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CONFEDERATE RAILROAD CONSTRUCTION: THE LIVE OAK TO LAWTON CONNECTOR

by Jerrell H. Shofner and William Warren Rogers

ONE OF THE Confederacy's most perplexing problems involved combining the disconnected southern railroads into a system of transportation between the various parts of the South. Lack of equipment and enemy action were major reasons for the failure to solve the problem. The Confederate government also pursued the disastrous policy of relying as much as possible on private initiative to supply its needs.

One of the few railroad construction projects completed during the war was a forty-seven mile line connecting Live Oak, Florida, on the Pensacola and Georgia Railroad, with Lawton, Georgia, on the Atlantic & Gulf Line. The Live Oak to Lawton connector was to furnish a rail linkage between Tallahassee, and Richmond, Virginia, joining the capitals and providing transportation for supplies and troops. Military and patriotic objectives aside, individual parties participated in the construction with an enthusiasm proportionate to their belief that the completed road was worth the price exacted from them.

Conflicting interests frequently prevented a united effort on the part of all Confederate citizens, despite their professed commitments to the common goal of southern independence. This was graphically illustrated by the obstacles encountered in constructing the Live Oak to Lawton road. Although neither the Federals nor the Confederates ever considered Florida an essential factor in military planning, the Confederate government desired communications with all its constituent states. At times, moreover, military developments made the connection advisable or even imperative from a tactical point of view. Early in the war, Florida's Governor John Milton wanted to establish a communications link by extending the Pensacola and Georgia Railroad westward from Quincy to the Apalachicola River.¹ This plan re-

1. John Milton to R. B. Hilton, January 9, 1865, Milton Letterbook, 177, Florida State (Library, Tallahassee. The State Library has Milton's original letterbooks and a calendar of Milton's papers extracted from the originals at the University of Florida, Gainesville. Both are cited in this article as Milton Letterbook.

ceived less attention than the proposal of Edward Houstoun, an official and major stockholder of the Pensacola and Georgia Railroad. Houstoun informed Confederate Secretary of War Leroy Walker that a contract already existed to link the Pensacola and Georgia with the Atlantic & Gulf by building a connector from Live Oak to Lawton. This line would provide rail connections between Florida and the rest of the Confederacy, allowing rapid troop and materiel movements to and from any point in Florida. Houstoun's company had neither the iron rails nor the funds to purchase them, and he asked the Confederate government to furnish assistance.² There had been considerable opposition to such a road during the late 1850's from people in east Florida who feared middle Florida would be tied economically to Savannah instead of Fernandina.³

Construction of the line was begun from both ends and considerable progress was made by the end of 1861. The Atlantic & Gulf had graded its portion of the connector from Lawton to the Florida line and had sufficient iron to complete the Georgia portion of the road.⁴ However, the rails were not laid from Lawton to the Florida line until 1863. At that time, arrangements were made to use iron stored at Tebeauville, Georgia, which had been taken up from the Brunswick and Florida Railroad.⁵

The Pensacola and Georgia Railroad Company was responsible for twenty-two miles of track from Live Oak to the Georgia line, including a bridge across the Suwannee River. By December 1861, twenty-one miles of railroad had been graded and ties laid on eight miles of this route. A bridge across the river and iron rails for the entire length were needed for completion of the Florida portion of the road. A Pensacola and Georgia official esti-

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2. Edward Houstoun to Leroy P. Walker, September 14, 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 70 vols. (Washington, 1880-1901), Series IV, Vol. II, 612-613. (Cited hereafter as *O.R.*)
 3. Tallahassee *Floridian and Journal*, December 22, 1855. See also Thomasville [Georgia] *Southern Enterprise*, June 20, 1866.
 4. Houstoun to J. H. Trapier, December 6, 1861, *O. R.*, Ser. IV, Vol. I, 778; Houstoun to John Milton, n.d., Milton Letterbook.
 5. Robert C. Black, *Railroads of the Confederacy* (Chapel Hill, 1952), 211. The Brunswick and Florida had been taken over by the state when northern investors pulled out and southern investors were unable to continue construction. See T. Conn Bryan, *Confederate Georgia* (Athens, 1953), 111-112.

mated the job could be completed with 1,600 tons of iron which could be laid within one month after delivery.⁶

By the time building had progressed to this point, the Confederate government had approved construction of the connector. General Robert E. Lee endorsed it as a project "of great military advantage."⁷ His approval was based on information from military authorities in Florida that the connection could be made for \$80,000 with iron rails available locally.⁸ Procurement of these rails from local sources set off a controversy which delayed construction for nearly three years, embroiled the Florida state government and eventually the Confederacy as well in a conflict over conscription of private property, and caused a collision between Confederate military authorities and the Florida civil courts.

