright sun and delightful sea breezes invited one to live in the open air as much as possible, all the year round. Though a

7. Doctor Nehemiah H. Brush, who came to Florida from New York City, probably owned the first dwelling in the Palatka area. During the years 1826 and 1827, what is now the Palatka townsite, was sold to Nehemiah H. Brush by Belton A. Copp of Camden County, Georgia, for the sum of \$1,500. The record of the sale bears out Marvin's statement that the land had been a Spanish grant.

Brush purchased the grant in two installments. The deed for his first purchase of February 14, 1826, read in part: "Know all these men by these presents, that I, Belton A. Copp . . . sell unto said Nehemiah Brush one moiety of undivided half of a certain tract of land containing 1200 acres, situated in East Florida on the West side of River Saint John, which place or tract of land was formerly called Gray's place or New Buenavista and is now known by the name of Palatka, which said tract of land was granted by the Spanish government to Bernardo Segui, by him conveyed to George Fleming and by George Fleming to me. . . ."

The remaining portion of the twelve hundred acre tract was acquired by Brush on August 31, 1827, by the payment of seven hundred dollars in cash. Palatka *Daily News*, May 19, 1953 (Centennial Edition).

stranger to all the inhabitants, I was well received by them. The whole population consisted of about three hundred and fifty souls. Among the leading business men were Fielding A. Browne, Pardon C. Greene, Oliver O'Hara, Charles Wells, George Weaver, Asa and Amos Tift, William H. Wall, and Philip Fontane. James Webb was the Judge of the Court and Thomas Easton [,] Marshal. Adam Gordon and William R. Hackley were among the principal lawyers. Mr. [Edward] Chandler, my late predecessor in office, had resigned and moved away. William A. Whitehead was Collector of the Port. Major [Francis L.] Dade was commandant of the Military Post.<sup>8</sup> About a month before my arrival on the island, a heavy hurricane originating among the Windward West India Islands had swept over the waters of the Gulf stream between Cuba and the Bahama Islands on the south and east, and Florida on the North, and had driven some twenty or more vessels, big and little, on the Florida reef where they had been mostly entirely wrecked. The cargoes had been saved by the wreckers and brought into Key West, landed and stored. The Salvors had instituted suits in court for Salvage or compensation, for saving them. Mr. Hackley was their proctor and advocate. Mr. Gordon would naturally have been the proctor and attorney to defend the master and owner of the goods saved, against any exorbitant claim of the salvors, had he been at home, but he was, at this time on a visit to the North. I, was, therefore, immediately employed, in his absence, to defend these suits, and although, this kind of business was entirely new to me, I took charge of it and went into Court and tried several of the cases during the first week after my arrival. In less than a month, I had

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8. Brevet Major Francis L. Dade was in command at Key West at the time of Marvin's arrival in the fall of 1835. During this period the Seminole Indians were threatened with removal from Florida to a western reservation in accordance with the treaties of Payne's Landing and Fort Gibson. In the face of possible resistance, the federal government prepared to strengthen the military position of General Wiley Thompson, Superintendent of Indian Relations, stationed at Fort King, near Ocala. Hence, the first detachment, Company B, Fourth Infantry, under Dade's command were ordered to the area. On December 8, 1835, while enroute to Fort King, Dade and nearly all of his command, then composed of one hundred and two non-commissioned officers and men, were ambushed by a band of Seminoles and later massacred by a group of Negroes. For an account of the Dade Massacre see Albert H. Roberts, "The Dade Massacre," *Florida Historical Quarterly* (January, 1927), V, 123-138.

earned and received fifteen hundred dollars in fees charging the established rates; this amount was equal to several thousands at the present day and more than I would have earned in Phelps in several years.

Key West had been for a considerable number of years before I went there, and was, for as many years afterwards, the centre of a large wrecking business. At that time, an extensive trade was carried on with Mobile, New Orleans, Galveston and other ports in the Gulf of Mexico in sailing vessels. The Florida coast was very inefficiently & imperfectly lighted. A reef of coral formation extends along the whole of the Southern point of the peninsula from Cape Florida to the Dry Tortugas, a distance of about two hundred miles, it constitutes, as it were, the northern wall of the Gulf stream. In bad weather, many vessels would be driven ashore on this reef, and oftentimes in good weather, owing to bad navigation and a lack of good light-houses, vessels were stranded on this reef. The cargoes and sometimes the vessels were saved by wreckers and carried into the port of Key West. It was the business of the Court to determine the amount of compensation to be paid the salvors for saving the property and to settle the costs and expenses connected with the landing and storing of the goods. I soon found, by experience, that I had but very little business to do in my office as United States District Attorney, but I very soon began to do my full share as a lawyer in all other kinds of law business. In the four years that I was at the bar, I had earned in fees, over and above my expenses of living, about fourteen thousand dollars. This money I invested in Chautauqua County, New York, in bond and mortgage securities. Thus invested it became the nucleus of other savings in after life.

On my arrival in Key West, I commenced boarding with Mrs. Ellen Mallory, a widow, of Irish parentage, kind hearted and good to her boarders. I shall never forget her kindness to me when I was sick at her house. I had not been living in Key West more than three or four months when I went to Havana and spent ten days in the company with my friend, Mr. Elzuardi, a Spanish gentleman, in sight-seeing. Havana was the first foreign city I had ever seen. The language of the people, the narrowness of the streets, the style of the buildings, the street carriages

drawn by a single horse ridden by his driver, were all novel and strange to me. I was greatly interested in seeing every part of the city, and its beautiful harbor and its surroundings. About a week or ten days after my return home, I was attacked by yellow fever, and came very near dying. Indeed, it is a wonder I did not die. This sickness proved to be my acclimation, and, thereafter, in all the years I lived at Key West, although often exposed to the infection, I never had a second attack of it. I used to visit without fear or apprehension the sick-bed of many persons who were dying of this frightful disease. After seeing many cases in different epidemics, and observing the treatment adopted by the doctors, I came to the conclusion that medical treatment of any kind was of no value to either arrest, modify, or cure, the disease. Whenever it was an epidemic, full one half of the adult patients died, and you could give no good reason why the other half did *not* die too. Even good nursing did not seem to possess any great value.

