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THE DELANEY MURDER CASE

by HELEN HORNBECK TANNER

The only violent crime to disrupt life in St. Augustine in the early years of the Second Spanish Period¹ was a murderous attack the night of November 20, 1785, on Lieutenant Guillermo Delaney.² Since the town's annals provide almost no reference to such malevolence, this incident appears to be a distinct exception to the general behavior pattern. The crime remains unsolved; yet the evidence accumulated in an effort to identify Delaney's assailants provides a rare view of Florida colonial society.

In November of 1785, East Florida was in the process of stabilizing after the evacuation of the 10,000 British Loyalists who had fled there during the American Revolution. The final departure of the retiring British governor, General Patrick Tonyn, did not take place until November 13, 1785.³ By that time, St. Augustine had resumed the appearance of a Spanish garrison town. Of the 2,700 inhabitants, approximately 1,800 were the wives and children of the officers and men assigned to the Castillo de San Marcos and the few outlying posts.⁴ Vizente Manuel de Zepedes, the incoming Spanish governor, had been in St. Augustine since June 1784, when he arrived with his subordinate officials and 500 occupation troops, many with families.⁵ But it was the behavior of the unmarried military personnel which drew

1. Florida's colonial history is usually divided into three periods: the First Spanish Period (1565-1764), the British Period (1764-1784), and the Second Spanish Period (1784-1821).
2. Vizente Manuel de Zepedes to Juan Ignacio de Urriza, St. Augustine, November 30, 1785, East Florida Papers, Manuscript Division, Library of Congress, box 55 C5. Cited hereafter as East Florida Papers followed by "b" and correct box number. Translation in Joseph Byrne Lockey, *East Florida, 1783-1785* (Berkeley, 1949), 740.
3. Zepedes to Bernardo de Galvez, St. Augustine, December 24, 1785, No. 98, East Florida Papers: b43. Translation, *ibid.*, 746.
4. The civilian population of St. Augustine in 1786 was 943. See Joseph Byrne Lockey, "The St. Augustine Census of 1786," *Florida Historical Quarterly*, XVIII (July 1939), 11-31.
5. Zepedes to B. de Galvez, St. Augustine, July 16, 1784, Archivo General de Indias, Santo Domingo, legajo 2660, Cited hereafter as AGI, Santo Domingo. Translation in Lockey, *East Florida*, 223-25.

attention during the investigation of the criminal attack of Lieutenant Delaney.

The crime took place on Charlotte Street (called San Carlos in 1785), in the block north of present-day Treasury Street.⁶ About nine-thirty or ten o'clock on the night of November 20, 1785, Lieutenant Delaney was walking along the street when he was suddenly stabbed and beaten by persons whom he was unable to identify. Severely wounded, he stumbled into the residence of Josef Gomila, on the east side of Charlotte Street not far from the Treasury Street intersection.⁷ The Gomila house, it seems, was his intended destination. Testimonials taken shortly after the crime revealed that Lieutenant Delaney was having an affair with Catalina Morain, a seamstress of Anglo-American parentage, who lived at the Gomila's.⁸ The LaRocque Map (1788) indicates that the Gomila house protruded slightly into the street, so that persons with criminal intent could have hidden in the recessed area adjacent to the south corner of the structure.

News of the attack spread rapidly throughout St. Augustine. As the facts were elaborated by rumor, it appeared at first that Delaney was the victim in a crime of passion, with jealousy the probable motive. In addition to Lieutenant Delaney, Catalina Morain was also having an affair with Distinguished Sergeant Juan Sively, a well-known young reprobate in the town. Just six months earlier, in May of 1785, Governor Zespedes had imprisoned this Italian-born sergeant because of his publicly scandalous behavior with Isabel Shivers, a servant in the home of former British Governor Tonyn.⁹ The web of personal relationships was

6. The cross streets, running east and west, had no names in the early years of the Second Spanish Period.

7. See Mariano LaRocque, "Plano de la Ciudad de San Agustin, 1788." The Gomila residence is number 93 in block (*Manzana*) 13, and is described in the twenty page manuscript "*Descripcion*" written to accompany the map. These two documents are the basis for the restoration and preservation project in St. Augustine.

