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CURBING OF VOTER INTIMIDATION IN FLORIDA, 1871

by RALPH L. PEEK

THE NATIONAL REPUBLICAN administration by early 1870, was aware that large-scale intimidation of Negro voters throughout the South was effectively curbing Negro voting and hurting the party. Consequently, legislation was proposed to protect Negro rights by enforcing the fifteenth amendment to the United States constitution. On February 21, 1870, Representative John Bingham of Ohio introduced a bill that was supposed to protect voting rights wherever they were being denied.¹ Administration spokesmen testified that intimidation and violence were keeping Negroes from the polls in several states, and that federal "force" legislation was needed to protect civil rights in states where politicians refused to accept the new status of the Negro and were unlikely to act to protect him.² These proponents of federal action claimed that a conspiracy in the South was seeking to destroy the Republican party through the use of violence and terror. Senator Oliver P. Morton of Indiana, whose appeal was characteristic of the Republican position, called for a law giving the president power to extend the protection into every state, whether or not the governor requested it, in order that "the lives of loyal men might be protected in the states formerly in rebellion." The provisions of the bill were characterized as a declaration of fundamental constitutional principles and a guarantee of political equality for the Negro. Debate on the bill was extremely limited in the house; Democrats were allowed only an hour and a half to present their arguments. Debate in the senate was bitter and more prolonged, extending until the latter part of May. The bill finally passed and was signed by President Grant on May 31, 1870.³

1. *Congressional Globe*, 41st Cong., 2nd Sess. (Washington, 1870), 1459.

2. *Ibid.*, appendix, 392.

3. *Congressional Globe*, 41st Cong., 2nd Sess. 3959.

The law was described by the Tallahassee *Weekly Floridian* as an insult and an outrage to Southerners and its authors were denounced as "fools and madmen." The fifteenth amendment, which became law on March 30, 1870, was also "a useless piece of legislation," the paper stated; it granted no rights not already enjoyed by the Negroes, it interfered in the rights of the states to regulate suffrage, and the manner in which it was adopted was illegal.

The Enforcement Act of 1870 contained twenty-three sections, which aimed at outlawing any denial of the right to vote because of race, color, or previous condition of servitude. Intimidation to deprive the right to vote, conspiracy, and going abroad in disguise to prevent the free exercise of anyone's civil rights were also forbidden. Jurisdiction over violations was vested exclusively in United States district and circuit courts, and federal marshals and deputies could utilize a *posse comitatus*, land and/or naval forces of the United States, or the militia to execute any process under the act. The president was empowered to use armed forces to enforce its provisions. The Civil Rights Act of 1866 was re-enacted in section eighteen, and penalties were provided against any person holding office in violation of section three of the fourteenth amendment, except as a member of Congress or a state legislature.⁴

The Tallahassee *Weekly Floridian* again attacked the Enforcement Act on July 5, 1870. There were so many penal clauses it made law ineffective, according to the paper. Moreover, it destroyed jury trial, it was extremely partisan to Negroes, and it gave the federal government authority to control state elections through the use of the military. The act was not needed to enforce the fifteenth amendment, most Southerners believed, and its execution in the South was expected to raise a furor of opposition that would ensure its speedy repeal.

The Enticement Act gave Florida Republicans a ready weapon against those accused of intimidation. Twenty-one federal indictments were handed down during the weeks following the election of 1870 and in the spring of the following year. In Duval County, a Mr. Von Balsam and F. A. Dockray were indicted for

4. George Sanger (ed.), *Statutes at Large of the United States of America, 1789-1873*, 17 vols. (Boston, 1871), XVI, 140-146. Cited hereafter as *Statutes at Large*.

making false returns from Yellow Bluff precinct. While the former was found guilty and sentenced to prison, Dockray was acquitted.⁵ In Von Balsam's case, the jury was composed of men who had taken the ironclad oath, an oath that either barred former rebels or required them to perjure themselves. Judge Phillip Frazier, under an option in the law, did not require the oath in the Dockray case and the jury, composed largely of Conservatives, freed Dockray.⁶