I soon became acquainted with all the business men, and all the families on the island. Among the business men, I found Mr. O'Hara and Mr. Wells to be good friends and quite companionable, though much older than myself, Stephen R. Mallory, the son of my landlady, was a very pleasant and agreeable young man of about twenty years of age, bright and intelligent [.]<sup>9</sup> He afterwards became Senator in Congress and afterwards Secretary of the Confederate Navy. Asa Tift was his most intimate friend. There were, when I first arrived no schools and no churches on the island, neither was there any public worship by any religious denomination. The Sundays were distinguished from other days only by a suspension of labor. After I had been there some five or six months, more or less, it was suggested to myself, young Mallory, William H. Wall and a few other young fellows by a Baptist minister from Mobile who was visiting on the island, that it was not a nice and respectable way of spending Sunday without any religious services of any kind in the whole community and he advised that in the absence of an ordained Minister, we should hold religious services, to be conducted by a lay reader,

9. Oliver O'Hara and Charles M. Wells were members of the first Episcopal congregation in Key West and joined others in signing the act of association on December 25, 1832. Walter C. Maloney, *A Sketch of the History of Key West, Florida* (Newark: 1876), 32.

and he also advised the use of the Common Prayer Book. We, young fellows, thought the suggestion a reasonable one, and thereupon acted upon it without delay. Wall had been baptized in the Church of England but educated and brought up among Roman Catholics in Spain; Mallory had been baptized by a Roman Catholic Priest and educated at the Moravian School in Nazareth, Penn. Myself had been baptized and brought up among the Methodists. I had never seen, before this time, more than once or twice, A Common Prayer Book. Absurd and incongruous as the whole thing was, we, nevertheless, agreed to divide the services among us. I took for my part the reading of the prayers, Wall, the Scripture lessons, and Mallory, the sermon. We sent notices around to all the inhabitants, of service to be held at the Court House the following Sunday. There was a full attendance of the people. I undertook to read the prayers, and, of course, I did it very bunglingly, being ignorant of the rubrics and, indeed, of the whole service. I believe I read all the morning prayers, except the litany, including the Absolution and all, right through. Wall read the Scripture lessons very well. Whether they were the proper lessons for the day I can't say! and Mallory read the sermon well. We held three services three successive Sundays and would have continued them, but for the fact, that the Rev. Mr. [A. E.] Ford, Church Missionary, arrived from the North and re-established regular religious services on the Island.<sup>10</sup>

10. Prior to 1832, nondenominational services were conducted by the citizens in the old Court House. In 1831, public meetings were held in an attempt to enlist the services of a clergyman. Sanson K. Brunot, of Pittsburgh, Pennsylvania, the first clergyman to hold services on the island, arrived in Key West on December 23, 1832. He organized a parish, and in 1833, "Saint Paul's Protestant Episcopal Church" was granted a charter by the territorial council.

Following the death of Brunot in 1833, the pastorate was filled by Alva Bennett of Troy, New York, from 1834 to 1835; Robert Dyce of Scotland, from 1836 to 1839; and by A. E. Ford of New Jersey, from 1839 to 1842.

Walter C. Maloney observed that there were "frequent vacancies in the Rectorship . . . between the departure of one and the arrival of another clergyman, during some of which, attempts were made to keep up the interest of the congregation by having Lay-readers and a Sunday-school." Hence, Marvin's experience as a lay-reader occurred sometime in 1839, between the departure of Dyce and the arrival of Ford. *Ibid.*, 32-33.

My residence in Key West was, in the main, a pleasant one. The climate was delightful, and after my acclimation, my health was good; The change of climate and food cured me of troublesome dyspepsia which I had when I lived in Phelps. There was a very pleasant society on the Island, consisting of four or five families the Webbs, the Whiteheads, the Gordons, the Brownes, &c; the rest of the population was mostly fishermen and wreckers. The Island itself was of coral formation, having on its surface only a thin, vegetable soil. It was therefore, comparatively unproductive and little cultivated. The food of the inhabitants consisted largely of fish and green turtle. Other supplies of food and clothing were brought from New York or Charleston. The mail was brought from Charleston once a month in a small sailing vessel. The principal drawback to the comfort and pleasure of a residence there was the existence of an immense number of mosquitoes, winter and summer, always hungry & venemous. Mosquito nettings were in constant use around our beds at night, and often, in our rooms in the daytime.

My sister, Mrs. Pinckney, with her little daughter Harriet, then six years old, in October 1836, came to visit me. They spent the winter with me. Sister's health was improved by the climate and my little niece, a very bright, pretty and agreeable child, was quite a little belle among the gentlemen.

In January, 1837, I attended a session of the Legislative Council held at Tallahassee, as a member from the County of Monroe. During its session I became involved, without my fault, as I think, in a quarrel with Fred Wood, a member from Franklin County. Wood was about my age, or a little older, and had the reputation, in the Territory of being a fighting man. He had fought one or two duels. He was interested in having a bill for the charter of a Bank for St. Joseph, passed by the Council. I opposed the passage of the bill and made a little speech in the Council against it. I had been fully indoctrinated in the Tom-Benton theory of a hard money currency and was accustomed to the use of such money at Key West.<sup>11</sup> I had also read a good

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11. Thomas Hart Benton, United States Senator from Missouri, served in Congress from 1821 to 1851. Elected as a Democrat, he supported Andrew Jackson in opposing the re-chartering of the United States Bank. "Always a 'hard money' man, he favored a gold and silver coinage, but no bank of issue with its paper currency." In

deal about the miserable "*red dog*" banks of Michigan and other western States. I was naturally, therefore, opposed to the Charter of any bank for Florida that should have power to issue a currency. My little speech, though temperate and not at all personal, enraged Wood. After I had done speaking he said speaking of me to several members sitting around, in rather an undertone, but still, loud enough for me to hear distinctly: "He is a damned rascal! damn him, I'll cut his damned ears off." He repeated the remark once or twice. It flashed upon my mind, as quick as lightning, that I should be obliged to fight him. I had just come into the Territory from the North where duelling was not tolerated, and Wood and many other leading men in the Territory might reasonably think that I would not fight, and so, insult me at their pleasure, and if it should be understood throughout the country that I could be insulted without properly resenting the insult, my public life would be at once ended. I determined, therefore, in an instant, to fight him, and to draw the challenge from him. I immediately, in answer to his threatening words, shook my finger in his face, and said in a full round voice so that the whole Council could hear me: "You are a damned liar; damn *you!*" My friend Westcott standing in the lobby heard what I said, and knowing Wood's fighting reputation, left the lobby immediately and after being gone a little while returned and put a loaded pistol in my coat pocket, saying, at the time: "Wood will attack you as soon as the Council adjourns;" he was mistaken, however, in this - Wood did not attack me. I stayed away from the Council the next day. The Council took no action in the matter. At its meeting the next day, as soon as the Speaker had taken the chair, Mr. [Richard] Fitzpatrick, a member from Dade County arose and made a handsome apology to the Council for an insult that he had offered the day before to Mr. *Levy*, afterwards Mr. Yulee, a member from St. Johns County; when he sat down, several members got around Wood and asked him to apologize. Mr. Wood rose, and said: "Mr. Speaker, I do not know

