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LEGISLATING A HOMESTEAD BILL: THOMAS HART BENTON AND THE SECOND SEMINOLE WAR

by MICHAEL E. WELSH*

OF THE MANY causes Thomas Hart Benton espoused in his long Senate career, few demonstrate more clearly his perseverance and determination than his support for Florida during the Second Seminole War (1835-1842), culminating in his Armed Occupation Act of 1842. The United States government and its citizens, in pursuit of a policy of aggressive territorial growth, met the stubborn resistance of an exotic blend of runaway slaves and expatriate Indians in the swamps and marshes of the Florida peninsula. ¹ Determined not to suffer a fate similar to other southeastern tribes during the years of Indian removal, the Seminoles mounted a guerilla campaign which drained the United States militarily, economically, and emotionally. ²

The length of the conflict led many observers to despair of any solution short of complete withdrawal. For a people enamored of their "Manifest Destiny," submission to an "uncivilized" enemy bordered on the unthinkable. As chairman of the Senate Committee on Military Affairs, Benton watched with increasing alarm the reversals suffered by the United States forces in Florida. As a major spokesman for frontier expansion and liberal land policies, he empathized strongly with the struggle of Florida's citizens to assume their rightful position in the union of states. As a slaveholder he recognized the tensions between abolitionist and slaveowner recurring in the debates on the prosecution of the Indian war. But above all Benton was a

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1. John K. Mahon, *History of the Second Seminole War, 1835-1842* (Gainesville, 1967), 2-21. The term "Seminole" is a Creek word meaning "runaway" or "wild one." It applied in the nineteenth century to a variety of Indian groups and their black allies and kin throughout the peninsula.
2. *Ibid.*, 321-27. Congress dictated the transfer of the southeastern tribes west of the Mississippi in 1830, in response to southern pressure for fertile Indian lands for white settlement.

nationalist and desired a moderate course to solve the maze of problems attendant to the conflict.³

By 1839 Benton had serious reservations about the efficiency of conventional troops in the Florida campaign. Neither regular army forces, amply supplied and equipped, nor militia units could dislodge the Seminoles from their protection in the forests and swamps. In 1837 Benton himself had thought that western frontiersmen, familiar with travel through the wilderness, knowledgeable of Indian habits and warfare, and capable of living off the land, would quickly conclude hostilities.⁴ After several fruitless volunteer campaigns, including one from his home state of Missouri, Benton revised his thinking on the strategy of the war.

Convinced of the futility of offensive warfare in Florida, Benton seized upon a plan to populate the peninsula with hardy yeoman farmers, willing to cultivate and defend the land. Such an idea was not new either to the senator or the nation. Malcolm J. Rohrbaugh has called America's public domain, or unsettled frontier, the "magnet" which attracted "one of the greatest mass migrations in the history of the world."⁵ The inexorable spread of settlers reshaped the land, as they planted new crops and instituted new ideas about government and democracy. Benton admired the virtues fostered by possession of private property, at one point calling for "gratuitous grants" to all land seekers. Their labor extracted wealth from the soil, he said, and formed the backbone of the nation.⁶

On January 3, 1839, Benton rose before the third session of the Twenty-Fifth Congress to present both his interpretation of the Seminole War and his solution, entitled, "A bill for the armed occupation and settlement of that part of the Territory of Florida overrun by hostile bands of marauding Indians."⁷ The war had revealed many divisions within the society at large, he recalled, especially "party spirit," which led various writers and politicians not to condemn the Seminole resistance but to praise

3. See Elbert B. Smith, "Thomas Hart Benton: Southern Realist," *American Historical Review*, LVIII (July 1953), 795-807.

4. William Richard Gentry, Jr., "Full Justice": *The Story of Richard Gentry and His Missouri Volunteers in the Second Seminole [sic] War* (St. Louis, 1937?), 4-5.

