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ELECTION OF 1870 AND THE END OF RECONSTRUCTION IN FLORIDA

by RALPH L. PEEK

WILLIAM DUNNINGTON BLOXHAM was the first Democrat to win a high elective office in Florida following Congressional Reconstruction. Just twenty-eight months after the end of military rule in the state this native Florida conservative was elected lieutenant governor. However, he was denied the fruits of victory for more than eighteen months. After tedious litigation he was finally awarded the office by the Florida Supreme Court and was inaugurated June 3, 1872.

It is remarkable that some of the most prominent historians of Reconstruction in Florida, including William Watson Davis and John Wallace, fail to mention Bloxham's victory. An even more remarkable omission is the fact that the case is not even mentioned in the reports of cases before the supreme court.

What did Bloxham's victory mean? It is necessary to view the context of the supreme court's decision and the subsequent events in any attempt to assess its true significance to Florida history. By the time that military reconstruction ended in Florida in July 1868, the Republican Party had enlisted almost all the newly enfranchised freedmen into its ranks and had engrossed most state and local offices. But there was deep division in the party. Radicals accused moderate Republicans of fomenting a split in the constitutional convention of 1868 aimed at eliminating radical control so that a constitution could be written that was favorable to the former rebels and harmful to Negroes and radicals.¹ It does seem that there was something of a tacit alliance between moderate Republicans and Conservatives, or Democrats,

1. Daniel Richards to Thaddeus Stevens, May 25, 1868, Thaddeus Stevens Papers, XII (1868-1869), 54862, Library of Congress, Washington; C. L. Robinson to Thaddeus Stevens, May 29, 1868, *ibid.*, 54872; Liberty Billings to Elihu Washburne, June 7, 1868, Elihu Washburne Papers, LX (1868), 12156, Library of Congress; *House Miscellaneous Documents*, 40th Cong., 2nd Sess., No. 109, Serial No. 1350 (Washington, 1868), 1.

during the convention.² Leading radicals claimed that the moderate Republicans, led by Harrison Reed, a federal postal agent and a strong supporter of President Andrew Johnson, had promised the Democrats a share of the patronage in exchange for their political support. It seems that the moderate minority wing was able to prevail because it had both the support of Democrats and the military commanders in the state and in the Third Military District. Apparently, promises were made by the Reed faction to the Democrats concerning jobs. These promises were not kept, however, at least not to the satisfaction of the Democrats,³ and in the end they opposed both Reed and the constitution.³

Republican power in Florida in 1868 was tenuous, resting almost entirely upon Negro ballots. From the Republican standpoint an ominous factor was the realization that the conservative vote had every prospect of increasing. A special census in 1867 and the regular census of 1870 revealed that white conservatives outnumbered both white and Negro Republicans.⁴ With the Republican structure resting almost entirely upon the Negro vote, it was both shaky and vulnerable.

Against this background came the election of 1870, the turning point of the post-Civil War history of Florida. The Democrats were determined to win the offices at stake - the lieutenant governorship, all legislative seats, and one congressional seat. Republican tenure depended upon Negro votes in about twelve North Florida counties which had overwhelming

2. William Gleason to G. W. Holmes, October 30, 1890, William Gleason Papers, Box 15, P. K. Yonge Library of Florida History, Gainesville, Florida. The moderate Republicans who effected the split in the convention were the so-called "Johnson men," or federal appointees, who were for the most part members of the conservative Union Republican Club of Jacksonville. The goals of this club did not include white disfranchisement. Those active against the radicals in the convention included Harrison Reed, Ossian B. Hart, Thomas W. Osborn, Sherman Conant, Lemuel Wilson, A. A. Knight, Marcellus L. Stearns, William Purman, Charles M. Hamilton, and Democrats David S. Walker and Charles E. Dyke, editor of the *Tallahassee Floridian*. (*House Miscellaneous Documents*, 40th Cong., 2nd Sess.. No. 109, Serial No. 1350, p. 1). The military commander favored the conservative Republicans.
3. Daniel Richards to Elihu Washburne, May 6, 1868, LIX, Washburne Papers.
4. Tallahassee *Semi-Weekly Floridian*, October 8 1867 estimated a majority of white males amounting to 8,642. A special census in 1867 (published in the *Tallahassee Weekly Floridian*, June 30, 1868) showed a potential majority of white voters.

Negro majorities. Democrats evidently concluded that their only real hope lay in decimating the Republican vote by intimidating enough Negroes to affect the decision at the polls.