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1836, Benton proposed that only gold and silver be accepted in payment for public lands. Congress rejected the proposal but was defeated on the issue when President Jackson issued the "Specie Circular." As a consequence of his stand on the money issue, Benton earned the nickname "Old Bullion." Allen Johnson (ed.), *Dictionary of American Biography*, 21 vols. (New York: 1928-1944), II, 210-213.

whether or not I ought to apologize to the Council for any of my conduct, but if the gentlemen think that I ought to do so, why, I now make the apology. I apologize to the Council, but as to the member from Monroe, I do not apologize to him. I hold myself personally responsible to him for my conduct." The moment he ceased speaking I replied from my seat: "I perfectly understand the gentleman from Franklin;" and thereupon, I left the Council. On going out into the streets, almost the first man I met was Major George T. Ward, a gallant, young fellow, eloquent and brave; I had met him before and knew him slightly. He was afterwards killed in the battle at Malvern Hill at the head of his regiment. I told him the story and asked him to be my second and carry a challenge to Wood. He declined for reasons entirely satisfactory to me. He referred me to Colonel Hector Braden of Leon County. I soon after met Braden and took him to my room and told him the story. He said: "You are right throughout and I will stand by you and carry a challenge for you, but before I do so, I must see Wood - He and I are old friends. He is behaving badly." I replied: "I have no objections, of course, to your seeing Mr. Wood, but you can carry no message from me except a written challenge to fight." He answered: "Please stay in your room until I come back," and took his hat and walked out - He was gone about an hour, when he returned he placed in my hand a full and satisfactory written apology from Wood. Of course, there was nothing more to be said or done. I never knew what argument he used to obtain from Wood this apology. The next day I attended the meeting of the Council. As soon as the Speaker took his seat, Mr. Wood rose and made a very handsome apology to the Council and to me personally, expressing his regrets for what he had said and done. Thus ended this unpleasant affair. My life was probably saved by the good sense and sound discretion of Colonel Braden. Wood was an accomplished shot with the pistol. A year or two afterwards, I saw him shoot at a mark with a pistol in a shooting gallery at Saratoga Springs. He would hit the mark of the size of a silver dollar at ten paces, the fighting distance, firing at the word of command more than three times in four. I had never practiced shooting, with a pistol, was slow in my movements, and of course, a bad shot. I thank God in my old age for this safe deliverance. I

thought not of Him at the time. However, the whole affair was so public that it was noised abroad throughout the Territory, and my reputation for bravery was established. To make Ned Wood, a noted duelist, apologize, won me great credit and popularity. Wood, a year or two after the affair, met my brother Richard at Washington, and spoke to him of me in the most complimentary manner. He possessed many good qualities and generous impulses. Poor fellow! he was afterwards drowned in the Gulf of Mexico; the vessel on board of which he was a passenger went down in a hurricane.

In 1839, I was elected to represent the County of Monroe in the Constitutional Convention which framed the first Constitution of the State. The Convention met at St. Josephs. This was a representative body made up of some of the most intelligent men of the Territory, among whom were Hon. Raymond Reid, James Westcott, David Levy, or Yulee, E. Carrington Cabell and others. Mr. Cabell and myself are, at this present writing, 1893, the only survivors of the sixty and more members composing that body.

In March, 1839, I was appointed Judge of the District Court, by President Van Buren, my predecessor Judge Webb having resigned and removed to Texas where he was appointed Secretary of the "Lone Star State" by President Lamar. In the same year, Sept. 19 *th*, my niece Dora Pinckney was born in that part of the Custom House building occupied as a dwelling. A year or two before this, Dr. Pinckney and his wife, my sister, had come to Key West to live, I having been successful in my efforts to get him appointed Inspector of Customs and Surgeon in the Marine Hospital. The Dr. continued in these employments three or four years, at the end of which time he had accumulated some ten or twelve thousand dollars. He then resigned, and with my approval, went back to his old home in Phelps, with the intention of practicing his profession, but, soon after he arrived there, instead of giving himself up wholly to the practice of medicine, for which he was in every way well qualified; he, probably, with a view, in part, to help his older brother Isaac, went into partnership with him, and invested his money in a store of goods and a flour mill at Unionville, paying for the latter a much too large sum of money. At the end of two or three years experience, he returned again with his family to Key West. I notice the birth

of my niece Dora as an interesting event in the family history. She was a great comfort to her Mother during her lifetime, and had been a great comfort to me, as well as useful to me in many ways in my old age.

In July 1845, Florida having ceased to be a Territory and became a State in the Union, the General Assembly elected me Judge of the Circuit Court of the Southern Circuit. I declined to accept this office, and returned to the practice of the law. In March, 1847, President Polk appointed me United States District Judge. I accepted the office and performed its duties until I resigned it in 1863.

I married Harriette N. Foote, daughter of the Hon. Elisha Foote of Cooperstown, N. Y. on the 15 *th* day of October 1846. I was then thirty-eight years old and she thirty. Our acquaintance before marriage was short. I was passing my summer vacation in Cooperstown and first met her there. I was much pleased with her at our first interview. She seemed to be in good health, was of medium size, fair skin, with grey eyes and dark hair. She possessed a cheerful and gay disposition, and graceful and easy manners. She had been well educated in the schools and in domestic life. I was disengaged and wanted to marry. I spoke to her on the subject, and, after considering the matter for some month or more, she accepted my proposal. She had no great difficulty in learning all she desired to know about me, as I was well known to her friend Judge [Samuel] Nelson of the Supreme Court of the United States and to Robert Campbell and others of the village. I took her with me to Key West a few weeks after our marriage. We had a tempestuous voyage in a sailing vessel. We had not been married many months, before she began to have symptoms of declining health which of course, was a great grief and pain to both of us. After we had been married a year, five months, and a few days she died on the 31st of March 1848, leaving an infant daughter then about six months old. The baby was born and baptized in one of the Military barrack buildings in Key West which in the absence of U. S. troops, we were temporarily occupying. There was great difficulty in raising the child, and it was, as I think the subject of several remarkable Providences. Her Mother could not nurse it, and there was no milk of either Cow or goat on the Island. The attempt was made