5. Malcolm J. Rohrbaugh, *The Land Office Business* (New York, 1968), 295.

6. William M. Meigs, *The Life of Thomas Hart Benton* (Philadelphia, 1904), 164-76.

7. *Congressional Globe*, 25th Congress, 3rd sess., 95.

the Indian action. Benton feared that the "future historian who should take these speeches and publications for their guide (and they are too numerous to be overlooked), would write a history discreditable to our arms, and reproachful to our justice. It would be a narrative of wickedness and imbecility on our part of patriotism and heroism on the part of the Indians." ⁸

To preclude "the danger of such a history," Benton, both as a member of the party in power (the Democrats) and a United States citizen, felt moved by "an imperious sense of duty" to expose such errors. The major cause of the war, he felt, was not in the illegality of the Treaty of Paynes's Landing signed in 1832, whereby seven Seminole chiefs allegedly agreed to removal to lands west of the Mississippi and then later refused to comply. Instead, Benton argued that the Indians pursued the war because of their "thirst for blood and rapine," coupled with their "confident belief" that the swamps would protect them from pursuit by the whites. ⁹

Benton then presented his bill to enable white citizens to populate the interior of Florida. It offered free land, weapons, and rations for one year in return for permanent settlement in the area. ¹⁰ The bill was read and ordered by the Senate to a second reading. ¹¹ On February 5, 1839, Arkansas Senator Ambrose Hundley Sevier of the Committee on Military Affairs reported out the newly-named Armed Occupation bill without amendment. Sevier recommended prompt passage of the bill, and it was then ordered up for a third and final reading. ¹²

The following day the Senate resumed consideration of the measure. After Benton suggested a few minor semantic changes, Senator William Campbell Preston of South Carolina, an opponent of the legislation, moved that further action on it be postponed indefinitely. Preston's motion, which passed by a vote of twenty-three to nineteen, took the chamber by surprise. Senator John McCracken Robinson of Illinois, a supporter of the bill who had been outside the hall during the motion, quickly

8. Thomas Hart Benton, *Thirty Years' View*, 2 vols. (New York, 1854-1856), II, 72.

9. *Ibid.*, II, 76.

10. *Ibid.*, II, 77-82.

11. *Congressional Globe*, 25th Congress, 3rd sess., 145.

12. *Ibid.*, 172.

moved for reconsideration, and the bill was carried over for further study.¹³

On February 9 when the bill was again being considered, Senator John Williams of Mississippi called for an amendment to require all male settlers claiming land to be at least eighteen years of age. The measure passed, and the bill was printed.¹⁴ On February 19 the measure came up for final discussion. Despite opposition from such luminaries as Henry Clay of Kentucky, Benton's forces carried the day. The Senate accepted the measure, twenty-five to eighteen, and sent it on to the House of Representatives.¹⁵

The Armed Occupation bill met opposition in the House from a variety of sources. One Florida historian has attributed the bill's defeat in the House to southern pressure. Large slaveholders and land speculators sought the best land for themselves, and obstructed efforts to include small farmers in the measure.¹⁶ The *St. Augustine News* reported that "Southern Conservatives" in the House had indeed hurt the cause. Worse still, an unusual alliance of "Southern Whigs, Abolitionists and Federalists" had conspired to embarrass the Democratic administration of President Martin Van Buren.¹⁷ Should the bill ultimately fail, predicted the *News*, "the blood of the female and of the infant shall be on their [the opponents'] heads."¹⁸

The House defeat of the bill disturbed Senator Benton but did not keep him from pressing his case again. With the seating of the new Twenty-Sixth Congress, he addressed its first session on December 6, 1839, giving notice of his intentions to reintroduce the Armed Occupation bill.¹⁹ On January 3, 1840, Benton's Committee on Military Affairs reported a new measure out, and it became the special order of the day for Monday, January 6.²⁰

Benton's persistence with the settlement bill had not gone unnoticed. On December 27, 1839, the *St. Augustine News* re-

13. *Ibid.*, 174.

14. *Ibid.*, 181.

15. *Ibid.*, 202, 205.

16. James W. Covington, "The Armed Occupation Act of 1842," *Florida Historical Quarterly*, XL (July 1961), 42.

17. *St. Augustine News*, April 27, 1839, quoting the *Washington Globe* (n.d.).