Florida had been the scene of turbulence and violence ever since the constitutional convention of 1868. The strife intensified after military rule was superseded by civil government on July 4, 1868. A variety of organizations had been formed by white conservatives to resist Republican government and to intimidate Negro voters.⁵ The federal military commander in Florida reported many incidents of violence, indicating the disturbed state of society during the late summer and fall of 1868. There were some fifteen murders in the state from July to mid-November 1868.⁶ During the early part of 1869 there were at least ten murders in Jackson, Hamilton, Duval, Hernando, Alachua, Columbia, and Madison counties. An outbreak of violence in Jackson County in the fall of 1869 left seven people dead and five wounded before United States troops moved in to restore order.

By the summer of 1870 it was very evident that violence had been adopted by conservatives in their bid for political power, and during the summer and fall several incidents occurred. In Jackson County, Republican Congressman Charles Hamilton and William Purman, a leading Republican, were in Marianna for a Republican rally, and were besieged in the home of the sheriff for almost a week by armed men bent on eliminating them.⁷ Governor Harrison Reed was informed that vigilantes in Hamilton, Suwannee, and Columbia counties were defying the laws, that organizations were being formed to prevent Negroes voting in the coming election, that both Negro and white Republicans were being intimidated, and that many Negroes had been murdered or attacked.⁸ The governor was urged to request federal authorities to dispatch troops to occupy these three counties during the election of November 1870.⁹

5. Ralph L. Peek, "Aftermath of Military Reconstruction, 1868-1869," *Florida Historical Quarterly*, XLIII (October 1964), 123-41.

6. *Ibid.*

7. United States Congress Joint Select Committee on the Condition of Affairs in the Late Insurrectionary States, 42nd Cong., 2nd Sess., *House Report 22*, Serial No. 1541, 13 Vols. (Washington, 1872), XIII, 145-46, 152. Hereinafter cited as *House Report 22*.

8. *Tallahassee Sentinel*, August 20, 1870.

9. *Ibid.*, August 6, 1870.

Reed issued a proclamation on August 12, 1870, asserting that, "The seditious teachings of an unprincipled press and the treasonable appeals of prominent opponents of the State government are being responded to in several of the counties by the re-organization of bands of outlaws known as Ku Klux." The governor called upon all good citizens to unite in a determined effort to suppress the outrages which had caused many people to demand that the governor call out the state militia.¹⁰ The governor warned Conservatives that sterner measures would be taken if Republicans continued to be intimidated and prevented from voting in the November election. The warning was given effect by the publicized fact that more than sixty companies of the state militia, many of which were entirely Negro, had been organized by this time.¹¹ The Tallahassee *Floridian*, the most influential Conservative newspaper in Florida, charged that Governor Reed intended to carry the election by force of arms.¹²

As the time for election drew nearer the number of violent incidents increased.¹³ Early in September Robert Jones, Negro delegate to the Columbia County Republican Convention, was shot and killed just as he arrived home after attending the convention. Jones, regarded by Democrats and Republicans alike as one of the best citizens in the county, had been warned by a white Democrat shortly before the attack that unless he quit the Republican Party his life was in danger. On the same evening, another Negro delegate to the convention was fired upon in his home but was not hurt.¹⁴

Evidently, Columbia County was controlled by men determined to regulate political and social affairs according to their own desires. During the summer and fall of 1870 parties of armed men, often thirty or forty in number, came regularly into Lake City, disregarding municipal and state laws with impunity.

10. *Ibid.*, August 13, 1870. See the issue of August 20, 1870 for a copy of the proclamation.

11. *Ibid.*, July 23, 1870.

12. *Ibid.*, August 20, 1870, quoting Tallahassee *Weekly Floridian*, August 16, 1870.

13. *Ibid.*, November 12, 1870, stated that efforts at intimidation before the election were especially notable in Jackson, Gadsden, Jefferson, Madison, and Columbia counties. Subsequent evidence also reveals that in most of these counties there was much intimidation on the day of the election (*House Report 22, passim*).

14. *Ibid.*, September 10, 1870; *House Report 22, XIII*, 263.

Sheriff Robert Martin was seized by vigilantes in October when he left Lake City and went out into a rural area of the county to make an arrest. The men took Martin into the woods and forced him to promise that he would resign immediately and never mention that they had threatened him. He returned to Lake City and, on October 27, 1870, wrote a letter of resignation to the governor, stating that he found it impossible to perform his duties as sheriff because the people of the county were determined not to submit to or assist in the execution of the laws.