Six individuals were indicted for preventing persons from voting in the Gadsden County election of November 8, 1870. Among these were former Acting Governor Abraham K. Allison, who, on March 30, 1871, pleaded not guilty.⁷ He was convicted on April 3, but a motion was granted for a new trial when it was learned that one of the jurors, David Ellis, was not an American citizen. On April 4, Allison was re-indicted for "combining and confederating with others to prevent persons and citizens from voting," and the case was continued to the next term of court. On February 9, 1872, Allison pleaded not guilty a second time, but three days later, he was found guilty and was sentenced to serve six months in the Leon County jail and to pay a fine of \$550.⁸ The *Weekly Floridian* bitterly pointed out that no other verdict could have come from a jury that was composed only of men who could take the ironclad oath.⁹ A petition calling for Allison's pardon was circulated in Gadsden County and with the signatures of many leading Conservative and Radical citizens it was transmitted to President Grant.¹⁰ Allison, however, served his full sentence despite these efforts.

Edward White was another Gadsden County citizen indicted for activities relating to the November 1870 election.¹¹ After several continuances of his case, the district judge ordered

5. *Tallahassee Sentinel*, February 11, 1871.

6. *Tallahassee Weekly Floridian*, February 21, 1871.

7. *United States v. Abraham Allison*, December 10, 1870, Box 082429, Old Criminal Cases, 1867-1871, United States District Court; National Archives, Federal Records Center, East Point, Georgia. Cited hereafter as *United States v. Allison*.

8. Book 26, Minute Book No. 1, 117-120, United States District Court, 1868-1898. Cited hereafter as Book 26, Minute Book No. 1.

9. *Tallahassee Weekly Floridian*, February 13, 1872.

10. *Ibid.*, February 27, 1872, quoting the *Quincy Journal*.

11. *United States v. Edward White*, December 10, 1870, Box 082429; Book 26, Minute Book No. 1, 131.

a *nolle prosequi* entered February 8, 1873. Benjamin Daniels was indicted on March 29, 1871, and pleaded not guilty. On April 6, the jury reported that they could not reach a verdict and the case was continued to the next court term. Daniels was subsequently found guilty and sentenced to six months imprisonment.¹² Two others, indicted for voting illegally, were acquitted.¹³ Alsmore Strickland was indicted on March 10, 1871, for blocking the polls in Quincy, but a *nol. pros.* was entered February 10, 1872.¹⁴ William Munroe was indicted for the same offense, but a *nol. pros.*, February 6, 1873, terminated the case.¹⁵

Robert Meacham, Negro state senator from Jefferson County, accused William Bird, who had been a member of the convention that wrote Florida's second constitution, of election threats and intimidation in Monticello. Bird was indicted in 1871, and was re-indicted the following February, for "obstructing, delaying, and preventing citizens from voting." A *nol. pros.*, February 6, 1873, terminated the case.¹⁶

The arrest of Judge Pleasants W. White of the second judicial circuit, in December 1870, was an example of the use of the Enforcement Act against important Florida Democrats.¹⁷ Three Democratic senators, arrested shortly after the 1871 session of the legislature had convened, were charged with holding office in violation of the fourteenth amendment. Senator John Crawford of Wakulla County was arrested January 13, 1871, and taken to Jacksonville,¹⁸ where his case was dismissed.¹⁹ Presumably, dismissal was based on section fourteen of the Enforcement Act, which granted immunity from prosecution to "a member of Congress or of some State Legislature."²⁰ Senator Alexander McCaskill of the third district, a member of the Secession Convention of 1861 and a commissioned officer of the Confederate army, was indicted, as was Senator William Kendrick of the

12. Book 26, Minute Book No. 1. 92, 101, 105-106, 115, 116, 119.

13. *Ibid.*, 91, 98-99, 110.

14. *United States v. Alsmore Strickland*, March 10, 1871, Box 082429; Book 26, Minute Book No. 1, 94, 119.

15. *United States v. William Munroe*, March 10, 1871; Book 26, Minute Book No. 1, 131.

16. *Ibid.*, 130-131.

17. Tallahassee *Weekly Floridian*, December 27, 1870; *Tallahassee Sentinel*, February 4, 1871.

18. *Tallahassee Sentinel*, January 14, 1871.

19. *United States v. John Crawford*; Book 26, Minute Book No. 1, 81.