18. *Ibid.*, March 23, 1839, quoting the *Washington Globe* (n.d.).

19. *Congressional Globe*, 26th Congress, 1st sess., 20.

20. *Ibid.*, 96. The *Globe* did not record the House vote on the Armed Occupation bill, stating only that it failed to pass.

ceived word of the senator's renewed efforts, and took the occasion to offer its congratulations: "Mr. Benton has ever exhibited the most commendable zeal and attachment to the interests of Florida. . . . Her cause, with such aid, is in truly able hands-and we trust that the measure so dear to him . . . will, with his commanding influences, be soon destined to their full fruition."²¹

After the reading of the bill on January 7, Benton took the floor to deliver a few pertinent remarks. He noted the bill's previous Senate passage and read the secretary of war's report endorsing armed occupation of Florida. Secretary Joel R. Poinsett further recommended the raising of 1,000 volunteers to serve as mounted dragoons. They were to be trained expressly for guerilla warfare "to render them equal to the Indian in vigor and endurance." This combination of settlement and defense would serve both to populate and secure the area in a manner heretofore untried.²²

Benton then indulged in a lengthy polemic on conditions in Florida, the necessity of the bill, as well as responses to its opposition. Benton referred to several worthy historical precedents for the armed occupation of hostile territory. The children of Israel, he contended, had "entered the promised land, with the implements of husbandry in one hand, and the weapons of war in another." The Goths, he reminded his audience, had overtaken the countries of southern and western Europe in similar fashion. America herself provided the best examples, beginning with the "Pilgrim forefathers," and proceeding to Benton's own experiences in frontier Kentucky and Tennessee.²³

The army had served its purpose, Benton noted, and deserved the approval of the nation. It had blunted the thrust of Indian resistance and for two years had encountered no major enemy concentrations. Some 2,000 Seminoles had been captured and sent west to reservations in the Indian territory, with the small remainder scattered throughout the swamps in southern Florida. The troops had prepared the country for settlement, Benton reported; they had explored and charted the interior of Florida, "established some hundreds of posts," and built "many

21. *St. Augustine News*, December 27, 1839.

22. *Congressional Globe*, 26th Congress, 1st sess., appendix, 71.

23. *Ibid.*

hundred miles of wagon roads” and “some thousands of feet of causeways and bridges.” The senator took pride in listing these achievements and hoped that his colleagues concurred.²⁴

Benton then directed his attention to the government’s unsuccessful attempts to negotiate a settlement with the Seminoles in the spring and summer of 1839. These aborted peace efforts, according to Benton, “only served to show the unparalleled treachery and savagism” of the “ferocious beasts” with whom the nation had to treat. The Seminoles accepted the gifts and blandishments of the peace commissioners only to commit further murders. The peace overtures, combined with the success of their “treachery,” emboldened the remaining Seminoles to the extent that they might never be seized as captives.²⁵

According to Benton, the failed negotiations and offensives left the Congress a galling choice: accept armed occupation or acquiesce in failure. Benton then marshalled four arguments to dramatize the merits of his alternative. First, as a part of the Union, albeit a territory, the citizens of Florida had a “clear constitutional right” to demand protection, and not have to “solicit it as a favor.” Second, “humanity and compassion” dictated the extension of assistance and protection to Florida. “These are white people and Christians,” Benton noted, who had “suffered every extremity and every horror known to Indian warfare.” The senator suspected that this particular point might receive a fair amount of criticism. “According to the pseudo-philanthropy of the day,” he said, “white people have but a poor chance for compassion against negroes and Indians.” But he hoped to muster enough sympathy for the “white Christian race” to counter these arguments.²⁶

The interests of commerce underlined Benton’s third reason for sponsoring the bill. The Florida peninsula had to be “cleared of marauders,” replaced by an orderly population, and “subjected to regular government.” Merchant ships which wrecked off the long and irregular coast of Florida often encountered parties of Indians who could not distinguish the crews from the enemy soldiers, with the result that they killed the sailors and seized

24. *Ibid.*, 72.