United States Marshal George Wentworth informed the United States Attorney General on October 7, 1870, that he had been warned that an organized effort would be made on election day in Columbia and Jackson counties to intimidate many legally qualified voters. Wentworth secured deputy marshals in other counties but found it impossible to secure qualified men in these two counties.¹⁵ He sent a deputy marshal to Marianna to prevent expected infractions of the law.¹⁶ As election day approached, there were many warnings and rumors of trouble, even bloodshed, at the polls.¹⁷ United States commissioners and deputy marshals were supposed to be on duty in every county, and Washington authorities told the Republican State Executive Committee that troops would be sent to Columbia, Jackson, Hamilton, and two or three other counties to insure a peaceful election on November 8, 1870.¹⁸

At a Republican rally in Gainesville on October 27, 1870, several speakers lauded Republican rule and attacked their Democratic opponents. After the meeting adjourned, a group of Negroes near the courthouse was attacked. This altercation was quelled by the sheriff, but then when a Negro began distributing political tracts, he was knifed by a white man. This set off a riot, and several white Conservatives barricaded themselves in a store building on the courthouse square, firing through the windows at the Negroes outside. Two Negroes were shot before the crowd

15. George Wentworth to Attorney General Amos Akerman, October 7, 1870, Attorney General's Papers, Letters Received, Florida, Northern District, United States Marshals, May 12, 1864-December 15, 1870, National Archives, Record Group 60, Department of Justice.

16. Wentworth to Akerman, December 15, 1870, *ibid.*

17. *Tallahassee Sentinel*, November 5, 1870.

18. *Ibid.*, October 29, 1870, quoting Jacksonville *Florida Union*.

rushed the building and seized the men. Only the intervention of the sheriff prevented a lynching.¹⁹

Leonard Dennis, Republican boss and candidate for state senator from Alachua County, was accused by Democrats of advising Negroes to arm themselves before coming to the polls on November 8. They threatened him with death if any such Negroes showed up. Men threw rocks at his house the night before the election, yelling that they had come to kill him. Dennis hid and the men left. He received two letters that week signed by the "Ku Klux," one of them stating, "Our motto is death to Radicals -Beware!" Dennis, however, was elected to the Florida Senate. He left Gainesville on a visit to the North a week later. At Jasper, in Hamilton County, a group of armed men boarded the train and tried unsuccessfully to kidnap him. In Gainesville, it was reported that he had been taken off the train and hanged.²⁰

On Wednesday evening, November 2, 1870, David Montgomery, Madison County sheriff, was attacked near the town of Madison by ten or twelve men. A volley from ambush wounded his horse, and his buggy overturned. Montgomery, who escaped injury, hid in the woods the rest of the night. The next day a white man named Bryant had an altercation with a Negro in Madison. Bryant claimed that the attack on Montgomery was made for political effect to help the Republicans in the election. The Negro disputed this charge and killed Bryant.²¹

Election day, November 8, 1870, saw a climactic effort to intimidate Negro voters so as to decimate the Republican vote. Troops had not been sent in as expected. In Columbia County on election eve a group of mounted, armed men rode into Lake City yelling and cursing radicals and firing into the air. At the time a parade of Negroes was moving from a political meeting at a church to the town square. The riders dispersed the group, wounding several Negroes. Fearing additional violence, many Negroes left town, refusing to stay and vote the next day, and the Democrats won by a majority of over 200 votes.²² In Quincy, county seat of

19. *Ibid.*, November 5, 1870.

20. *House Report* 22, XIII, 269.

21. Tallahassee *Weekly Floridian*, November 8, 1870, quoting *Tallahassee Sentinel* and *Jacksonville Florida Union*; *House Report* 22, XIII, 128, 135.

22. *Tallahassee Sentinel*, November 12, 1870; *House Report* 22, XIII, 225.