8. The basic document for reconstruction of the crime is Zespedes to B. de Galvez, St. Augustine, April 5, 1786, No. 122, East Florida Papers: b41 B4. Copy in Lockey Collection, P. K. Yonge Library of Florida History, Gainesville. Cited hereafter as Lockey Collection. This is a summary and evaluation of the testimony with a list of the enclosures. The enclosures have not been located in the Library of Congress.

9. Zespedes to Pedro Jose Salcedo, St. Augustine, May 28, 1785, East Florida Papers : b116. This incident is discussed in Helen Hornbeck Tanner, *Zespedes in East Florida, 1784-1790* (Coral Gables, 1963), 70-72.

further complicated by the revelation that Catalina's current admirers also included Corporal Francisco Moraga. Both Sively and Moraga were members of the small artillery corps attached to the Castillo de San Marcos. According to the depositions taken, Sively had ordered Moraga to cease visiting Catalina, but Moraga had heatedly insisted that he would never stop going there. Of the several young men involved with Miss Morain, apparently Francisco Moraga had the most violent temper.

Captain Eduardo Nugent, adjutant to the commandant, collected testimony regarding the crime. The captain, as well as his commanding officer, Lieutenant-Colonel Guillermo O'Kelly, and the unfortunate Lieutenant Delaney were all members of the Hibernia Regiment, an Irish unit which had played a conspicuous role during the American Revolution. Service records of officers then stationed in St. Augustine show that they had participated in the siege of Pensacola in May 1781 under former Governor Bernardo de Galvez of Spanish Louisiana who, in 1785, became viceroy of New Spain. The Hibernia Regiment was composed of seasoned and reliable troops, whose officers filled many responsible positions in the Spanish colonies.

Corporal Moraga's testimony, taken down by Captain Nugent a few days after the attack, was limited to a simple declaration that he had not been at the Gomila residence at any time during the day or night of November 20. Sergeant Sively also stoutly insisted that he had not been in the vicinity of the house at the time of the attack. Lieutenant Delaney's description of his attackers was not particularly helpful. He said that they were muffled in hooded cloaks which completely obscured their features on a dark night and on an unlighted street. The attire of the assailants made identification virtually impossible, since it was the common winter-time garb for most of the military garrison. Use of the heavy cloak with attached hood had originally been restricted to sailors living in St. Augustine, but officers and soldiers, shivering in their unheated and dilapidated barracks, had begun wearing hooded cloaks made out of blankets. Any member of the garrison abroad that night probably resembled the lieutenant's attackers.

As it happened a play was being rehearsed that evening in St. Francis Barracks at the south end of town, and Corporal Francisco Moraga, one of the suspects, was at the rehearsal. His detachment was quartered at the Castillo, on the northern edge of St. August-

tine, and the direct route from the fort to the barracks lay along Charlotte Street and passed the Gomila residence. Other members of the garrison were also known to be in town that evening.

Lieutenant Delaney's personal account of the crime was confirmed, but not amplified, by testimony of persons in the vicinity. Witnesses included representatives of every geographic area and social class in St. Augustine's diverse civilian and military population. The Gomilas were an older couple of Spanish origin, sufficiently affluent to own a slave. Their only daughter, Dorotea, wife of Martin Hernandez, also lived in St. Augustine.¹⁰ In response to questioning, Catalina Gomila explained that although she was already in bed, she heard the commotion on the street that night. The disturbance was similarly noted by Catalina Morain who had not yet retired.