25. *Ibid.*, 72-73.

26. *Ibid.*, 73.

their possessions. In the interior, farmers could neither plant their crops nor market them for profit.²⁷

Benton's fourth contention was an issue of dubious merit. The peninsula had to be militarily secure, he said, given its proximity to the West Indies. Benton feared that Great Britain, having freed her slaves the decade before, might organize black battalions in the islands to invade Florida, which Benton described as the weakest point of the South. These forces would march north where "the lever would find its fulcrum to raise the black population of the South" to revolt. Florida, a "vital link in the chain of national defense," required preservation at all costs.²⁸

Benton found his bill naturally irresistible. It was the appropriate, efficient, and cheap remedy for Florida's ills. "The heart of the Indian," he believed, "sickens when he hears the crowing of the cock, the barking of the dog, the sound of the ax, and the crack of the rifle." Such a frontier cacaphony was proof of the white man's intentions to remain. Indians knew the transient nature of the soldiers' role; "they are mere sojourners in the land," said Benton, "and sooner or later must go away." By placing whites in the Indians' midst, the Seminoles would either assume the offensive or slink off in defeat.²⁹

Having made his case, the senator relinquished the floor to his opponents. Senator Benjamin Tappan of Ohio rose to indicate his sympathy for the good intentions of the Armed Occupation bill, but he disapproved of its methods. He doubted whether yeoman farmers would accept the challenge. "The men you will probably obtain," he predicted, "will be the idle and worthless population of our large cities," lured by the free rations and weapons.³⁰

Senator William Preston then offered his suggestions for ending the Seminole War. He also shared Benton's concern and went further to place the blame on "the want of the proper attention of Congress to the subject." When the war broke out in 1835, both the Jackson administration and the general public "regarded this contest as a trifling affair," requiring a mere demon-

27. *Ibid.*

28. *Ibid.*

29. *Ibid.*

30. *Ibid.*, 74.

stration of force to induce the Seminoles into submission. Now Congress had a \$25,000,000 expense on its hands and was "throwing away the country itself."³¹

It was with the mechanics of the Armed Occupation bill that Preston took issue. "The conquest of the country," he declared, "should be made by an adequate force," or the war should be "terminated by treaty." Congress had no power to impose armed settlements, he argued, and even if it did, Congress might have to offer similar inducements at prohibitive expense to other frontier areas. Furthermore, the terrain of Florida, Preston believed, could support no agricultural endeavor save a plantation economy with its large number of slaves. Slaveowners could not defend their possessions as readily as the small freeholder, and the government, Preston feared, would have to assume the burden of Florida's defense.³²

Preston suggested that Congress implement the plan put forth by General Zachary Taylor during the time he was in command in Florida (1838-1839). Taylor had called for the creation of a district defense, dividing the interior of Florida into sections twenty miles square, each with a command post and a company of troops. These areas would be policed thoroughly to drive the Indians from their protection in the brush. Before it could be implemented, however, the Van Buren administration aborted the plan in favor of a cease-fire and talks.³³

Preston felt that the government should reinvestigate the merits of Taylor's plan. A cordon of military posts might be constructed across the peninsula, with 10,000 men enlisted to sweep through the territory in a massive dragnet covering every foot of ground. As for the cost of this expedition, Preston had no qualms; in light of the multi-million dollar expenses already incurred, he desired to put an end to the war "at whatever cost." Benton's bill was both inefficient and impotent, and Preston hoped the second vote would meet a fate identical to its first balloting.³⁴

After this heated session, on January 8, 1840, the Senate ordered the Armed Occupation bill up for a third reading.³⁵ On January 10, the bill underwent further debate. Senators Robert

31. Ibid.

32. Ibid., 75.

33. Mahon, *History of the Second Seminole War*, 249.

34. *Congressional Globe*, 26th Congress, 1st sess., appendix, 75.