Gadsden County, white Conservatives, including former Acting Governor Abraham K. Allison, barred many Negro voters from the polls. The Republican majority, which was 400 in 1868, was reduced to sixteen.²³

Negroes attempting to vote in Jackson County were subjected to violence and threats. Several were stabbed, others were fired upon, and some were clubbed while attempting to get up to the ballot box.²⁴ White Conservatives joined in blocking the polls to prevent Negroes voting.²⁵ The Republican majority in the county in 1868 was 828; in 1870, two Republican legislators were elected with a majority of four, and one Democrat was elected with a majority of one.²⁶ In Madison County there were rumors of an impending collision between whites and Negroes. Dennis Eagan, Radical leader in the county, was told by the ex-Confederate hero John J. Dickison that armed Negroes would be barred from the polls. On the night before the election a body of terrorists rode into Madison and paraded around the courthouse square several times. The election the next day was the quietest on record according to the *Madison Messenger*; there were neither incidents of violence nor even angry words. The Conservatives attributed this to the fact that the cavalry demonstration had showed the radicals that they were ready to fight.²⁷ The *Tallahassee Sentinel*, spokesman for Florida Republicans, cited the demonstration as a typical example of Conservative methods of intimidation.²⁸ But despite this, the Republican majority in Madison County in 1870 was 614, only 188 less than 1868.²⁹

During the campaign in Jefferson County there were threats that election day would be bloody. Everything was quiet, how-

23. *Tallahassee Sentinel*, November 12, 1870; *House Report 22*, XIII, 76.

24. *House Report 22*, XIII, 309.

25. *United States v. James Coker*, December 11, 1871, Box 082429, Old Criminal Cases, 1867-1871, United States District Court, National Archives, Federal Records Center, East Point, Georgia.

26. *House Report 22*, XIII, 174; *Tallahassee Weekly Floridian*, May 11, 1869 gives the official returns for the 1868 election; *Tallahassee Sentinel*, November 12, 1870, gives the state returns for the 1870 election.

27. *Tallahassee Weekly Floridian*, November 22, 1870, quoting *Madison Messenger*, November 16, 1870; *House Report 22*, XIII, 127.

28. *Tallahassee Sentinel*, December 3, 1870.

29. *Ibid.*, December 31, 1870; *Tallahassee Weekly Floridian*, May 11, 1869.

ever, until about three in the afternoon when the poll at the Monticello courthouse was blocked by four white Conservatives led by William Bird, a member of the 1865 constitutional convention. Bird, armed with a pistol, informed Robert Meacham, Negro Republican leader, that "no damned nigger shall vote here," then calling him a "damned son-of-a-bitch," he drew his pistol. Immediately, armed whites and Negroes converged on the scene. No one was hit, but it was estimated that about a thousand shots were fired into the air. Afterwards, a number of armed white men, who had come in from Georgia, mounted their horses and hastily rode away. There were more than 1,000 armed Negroes, and the whites were greatly outnumbered, but after a tense hour and a half the situation quieted somewhat.³⁰ During the time the polls were closed, more than 500 Negro Republicans were unable to vote. Despite this, the Republicans carried the election by a majority of 823 votes, a loss of only seventy-one votes from the 1868 majority.³¹ This was evidence that intimidation could be resisted.

According to early election returns reported in the Tallahassee *Weekly Floridian*, the Conservatives had won a majority of 402 in the lieutenant governor's race and a majority of 371 in the race for Charles Hamilton's congressional seat. Moreover, the paper reported a Conservative majority was elected in both houses of the state legislature.³² Ambrose Hart, a former Union soldier now living in Clay County, wrote his mother in Poughkeepsie, New York, that for two weeks the state had been "turned upside down with politics and election." He also announced that Clay County had elected three Conservatives to the legislature instead of the one Democrat and two Republicans now serving.³³

The Republicans condemned the Democrats for using violence and intimidation as political tactics. The *Sentinel* claimed that numerous armed "desperadoes" had poured into Florida from surrounding states for the purpose of intimidating Negro voters. The paper cited the statement of a "prominent Democratic planter"

30. *House Report* 22, XIII, 103.

31. *Tallahassee Sentinel*, December 31, 1870; *Tallahassee Weekly Floridian*, May 11, 1869.

32. *Tallahassee Weekly Floridian*, November 22, 1870.

33. Ambrose Hart to mother, November 11, 1870, Ambrose Hart Letters, 1866-1872 (transcript from the original), Miscellaneous Collections, Box 5, P. K. Yonge Library of Florida History.

to show the Conservative spirit. He was quoted as telling a Negro Republican leader in Tallahassee that the Democrats now had the Negroes where they wanted them, and that the carpetbaggers either would be driven out of Florida or killed. Republicans charged that the Conservatives threatened to "put their candidate at the helm of the State [and] ten thousand armed men stood ready to do it."³⁴ They also claimed that the "Ku Klux" would try to force the State Board of Canvassers to declare the election of Democratic candidates, and failing that, the governor and lieutenant governor would be assassinated.