On March 4, 1862, the Florida Executive Council authorized Governor Milton to take up the railroad iron and spikes from the Florida Railroad west of Fernandina and remove it to safety as troops were withdrawn in the face of imminent occupation of the area by Union forces.⁹ General J. H. Trapier ordered removal of the rails between Fernandina and Baldwin.¹⁰ When this became known in east Florida, local citizens began protesting the action on the ground that the road was essential for the area's defense.¹¹ When Trapier met resistance, Governor Milton ordered General R. F. Floyd to carry out the removal all the way to Lake City and to arrest anyone who interfered. The governor threatened to proclaim martial law if necessary.¹²

Part of these rails were destined for the Live Oak to Lawton connector. This led General Joseph Finegan, an east Florida citizen with his own interests in railroads, to suggest that Houstoun obtain rails for his extension from the Tallahassee company, which operated a Line from Tallahassee to St. Marks. Since that road and the Pensacola and Georgia were under the same

6. C. H. Latrobe to Houstoun, December 5, 1861, *O. R.*, Ser. IV, Vol II, 778-779.

7. Trapier to Robert E. Lee, December 7, 1861, *ibid.*, Vol. I, 777.

8. *Ibid.*

9. Executive Council Resolution, Milton Letterbook, 41.

10. Milton to Houstoun, n.d., *ibid.*, 42; Savannah *Daily Morning News*, March 21, 1862.

11. Milton to G. W. Randolph, April 15, 1862, Milton Letterbook, 64.

12. Milton to R. F. Floyd, March 24, 1862, *ibid.*, 54.

direction and control, this would be more equitable than taking the Florida Railroad Company's iron to benefit a competitor.¹³

General Finegan's concern that a private enterprise might gain from its competitor in the name of military necessity was more than shared by former United States Senator David Levy Yulee, the builder and a large stockholder of the Florida Railroad Company. Yulee was largely responsible for the Internal Improvement Act passed by the Florida legislature in 1855. The act provided state aid for construction of the Florida Railroad from Fernandina on the Atlantic Ocean to Cedar Key on the Gulf of Mexico. With this promise of state aid, Yulee was then able to obtain private investments from such prominent New York investors as Edward N. Dickerson and Associates. When Florida seceded in 1861, these New Yorkers owned a small majority of the Florida Railroad stock and controlled the company through majority membership on the board of directors.¹⁴ Yulee had been a reluctant proponent of secession, but some critics accused him of favoring the establishment of the Confederacy in order to create national boundaries between the road and its northern stockholders.¹⁵

Whatever his intentions toward the absentee owners, Yulee, as president and principal stockholder within the Confederacy, was in control of the company in 1862. By April, the road was of little military value to the Confederacy because its terminals at Fernandina and Cedar Key were in Union hands.¹⁶ As one of the leaders who had helped take Florida out of the Union, Yulee might have been expected to cooperate with the Confederate government in strengthening its military capability through improved transportation facilities. He might have recalled also that it was state aid that had enabled him to build the road in the first place. But Yulee resisted the removal of his rails with every means he could contrive.

Governor Milton favored using the Florida Railroad iron for southern military purposes and tried to cooperate with the Confederate War Department. In May 1863, he asked Finegan to use his close acquaintance with Yulee to persuade the latter to give

13. Joseph Finegan to Milton, March 20, 1862, *ibid.*, 48.

14. Robert L. Clarke, "The Florida Railroad Company in the Civil War," *Journal of Southern History*, XIX (May 1953), 181.

15. *Ibid.*, 182; *New York Times*, January 23, 1861.