35. Ibid., 26th Congress, 1st sess., 107.

Strange of North Carolina, John J. Crittenden of Kentucky, Tappan of Ohio, and Preston of South Carolina spoke at length against it, and offered several amendments. The Senate went into executive session to discuss the bill and then adjourned without action.³⁶

On January 12 Benton received an opportunity to respond to the latest criticisms. In keeping with his style, his answer was lengthy and involved. Benton began by addressing the curious appearance of three Spanish land grants claiming ownership of most of interior Florida. The grants allegedly had been presented by Ferdinand VII of Spain to three Spanish nobles: the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas. The grants, issued from February to April 1818, violated the eighth article of the Adams-Onis Treaty of 1819, which ceded the Floridas to the United States. Article Eight declared all grants tendered after January 24, 1818, to be null and void, with the grants in question specifically mentioned by Ferdinand as invalid.³⁷

Twenty-two years later these "dead, rotten, and putrid grants," as Benton termed them, returned to haunt his efforts at achieving peace. The original grantees had long since died and their lands were dispersed among a welter of claimants. The grants comprised all unclaimed territory in Florida and threatened not only Benton's proposal but present occupants of Florida land as well.³⁸

Despite the curious nature of this challenge, Benton saw it as "rubbish," and secondary to more important matters. Senator Preston's call for blanketing the peninsula with troops was well-intentioned but uneconomical. To place but one soldier per square mile would require 45,000 combat troops, with another major force as replacements and support. Even now, according to Benton, the existing regiments there were but half-full. Less than 900 enlisted men served in Florida, yet the costs were still exorbitant. "Instead of covering the country with soldiers," Benton argued, "we wish to cover it with inhabitants."³⁹

Benton then presented letters of support from several key

36. *Ibid.*, 113.

37. *Ibid.*, 26th Congress, 1st sess., appendix, 94.

38. *Ibid.*

39. *Ibid.*, 95.

government officials who had participated directly in the Florida war. In his annual message to the legislature in January 1839, Richard Keith Call, Florida's territorial governor, recognized the futility of the present offensive warfare. He recommended that settlers be induced to migrate to Florida. He envisioned 10,000 pioneers helping save millions of dollars and thousands of lives and preparing the way for Florida's entry into the Union.⁴⁰

Additional support came from Dr. Thomas Lawson, surgeon general of the United States Army who had witnessed the unpleasant medical aspect of American participation in Florida and was highly skeptical of success in the present efforts. He projected another five to ten years of fighting to rid the country of Indians. The Armed Occupation bill would cast the settlers in a defensive position, Lawson wrote, as "experience teaches us that we are better at repelling an invasion than in making a conquest."⁴¹

Benton's third and most prestigious supporter was General Thomas Sidney Jesup, commanding officer in Florida from late 1836 to late 1838. Jesup had incurred the wrath of many Northerners for his seizure of Osceola in 1837, while the Seminole chief was ostensibly protected by a flag of truce. Benton felt that Jesup's accomplishments far outweighed the criticism. As Benton noted, Jesup had effected the removal westward of some 2,200 Seminoles; "three or four times more than the number of all the killed and wounded, taken and removed by all the other Generals put together."⁴²

Jesup felt that no other measure but the Armed Occupation bill could break down the last of the Seminoles, unless the government was prepared to imitate the tactics of the British on the island of Jamaica during the Maroon War of 1665-1739. For some seventy years black slaves in rebellion eluded capture by hiding out in the mountains. It was not until the British imported bloodhounds to track down the rebels that the slaves surrendered, and the war ended.⁴³ Should the government reject these alternatives, Jesup believed the Indians would be caught "only by their own consent," a most unlikely occurrence.⁴⁴

40. *Ibid.*, 95-96.

41. *Ibid.*, 96.

42. *Ibid.*

43. Mahon, *History of the Second Seminole War*, 265-67.

44. *Congressional Globe*, 26th Congress, 1st sess., appendix, 96.