President Grant had ordered troops to Tallahassee even before the official results of the election were announced.³⁵ Four companies of United States infantry, reportedly armed with the latest Springfield rifles capable of firing twenty-five shots per minute, arrived in Tallahassee.³⁶ A detachment, which had been issued thirty days' rations and sixty rounds of ammunition for each man, was ordered from Tallahassee to Lake City, home of both the Republican candidate for lieutenant governor and the Democratic congressional candidate. The *Sentinel* claimed these troops would prevent Conservative seizure of Florida's government.³⁷

On November 30, 1870, William Bloxham, Democratic candidate for lieutenant governor, obtained an injunction from Judge Pleasants Woodson White, Second Judicial Circuit, restraining the Board of Canvassers from concluding their vote canvass and announcing results.³⁸ Then, on December 5, 1870, Judge White gave a special charge to the grand jury, stating that Governor Reed feared for his personal safety. Although White asserted that he did not believe the governor's statement, he thought that the jury should investigate the report.³⁹ The jury foreman, Joseph John Williams, who had been speaker of the Assembly in 1866, reported that the jury found no evidence to

34. *Tallahassee Sentinel*, December 3, 1870.

35. *Tallahassee Weekly Floridian*, December 6, 1870, quoting *New York Tribune*, November 23, 1870.

36. *Tallahassee Sentinel*, December 3, 1870 notes the arrival of two infantry companies; *Tallahassee Weekly Floridian*, December 27, 1870, reports the arrival of two more companies.

37. *Tallahassee Sentinel*, December 10, 1870.

38. *Tallahassee Weekly Floridian*, December 6, 1870.

39. *Ibid.*

support reports of impending violence against the governor and other state officials.⁴⁰ A few days later, Judge White was indicted in the United States District Court at Jacksonville, charged with violating the Enforcement Act of 1870 by granting an injunction to Bloxham, thus interfering with officers of an election. White was arrested and taken to Jacksonville where the indictment was quashed because of errors; later, it was abandoned.⁴¹

While Judge White was being detained in Jacksonville, the Board of Canvassers ignored his injunction and announced the official results of the election in the *Sentinel* on December 31, 1870. Returns from nine counties and three Duval County precincts were rejected by the board on grounds of irregularities. Josiah Walls, Republican congressional candidate, and Samuel Day, Republican candidate for lieutenant governor, received majorities of 629 and 614 respectively. The *Floridian* also published the election returns, but included those of the nine rejected counties. Seven of these gave Conservative majorities totalling 833 for Silas Niblack, Democratic candidate for Hamilton's congressional seat, and 661 for Bloxham in the lieutenant governor's race. If these returns had been counted, the Conservatives would have won by a majority of 209 in the congressional race and forty-seven in the lieutenant governor's contest. The legislature would consist of twenty-seven Conservatives and twenty-five Republicans.⁴² Without the rejected ballots, the tally showed twenty-three Republicans and twenty Conservatives elected. In the Senate, according to this count, the Republicans had a majority of one; if rejected returns had been counted, the Conservatives would have had a majority of one.⁴³

The Democrats had demonstrated that the Negro vote could be reduced by intimidation, and that Republican power could be seriously curtailed, if not nearly destroyed. Conservatives, who had utilized Negro intimidation without hesitation, now unblushingly accused the Republicans of fraud in invalidating the returns. The *Floridian* published affidavits from various election and postal officials which traced Sumter County's returns which had

40. *Ibid.*, December 13, 1870.

41. *Ibid.*, December 27, 1870; *Tallahassee Sentinel*, February 4, 1871.

42. *Tallahassee Weekly Floridian*, December 6, 1870.

43. In the fifth and twenty-third districts (Calhoun-Franklin and Sumter-Polk) the Democratic vote was evidently large enough in the county not rejected to elect a Democratic senator.

been "lost," showing that they had been received in Tallahassee by Secretary of State Jonathan Gibbs. Affidavits from election officials and United States deputy marshals in Columbia County denied that violence and intimidation had occurred there.⁴⁴ But despite Conservative protests and allegations of fraud, the official results stood as declared by the Board of Canvassers. The presence of four companies of United States infantry in and around Tallahassee probably prevented any violent demonstrations.