Reports of noise at the time of the attack also came from Diego Segui and Pedro Rodriguez, who resided close to the Castillo, two and a half blocks north of the Gomila residence. Segui, a sailor from Minorca, lived in a little hut on the south side of Charlotte Street next to the path leading up to the Castillo.¹¹ He had come to East Florida in 1767, as a colonist at New Smyrna, and when the colony was broken up in 1777, he moved to St. Augustine and was living there in 1785.¹² Rodriguez, a native of the Canary Islands, sold drinks at a little shop on his property adjacent to the fort.¹³ Although he was in bed when the crime occurred, Rodriguez testified that he heard the cries of alarm from down the street.

Most of the witnesses could do little more than offer opinions as to the time of the crime and the presence of muffled figures on the streets. Testimony of this nature was contributed by Lorenzo Capa, the sacristan, who was strategically situated on the north-

10. Census of 1793, 82, Entry no. 56, Lockey Collection. Apparently Joseph Gomila's daughter and son-in-law and their children and slaves moved to his home after his wife, Catalina Gomila, died late in the year 1786.

11. See LaRocque Map, block no. 1, building no. 2, and accompanying "Descripcion"; also, Census of 1793, 43, in Lockey Collection.

12. Memorial of the Italians, Greeks and Minorcans, St. Augustine, July 12, 1784, enclosed in Zespedes to B. de Galvez, St. Augustine, July 16, 1784, No. 11, AGI: Santo Domingo, legajo 2660. Translation in Lockey, *East Florida*, 232-33. Diego Segui was one of fifty Minorcans signing the memorial.

13. See LaRocque Map, block no. 2, building no. 12; also, Census of 1793, 8, in Lockey Collection.

west corner of what is now Cuna and Charlotte streets, near the Castillo.¹⁴ Luis Molina, a locksmith,¹⁵ and Lorenzo Capella, a Minorcan fisherman living in the Greek settlement on Cuna Street north of Spanish Street, were also witnesses.¹⁶ Another was Miguel Buysan, a subordinate treasury official, who was himself to become involved in serious scandal three years later, in January 1789, when he was found in his shirttails in the bedroom of a prominent St. Augustine lady.¹⁷

People living near the Gomila residence provided the most reliable evidence in the case. Edward Ashton, a tailor and former British subject born in Ireland, lived on the west side of Charlotte Street a little north of the Gomilas.¹⁸ Another highly reputable witness was Miguel Iznardy, a wealthy merchant originally from Andalucia, Spain, whose house was on the southwest corner of Charlotte and Treasury streets. A close friend of Governor Zepedes, Iznardy came to St. Augustine in 1784, and operated a coastal trade extending from Philadelphia to Havana.¹⁹

John Leslie, local partner of the well-known Indian trading firm, Panton, Leslie and Co.,²⁰ lived in the neighborhood, and several members of his household were questioned. The Leslie home faced the bay at the north corner of Treasury Street.²¹ The rear of his property was only about fifty feet from the Gomila's. John Leslie was also subjected to interrogation concerning the

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14. See LaRocque Map, block no. 2, building 11; also, Census of 1793, 16, in Lockey Collection. Lorenzo Capo was the first signature on the Memorial of the Minorcans (footnote 12).
 15. Government Employees Destined for St. Augustine, Havana, June 7, 1784. East Florida Papers:b54 B5. Translation in Lockey, *East Florida*, 202-04. Luis Molina is the last name listed.
 16. See LaRocque Map, block no. 11, building no. 76; also, Census of 1793, 26, in Lockey Collection.
 17. Zepedes to Jose de Ezpeleta, St. Augustine, January 30, 1789, Archivo General de Indias, Papeles Procedentes de Cuba, legajo 1395. Cited hereafter as AGI:PC, followed by legajo number. Copy in Lockey Collection.
 18. See LaRocque Map, block no. 14, building no. 113. The name is misspelled as "Esten" on LaRocque's "*Descripcion*." See also, Census of 1793, 56, in Lockey Collection.
 19. See LaRocque Map, block no. 18, building no. 148; also, Census of 1793, 6, in Lockey Collection. He is frequently mentioned in letters from St. Augustine in the Second Spanish Period.
 20. The activities of Panton, Leslie and Co. are discussed in Tanner, *Zepedes in East Florida*, 85 *et passim*.
 21. See LaRocque Map, block no. 13, building no. 96; also, Census of 1793, 53, in Lockey Collection.