16. Randolph to Milton, April 3, 1862, *O.R.*, Ser. IV, Vol. II, 650.

up his iron.¹⁷ In normal peacetime conditions, Milton declared, he would oppose any interference with the railroad's property rights, but Florida was threatened with invasion and with possible defeat unless all citizens contributed whatever was necessary for defense. Iron was badly needed to connect the Pensacola and Georgia with the Atlantic & Gulf in Georgia. The Confederate government was willing to pay a fair price for the iron, and Yulee had been asked to name an appraiser. Milton felt that both the state and the company's stockholders would benefit by this arrangement and the use of the iron.¹⁸ The governor was surprised and dismayed to find that General Finegan endorsed Yulee's refusal to give up the iron needed to complete the connecting railroad.¹⁹ Finegan argued that the Florida Railroad was not in enemy possession and that his own troops were using the road daily as part of their defense of the East Florida military district. Removal of the iron would certainly be construed by east Floridians as an abandonment of their area to the enemy.²⁰ At the time Finegan wrote, Union forces were in Jacksonville with strong defensive works commanding the railroad's entry into the city, and Union raiding parties had torn up about ten miles of track to the west.²¹

In a strong letter to the governor, Yulee said that as a member of the Board of Trustees of the Internal Improvement Fund, Milton should realize that the Florida Railroad Company had no power to agree to its own track's destruction. Regular trains were running over the entire length of the road except at each end, serving the public as they were supposed to do, and the track was available for government use.²² Milton had the trustees of the Internal Improvement Fund remove any doubts about Yulee's authority to turn over the iron by passing a resolution giving him specific authority to loan or sell the iron to the Confederate government. The governor informed the senator of this resolution with a tone of satisfaction and asked him to comply.²³

17. Milton to Finegan, May 7, 1863, Milton Letterbook, 147.

18. Milton to Finegan, May 21, 1863, *ibid.*, 151.

19. Milton to James A. Seddon, May 21, 1863, *ibid.*, 152, Milton to Seddon, July 20, 1863, *O.R.*, Ser. IV, Vol. II, 649-650.

20. Finegan to Milton, May 12, 1863, Milton Letterbook, 151.

21. Savannah *Daily Morning News*, April 17, 1863.

22. David L. Yulee to Milton, May 23, 1863, Milton Letterbook, 35.

23. Milton to Yulee, May 30, 1863, *ibid.*

Yulee next changed his ground and argued that he was unaware of any authority of the trustees over the railroad company. He denied that either the company or the governor could authorize the destruction of a public roadway. Affirming his willingness to contribute to the Confederate cause from his private means, Yulee added that he had no right to be generous with other people's property.²⁴ That the majority of stock in the road was held by northern investors who had, by this time, been declared enemy aliens did not alter Yulee's attitude.²⁵ Yulee's opponents doubted his professed willingness to donate his private property to the Confederacy. It was claimed that when the army later tried to purchase a quantity of sugar at the price set by the government, Yulee refused to sell and the sugar had to be impressed.²⁶

Governor Milton patiently replied to Yulee's latest arguments, pointing out that the road was a hazard since it might be used by the enemy to capture east Florida. He agreed with the abstract principle that removal of the iron might be violating the stockholders' rights, but this was a military emergency in which the state's safety was at stake. Other property had been taken without complaint from the owners. He warned that "the Florida Railroad may attest the folly and wickedness of those who are unconsciously influenced by local interests, to jeopardize the political existence of the State, and involve their fellow citizens with themselves in scenes of fearful ruin, degradation and disgrace."²⁷ By this time, Milton was proposing publication of all correspondence concerning the Florida Railroad affair. He believed that a full disclosure would remove all objections except those of Yulee and Finegan. Milton apparently thought this necessary because Yulee was spreading information that the connecting railroad between Florida and Georgia would do more harm than good. The senator intimated that the connector was opposed by the Confederate congress and was being promoted without the knowledge or consent of the Richmond government.²⁸

24. Yulee to Milton, June 4, 1863, *ibid.*, 36.

25. Milton to Seddon, May 10, 1863, *ibid.*, 147; Clarke, "Florida Railroad Company," 181.

26. Milton to Jefferson Davis, August 18, 1863, Milton Letterbook, 55.

27. Milton to Yulee, June 8, 1863, *ibid.*, 37.

28. Yulee to Milton, June 19, 1863, *ibid.*, 42; General Patton Anderson to Charles S. Stringfellow, July 5, 1864, *O.R.*, Ser I, Vol. LIII, 362-364.