20. *Statutes at Large*, XVI (1871), 143.

twenty-third district.²¹ Presumably their cases were also dismissed under the exemption clause of section fourteen. However, the detention of these men temporarily reduced Democratic strength in the legislature at a time when the Republican majority was dangerously thin, and it helped facilitate passage of a law virtually abolishing the State Board of Canvassers, thus preventing any action on the disputed returns of the 1870 election.

Some twenty Clay County citizens were ordered to appear in federal court in Jacksonville where they were charged with being members of the Ku Klux Klan.²² Clay County had elected Radical candidates earlier, but, in 1870, three Democrats were elected to the legislature. A former Union soldier, now a Clay County resident, claimed that exasperated and revengeful Radicals were trying to irritate Conservatives by summoning them to court on charges that could not be proved but which kept them away from home for days at the time.

In January 1871, United States Deputy Marshal J. W. Childs served warrants on four Columbia County men, charging them with violation of the Enforcement Act on the night before the November 1870 election. Childs and a deputy sheriff were forcibly resisted and were prevented from making any arrests. Several bystanders refused to aid the federal officers, saying that they would "have nothing to do with the damned Radical Enforcement Act." A few days later, Childs returned with a squad of soldiers but the men that he was seeking could not be found.²³

Three Lafayette County election officials were indicted on April 6, 1871, for failure to perform their duties,²⁴ but these cases were given a *nol. pros.* on February 6, 1873.²⁵ John Newton Krimming, Republican "boss" of the county, was also indicted for interfering with election officials, but the jury failed to find a true bill.²⁶ One of the defense witnesses was John Ponce who was to murder Krimming six months later.

The flurry of activity occasioned by the Enforcement Act did

21. *Tallahassee Sentinel*, January 7, 1871.

22. Ambrose Hart to mother, January 27, 1871, in Ambrose Hart Letters, 1866-1872 (transcript from the original), Miscellaneous Collections, Box 5, P. K. Yonge Library of Florida History, Gainesville. Cited hereafter as Ambrose Hart Letters.

23. *House Reports*, 42nd Cong., 2nd Sess., Rept. 22, XIII, 291-292.

24. Book 26, Minute Book No. 1, 103.

25. *Ibid.*, 131.

26. *Ibid.*

not prevent the recurrence of incidents involving violence. Republican Governor Harrison Reed asked that United States troops be sent into Lafayette County to maintain order and to protect Unionists from persecution and violence, and a detachment of thirty men arrived there March 20, 1871.²⁷ In Marianna, late in January 1871, a party of armed men raided the home of a Negro named Roberts. When fired upon, Roberts returned the fire, killing one of the men and wounding another.²⁸ Jackson County Sheriff Thomas West received many threats on his life, and he was afraid to go outside Marianna, according to some reports. In February, he was assaulted on the streets of Marianna. Shortly afterwards he resigned, leaving the office of sheriff vacant.²⁹

Several Republican legislators became targets for attack in 1871. In Lake City, on February 14, 1871, armed men surrounded the house of Dr. Elijah Johnson, Republican state senator. Shots were fired into the house, and a Negro pedestrian was slightly wounded by a stray bullet.³⁰ Johnson, who had been threatened with death earlier, was warned by a Lake City attorney to publicly resign from the Republican party or suffer the consequences. The senator, it was reported, did not sleep in his house for a year.³¹ John Mahoney, Republican member of the legislature from Columbia County, was shot to death at a local dance on April 26, 1871, by Samuel Belsinger.³²

James Yearty, former sheriff of Calhoun County and a member of the Florida legislature, was shot to death from ambush in early March 1871. According to a coroner's jury, his assailant was Luke Lott, reputed assassin of Calhoun County Judge Archibald Carraway the year before.³³ Governor Reed offered \$1,000

27. Governor Reed to adjutant general, March 20, 1871, in Register of Letters Received, Vol. 270 (1871), F-4, Department of the South, Record Group 98, United States Army Commands, National Archives.

28. *Tallahassee Sentinel*, January 28, 1871.

29. *Tallahassee Weekly Floridian*, April 18, 1871, quoting the Jacksonville *Florida Union*, April 15, 1871.

30. *Ibid.*, February 28, 1871, quoting the Jacksonville *Florida Union*, February 16, 1871.

31. Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States, 42nd Cong., 2nd Sess., *House Reports* No. 22 (Serial No. 1541), 13 vols. (Washington, 1872), XIII, 264. Cited hereafter as *House Report 22*.