Delaney attack. His cashier, John Forrester, two Mulatto women, and two Leslie slaves also testified.

Directly behind the Leslie property, a government storehouse for provisions occupied the northeast corner of Treasury and Charlotte streets, about fifty feet south of the Gomila house.²² One of the witnesses, a commissary guard named Pedro de Salas, probably was stationed at that warehouse on the night of the crime.²³ Although there were four priests in St. Augustine, only Father Pedro Campos appeared as a witness in the Delaney investigation. Father Campos, the dedicated Minorcan priest who had come to Florida with the New Smyrna settlers, had endeared himself to the entire community and was usually called on in any crisis that developed in St. Augustine.²⁴

In spite of numerous witnesses, the precise time of the attack on Lieutenant Delaney was never finally established. Governor Zespedes stated that if St. Augustine had a town clock to strike the hours, at least one aspect of the case could have been handled with accuracy.

Since the central figure in the Delaney case was Catalina Morain, considerable weight was given to her testimony. Thirty other witnesses furnished information about the circumstances surrounding the event, but not one of them could identify persons at the actual scene of the crime. Consequently, when Miss Morain implicated two soldiers of the garrison, Pablo de Martos and Ramon Cucarella, they were immediately seized and imprisoned upon orders of the governor. The regrettable affair seemed to be concluded, and the people of St. Augustine turned their attention to their own affairs and to preparations for the Christmas season which was rapidly approaching. Meanwhile, Lieutenant Delaney's physicians were battling to save his life from infection, but they were not successful, and he died shortly after the new year, 1786.²⁵

The crime perpetrated on November 20, 1785, was now labelled murder, a far more serious offense. Although Governor

22. See LaRocque Map, block no. 13, building no. 95.

23. Government Employees Destined for St. Augustine, Havana, June 7, 1784, EF:b54 B5. Translation in Lockey, *East Florida*, 203.

24. Michael J. Curley, *Church and State in the Spanish Floridas, 1783-1821* (Washington, 1940), 25-44 *et passim*.

25. Zespedes to B. de Galvez, St. Augustine, January 4, 1786, East Florida Papers:b41 B40, in Lockey Collection.

Zespedes had a half century of experience in the Spanish army before coming to East Florida, he did not feel qualified to conduct a murder trial. Ever since his arrival in the province, he had needed a legal official, and now the situation was urgent. He promptly requested the captain-general of Cuba to send an "*asesor*" or "*auditor de guerra*," as such an official was called in Spanish colonial administration.

Learning that authorities in Havana could not provide legal assistance, Governor Zespedes was forced, early in the spring of 1786, to reopen the investigation of the Delaney case. In the meantime, he had developed grave doubts about the justice of his original decision to imprison the two suspects implicated by Catalina Morain. Resuming the inquiry, he became convinced of their innocence and released the two soldiers from prison. On the other hand, as additional evidence was accumulated, the behavior of Catalina Morain and Francisco Moraga appeared increasingly suspicious.

Corporal Simon Collado of the Inmemorial del Rey Regiment, whose detachment included men from Spain and the Spanish possessions in Italy, testified that Moraga had been visiting Catalina more frequently since Delaney's death, and had even spent as much as a half hour alone with her at night. This information was confirmed by the mistress of the house, Senora Gomila. Catalina admitted that Moraga had been visiting her more often, and that some times he was there five times in a single day. Earlier in the fall, Moraga saw her only when he needed some mending done. For some time, the young woman had done sewing and mending for the members of the artillery corps.