Buttressed by such influential support, Benton discussed at length the benefits of the bill for prospective settlers. All males would receive free of charge 320 acres of good farm land, "in a soft climate, open to sea breezes," and ripe for production. Settlers would receive a clothing allowance for one year, payable semiannually at the rate of \$30-50 per person. The settlers would also receive free rations for one year and arms and ammunition valued at \$30 from the government. They would also receive free medicine and medical care in military hospitals when necessary.⁴⁵ United States troops would transport them to their homesites and protect them afterwards.⁴⁶

Benton, cognizant of Senator Preston's fears of an inundation of vagabonds and drifters, was careful to outline the type of settler likely to accept these generous terms. Benton sought the yeoman-the "300-acre man," he called him-the man of "muscle, nerve, and of labor." Attracting good men would prove no obstacle since small farmers in land-poor regions of the United States would provide the core of this migration.⁴⁷

The last issue on Benton's agenda was the dismissal of abolitionist charges that the Armed Occupation bill guaranteed another slave state to upset the balance in Congress. Benton welcomed the presence in Florida of small farmers whom he felt would undoubtedly vote Democratic. Northern Whigs and abolitionists were sure to object, Benton said, and would muster all their forces in and out of Congress to defeat the bill. But their small-mindedness would not permit them to see the larger benefits of the bill. It would terminate an expensive contest, pacify a distracted territory, restore exiled citizens to their homes, and draw an integral part of America closer to the Union.⁴⁸

Benton's powerful rhetoric once again had a great impact upon his Senate colleagues. His bill met little difficulty in its last hearings and came up for a final vote on January 20. After brief remarks by both sides, the totals showed twenty-four ayes

45. *Ibid.*, 97. The rations consisted of 3/4 lb. pork or bacon or 1 1/4 lbs. fresh or salted beef, 18 oz. of bread or flour or 12 oz. of hard bread or 1 1/4 lbs. corn meal per person per day, plus, for each 100 rations issued, an additional allotment of 4 lbs. of soap, 1 1/2 lbs. of candles, 2 quarts of salt, 1 gallon of vinegar, 2 lbs. peas or beans, 10 lbs. of rice, 6 lbs. of coffee, and 12 lbs. of sugar.

46. *Ibid.*

47. *Ibid.*, 98.

48. *Ibid.*, 99-100.

and fifteen nays. Benton had triumphed again.⁴⁹ But the victory, as before, was short-lived. The House of Representatives found this version of the Armed Occupation bill little different than the one defeated the previous session, and banished it to a similar fate.

For the next two years the Seminole War became the least of Benton's concerns. Personal problems at home, especially his wife's failing health, limited his time on the floor of the Senate. Increased criticism of his policies in his home state forced Benton to return to St. Louis on more than one occasion to explain his actions. But most troubling was the Whig victory in the presidential and congressional elections of 1840. Jacksonian Democrats no longer governed the nation, and the Senate came under the direction of northern Whigs. New issues confronted Congress with the Harrison and Tyler presidencies and the consideration of much Whig legislation. The Armed Occupation bill, twice a failure in the best of political times, had few prospects in 1841.⁵⁰

The bill, dormant for over a year, received a boost on May 10, 1842, when President John Tyler declared an end to hostilities in Florida. He rationalized that there were too few Seminoles (less than 300) left in Florida to justify further operations. The President suggested that settlers venture into the territory now that the region was more secure. Six days later Benton once more introduced his Armed Occupation bill. It was read twice and dispatched to the Committee on Military Affairs for further study. On June 2, Benton reported out his bill, asking for early action.⁵¹

When Benton stepped onto the Senate floor on June 13 to defend his bill, he detected a changed attitude among his colleagues. The opposition, though still present, seemed less vocal; some enemies had left office, while others had changed their minds and were now prepared to support the measure. His arguments remained the same: the need for quick action to ease Florida's suffering and the benefits to the nation. Perhaps the President's endorsement of the concept of the bill prompted the change; perhaps the easing of tensions in Florida was responsible.

49. *Ibid.*, 117-30.