32. *Tallahassee Weekly Floridian*, May 2, 1871, quoting the Jacksonville *Florida Union*, April 26, 1871. Belsinger was acquitted of manslaughter in November 1871. *Tallahassee Sentinel*, December 2, 1871, quoting the Lake City *Herald*, November 25, 1871.

33. *Tallahassee Sentinel*, March 11, 1871.

reward for Lott's conviction, but he was never even arrested. United States Senator Thomas Osborne even heard that Governor Reed had been forced to flee Tallahassee because of an assassination plot, but there seems to be little validity for this report.³⁴ The son of James Mac Millan, former Republican legislator from Jackson County, was killed on May 19, 1871. It was believed that this was a case of mistaken identity; his father was the intended victim.³⁵

On April 3, 1871, County Clerk John Quincy Dickinson, reportedly one of the last Republican leaders in West Florida, was killed in Marianna as he was returning from work. A former Union soldier and Freedmen's Bureau agent, he had many bitter enemies because of his activities in connection with the sale of lands for delinquent taxes in Jackson County.³⁶ Jackson County Conservatives denied that the murder was politically motivated and claimed that it was because of Dickinson's involvement with the wife of Frank Bryan, the Negro who allegedly killed him.³⁷ Republicans, on the other hand, insisted that Dickinson was killed because he was a Republican leader and they accused Luke Lott of being the assassin.³⁸ The Tallahassee *Weekly Floridian* reported that Dickinson's brother was convinced that the murder was non-political and that the motive was robbery.³⁹ His brother-in-law also reportedly thought that the murder had nothing to do with politics.⁴⁰ Whatever these opinions, the memorial over the grave in Benson, Vermont, states:

Capt. Dickinson was assassinated by the "Ku Klux Klan" near his home on the night of April 3. He fell at the Post of Duty in the Integrity of A True Patriot.⁴¹

34. Tallahassee *Weekly Floridian*, May 16, 1871, quoting the *New York Tribune*. See also *ibid.*, quoting the *Jacksonville Florida Union*, May 13, 1871; *House Report* 22, XIII, 264.

35. *Tallahassee Sentinel*, May 27, 1871; *House Report* 22, XIII, 152.

36. *Tallahassee Weekly Floridian*, April 11, 1871, quoting the *Marianna Courier*, April 6, 1871.

37. *Ibid.*; see also *House Report* 22, XIII, 91-92, 206.

38. *House Report* 22, XIII, 90-91.

39. *Tallahassee Weekly Floridian*, May 16, 1871.

40. *Ibid.*, May 30, 1871, quoting the *Marianna Courier*.

41. The writer visited Benson, Vermont, on August 18, 1963, and located Dickinson's grave. The inscription on the other side of the memorial reads:

Capt. John Q. Dickinson, Son of Isaac and Grandson of Joel Dickinson, was born in Benson, Vt., Nov. 26, 1836, Graduated at Middlebury College, 1860. Served in the War of the Rebellion from 1861 to 1865, Died in Marianna, Fla., April 3, 1871.

Congress enacted other legislation in 1871, as violence and intimidation of voters continued in the South.⁴² An amendment to the Enforcement Act of 1878 became effective February 28, 1871. In March, President Grant informed Congress that in some southern states life and property were insecure, that the mails and revenue collections were being endangered, and that he wanted legislation to deal with the situation.⁴³ Senator John Sherman of Ohio insisted that the Ku Klux Klan had become a formidable military force throughout the South, except for Virginia, and that Klan activities were being directed against Republicans. Moreover, the senator claimed, no one was being convicted or punished for these offenses. After protracted debate, the senate passed Sherman's resolution calling for legislation to suppress the Ku Klux Klan in North Carolina, asserting that the Klan probably also existed in other southern states.⁴⁴

A joint select committee was set up to inquire into conditions in the South and report its findings to Congress. The committee found that the Klan, composed for the most part of members of the Democratic party, sought to achieve its political purpose by murders, whippings, intimidation, and violence. A minority report admitted the existence of the Ku Klux but claimed that it came into being as a result of the Negro Union Leagues.⁴⁵

The house and senate passed the bill requested by Grant after prolonged debate. Southerners and their sympathizers labeled the proposed law as tyrannical because it authorized use of the armed forces in its execution.⁴⁶ Senator Osborn of Florida opposed repealing the law requiring jurors to take the ironclad oath, and cited the Dickinson and Finlayson murders and "72 others who have fallen by assassination in the same [Jackson] County, all Republicans." He claimed that a Jackson County Republican elected to the legislature in 1870 had resigned because he feared assassination. The senator felt that Florida's courts were unable to enforce criminal laws and that the state

42. *Statutes at Large*, XVI (1871), 433-440.