to feed it with arrowroot, but the food was innutritious and disagreed with it; the Dr. and myself despaired of its life. In this condition of things, Nancy Wall, a slave, with the consent of her mistress, came and lived in the house, bringing her baby with her. She nursed both babies. Hattie now began to grow, and before her mother died, she had the pleasure of seeing a rosy cheeked, laughing, happy, and joyous baby. When it became absolutely necessary to send the baby to the North, no means of feeding it on a long voyage in a sailing vessel could possibly be devised. But after many days of serious thought on the subject, I learned that Mrs. Williams, a respectable white woman had lost her baby. I, immediately went to her and offered to pay all her expenses if she would go North and nurse my baby on the voyage. As she wished to visit her friends in Connecticut, she consented to do so. The party, consisting of the baby's Aunt Eliza, Aunt Minnie, and Cousin Hattie Pinckney sailed for Boston in June 1848. From thence they went to New York and stopped at the Astor House. Friends, in anticipation of their arrival, had been trying to engage a wet-nurse for the baby, who would consent to go into the country to live, but they had failed. There were plenty of nurses, but they wouldn't agree to go to the country. One morning, after several days' delay & many fruitless inquiries, a newspaper was left, by mistake, at the house of Mr. Ward, a cousin to Mary Foote; Mr. Ward picked it up at his breakfast table, and finding it not to be the paper generally left at his house, threw it down in disgust. Thereupon, Mary Foote picked it up and running her eye over the advertisements, it fell on that of Mary Flood who offered her services as a wet-nurse. Immediately after breakfast Mary went to the place named in the advertisement and there found Mary Flood, a young, strong, healthy Irish woman who was ready to engage herself as nurse and go into the country, leaving her own baby with her friends in Newark. Mary took the woman to the Astor House where her services were at once engaged. She went with the baby to Cooperstown and remained several years. She proved to be a splendid nurse. The newspaper left at Mr. Wards house, by mistake, had never been left there before and has never, as far as I know, been left there since! Mary Flood always said that that particular days' issue was the only paper that would contain her

advertisement as *wet-nurse*, as she intended to change it the next day for one as *chambermaid*. With the good care given to the baby in her infancy by her Aunt Eliza Foote, and in early childhood as well, and at a little later period by my sister, Mrs. Pinckney, she grew up a healthy young woman, possessing the bright and genial disposition of her Mother. She has always been a good, obedient and affectionate child and a source of much happiness to her father.

I spent a month or two in the summer of 1858, in Boston and Cambridge, employed in supervising the printing of my Treatise on the "Law of Wreck and Salvage." One afternoon, as I was walking in the streets of Boston to my hotel, I was met by Professor Louis Agassiz. As soon as he saw me, he threw up his arms and cried out: "Hello! is that you? how come you here? and when did you come? and where are you going?" I answered: I came a few days ago, and am now on my way to my hotel to dinner. He replied: "Go with me to dinner." I thanked him and assented. He took my arm and we went through the streets talking all the time with all our might. I thought he was taking me to his house where we would have a little cozy dinner with his family, but soon, he led me through a wide, open door and up a marble stair-way, and opening a door from the hall, conducted me into a room where I saw a dining table set for about twelve guests, most of whom had already arrived. He thereupon introduced me to Ralph Waldo Emerson, Oliver Wendell Holmes, the poet Longfellow, Judge Hoar and several other literary persons. It was a pleasant surprise. Agassiz took one end of the table and Longfellow the other. He placed me between himself and Mr. Emerson. The dinner was plain and good, not sumptuous; the wines, champagne and claret, both of which were drunk in moderation. The conversation was gentle, easy, and occasionally witty, Agassiz doing the greater part of it. He was a grand man, then about forty-five years of age, of medium height, stout, compact, in good health, complexion ruddy, and handsome. He looked like a well fed, happy, joyous, farmer, manners very genial and pleasant. I had seen much of him the winter before at Key West where he spent a couple of months, more or less, in studying the Coral reefs and dissecting fishes. At the table, I conversed mostly with Emerson who had been in

Florida, he looked to be about sixty years of age. He did not especially interest me in his conversation. Holmes was not handsome, he looked too much like Alexander H. Stevens of Georgia, lean and angular.<sup>12</sup> He suggested the idea in conversation with Emerson, that Nature occasionally accumulated intellectual forces in the sleepy, dull farmers, and at the end of three or four generations, more or less, developed into day some great intellect like that of Daniel Webster, and thereupon, fell back exhausted! Longfellow talked but little, and enjoyed his dinner which lasted about three hours. Besides the pleasure I had in making the acquaintance of these gentlemen under such pleasant circumstances, I became acquainted with Theophilus Parsons of Cambridge, law lecturer and writer of law books. I dined with him at his house in company with Dr. Jared Sparks, author of the *Life of Washington* and editor of his correspondence. I quite enjoyed my sojourn in Cambridge; I spent a good part of my time in the Law Library of the University. Little, Brown & Co. printed an edition of twelve hundred copies of my book. The New York Board of Marine Underwriters bought more than half of them to give to their Agents in this Country and in foreign Countries, Masters of ships, general Average adjustors &c. They considered the book to be a valuable contribution on the subject of which it treats.