Milton was rapidly reaching the end of his patience with Yulee and charged that the senator now claimed the right to give or refuse aid as he saw fit.²⁹ Privately expressing his view that Yulee's case was no different than that of the Alabama and Florida Railroad which had already given up its iron, the governor reasoned with Yulee once again in early July 1863. Milton cited many examples in which the Confederacy had taken property, including iron, from other Florida roads. He added that he knew no man in Florida more obligated than Yulee to defend the state.³⁰ Yulee replied that he wished no further discussion of the subject.³¹

After a year and a half of exasperating negotiation, Milton seemed prepared to turn the matter over to the Confederate government. He wrote General P. G. T. Beauregard, Secretary of War James A. Seddon, and President Jefferson Davis complaining of Yulee and the railroad iron dispute. Milton believed that others in higher authority, not Senator Yulee or General Finegan, should decide on what was best for the country.³² President Davis was interested in completing the connecting railroad. He informed Milton that the Secretary of War had approved the connector to run east of the Alapaha River and wished to see it built with the least possible delay and embarrassment. Iron for the project should be impressed from roads in the area, but Jefferson Davis hoped that the government could avoid imputations of aiding a competitor at the expense of the Florida Railroad or other acts which would unnecessarily anger east Floridians opposed to removal.³³ Davis was experiencing great difficulty in carrying out Confederate laws in North Carolina and Georgia where Governors Zebulon Vance and Joseph E. Brown were zealously guarding state rights, and he wished to avoid similar resistance in Florida.

Because of the Union advance into Georgia in early 1864, the Confederate government's determination to move Florida Railroad Company rails was strengthened. The engineering depart-

29. Yulee to Milton, June 19, 1863, Milton Letterbook, 42.

30. Milton to Yulee, July 10, 1863, *ibid.*, 48.

31. Yulee to Milton, July 17, 1863, *ibid.*, 52.

32. Milton to P. G. T. Beauregard, June 29, 1863, *ibid.*, 41; Milton to Seddon, July 20, August 25, 1863, *ibid.*, 51, 55; Milton to Davis, August 18, 1863, *ibid.*, 55; and Beauregard to Milton, July 6, 1863, *O.R.*, Ser. IV, Vol. II, 651.

33. Davis to Milton, September 16, 1863, Milton Letterbook, 64.

ment was made responsible for the job, and Lieutenant Jason M. Fairbanks of the Railroad Iron Commission was ordered to remove the rails in March 1864. In April, Yulee obtained an injunction against Fairbanks and his superiors from James B. Dawkins, state circuit court judge in Alachua County. Fairbanks' superior, Colonel Minor Meriwether, ordered him to ignore the court order, and General Patton Anderson was instructed to furnish a guard and work detail. Judge Dawkins received an affidavit in Gainesville on May 28, stating that the court order was being ignored. He ordered contempt proceedings for May 31, but Fairbanks and his associates refused to appear. Dawkins then issued an order for Fairbanks' arrest. When the sheriff tried to carry out the order, General Anderson's guards resisted and the arrest was not made.³⁴

The forty-seven mile connector project had been in progress for almost three years, and the stalemate over Florida Railroad iron was two years old. This latest collision between Confederate military forces and the Florida circuit judge embroiled the ill-fated project in a seemingly endless controversy over the legalistic aspects of Confederate-state relationship. Nearly everyone involved in the struggle except Yulee seemed to favor removal of the iron, but, by forcing the Florida courts to take a stand against the military, the latter had enlisted the support of state officials. Governor Milton deplored the resistance of Governor Brown of Georgia and Governor Vance of North Carolina and prided himself on his past cooperation with the Richmond government, but now he felt compelled to defend the state's judicial system against central government encroachment.³⁵ Judge Dawkins also believed the iron should be removed, but he thought the Confederacy should respect his court and proceed legally to complete the project. When Dawkins wrote Milton about the case, the governor replied that, despite his belief that the iron should be removed, he would do all in his power to back Dawkins and see that the state court was respected. The conflict between Florida and the Confederate government was unfortunate, Milton said, but it was absolutely necessary that civil liberties be protected.³⁶