When the legislature met on January 3, 1871, the Republican majority in both houses was so slim that total unity was necessary to organize the legislature. There was a short, sharp conflict, but the Republicans were able to hold onto their victory.⁴⁵ Dr. Elisha Johnson, Lake City physician and Columbia County Republican leader, was declared senator over Charles Ross who had been elected by an overwhelming majority on November 8, 1870.⁴⁶ Ross's election was invalidated not only because of election irregularities at the city hall precinct in Lake City, where Ross won 331 to thirteen, but also because of the election eve demonstration which allegedly intimidated many Negroes and kept more than 200 of them from voting. In supporting the move to invalidate Ross's election, Senator William Purman claimed that Columbia County had suffered a veritable reign of terror for weeks preceding the election, that the sheriff had been forced to resign in fear of his life, and that Negro voters had been intimidated. With the returns from the city hall precinct invalidated, Dr. Johnson won by a vote of 478 to 355. The election of two other Columbia County Democrats was voided for the same reasons, and Republicans John Mahoney and John Armstrong replaced Democrats Duke and Flowers as representatives.⁴⁷ In addition, Republican leaders utilized the federal Enforcement Act of 1870 to arrest Democratic State Senators Alexander McCaskill, William Kendrick, and John Crawford.⁴⁸ Evidently this was done to reduce further the chance that Democrats might interfere with the Republicans consolidating their hold on the government. In

44. Tallahassee *Weekly Floridian*, December 6, 1870.

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

46. *Ibid.*, January 14, 1871.

47. *Ibid.*, January 28, 1871; *Florida Assembly Journal (1871)*, 128-30.

48. United States District Court, Old Criminal Cases, 1867-1871, Box 082429, Book 26, Minute Book 1, p. 81. See also *Tallahassee Sentinel*, January 7, 1871.

the end the Republicans had a working majority of five in the Assembly and two in the Senate.

Bloxham applied to the state supreme court on December 28, 1870, for dissolution of the injunction granted by Judge White the preceding month.⁴⁹ Immediately thereafter, he notified the Board of Canvassers that their legal duty was to canvass the votes received in December. Bloxham then asked the court for a writ of mandamus requiring the board to meet and count all returns which, he claimed, would give him a majority of sixty-four votes.⁵⁰

On January 23, 1871, while the supreme court was considering Bloxham's petition, the legislature passed an act depriving the Board of Canvassers of its functions, which in effect abolished it.⁵¹ As a consequence, the court dismissed Bloxham's case, holding that the board was now powerless to proceed.⁵² Thus, the board's tally stood, and Republican possession of Florida's government was reaffirmed.

Again, as in the election of 1868, the Conservative hope of regaining political control had been frustrated, although the effort had almost succeeded. In Jackson County, where James Coker, leader of the open opposition to the Republicans, had vowed in 1869 that the Democrats would carry the next election or "kill the last damned Republican in the place," the Conservatives elected one assemblyman and came within five votes of electing two other members of the legislature. Columbia County Conservatives did succeed, and elected two assemblymen and a senator. Republican supremacy in the legislature vitiated this triumph, however, and all three were ousted. Republican control of the electoral process, the legislature, and the courts allowed the invalidation of enough votes to insure a small Republican majority in the legislature and a Republican as lieutenant governor. Moreover, the national Republican administration revealed its support of Republican control in Florida by dispatching a

49. James Drew, *Reports of Cases Argued and Adjudged in the Supreme Court of Florida, During the Years 1869-1870-1871*, XIII (Tallahassee, 1871), 61. Hereinafter cited as *Florida Reports*.

50. *Ibid.*, 57.

51. Allen Bush, *A Digest of the Statute Law of Florida of a General and Public Character in Force up to the First Day of January, 1872* (Tallahassee, 1872), 305.

52. *Florida Reports*, 76.

sizable military force at a crucial moment, which helped the Republicans consolidate their victory,

But Bloxham, though temporarily thwarted, was indefatigable in his efforts to claim the office that he argued was legally his. He filed suit against Samuel T. Day in the Florida Supreme Court on February 20, 1871.⁵³ Delays ensued in the case, and it was not until November 15, 1871, that the court ordered the taking of testimony outside of court and fixed a method of doing so.⁵⁴ Depositions were taken at disputed precincts in Duval and Escambia counties and in Alachua County. The court also received certified returns from the nine counties whose returns had been rejected by the canvassing board.