Pressed for details about her relationship with Moraga, Catalina was quite candid. While he first started seeing her only on business, his attitude changed and his visits became more personal. Moreover, she recalled an occasion when he found another man in her company, and he flashed glances at her which she could only interpret as jealousy. She admitted that she enjoyed conversing with Moraga and treated him with familiarity, but always, she insisted, with propriety. Aware of his growing fondness, Catalina realized that his frequent visits might be criticized. Although they had spent time alone together at night in her room, Catalina said that they were not guilty of any misconduct. On the evening of November 20, Catalina recalled overhearing a conversation be-

tween Moraga and Senora Gomila. Moraga sharpened a quilled pen for the Senora, she said, and then left for the play rehearsal at St. Francis Barracks.

Moraga had originally testified that he had not visited the Gomila residence at all on November 20. However, when he was called in for further interrogation by Governor Zespedes, he admitted that he had been at the Gomila house "about nightfall," that he was muffled in a heavy cloak, and that he was carrying a cutlass, the one he had used to sharpen the pen for Senora Gomila.

Distinguished Sergeant Francisco Baldes of the Hibernia Regiment testified that Moraga left the play rehearsal before it was over, sometime between 9:30 and 10:00 p.m. According to Sergeant Baldes, Moraga explained that he was very sleepy. Moraga, however, stated that he had sat down to write as soon as he returned to his own quarters. Moraga's attempts to establish alibis led to baffling confusion when the testimony of guards and sentinels was introduced. Adriano Diaz had stood guard on the night of the Delaney attack so that Moraga could attend the rehearsal. Diaz first said he remembered Moraga's return to his quarters, but later admitted that he was actually asleep when Moraga came in and that he could only estimate the time. Moraga insisted that the sentinels at the barracks should recall seeing him enter and leave, since he had called attention to the fact that their lamp was about to go out. The sentinels, however, said they had not seen Moraga the entire evening.

Further investigation revealed that while a sentinel customarily stood inside the locked gate to the street, soldiers could easily enter and leave by going over the board fence surrounding the patio of the barracks. In fact, the activities of the sentinels on the night of November 20 were as difficult to establish as the movements of Corporal Moraga. Ultimately, Governor Zespedes discovered that on this important evening, four sentinels had been assigned to special duty, guarding firewood on the shore of Matanzas Bay. The wood, for the use of the artillery corps, had been brought down river earlier that day and unloaded in an open space directly behind the Gomila residence.²⁶ If four soldiers

26. The firewood probably came from "Oak Forest," the former estate of British Chief Justice James Hume. It was located about two and a half miles north of St. Augustine, between the North and San Sebastian rivers. In the Second Spanish Period, it became the royal wood-

were standing guard at a location eighty to 110 yards from the scene of the crime, Governor Zespedes expressed surprise that they did not report the noise and commotion that they undoubtedly heard on Charlotte Street.

Throughout the testimony, there was almost no mention of Lieutenant Delaney, the victim. In analyzing the evidence, Governor Zespedes found much that was suspicious but nothing that approached absolute proof. He finally decided that Corporal Moraga at a minimum was guilty of perjury and that Catalina deserved punishment for incriminating two innocent men. He ordered them both imprisoned to await the judgment of superior authorities. But his troubles with the Delaney case were not yet over.

Commandant Pedro Salcedo of the artillery corps decided that Corporal Moraga was inadequately guarded. If the prisoner was confined to the local jail, which seems likely, Salcedo's attitude is understandable. Complaints later made concerning the laxity of conditions in the jail seem well-founded.²⁷ To place Moraga under tighter security, Salcedo had him removed to prison headquarters within the fort, near the bunk rooms assigned to the artillery corps.²⁸ Technically, Captain Salcedo should have secured Governor Zespedes' permission before transferring Corporal Moraga to a different cell, but Salcedo displayed considerable freedom of action as commandant of the artillery corps. He was an important member of the community, whose family and connections extended back to the First Spanish Period.²⁹

Because regulations had not been followed, Corporal Moraga made a formal objection to Governor Zespedes. His complaint was supported by Sergeant Sively, who made representations to the governor through Captain Salcedo, his commandant. Zespedes knew that proper procedures had been violated in transferring

cutting preserve. For a description of the property, see Wilbur Henry Siebert, *Loyalists in East Florida, 1774-1758*, 2 vols. (DeLand, 1929), II, 38-9.