34. James B. Dawkins to Anderson, June 9, 1864, *ibid.*, 88.

35. Frank L. Owsley, *State Rights in the Confederacy* (Chicago, 1925), 268; Black, *Railroads of the Confederacy*, 209.

36. Milton to Dawkins, June 14, 1864, Milton Letterbook, 91.

Judge Dawkins wrote General Anderson expressing regret over the civil-military conflict. Dawkins promised to give the military sufficient time to employ counsel and prepare a case for dissolution of the injunction, but, in the meantime, he insisted that the order be obeyed.³⁹ General Anderson replied regretfully that Lieutenant Fairbanks had decided to ignore the injunction and to continue obeying the orders of his superior.³⁸ Fairbanks' position was precarious. His orders were from Colonel Meriwether of the Railroad Iron Commission and not from General Anderson who commanded the military district in Florida. Fairbanks had a choice of obeying the injunction and facing military punishment for disobeying his orders or carrying out his orders and risking civil punishment. He chose to risk the latter alternative.

Fairbanks had, in fact, tried to obey both authorities, but upon finding that all the lawyers in east Florida, including the Confederate States attorney, were employed by the Florida Railroad Company as counsel, he decided it was useless to appear in the civil courts. General Anderson tried to intercede on his behalf to avoid a conflict between state and central government authority.³⁹ Anderson's primary concern, like that of Governor Milton, was that this incident would be magnified by Davis' enemies who were already using the Georgia and North Carolina difficulties to denounce the administration.⁴⁰

Although Milton and Dawkins continued to express their opinion that the Confederacy was right, both insisted on obedience to the state courts, which would mean that the removal of iron would have to be delayed until the long process of dissolving the injunction could be completed.⁴¹ An additional obstacle was placed in the project's way when another branch of the Confederate government interceded against Fairbanks. James Banks, an attorney for the Confederate government under the Sequestration Act, had sequestered almost \$3,000,000 in stocks and bonds of the Florida Railroad Company as belonging to Dickerson and Associates of New York who were regarded under the act as enemy

37. Dawkins to Anderson, June 2, 1864, *ibid.*, 86-87.

38. Anderson to Dawkins, June 8, 1864, *ibid.*, 87.

39. Anderson to Dawkins, June 1, 1864, *ibid.*, 85-86.

40. Milton Letterbook, 93-95.

41. Milton to Seddon, June 30, 1864, *ibid.*, 106.

aliens.⁴² Banks was now unwilling to allow another branch of his own government to destroy the railroad which was represented by his sequestered securities. The attorney entered suit against Fairbanks to prevent removal, although he denied that he was representing Yulee in the case.

Other Confederate military officials began to inform Governor Milton of some harsh facts. Colonel Meriwether travelled to Tallahassee to see the governor. Finding Milton out of town and unable to await his return, Meriwether left a lengthy explanation of his position as head of the Railroad Iron Commission. He assured the governor that there was no intention of disrespect toward the state but that the removal project was imperative. He asked for a dissolution of the injunction as requested, but declared his intention to go ahead with removal because Florida not only approved the action but expected the Confederate government to build the road so necessary to the state's defense. Meriwether was not prepared to anticipate the consequences if the state resisted with force, but he declared that the Confederacy would refuse to involve itself in lengthy litigation where it was necessary to obtain any kind of military supplies.⁴³

The insistence on action was based on Confederate law and decrees by the Secretary of War authorizing the impressment of all kinds of supplies for military use. The central government was unwilling to admit the state's power to grant injunctions against procurement of military supplies. The Florida Railroad iron question was already being viewed as a test case by other Floridians who were planning to deny future requisitions of food, clothing, and horses if Yulee prevented the removal of his iron by state court injunction. Admitting the justification for such feeling, Meriwether concluded that it was unthinkable that "our army must stand shivering and starving" until the courts decided.⁴⁴