When notice was given May 16, 1872, that the case was scheduled for trial twelve days later, Governor Reed had just successfully thwarted the fourth attempt to impeach him.⁵⁵ The Osborn faction of the Republican Party had tried to eliminate Reed so that Lieutenant Governor Samuel Day could wield executive power. The purpose was to elect Marcellus Stearns, the Osborn candidate, as governor in 1872. As it turned out, if Reed had been ousted on May 4, Florida would have had a Democratic governor on June 1, 1872, for the supreme court ruled on that day that Bloxham had won the office of lieutenant governor on November 8, 1870.⁵⁶ Day had resigned on May 27 before the case went to trial,⁵⁷ and Bloxham was inaugurated June 3, 1872.⁵⁸

Thus, the Democrats had come very near attaining power in 1872, after being thwarted by Republican control of elections, the courts, and the legislature. Silas Niblack, Democratic congressional candidate in 1870, was adjudged winner over Josiah

53. *William D. Bloxham v. Samuel T. Day*, February 20, 1871, Supreme Court Archives, Tallahassee, Florida. This case is not mentioned in *Florida Reports*.

54. *Ibid.*

55. John Wallace, *Carpetbag Rub in Florida* (Jacksonville, 1888), 142-210. See also the facsimile reproduction with introduction by Allan Nevins (Gainesville, 1964).

56. *Bloxham v. Day*. "Finding of Facts" and "Judgment" filed June 1, 1872.

57. Day's attorney, George P. Rainey, informed the court of this action on May 29, 1872. A copy of Day's resignation was attached as Exhibit "A."

58. Tallahassee *Weekly Floridian*, June 4, 1872; *Tallahassee Sentinel*, June 8, 1872.

Walls by a congressional investigating committee and was awarded the seat on January 29, 1873, about six weeks before the term expired.⁵⁹ Walls was re-elected in November 1872, and again in 1874, but the results of the latter election were invalidated, and on April 19, 1876, J. J. Finley, a leading Florida Democrat and Confederate hero, was awarded Walls' seat.⁶⁰

The legislature did not meet again before Bloxham's term expired January 3, 1873, and he never presided over the senate. Governor Reed endured to the end and left office the same day as Bloxham. The Democrats failed to wield any official power as a result of Bloxham's tardy victory. It is necessary to view events of subsequent years to understand the real significance of the event.

Bloxham was the Democratic candidate for governor in 1872, but he was defeated by Ossian B. Hart. A primary reason for his failure appears to have been the activities of certain "unreconstructed" Democrats who dominated the campaign and whose tactics repelled the Negro vote.⁶¹ Bloxham might have won many Negro votes if his tactics had prevailed he wanted Negro alternate delegates sent to the state Democratic convention at Jacksonville in 1872 in an effort to woo the Negro vote.⁶² But other prominent Democrats felt differently. Joseph John Williams, a leader in framing the Black Codes of 1866 and organizer of Young Men's Democratic Clubs in 1868 to resist Republican Negro political influence in Florida, was elected president of the convention in 1872 and also permanent presiding officer.⁶³ The election of Williams probably reflected majority sentiment and partially explains the type of campaign that was waged. John Wallace, Negro historian of reconstruction in Florida, claimed that some Democrats covered the state denouncing "niggers" while they sought to undermine Bloxham's leadership.⁶⁴ The cohesion that Bloxham might have brought to the party was thus doomed, and the Democrats were forced to wait until 1876 before they elected a governor.

59. *House Miscellaneous Documents*, 45th Cong., 2nd Sess., No. 52, Serial No. 1819 (Washington, 1878), 101.

60. *Ibid.*, 367 ff.

61. Wallace, *Carpetbag Rule in Florida*, 216.

62. William D. Bloxham to R. H. M. Davidson, July 30, 1872, Mss. Collections, Box 15, P. K. Yonge Library of Florida History.