43. *Congressional Globe*, 42nd Cong., 2nd Sess., 236; *Tallahassee Sentinel*, May 6, 1871.

44. *Congressional Globe*, 42nd Cong., 2nd Sess., 153, 157, 457.

45. *Ibid.*, 134-135; 159, 172.

46. For example, see *Congressional Globe*, 42nd Cong. 1st Sess., 331, 351.

government could not protect life and property. Asserting that justice was available only in federal courts, the senator attributed the weakness of the lower courts to the fact that the object of many Floridians was "to gain political control by intimidation and murder, solemnly obligated to clear the guilty or condemn the innocent, according as the one may be a brother in crime and the other a political opponent."⁴⁷

Governor Reed, United States Marshal Sherman Conant, and District Attorney Horatio Bisbee favored retaining the juror's oath. Bisbee insisted that there could be no convictions for violations of revenue laws or the Enforcement Act without enforcing of the oath requirement, and he threatened to resign if the requirement were repealed.⁴⁸ The oath requirement was retained in the bill.

The Enforcement Act of April 20, 1871 was a brief law containing seven sections.⁴⁹ Persons convicted of conspiring to overthrow the government, hindering the execution of federal laws, or conspiring to deprive any person of his legal rights were subject to fines up to \$5,000 and imprisonment up to six years. The president could employ militia and/or land and naval forces to execute the act. Certain combinations were defined as rebellion against the United States, and, in these cases, the president could suspend the writ of habeas corpus for the purpose of crushing the rebellion. The act also provided that no person who was a member of any combination or conspiracy could serve on a federal jury, and every juror had to swear that he had never voluntarily aided any conspiracy such as the Ku Klux Klan.

Sentiment in Florida was overwhelmingly against the enforcement program. One observer denounced it as oppression and a "subversion of the principles of Republican government, . . . the rights of the people," and an unwarranted concentration of governmental power.⁵⁰ Ambrose Hart called "the conduct of the United States government in interfering with the local affairs of this state . . . the most monstrous proceeding that has yet come

47. *Ibid.*, 653.

48. *Ibid.*

49. *Statutes at Large*, XVII (1873), 13-15.

50. *House Report* 22, XIII, 196.

under my notice.”⁵¹ Conservatives denied that the Ku Klux even existed in Florida.⁵²

On the other hand, many Florida Republicans supported the act. Circuit Judge William Bryson, third judicial circuit (Columbia, Lafayette, Suwannee, Hamilton, Madison, and Taylor counties), claimed that he had found it nearly impossible to bring the guilty to trial since so many people refused to testify against accused members of the Ku Klux. Moreover, sheriffs and other officials were either intimidated by the organizations or supported their aims and refused to arrest members.⁵³ Robert Martin, former Republican sheriff of Columbia County, had resigned in fear of his life and refused to do anything that would antagonize the Ku Klux.⁵⁴ According to Sheriff David Montgomery of Madison County, juries refused to convict anyone accused of killing, whipping, or intimidating Negroes. Montgomery believed that accused persons often received information from members of the grand jury, thus enabling them to evade arrest.⁵⁵ Jackson County jurors were “not disposed to check outrages,” according to Marcellus Stearns, speaker of the Florida house and later governor of Florida.⁵⁶ He was himself assaulted in Quincy in March 1871. Nineteen persons, mostly Negroes, were murdered in Alachua County during the period from 1867 to 1871, but only five persons were tried for murder and all of these were acquitted.⁵⁷ During the period 1868-1871, seven murders were committed in Columbia County, Republicans were whipped by armed bands of men, houses were burned, and nearly three hundred Negroes reportedly fled the county for reasons of personal safety. No one was convicted of any of these crimes.⁵⁸