27. Zespedes to Ezpeleta, St. Augustine, January 30, 1789, AGI:PC legajo 1395, in Lockey Collection.
28. Zespedes to B. de Galvez, St. Augustine, April 4, 1786, East Florida Papers:b41 B4, in Lockey Collection.
29. See LaRocque Map, block no. 7, buibhngs nos. 44, 45, and 46 on the west side of St. George Street, north of the restored Arrivas House. The property extends through to modern Spanish Street. On the opposite side of Spanish Street, block no. 6, building no. 31 is also part of Salcedo's family property.

Moraga to the Castillo, yet he did not relish espousing Moraga's cause in opposition to the man's superior officer. Also his suspicions were aroused by this evidence of friendship between Moraga and Sively. Earlier testimony had seemed to indicate antipathy between the two artillerymen, yet they were close friends, according to the declaration of Catalina Morain. It seemed possible now to Zespedes that there had been some hint of collusion between the two men from the very beginning of the case.

Governor Zespedes did not complete his investigations until early April 1786. Near the end of the inquiry, Juan Jose Bousquet, the royal surgeon, provided medical testimony,³⁰ and a final statement was added by Captain Carlos Howard, Zespedes' administrative assistant for the province. Howard, also a member of the Hibernia Regiment, was assigned many tasks which might be classed as "secret service," although his official title was secretary of government.³¹ Governor Zespedes finally decided to suspend all proceedings against Catalina Morain and Corporal Moraga, pending a review of the evidence by superior authorities. On April 5, 1786, he forwarded 176 pages of testimony from fifty-five witnesses to Viceroy Bernardo de Galvez in Mexico City.

The governor also appealed to Galvez for settlement of two other problems involving army personnel connected with the Delaney case. In the first place, he deferred to the viceroy's decision concerning the advisability of further disciplinary action against Distinguished Sergeant Juan Sively, a reprehensible but not a criminal character. Zespedes had already requested Sively's promotion to a lieutenantcy, and transfer from St. Augustine. He initiated this action at the time of the Isabel Shivers' affair in May of 1785. The governor's request was finally granted, but Sively was next transferred to Guatemala until 1789.³² The second matter requiring a decision from the viceroy was the con-

30. See LaRocque Map, block no. 39, building no. 253 on Marine Street near modern St. Francis; also, Employees for the Hospital at St. Augustine, Havana, June 1, 1784, East Florida Papers:b54 B5. Translation in Lockey, *East Florida*, 198-99.

31. Zespedes to Jose de Galvez, Havana, March 3, 1784, No. 1, East Florida Papers : b40. Translation in Lockey, *East Florida*, 183-84. The governor selected Captain Howard as a member of his staff in East Florida. Howard, who could speak English and French, as well as Spanish, had translated confidential documents during the American Revolution.

32. Zespedes to Salcedo, St. Augustine, December 16, 1789, East Florida Papers: b116, in Lockey Collection.

flict between Captain Salcedo and Corporal Moraga concerning the latter's unauthorized transfer from the St. Augustine jail to the Castillo de San Marcos.

When Governor Zespedes finished analyzing the conflicting evidence presented in the Delaney case, he was indeed weary. He realized that if he punished all misdemeanors and infractions of regulations uncovered in the course of the investigation, he would scarcely have sufficient military staff to operate the garrison.