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

64. Wallace, *Carpetbag Rub in Florida*, 216.

Although the Democrats lost in 1872, there was less strife and more cooperation between Florida Democrats and Republicans during the period 1873-1876 than previously. Governor Hart died in March 1874, and was succeeded by Marcellus Stearns, a Maine carpetbagger who had come to Florida as a Freedmen's Bureau agent. Stearns had been a Gadsden County candidate for delegate to the constitutional convention in 1868, running as a moderate against radical Republican leader Daniel Richards, He lost by an overwhelming vote, but there was no further impediment to the accumulation of his political power.⁶⁵ Stearns' first message to the legislature as governor in January 1875, was distinctly conservative in tone. He said the Negroes in Florida and the South needed no federal legislation to protect their civil rights, a statement which must be assessed in light of the fact that Republicans had introduced legislation in the United States Congress which was to become the Civil Rights Act of 1875.⁶⁶ Stearns, as the Assembly speaker from 1871 to 1873, had not worked for the passage of such legislation in Florida, although he had a Republican majority. He lauded the rise of Conservative sentiment in the country, using Democratic victories in 1872 to help substantiate this view. It is not surprising that Stearns was accused of being a Conservative by some leading Republicans.⁶⁷

During the last years of Reconstruction in Florida, Republican and Democratic strength was closely balanced in the legislature. In 1873 there were eleven Democratic and thirteen Republican senators, and in the Assembly there were twenty-four Democrats and twenty-eight Republicans. In 1873 Simon B. Conover, a Republican, was elected to the United States Senate with Democratic support.⁶⁸ His election was lauded by Charles E. Dyke,

65. Tallahassee *Weekly Floridian*, November 19, 1867. Stearns ran on the moderate ticket with J. E. A. Davidson, a scalawag; the ticket also included one Negro. See also William Purman, "The Watchman's Letter," No. 2, May 20, 1876, Mss. Collections, Box 1, P. K. Yonge Library of Florida History.

66. *Florida Senate Journal (1875)*, 25; Purman, "The Watchman's Letter," No. 2, May 20, 1876.

67. *Florida Senate Journal (1875)*, 26; Purman, "The Watchman's Letter," No. 2, May 20, 1876.

68. *Florida Senate Journal (1873)*, 97. See Tallahassee *Weekly Floridian*, December 17, 1872, for makeup of the legislature. If Brevard's returns had arrived in time to be counted, the Senate would have been divided twelve to twelve and the Assembly twenty-seven to twenty-five.

Democratic editor of the Tallahassee *Weekly Floridian*.⁶⁹ In 1875 there were twelve Republicans and twelve Democrats in the Senate, and in the Assembly the Democrats outnumbered the Republicans, twenty-eight to twenty-five. After a prolonged struggle, the Democrats elected the president of the Senate. Since Stearns had succeeded Hart, Florida had no lieutenant governor. The legislature also elected a Democrat, Charles W. Jones, to the United States Senate by a vote of forty-one to twenty-nine.⁷⁰

Governor Stearns attended the Democratic celebration of victory at Gallie's Hall in Tallahassee along with other political notables including former Governor David S. Walker.⁷¹ William Purman, who was also present, later said that Stearns was escorted by a Democratic committee and made a speech "rejoicing over the election" of Jones to the Senate. Stearns appointed Democrats to six judgeships and state attorneys posts; in his home county of Gadsden he appointed Democrats as sheriff, tax collector, and five as justices of the peace.⁷² Of nearly 800 office-holders in Florida during this period, about 600 were said to be Democrats.⁷³

It thus appears that Republican and Democratic strength was becoming balanced by 1870, and the Republican grasp on governmental power was precarious indeed following the election that year. The Negro vote, the basis of Republican power, had been decimated by brutal intimidation and threats. Bloxham's victory, even though delayed, seemed to affirm beyond any doubt the fact of Democratic resurgence and portended victory in the election of 1872. But the anti-Negro majority in the Democratic Party repelled the Negro vote so assiduously sought by Bloxham and insured a Republican victory—a victory further guaranteed by Republican recourse to federal election safeguards, including United States troops. The Negro in Florida failed to breach the caste barriers created by slavery and was deserted by most Republican leaders after 1872. Republicans then turned to a tacit alliance with Democrats, beginning with Stearns' accession to the governor's chair.

69. Tallahassee *Weekly Floridian*, February 4, 1873.

70. *Florida Senate Journal (1875)*, 3-18, 236.

71. Tallahassee *Weekly Floridian*, February 16, 1875.

72. Purman, "The Watchman's Letter," No. 2, May 20, 1876.

73. *Ibid.*

The beginning of the end of Reconstruction in Florida was marked by the election of 1870. Although the Republicans won the election of 1872, it was then apparent that the Democrats must be consulted in all important matters. After the accession of Marcellus Stearns to the governorship, Democrats shared equally in governing Florida. Thus, if Reconstruction was characterized by misrule, the Democrats must share the blame.