51. Ambrose Hart to mother, January 27, 1871, Ambrose Hart Letters.

52. These denials were found in the Tallahassee *Weekly Floridian*, organ of the Conservatives, in the following issues: February 28, 1871; March 21, 1871, quoting the *Jacksonville Courier* and offering a reward of \$500 for proof of the existence of the Ku Klux Klan in Florida; May 16, 1871, quoting the *Jacksonville Florida Union*, May 13, 1871; September 5, 1871; November 21, 1871. (The article carried in the latter issue denied that Joseph John William's Young Men's Democratic Clubs were anything other than peaceable and lawful organizations); the issue of December 5, 1871, quoted a presentment of the Columbia County grand jury to show the absence of the Ku Klux there.

53. *House Report* 22, XIII, 258.

54. *Ibid.*, 264.

55. *Ibid.*, 128, 130.

56. *Ibid.*, 90.

57. *Ibid.*, 268.

58. *Ibid.*, 263.

After the murder of John Dickinson, authorities were warned by Marianna Judge Allen Bush not to appoint officials from outside Jackson County since the local people wanted only natives. Anyone coming into the county to track down Dickinson's murderers would probably be killed, Bush stated.⁵⁹ Governor Reed dispatched State Commissioner of Immigration John S. Adams and Jacksonville editor John Westcott to Marianna to consult with citizens concerning vacancies in the county offices,⁶⁰ and eventually two Democrats were appointed.⁶¹ At a convention of Negro Methodist ministers in Tallahassee, Governor Reed admitted that the state did not have enough power to protect Republicans, Negro or white, in West Florida and Jackson County in particular. The conference recommended that Negroes "move out of Jackson County" and promised to help them find homes.⁶²

The appointment of Democrats in Jackson County eased tension somewhat, and Senator Osborne reported that conditions in Florida were somewhat better. We attributed the improvement to the Enforcement Acts and the fact that would-be lawbreakers knew that Federal officers were determined to enforce the law.⁶³ A Marianna citizen wrote in July 1871: "We are having an unusually quiet time."⁶⁴

Murders, however, continued in Jackson County in 1871. During July three Negroes were shot to death, two of them by disguised men, and other Negroes were attacked. Eleven Negroes were killed during the next three months, and Republican leaders protested to President Grant that bands of armed men were committing outrages throughout Jackson County.⁶⁵ Negroes were be-

59. *Ibid.*, 195.

60. Tallahassee *Weekly Floridian*, June 6, 1871.

61. *Ibid.*, June 27, 1871.

62. *House Report* 22, XIII, 165-166.

63. Tallahassee *Weekly Floridian*, July 11, 1871, quoting the *New York Tribune*.

64. *Ibid.*, July 25, 1871.

65. The Republican State Executive Committee of Florida to Ulysses S. Grant, November 18, 1871, in Attorney General's Papers, Record Group 60, Department of Justice, National Archives. Cited hereafter as Attorney General's Papers. An accompanying affidavit signed by prominent Negro leaders Benjamin Livingston, Homer Bryan, Richard Pousser, and Emmanuel Pope, gave the names of Negroes murdered during July, August, September and October 1871. Livingston was a member of the legislature and Bryan was tax collector at the time of John Dickinson's death.

ing terrorized, were afraid to travel after dark, and "dared not assert their rights as men and citizens" because the authorities would furnish them no protection.⁶⁶

Polk County was the scene of lynchings in mid-April 1871; Nathaniel Red was hanged by a mob and Jim Pernell was shot to death.⁶⁷ Samuel Tutson, Negro farmer, and his family were the victims of an attack in Clay County on May 1, 1871. Tutson and his wife were beaten, his children terrorized, and his house destroyed because he had allegedly refused to surrender his claim to a homestead. The grand jury refused to indict the men believed responsible for these crimes.⁶⁸ On October 19, 1871, United States Marshal Sherman Conant arrested the men, however, and charged them with assault and with being members of the Ku Klux. Four were subsequently convicted of violating the Enforcement Act of 1871 and were given prison sentences.⁶⁹

Negroes were not the only targets in this campaign of terror. A white Baker County Republican suffered a brutal attack on June 24, 1871, when a group of men beat him and his pregnant wife.⁷⁰ Three men were arrested for this assault and convicted under the Enforcement Act.⁷¹ Matthew Harris of Baker County was brutally beaten and ordered to leave the county.⁷² Armed bands of men were active in other parts of Florida during the summer and fall of 1871. In Leon County, George Butler, a white teacher in a Negro school, was assaulted on the night of August 9, 1871, by a group of about eight men and was ordered to leave Florida.⁷³ Early in September, a band of disguised white men attacked the home of William Noble, prominent Negro Republican of Columbia County, and severely wounded him and his wife.⁷⁴ On September 10, 1871, near Moseley Hall in Madison County, a young white man named Allison, a Re-

66. *Ibid.*; see also *House Report 22*, XIII, 278.