By the summer of 1864, the Confederacy had begun to anticipate the loss of Atlanta. Such an event would deprive General Joseph Johnston's army of supplies which were then being brought from Alabama. This would make the railroad connector even

42. James Banks to Milton, June 14, 1864, *ibid.*, 89; Clarke, "Florida Railroad Company," 190.

43. Minor Meriwether to Milton, July 14, 1864, Milton Letterbook, 126-128.

44. *Ibid.*

more necessary so that Florida supplies could make up this loss. Further clarification of the Confederate position came from Major General Sam Jones, commander of the South Carolina, Georgia, and Florida military department. Jones briefly reviewed the situation and commented that recent military developments in Georgia made immediate action on the Live Oak to Lawton connector urgent, and he ordered General Anderson in Florida to do whatever was necessary to complete it. With no wish to ignore Florida's civil authority, Jones nevertheless felt that the project was so urgent that he would not suspend operations until the question was resolved by the courts.⁴⁵

At this point the Confederate government sent an attorney to Florida to settle the procedural controversy. He entered a plea for dissolution of the injunction which soon reached the Confederate States District Court for the Eastern District of Florida. That court immediately decided for the Confederacy and the legal obstacles to removal of Yulee's Florida Railroad collapsed.⁴⁶ Optimistic engineers now predicted that trains would be moving from Live Oak to Lawton by September 1864. But delays due to enemy action in east Florida hampered operations, and the road was not completed until March 1865. By that time it no longer mattered to the Confederacy.

The Live Oak to Lawton connector became a factor in the railroad controversies during reconstruction. East Floridians, who had opposed removal of the iron during the war on military grounds, now reverted to their pre-war complaints that railroad managers would use the connector to favor Savannah over Fernandina and Jacksonville as a port for shipping Florida produce. The iron belonging to the Florida Railroad Company was taken up and returned to the company.⁴⁷ Despite the east Florida opposition, the Atlantic & Gulf line replaced the iron so that trains were once more running from Savannah to Tallahassee over the Live Oak to Lawton connector by October 22, 1866.⁴⁸ By the 1870's, the Atlantic & Gulf owners were operating the connector on a ninety-nine year lease.⁴⁹ Perhaps Edward Houstoun, whose post-

45. Major General Sam Jones to Milton, July 21, 1864, *ibid.*, 121-122.

46. Black, *Railroads of the Confederacy*, 212-213.

47. Thomasville *Southern Enterprise*, June 20, 1866.

48. *Ibid.*, October 25, November 15, 1886.

49. Tallahassee *Weekly Floridian*, August 26, 1873.

Civil War business activities were concentrated in Savannah, had been looking to the future when he urged this extension of his Pensacola and Georgia line.⁵⁰

As an example of railroad construction in the South, the Live Oak to Dawton enterprise helps explain the Confederate government's failure to establish the kind of cohesive administrative structure necessary to achieve success in a conflict as large as the Civil War. Although private property rights were eventually subordinated to military necessity, this was done haltingly and then only after years of delay. Postponements were allowed out of deference to state courts, but the judiciary was used by Yulee to prevent his property from being taken with compensation and even though it was to be used in the general interest. Procedural arguments in the court case received almost as much attention as removal of the railroad iron until the injunction was dissolved.

Florida's chief executive was a strong supporter of the Confederate government and Jefferson Davis, but even he was so imbued with the state rights theory that respect for this doctrine was placed above necessity when a decision was forced between the two. Yulee, who had been a moderate Florida secessionist, and, to that extent, responsible for Florida's situation during the Civil War, was apparently more interested in the abstract theory than the practical consequences of secession. He was unwilling to relinquish his private property for a just price to support the act of secession which he had helped bring about. There is no doubt about his loyalty to the Confederacy, yet because of the partial absentee ownership of his road, Yulee was in the dubious position of defending the property of alien enemies against impressment for Confederate military purposes.

50. C. K. Brown, "The Florida Investments of George W. Swepson," *North Carolina Historical Review*. V (July 1928), 275-276; Paul E. Fenlon, "The Notorious Swepson-Littlefield Fraud: Railroad Financing in Florida, 1868-1871," *Florida Historical Quarterly*, XXXII (April 1954), 248.