The Delaney case investigation had covered a period of four months. If there had been a legal official on the administrative staff for East Florida, perhaps the proceedings could have been handled with more dispatch. For Governor Zespedes, the pursuit of justice in the case was but one of many tasks requiring his attention at the time. To place the murder case in proper perspective, reference should be made to other contemporary events in St. Augustine's local history.

The criminal investigation seriously delayed the governor's secret labor on a comprehensive program for the management of Indian affairs, the most critical problem that he then faced in East Florida. When the news of the crime first reached him at the Government House, he was copying the original draft of his plans for dealing with the Creek Indians and their allies who lived within Florida and along the embattled Georgia frontier. Zespedes completed this work on New Year's Eve.³³

Soon after the Delaney attack, Florida's most notorious outlaw, Daniel McGirt, reappeared in St. Augustine, accompanied by one of his *banditti*, William Cunningham. The previous September, McGirt, Cunningham, and Stephen Mayfield had been released from prison in Havana on condition that they never return to Florida, a restriction that was obviously impossible to enforce.³⁴ Zespedes promptly deported Cunningham on the first boat departing for Nassau in the Bahama Islands. McGirt, however, had a wife and several children living in St. Augustine, and the vessel was not large enough to accommodate these additional passengers. At the time of Delaney's death, McGirt was imprisoned in the

33. Discurso Sobre Indios, enclosed in Zespedes to Ezpeleta, March 14, 1789, AGI:PC legajo 1395, in Lockey Collection. This document is identified as a copy and continuation of a plan dated December 31, 1785.

34. Bernardo de Troncoso to Zespedes, Havana, November 7, 1785, East Florida Papers:blA. Translation in Lockey, *East Florida*, 737.

Castillo in St. Augustine, awaiting the final decision for the deportation of the entire family.³⁵

A scarcity of provisions was probably the most persistent problem occupying the governor's attention at the time. Miguel Iznardy, who had the provisions contract for 1785, had lost money and was not renewing the contract.³⁶ In January 1786, Governor Zepedes began a time-consuming correspondence with officials in Havana and with the new Spanish representative in New York City, in an effort to secure emergency rations for his garrison.³⁷ Funds were long overdue for subsistence, salaries, and soldiers' allowances.

During that same mid-winter season, the governor was trying to establish an outpost on Amelia Island to guard the Georgia border. A brigantine, the *San Matias*, anchored in St. Mary's harbor, had patrolled the area until the last of the British forces evacuated East Florida, and then it was returned to Cuba.³⁸ In January and February 1786, St. Augustine received an uncommon number of hungry Indians who came into the town because of a shortage of supplies at the Panton, Leslie's new Indian store at St. Marks on Apalache Bay.³⁹

These problems facing Florida authorities from November 1785 to April 1786, all serious and all calling for immediate solutions, overshadowed the Delaney murder, however sensational the latter was to the local population. For the historian, however, the testimony in the case provides data rarely found in public archives or official correspondence. These details, highlighting the private lives of real people in actual situations, aid considerably in recreating the historic period.

35. Zepedes to Troncoso, St. Augustine, January 7, 1786, East Florida Papers:b21,H2; also Zepedes to B. de Galvez, January 12, 1786, East Florida Papers:b41 B4, in Lockey Collection.

36. Zepedes to B. de Galvez, St. Augustine, January 24, 1786, East Florida Papers:b41 B4, in Lockey Collection.

37. Gardoqui al Conde de Floridablanca, New York, March 13, 1786, referring to letters from Zepedes and from Gonzalo Zamorano, treasury official, dated January 21, 1786. The problem of provisioning the garrison at St. Augustine was summarized in "Expediente Sobre Proveer de Viveres a San Agustin," Archivo Historico Nacional, Seccion Estado, legajo 3886, expediente 7, 525-664. The letter cited is Document 1 of the series included in the "Expediente." Copies of the letters are in the Lockey Collection.