67. *Tallahassee Weekly Floridian*, May 9, 1871.

68. *House Report 22*, XIII, 54-64, 218.

69. United States Marshal, Sherman Conant, to Attorney General Amos Akerman, October 23, 1871, in Attorney General's Papers; Report of Sherman Conant, May 11, 1874, *Ibid.* See also *Tallahassee Sentinel*, October 28, 1871.

70. *Tallahassee Sentinel*; July 1, 1871; *House Report 22*, XIII, 66.

71. *Tallahassee Sentinel*, January 4, 1873.

72. *Ibid.*, July 22, 1871.

73. *Ibid.*, August 12, 1871; *House Report 22*, XIII, 168.

74. *Tallahassee Sentinel*, September 9, 1871.

publican, was shot to death in his home, allegedly by the Ku Klux.⁷⁵ On September 30, 1871, a Mr. Ashley, Republican leader in Lafayette County, was murdered. A week later, John Ponchier, a Democrat and former county clerk of Lafayette County, shot County Judge John Krimminger through the heart from ambush as the Republican boss sat on his front porch.⁷⁶

President Grant ordered the Secret Service to investigate Ku Klux depredations in the South. Agents infiltrated southern communities, taking jobs and joining local secret organizations.⁷⁷ Agent J. J. O'Toole reported from Jasper that a number of men from Hamilton County were members of an armed band which beat to death a Lowndes County, Georgia, Negro named Thompson "because he was too good a Negro."⁷⁸ Secret Service Chief Hiram Whitley reported that such organizations were trying to keep Negroes and others from exercising their civil rights.

In the spring of 1871, Congress appointed a Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States. A sub-committee held sessions in Jacksonville from November 10-14, 1871, and received testimony from thirty-four witnesses, including three Democrats and twelve Republican Negroes. The Republicans affirmed that intimidation was wide-spread; that Conservative organizations were engaged in a campaign to seize political power by intimidating Republican voters, especially Negroes; and that the power of the federal government was the only effective curb against violence.⁷⁹

Joseph John Williams of Tallahassee, house speaker in 1866, was probably the best known Florida Democrat who was called to testify. He admitted that he had sponsored a Young Men's

75. *Ibid.*, September 23, 1871; *House Report* 22, XIII, 126, 179.

76. *Tallahassee Sentinel*, October 14, 1871; *House Report* 22, XIII, 176-184.

77. Reports of Hiram Whitley, Chief of United States Secret Service, to Attorney General Akerman, September 29, 1871, October 16, 1871, August 15, 1872, in H. C. Whitley Reports on the Ku Klux Klan, Selected Items Concerning Reconstruction Problems in the South: 1871-1879, Record Group 69, Department of Justice, National Archives. Cited hereafter as Whitley Reports.

78. *Ibid.*; O'Toole listed the following members from Hamilton County: Elihu Horne, alias Captain Smart, Mallie Horne, Matthew Matthews, William Fennell, Benjamin Cross, George Jennings, Jr., Stephen Sharp, Joseph Morgan, Benjamin Leverett, Henry Collier, and John Collier.

79. Members of the subcommittee were Representatives Maynard, Schofield, Lansing, and Voorhees, all Republicans, and Senator Thomas Bayard, Democrat.

Democratic Club in Leon County, but insisted that these had disbanded in 1870, and that he knew nothing of similar organizations in other counties. He admitted that the purpose of the club was to make "obnoxious" persons leave the community.⁸⁰ The *Weekly Floridian* praised the club because it was "designed to promote harmony, secure peaceful elections, and protect the purity of the ballot box," and labeled Republican witnesses "ductile tools."⁸¹

On October 17, 1871, President Grant ruled that nine counties in South Carolina were in a state of insurrection, and he declared martial law. Some six hundred persons suspected of Ku Klux affiliations were arrested.⁸² It was reported that Grant, with Senator Osborne's approval, intended to follow the same course of action in North Florida.⁸³ While this did not happen, the threat tended to quiet things in Florida.