In the summer of 1860, the Chamber of Commerce elected me as a delegate to represent that body in the British Association of Social Science, a meeting of which was to be held in October, in Glasgow, Scotland. I accepted the compliment and in July sailed from New York to Southampton in the *Adriatic*, an American steamer; I had a delightful voyage. On landing, I proceeded up to London and took board and lodgings in a little Inn in King Street in the very heart of the city where I was very nicely cared for. The morning after my arrival I consulted with my landlord as to the best mode of seeing London. He advised me to walk around to the Bank of England, not far off, where I would find

12. Marvin compared Holmes with Alexander H. Stephens who served both the nation and the South, as a member of the United States Congress, from 1843 to 1859, and from 1873 to 1882; as a member of the Confederate Congress; as Vice President of the Confederacy; and as Governor of Georgia. Elected to the Governorship in 1882, Stephens died in office on March 4, 1883. *Biographical Directory of the American Congress 1774-1949*, 1859.

an omnibus stand from which omnibus lines ran in almost every direction, and to get on the top of almost any omnibus, and get a seat along side of the driver. I followed his advice and spent two whole days riding in different omnibuses into almost every part of the city. I was greatly impressed with its awful magnitude. After this experience, I visited Westminster Abbey, the British Museum, the Tower and various other places of interest. I left my card at the rooms in Doctors Commons, of Dr. Lushington, Judge of the High Court of Admiralty of England, and, a day or two after, I was invited to dine and spend the night with him at his country house, a little out of London. I accepted the invitation and was very delightfully entertained by him and his family. I met at the table Sir John [E. Denison], Speaker of the House of Commons.<sup>13</sup> After breakfast, the next morning, the Doctor took me into his library where we spent an hour together in general conversation, mostly however, about the law and lawyers. I noticed a file of forty or fifty volumes of the reports of the Supreme Court of the United States on his table. He told me that he read many of these reports with great pleasure and that he was then reading in regular order every Admiralty and Maritime decision in these reports; he particularly admired the decisions of Justice Storey.<sup>14</sup> Through a letter of introduction given me by Geoffrey, the Dr's son, I was invited by Dr. Stanley,

13. Sir John Evelyn Denison, member of parliament from North Nottinghamshire, was Speaker of the British House of Commons from April 30, 1857, to February 7, 1872. Following his retirement in 1872, he was elevated to the House of Lords as Viscount Ossington of Ossington, Nottinghamshire. A moderate Whig in his politics, Denison earned the respect of both sides of the House during his fifteen years as Speaker. Sir Leslie Stephen and Sir Sidney Lee (eds.), *The Dictionary of National Biography*, 22 vols. (London: 1917), V, 803-804.
14. Joseph Story, appointed associate justice of the United States Supreme Court on November 18, 1811, served until 1829, when he accepted a professorship of law at Harvard. At the time of his appointment to the Supreme Court, the judges exercised the additional responsibility of a circuit court jurisdiction. The circuit assigned Story embraced an appreciable segment of the northeastern seaboard, including Maine, New Hampshire, Massachusetts, and Rhode Island. New England shipping interests, crippled by the Embargo Act of 1807, tried to recoup their losses during the War of 1812 by resorting to privateering. Story, faced with a heavy docket of cases involving admiralty and prize law, wrote decisions which clarified the admiralty jurisdiction of the federal courts, and earned for himself international recognition in the field of admiralty and maritime law. Johnson, *Dictionary of American Biography*, XVIII, 102-108.

afterwards Dean of Westminster Abbey, to breakfast with him at his rooms in Oxford. I accepted the invitation and found him a very pleasant and agreeable gentleman. Among other things, he told me that Dr. Pusey was not a ritualist, that he cared not at all for ritualism, his taste not running in that direction. I attended the meeting of the Association above referred to. The whole number of persons in attendance at this meeting was some three or four hundred. Lord Brougham was the presiding officer. A section in connection with this body had been organized with a view of promoting uniformity in the mode of adjusting general averages throughout the commercial world. The subject to be discussed was a special one, and experts in this branch of maritime and commercial law, attended the meeting from London, Liverpool, Paris, Hamburg, Antwerp, and indeed, from nearly every commercial city in Europe. Mr. Bradford represented Boston, and another gentleman, whose name I have forgotten, represented New Orleans, and Mobile. Our section was presided over a good part of the time by Lord Brougham, Ex-Chancellor of England, Orator & Statesman. I made several very delightful acquaintances among the gentlemen in attendance, the most of whom are now dead. Mr. Ernest Wendt of Bishops Gate, London and Mr. Ruyhusen of Amsterdam survive. I attended a large dinner given to the members of the Association at which three or four hundred people sat down to the table; it was presided over by Lord Brougham. I was honored by being given a seat between the Attorney General of Scotland on one side and Sir Archiblad Allison, Author of a History of Europe, on the other. The United States was toasted and I was called upon to reply; I did so as best I could. Sir Archiblad invited me to dine at his house, a little out of the city, the next day. I went and had a very pleasant dinner. I met also, by invitation at the dinner table of Mr. Dennison, Banker, a delightful party of ladies and gentlemen. I spent two days at his house.

I left Glasgow for Edinburgh, passing up through Loch Lomond, Loch Katrine, the Trossachs &c. At Dumblane, the Rail Road train failed to connect and I was delayed there two or three hours. I spent this time in the library which once belonged, or rather, the books of which belonged to Robert Leighton, Bishop of Dumblane and afterwards Archbishop of Glasgow.

Here I saw for the first time Polyglott Bibles. There was a large number of folio volumes in the Latin language. I stopped over at Stirling for an hour or two and stayed in Edinburgh two or three days. From Edinburgh I went back to London stopping on my way at York, Cambridge & Peterbrough. From London I went to Amsterdam and Antwerp; at both of these places I met and dined with pleasant gentlemen whose acquaintance I had made at Glasgow. From Antwerp, I went to Paris where I remained about a week, and from thence back to New York. I enjoyed the trip very much. Although I had always been a democrat in my politics, and resided at this time in the most Southern town in the United States, and was a slave-owner to the extent at least, of owning my own domestic servants, yet, I had never accepted the views of John C. Calhoun and other Southern leaders, touching the easy dissolubility of the federal union of the States. It seemed to me that the Union was intended by the framers of the Constitution to be perpetual, and, that the movement in favor of Secession that was being inaugurated, if persisted in, could end in nothing else but civil war and the ultimate subjugation of the seceding states; I, therefore, opposed the Secession Movement with all my might. I announced myself as a candidate on the Union side in the County of Monroe, for election as a delegate to the State Convention which had been called to meet in Tallahassee in January, 1861. I was beaten at the election by a secessionist. The Convention passed an Ordinance declaring Florida to be out of the Union and an Independent Nation. The interval of the time between the date of that Ordinance and the time when the Civil War began, was a period in the history of my life of great mental anxiety and suffering. It was impossible during all this time for any person living in the South to form any opinion as to whether the Government at Washington would acquiesce in the secession movement or not. It was generally claimed by the leaders in the South that Secession was a peaceable measure and in accordance with the Constitution. The State authorities at Key West were secessionists; Unionists were liable to bad treatment from them. Many of my dearest friends, including the Clerk of my Court, the Marshal, and the District Attorney turned secessionists. During this period of painful anxiety, I found great comfort in the society of my little family