50. William Nisbet Chambers, *Old Bullion Benton: Senator From the New West* (Boston, 1956), 251-64.

51. *Congressional Globe*, 27th Congress, 2nd sess., 503, 566.

Whatever the reasons, the bill's fortunes seemed at last to brighten.⁵²

The crucial stage for Benton's bill came on July 18, 1842, when the House of Representatives took up the Armed Occupation bill for the third time. Representative Samuel Stokely of Ohio spoke first in support of the measure, listing its clauses and closing with a plea to avoid the disgrace of being beaten in war by a few savages. Opposition surfaced quickly, as William Cost Johnson of Maryland opposed the idea of free guns and ammunition. This incentive would lure sportsmen, he argued, who would range at will throughout Florida in search of game, not farmland. He condemned the system as a "fraud upon the public" and urged that the bill be set aside.⁵³

Stokely responded to these charges by telling Johnson that the clauses granting free weapons and rations had already been stricken from the bill while in a House committee, replaced by additional grants of 160 acres of land to the wives of each male settler. By including women Stokely hoped to enhance permanent settlement, as "the presence of the families would bind the settlers to the soil." To support his case, Stokely narrated several incidents of heroism displayed by women in the early settlement of the West, a process which Stokely saw as having "a most happy effect in stimulating the courage and enterprise of their male relatives."⁵⁴

Several other representatives offered amendments for and against the bill, and then John Quincy Adams, former president and antislavery sympathizer, rose to make several observations. He disapproved of the use of the word "protection" in the bill, wondering why Florida was more entitled to protection than Massachusetts. Adams sympathized in principle with the bill's intentions to secure the safety of Floridians. But he also felt that proper treatment of the Indians, coupled with diplomacy, might induce the remaining Seminoles to remove west of the Mississippi and that this bill might not be the answer.⁵⁵

Horace Everett of Vermont followed Adams, claiming that the measure was nothing more than a scheme for land specula-

52. *Ibid.*, 618-19.

53. *Ibid.*, 764.

54. *Ibid.*, 765.

55. *Ibid.*

tion, injurious both to Florida and the rest of the country. He offered an amendment authorizing the President to pay each Indian warrior who surrendered and migrated west \$1,000, as well as \$200 to every person persuading an Indian to remove. An additional \$100,000 was requested to defray the expenses of this surrender and migration. Everett's motion was defeated.⁵⁶

With the close of debate in the House on July 18, the Armed Occupation bill came up for a vote. Its opponents fought to the end, moving for reconsideration and tabling, and finally adjournment when their other tactics failed. The House, on its third try, passed the bill by a vote of eighty-two to fifty. Lacking the original provisions for free weapons and rations, the bill went back to the Senate for final action.⁵⁷

On August 1, 1842, the Senate took up the House version of Benton's bill. Senator Joseph White of Indiana objected, stating that any settlement on the land before conducting an official survey would result in bothersome litigation. But William Preston, an old adversary of the bill, registered a telling argument. Times had changed, he said, and Florida no longer needed troops. Though the House bill limited the inducements to settlers, some form of relief had to be extended to Florida. The vote came shortly thereafter, with the Senate passing the bill by a margin of twenty-four to sixteen.⁵⁸

On August 4, 1842, President Tyler signed into law the Armed Occupation Act. All heads of families, male or female, as well as single men over the age of eighteen, were eligible for quarter sections of land. They had to be able to bear arms, though none were furnished, and to settle in an area bounded by a line running east and west about three miles north of Palatka, and ten miles south of Newnansville. No claims could be made within two miles of an army post, on lands with pre-existing private claims, or on land containing "live oak or red cedar trees."⁵⁹

A total of 200,000 acres became available to claimants, who

56. *Ibid.*, 765-66.

57. *Ibid.*, 766.

58. *Ibid.*, 818.