38. Zepedes to B. de Galvez, St. Augustine, January 25, 1786, East Florida Papers: b41, B4, in Lockey Collection.

39. *Ibid.*

Toward all the people involved in the Delaney case, Governor Zespedes exhibited both tolerance and human understanding. He admitted that he might be excessively lenient. His actions gave no evidence of the dreaded "Spanish Yoke" which some British subjects had feared would descend on Florida with the arrival of a Spanish military governor. On the contrary, his behavior was reassuring to those who had foreseen a stern, inflexible rule when East Florida was returned to Spanish control. For the inhabitants of St. Augustine, this experience probably reinforced their traditional loyalty to a distant Spanish crown, an attitude incomprehensible and baffling to their American neighbors.

This incident at the outset of the Second Spanish Period also emphasizes an important point in East Florida's administrative history—the inadequate judicial arrangements in the province. The problems encountered in handling the Delaney case may explain the fact that in the future, Governor Zespedes made little effort either to collect testimony or to prosecute cases in St. Augustine. He generally sent the alleged offenders to Havana for trial. In the larger sphere of Spanish colonial government, the Delaney case is one of the many examples illustrating the extent to which local officials in frontier provinces were thrown upon their own resources. Though at the peak of its eighteenth century development under the illustrious Bourbon ruler, Charles III, Spain still could not provide sufficient personnel for the empire that reached its maximum geographic expansion at the end of the American Revolution. Zespedes governed East Florida capably and with ingenuity, but with minimal knowledge of Spanish law and without legal counsel.

It is disappointing to conclude a discussion of the Delaney murder without knowledge of the ultimate judicial decision. Reference to the Delaney case as it progressed through official channels, appears intermittently in the Zespedes correspondence. Viceroy Bernardo de Galvez submitted all the evidence to the *auditor de guerra* of New Spain, who approved the action taken in St. Augustine. Proceedings were considerably delayed in Mexico, probably because, in the fall of 1786, all activities in the capital were hampered by the fever epidemic which in November claimed the life of the viceroy.⁴⁰

40. John Walton Caughey, *Bernardo de Galvez in Louisiana, 1776-1783* (Berkeley, 1934), 256-57.

Under date of May 22, 1787, warrants for the imprisonment of Catalina Morain and Francisco Maraga were forwarded to Spain to the attention of Jose de Galvez, minister of the Indies, and influential uncle of the late viceroy. But while the papers were enroute, Jose de Galvez died in Madrid. The duties of his ministry were divided, and the Delaney case papers were turned over to Antonio Valdez, former secretary of the navy, who acknowledged their arrival on November 14, 1787.⁴¹

Meanwhile, plans for the regular rotation of troops were being carried out in the Caribbean area. In the spring of 1788, the Hibernia detachment was scheduled to leave St. Augustine, rejoin the rest of the regiment, and return to Spain. This troop transfer included Captain Eduardo Nugent, prosecutor of the Delaney murder case, and many of the witnesses. In June 1788, Governor Zespedes advised Jose de Ezpeleta, captain-general of Cuba, to detain the prosecutor and witnesses in Havana. At the time, the governor believed that a final decision in the Delaney case was pending in the Supreme Council of War.⁴² Both Francisco Moraga and Catalina Morain remained in prison throughout Zespedes' administration, which ended in July 1790. The length of their sentence cannot be discovered, and at this point, the trail of the Delaney murder case vanishes into unexplored archival depths.

41. The two colonial secretaries succeeding Jose de Galvez in July 1787 were: Antonio Valdez, who assumed responsibility for military, financial, and commercial affairs in the colonies, and Antonio Porlier, who supervised religious matters and the administration of justice. Decree of July 8, 1787, signed by Conde de Floridablanca, copy in Ezpeleta to Miro, September 18, 1787, AGI:PC legajo 151A, in Lockey Collection.

42. Zespedes to Ezpeleta, St. Augustine, June 4, 1788, AGI:PC legajo 1395, in Lockey Collection.