then consisting of my sister Mrs. Pinckney, my niece Dora, and my daughter Hattie. The Rev. Osgood E. Herrick, rector of St. Paul's Church, Robert Campbell, George Allen, Major Hunt, Captain John Brannan, U. S. A. and Captain Craven of the Navy, contributed a good deal by their loyal sentiments and companionship in misery, to make my life endurable. It was, however, the saddest period of my life. The commencement of the war ended all this uncertainty. It was now certain that the Union was to be maintained, the Country was to be saved. I saw no other end than victory on the side of the Government of the United States. Soon after the war broke out, the President appointed a new Marshal for the Court, Mr. Clapp, and a new District Attorney, and I appointed a new Clerk. The Court was thus again organized and in good condition for work. The President, also, authorized [William H. French] the officer in command of the troops at Key West to declare martial law whenever he thought it best to do so.<sup>15</sup> As soon as the existence of this order was made known, the leading secessionists left the Island and went to the mainland. The Unionists were now in the ascendancy and quiet and good order prevailed. I soon had an immense amount of work to do in deciding Prize cases. The most of the vessels captured for attempting to break the blockade of the Ports in the Gulf of Mexico and at Charleston and Savannah were brought to Key West for adjudication, and I had plenty of work to do up to the time of my resignation in 1863. I resigned because my health had become much impaired by long residence in a hot climate, mental anxiety and overwork. I was, probably, the only Federal Judge South of the Potomac and the Ohio, (if we except Justice [James M.] Wayne of the Supreme Court) who continued to perform his official duties during the war.<sup>16</sup>

15. Major William H. French of the Fifth U. S. Artillery, succeeded Captain John M. Brannan of the First U. S. Artillery, as commander of the federal forces at Key West. Brannan, in January of 1861, occupied Fort Taylor and prepared to hold it for the Union. Key West, "the most strategic point within the Southern Confederacy . . ." was made secure by the arrival of French on April 6, 1861. In Texas at the outbreak of the war, the Major eluded surrender by marching his command down to the Rio Grande to Point Isabel, where they embarked for Key West. Jefferson B. Brown, *Key West the Old and the New* (Saint Augustine: 1912), 91-92.

16. James Moore Wayne, a native of Savannah, Georgia, appointed associate justice of the United States Supreme Court by President Andrew Jackson on January 9, 1835, retained his position on the bench until his death on July 5, 1867. Johnson, *Dictionary of American Biography*, XIX, 565-566.

Having resigned my office of Judge, I removed with my family to the City of New York, and took a house in 23rd Street near 8th Avenue, where the family resided for a year or more. After resting a few months, I opened an office in the City, with a view of establishing myself in the practice of the law. I had a few good friends and was soon employed as Counsel in a few cases. I may, possibly, have succeeded in obtaining a good practice had I persisted in my efforts; but attendance upon the Courts was not pleasant to me. I did well, however, and made some money, but when the war was over and I was invited by President Johnson to accept the office of Provisional Governor for Florida in July, 1865, I did so, and went to Tallahassee. I appointed my old friend Judge [Samuel J.] Douglas, my private secretary.<sup>17</sup> My duties in this office consisted principally in devising measures to assist the people of Florida to re-establish their state government, for this had been overthrown in Florida, as it had been in all the other seceding states, by the military occupation of the country. I issued a proclamation directing an election of delegates to a Constitutional Convention to be held by the qualified voters at the several voting places in the State. The election was held, and the Convention assembled in Tallahassee October 25th 1865. The Convention framed and adopted a Constitution which abolished slavery forever in the State, and secured to the negro population all civil rights, but withheld from the negro the elective franchise; he had never possessed it. A provision in the Constitution declared, that, "All the inhabitants of the State without distinction of color, are free, and shall enjoy the rights of person and property without distinction of color." David Walker was elected Governor under this Constitution. The General Assembly met on the 20th December 1865. It elected Wilkinson Call and myself Senators to Congress. Upon the election and inauguration of a new Governor and of the organization of a

17. Samuel J. Douglas was not unknown to the older natives of the state. Appointed by President John Tyler as a judge of the territorial court, he served until 1845. In that year he was made collector of customs at Key West, a position which he retained until his resignation in 1861. During the Civil War, Douglas was appointed a judge of one of the military courts established by the Confederate Congress, by President Jefferson Davis. Following his service as Marvin's private secretary, Douglas was appointed a justice of the Florida Supreme Court in 1867, by Governor David S. Walker. Tallahassee *Semi-Weekly Floridian*, January 22, 1867.

General Assembly, my functions as Provisional Governor came to an end. I had been greatly assisted in the performance of my duties by the co-operation of the military forces under the command of Major General John G. Foster. I was, also, assisted by the hearty good will of many of my old friends in Florida; they had everywhere received me kindly and generously, though they knew, that I had been from the beginning and all through the war, opposed to them. I found the people very poor. Their sea-ports having been blockaded throughout the war, little or no cotton had been raised. Many families were in mourning for the loss of their sons. It became my duty to make several speeches in different parts of the State giving to the people, white and colored, my views of their duties as growing out of the new order of things. I made speeches to large bodies of men mostly negroes, in Jackson, Leon, Jefferson and Duval Counties.<sup>18</sup> I found the whites everywhere ready to admit that they were a conquered people and willing to "accept the situation." They were ready to recognize the overthrow of slavery and willing to abolish it by the Constitution to be adopted. The white people, however, entertained a great dislike to the idea that the negro