59. Armed Occupation Act, August 4, 1842, V U. S. *Statutes at Large*, 502; Mahon, *History of the Second Seminole War*, 314; *Niles' Register*, September 17, 1842; Dorothy Dodd, "Letters From East Florida (1843)," *Florida Historical Quarterly*, XV (July 1936), 51-54.

could apply at land offices in Newnansville and St. Augustine for settlement permits.⁶⁰ The permit listed additional requirements: settlers had to remain on the land for five years, erect a "dwelling house," and "clear, enclose and cultivate" at least five acres of the land.⁶¹ By the close of the year of eligibility, August 4, 1842, some 1,312 permits had been requested with 1,184 claimed. Most land was taken near forts, despite restrictions on such activity, and most permits were issued at the Newnansville land office.⁶²

Judging the success or failure of Benton's bill demands more than mere quantitative analysis. The Armed Occupation Act did not create Benton's dream of a "determined band of hard-fighting farmers." Few had decent weapons, and fewer still were proficient in their use. A minor Indian scare in 1849, for example, saw nearly all interior settlements south of Ocala abandoned. Critics also felt that these inexperienced farmers bypassed valuable farmland, choosing nonproductive soil instead.⁶³ On May 3, 1848, the Florida legislature petitioned Congress to modify the five-year residence requirement of the Armed Occupation Act, as many settlers, unfamiliar with Florida's interior climate and terrain, encountered "sickness and bad water" on the hammock lands, and had removed their families to "more healthy spots." The legislature felt that those who had attempted to cultivate the land in good faith deserved title, whether their residency was five years or not.⁶⁴

Despite these arguments, many historians concur in the belief that the Armed Occupation Act was a success. James W. Covington states that settlers formed a "hard core" of opposition to the Indians, and by complaining of sporadic Indian conflicts, forced "reluctant federal officials" into the altercation referred to as the Third Seminole War (1855-1858).⁶⁵ John K. Mahon takes an approach similar to Covington's in assessing the act. Assuming five persons per permit, Mahon figures the addition to the population of Florida in the years 1842-1843 to have been nearly 6,500, a sum more than ten per cent of the entire popu-

60. Covington, "Armed Occupation Act of 1842," 45.

61. Dodd, "Letters From East Florida," 52.

62. Covington, "Armed Occupation Act of 1842," 47; Dodd, "Letters From East Florida," 52-53.

63. Covington, "Armed Occupation Act of 1842," 52.

64. House Miscellaneous Document 78, 30th Congress, 1st sess.

65. Covington, "Armed Occupation Act of 1842," 52.

lace. The act also provided an incentive to settlement not available elsewhere in the United States at that particular time. In consequence the map of the peninsula was filled out and almost all portions of the wilderness explored. In 1845, only three years after the proclamation ending the war, Florida entered the Union as a state.⁶⁶

The Armed Occupation Act stands ultimately as testimony to Benton's Jeffersonian faith in the goodness of the American people, and his Jacksonian adherence to pre-emption, or "first purchase" of unsettled lands, as the outlet for America's energies. The act was the first of several donation acts in United States history to induce settlement on distant and dangerous parts of the public domain.⁶⁷ Benton proposed similar settlement incentives in 1838 in regards to the Oregon territory, and for settlements along the right-of-way of his "Highway to the Pacific" in 1851.⁶⁸ Through Benton's exertions Florida gained national recognition for the problems unique to her climate and geography, as well as benefitting from an influx of settlement which otherwise might not have occurred. Benton overcame public indifference both to his measure and the war effort in general, both partisan and personal opposition among his congressional colleagues, and involvement of his bill in a variety of issues inflaming the public mind, such as expansionism, abolitionism, conservative economic policy, and the like. By war's end the United States Treasury had expended nearly \$40,000,000 over a period of eight years to prosecute a war with no permanent treaty signed, no glory for the participants, no satisfaction for the Indians removed west. Only Thomas Hart Benton's bill and its Florida benefactors emerged as a positive development from this tragic episode in Florida's and the nation's history.

66. Mahon, *History of the Second Seminole War*, 314, 326.

67. Meigs, *Life of Thomas Hart Benton*, 177.

68. Benton, *Thirty Years' View*, II, 481; Meigs, *Life of Thomas Hart Benton*, 177.