After the president's action on October 17, there is record of only one outrage in Florida. F. H. G. Long of Marianna was shot and killed in his home on November 28, 1871.⁸⁴ On December 7, 1871, a detachment of twenty men from the Second United States Infantry arrived in the city.⁸⁵ Four days later, James Coker, important Jackson County Democrat, was arrested for violation of the Enforcement Act and was taken to Tallahassee for trial.⁸⁶ The case was transferred to Jacksonville; a *nolle prosequi* was entered about a year later.⁸⁷

The troops had been sent to Jackson County in answer to the plea of the Republican State Executive Committee.⁸⁸ In a special election on December 19, 1871, two Republicans, W. K. Robinson and Benjamin Neal, were elected by sizeable majorities to the legislature. It was a quiet election; there were no attempts at intimidation or violence, and there was no need for the troops.

80. *House Report* 22, XIII, 226-240.

81. Tallahassee *Weekly Floridian*, November 21 and 28, 1871.

82. *House Executive Documents*, 42nd Cong., 2nd Sess., No. 268 (Serial No. 1515), 5-17; see also Whitley Reports, September 29, 1871, October 16, 1871.

83. Tallahassee *Weekly Floridian*, December 5, 1871.

84. *Ibid.*

85. *Ibid.*, quoting the *Marianna Courier*, December 7, 1871.

86. *United States v. James Coker*, December 11, 1871, Box 082429.

87. *Ibid.*; see also Book 26, Minute Book, No. 1, 123, 131.

88. Republican State Executive Committee to Ulysses S. Grant, November 18, 1871, in Attorney General's Papers.

Columbia County also held a special election on December 19, and William Dukes, a Democrat, won a seat in the legislature.⁸⁹

The full effect of the enforcement program in Florida may be seen in the results of the election of 1872. The Democrats sensed victory in this election. On August 14, 1872, in a convention at Jacksonville, the Democrats nominated William Bloxham for governor and Robert Bullock for lieutenant governor.⁹⁰ Silas Niblack and Charles Jones were nominated as candidates for Congress. The Republicans met the week before and nominated Ossian B. Hart for governor, Marcellus Stearns for lieutenant governor, and Josiah T. Walls and William Purman for Congress.⁹¹ Both parties put forth intensive effort during the campaign of 1872. The *Weekly Floridian* called upon Conservatives to utilize the Enforcement Act of February 21, 1871, which was amended in September 1872, to ask for election supervisors in every precinct where it was thought necessary.⁹²

As the election date approached, preparations were made to insure an orderly election. The Second United States Infantry assigned detachments for election duty as follows: thirty-six men at Jacksonville, twenty at Marianna, twenty at Tallahassee, twelve at Lake City, and twelve at Quincy. In Tallahassee, the mayor and the sheriff hired extra police and swore in special deputy sheriffs for election duty. The United States marshal also employed special deputy marshals for various localities. Every precaution was taken to avoid trouble.⁹³ As a result, there was not a single case of outrage connected with the election, according to the presentment of the grand jury of the United States district court in January 1873.⁹⁴

The Republican candidates were victorious in the November vote. Both factions charged fraud and several arrests were made on warrants sworn out by the two opposing parties charging various election officials with fraud and with violating the Enforcement Acts. Ossian B. Hart won by a majority of 1,499 votes; Marcellus Stearns by a 1,656 majority; and Purman and Walls won congressional seats by majorities respectively of 1,726 and 1,622 each.

89. *Tallahassee Sentinel*, December 23, 1871.

90. *Tallahassee Weekly Floridian*, August 20, 1872.

91. *Ibid.*, August 13, 1872.

92. *Ibid.*, September 21, 1872.

93. *Ibid.*, November 5, 1872.

94. *Ibid.*, January 14, 1873.

Florida Republicans had barely won their victories in 1870 and 1872. It would seem that the Enforcement Acts had been utilized by the party not only to curb violence and intimidation but also as devices to maintain the slim Republican supremacy in Reconstruction Florida.