18. President Andrew Johnson appointed Marvin as provisional governor of Florida on July 13, 1865, and relieved him of his duties on January 18, 1866. During this period, Marvin was in frequent demand as a speaker. The white people wished to be informed of the changed condition of affairs, and the Negro had to be lectured on the duties and responsibilities of freedom. Some of the Marvin speeches have been preserved in extant publications of the period: speech before a mixed audience in Jacksonville, on August 3, 1865, *Jacksonville Weekly Florida Union*, August 5, 1865; speech before a White audience in Quincy, on September 5, 1865, *Jacksonville Weekly Herald*, September 15, 1865; speech before a Negro audience in Quincy, on September 10, 1865, *Jacksonville Weekly Florida Union*, September 30, 1865; speech before a Negro audience in Marianna, on September 17, 1865, *Tallahassee Semi-Weekly Floridian*, September 26, 1865; a message read before the Florida Constitutional Convention, October 25, 1865, *Journal of the Proceedings of the Convention of Florida* (Tallahassee: 1865), 8-15; an impromptu speech delivered before the Florida Constitutional Convention at its adjournment, November 7, 1865, *Tallahassee Semi-Weekly Floridian*, November 10, 1865. What was probably Marvin's most formal and comprehensive speech, was delivered before a joint session of the Florida Legislature on the occasion of the inauguration of Governor David S. Walker, December 20, 1865. The speaker utilized the occasion to review the progress made during the period of Presidential Reconstruction and made numerous suggestions regarding the future problems facing the new administration. *Journal of the Proceedings of the Senate of the General Assembly of the State of Florida* (Tallahassee: 1865), 12-23.

should be admitted to testify as a witness in any matter wherein a white man was concerned. The idea of his being allowed to vote was abhorrent to them; they could not entertain it for a moment. The negroes, themselves did not seem to have any very clear ideas touching their new condition of freedom. They seemed to understand but very little about the matter. Judging from the stolid and indifferent manner which they exhibited when spoken to on the subject, one would not suppose that they regarded freedom as "a thing of beauty and joy forever." They were generally greatly perplexed to know how they were to get a living, and who was to take care of them. On one occasion when I was addressing a large number of negroes in Jefferson County and telling them that they were now free citizens, and must perform their duties as such, that freedom would not exempt them from labor, but that they must work and get their living as best they could; that their old masters were no longer bound to feed or clothe them or pay their Doctor's bills, nor were they bound to labor for their old Masters, but might seek new employment; an old negro bowed with age, his hair white as snow, pressed through the crowd and came up to the box on which I was standing, and interrupting me said: "Massa, I wishes to ax you one question." "What is it my good old man" said I, "speak out." "I wishes to know who will take care of me in my old age?" It flashed on my mind at once that his former master was no longer bound by law to take care of this old man, and now, that the man had become free, he might not be willing or able to do so, and, that there was no law of the State making provision for the support of the poor, the infirm, or the aged. I was perplexed to know how to answer the old man's questions. I replied however: "My good old man, the Lord has taken care of you all the days of your life, and He will not forsake you now in your old age, but will continue to take care of you to the end of your life." "Yes, Yes," replied the old man, "Lord very good, Massa, Lord very good, but ole Massa, *he* take care of me, he feed me, and he give me cloes, and when I get sick, he get a Doctor; and now you tell me I *got* no Massa no more," and he turned and walked off with a bowed head and saddened expression of countenance. Most of the freedmen felt the same perplexities that this old man did. Nor, indeed, were the white people free from many cares and anxieties not

only as regarded their present condition as to food and raiment, but also their future prospects. Their political and social relations were all broken up; their state was under martial law, and some of the citizens threatened with prosecution for treason. Their late Governor, [Abraham K.] Allison, and their last Senators in Congress, Yulee and Mallory had been arrested and were then held in prison as rebels.<sup>19</sup> It was a part of my duties to advise the President touching his granting of pardons; he required petitions for pardons to be approved by the Provisional Governors, before being presented to him. In this way, it turned out that I was called upon to recommend and did recommend for pardon several men who in their fiery zeal for Secession before the war broke out, had threatened to hang me if they should catch me in the piney woods. Indeed, I think my life would not have been safe on the Mainland about the time and after the passage of the Ordinance of Secession. Governor Allison and Ex-Senators Yulee & Mallory were old friends and I very gladly recommended to the President their pardon. Allison was discharged from prison on my application.

Senator [James R.] Doolittle of Wisconsin presented my credentials as Senator-elect to the Senate of the United States, in Jan. 1866, and made a very handsome and complimentary speech in favor of my admission to the seat.<sup>20</sup> Several other Senators spoke handsomely of my administration as Provisional Governor of Florida and my devotion to the Union Cause; but the Credentials were laid on the table, and never acted upon. The Senate under the lead of Charles Sumner, and the House under the lead of Thaddeus Stevens had already determined upon the policy of not admitting the States that had been in rebellion to representation in Congress without their first having enfranchised the negro. In accordance with this policy, Congress passed an act for the election of delegates to a second Convention to be

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19. Abraham K. Allison, President of the Florida Senate, became governor of Florida in 1865, following the death of Governor John Milton.  
 20. James Rood Doolittle, who served as a Republican in the United States Senate from 1857 to 1869, had been a Democrat prior to the repeal of the Missouri Compromise, and returned to the democratic ranks following his term in Congress. In his speech of January 19, 1866, favoring Marvin's immediate admission to the Senate, Doolittle testified that he had known Marvin for thirty years and vouched for his character and his high standing as a loyal American. *Congressional Globe*, 39th Congress, 1st Session, Part 1, 312-313.

held in each of the States whose government was to be reconstructed. This Act of Congress provided that the negroes should be allowed to vote for delegates, the same as the white man. This giving of the ballot to the negroes who had been so recently in a state of slavery angered and disgusted their old masters, and the white people generally. In this frame of mind the white voters generally refused to attend the elections. The negroes and the few white men, recent comers from the North into these States, had everything their own way. They made new State Constitutions in which they gave the elective franchise to the negroes on the same footing of equality as to the white men. Having adopted new Constitutions, they proceeded to elect new Governors, and new legislative bodies. In most, if not all, of these States, they elected for Governor a new-comer from the North, and negroes, and new men to the Legislature. In this manner, what were called the "Carpet-bag Governments" were introduced. In Florida, they elected Harrison Reed, recently from Wisconsin, Governor, and the Legislature elected Colonel [Thomas W.] Osborne recently from Jefferson County, New York, and Mr. [Abijah] Gilbert from Otsego County, New York to the Senate of the United States; they elected negro representatives to Congress.<sup>21</sup> These persons in no manner represented what had theretofore always been considered as the people, or body-politic of the State. I took no part in these proceedings. I considered at the time, the enfranchisement of the negro so soon after he had come out of a condition of slavery, as unnecessary for the protection of his liberty, offensive to his late masters and in many other points of view wholly injudicious. I declined to cooperate in any way with the "carpet-baggers," or, to be a candidate for re-election to the Senate, or to accept any other office in the new order of things. In this manner, I became disconnected from the politics of Florida.

On the 11th day of July, 1886, I married Mrs. Elizabeth Riddle Jewett. I had met her two or three years before at Saratoga Springs, and was much pleased with her personal appearance. She has been a good wife and a good step-Mother. She had, at

21. Thomas W. Osborn was elected for the long term ending March 3, 1873; Adonijah S. Welch, a former resident of Michigan, for the short term ending March 3, 1869; and Abijah Gilbert for the term beginning March 4, 1869. *Biographical Directory of the American Congress 1774-1949*, 1636, 1989, 1208.

the time I married her, a pleasant home in Skaneateles, New York, and being tired of public life, and having no special fondness for the practice of the law, I settled down in this beautiful village, where I am still living. I have employed my time in working in my garden, and in reading books mostly of a scientific, historic or religious character. During this time, however, I wrote and published two editions of my work entitled: "The Authorship of the Four Gospels." The one edition was printed by Weed, Parsons & Co. Albany, the other by Thomas Whittaker, New York. I have enjoyed the society of my neighbors, the religious services in the little church, and in the main, have led a happy and contented life in my retirement.

I was never a money-maker; a few small earnings saved in the early part of my professional life, and prudently invested in bond and mortgage securities became the nucleus around which was gathered in after life other small earnings, so that, in old age I have had sufficient means for a comfortable living. The birth of my daughter was an event which, at the time, gave me great pleasure. She has always been a great comfort to me. The event of her marriage to Colonel W. I. Ludington, U.S.A. gave me equal pleasure. - I had known him long enough and well enough to love him before either he or I had at all thought of his marriage to my Hattie. I have not been disappointed in him. He has been as good and as kind to me as though he had been my own son.

I have always been a democrat in my politics. I sometimes tell the story of my initiation into the Democratic fold. On the first day of my going to the winter school after the summer work on the farm was over, when I was ten or eleven years old, the boys asked me whether I was a "Clintonian" or a "Bucktail?" I had heard my father talk a great deal about Dewitt Clinton and the Erie "*Cananl*," [sic] then unbuilt, but in contemplation by Clinton and other public men. I answered: "I am a Clintonian." "Well then," said the boys, "let us snap him!!" and thereupon seven or eight of them took hold of hands, and the boy at the end of the line seized my wrist and they started and ran some little distance pulling me after them and then, suddenly, turning about and running right back on the same line, brought me around at the foot of the line like the snapping of a whip and threw me off onto the hard ground, bruising my hands and knees

and hurting me right badly. I picked myself up and was so angry that I cried. I offered to fight the whole crowd. I pitched into them; but they were too many for me; they "downed" me and held me on the ground till I cried "enough." They then let me up and asked me again "What are you now?" I took a moment for reflection, and concluding that "discretion is the better part of valor," I answered: "I am a Bucktail." This satisfied the boys; I joined the crowd and we "snapped" every other Clintonian boy that came to school, and made him a "Bucktail." Now the "Bucktail" party was, at that day, the New York Tammany Hall party. The Sachems of Tammany wore a bucktail on their caps or hats as an insignia of their party. The Tammany-Hall party were the same as the Republican party of that day in the State of New York.<sup>22</sup> They were favorable to the election of Daniel D. Tompkins as Governor. The Jacksonian Democratic party in the State of New York grew out of this party.

At the request of my daughter I have thus dictated to an amanuensis an account of the principal events of my life. There has been nothing extraordinary in it. I have had, probably a fair average experience of adversity and prosperity, of pleasure and pain, of sickness and health, of joy and sorrow. I am, therefore now, at the age of nearly eighty-five years, with sight, hearing and my other senses unimpaired, a competent witness, as I think, to give testimony on the question lately so much agitated: "Is life worth living?" I give it as my experience that my life has been thus far worth living, even if I should limit it to *this* world. I have experienced more pleasure than pain, more happiness than misery, more joy than sorrow. I think I can testify, too, that had my life been lived more in accordance with the laws of Nature and with the will of God, which is but another expression for the laws of nature, I would have had much better health and much higher mental and spiritual enjoyments. Much of the discomforts and miseries of life grow out of our failure to live as we ought to live. If we take into account the prolonga-

22. Marvin was not identifying the Republican party which emerged in 1856, with John C. Fremont as its first presidential candidate. What was commonly known as the Republican party in the early part of the century was a forerunner of the present-day Democratic party. This political group, although better known as the Republican party, was also called the Democratic-Republican party and the Jeffersonian Republican party. Michael Martin and Leonard Gelber, *The New Dictionary of American History* (New York: 1952), 171.

tion of our life into another world and the possibility that we may live on there forever, and that our life here is only a preparatory, school to fit us for that life, then, we cannot know whether life in its whole aggregate and extent is worth living or not, until we have entered upon and had some experiences in that new stage of existence.

While I have thus written down some memoranda of the incidents of my outward life, yet, the real, inner life, the life of the spirit, remains unwritten. The life of the real self is never told; it is known only to God. In my religion I am a Christian. I receive the Holy Scriptures as the word of God; I accept the Apostles' the Nicene and the Athanasian Creeds as suitable expressions of my faith in God and in His Son Jesus Christ, and the Holy Ghost. I look forward without fear to my approaching death, and I entertain a strong hope and belief that, as the Good Lord has cared for me in this life, so He will equally continue to care for me in the life to come.

As regards my church relations, I was baptized in infancy by a Methodist Minister and grew to manhood among the Methodists and attended their meetings. In middle life, I was confirmed by Bishop Rutledge, Bishop of the Protestant Episcopal Church in Florida. I have read a great deal of Church history, and I am quite well convinced that the Protestant Episcopal Church in these United States is *not* a sect of modern origin, but is a genuine living branch of the Great Holy Catholic Church; that there has been handed down to it, by regular succession from the Apostles, the three Orders of the Ministry, Bishops, Priests, and Deacons. It is, *therefore, the* Catholic Church founded by Christ and His Apostles. It has preserved the Sacraments and Scriptures inviolate and intact, as well as the "Faith once for all delivered to the Saints." I have read also a great many books on Systematic Divinity. As I have grown older, I have cared less and less for dogmatic theology, and more and more for the simple Gospel of Christ Crucified. The essence of the Christian religion consists in the loyalty of the heart and life to the Incarnate Son of God. Loyalty to Him requires us to become members of the Church which He founded, and to receive instruction therein in our religious duties from the ministry which He has appointed to instruct us.