Florida Historical Quarterly

Volume 64
Number 2 *Florida Historical Quarterly, Volume 64, Number 2*

Article 3

1985

A Second Chance: Cary Nicholas and Frontier Florida

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A SECOND CHANCE: CARY NICHOLAS AND FRONTIER FLORIDA

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ON the morning of July 17, 1821, the inhabitants of Pensacola gathered around the town's public square to witness the ceremony marking the transfer of the Floridas from Spanish to American control. Among the new American residents in the crowd was Cary Nicholas, a thirty-four-year-old transplanted Kentuckian who, like so many others, saw in the territory the prospect for a new start in a life too full of disappointments and failures.

To the casual observer, however, disappointment and failure should never have been the pattern of Nicholas's life. Born into a distinguished Virginia family on October 26, 1786, he was blessed with the familial and political connections which should have assured his place among southern gentry.[1] His grandfather, Robert Carter Nicholas, had served as Virginia's treasurer from 1766 to 1776, and had generally been recognized as one of the state's most important, if rather reluctant, revolutionary leaders. His father, George Nicholas, who moved to Kentucky in 1788, had been an early hero in the War for Independence, a frequent member of the Virginia House of Delegates, a leading Federalist spokesman in Virginia's ratification convention, and the chief architect of Kentucky's 1792 constitution. Uncles scattered throughout Virginia, Maryland, and New York achieved distinction as Jeffersonian Republican lieutenants on the state and national levels, serving as governors, federal senators, and cabinet officers. Building from such an impressive

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1. Samuel Smith to [Wilson Cary Nicholas], November 6, 1806, Edgehill-Randolph Additional Papers, University of Virginia Library, Charlottesville [hereinafter cited as ERA]. Although named after his uncle, Wilson Cary Nicholas, he was addressed throughout his life as Cary.

base, Cary Nicholas could have been expected to assume a natural position as a political leader in his own right.[2]

Initially, the patterns of Cary Nicholas's life developed as expected. Following his father's death in 1799, he returned to Virginia to live in the household of his uncle, Wilson Cary Nicholas, where he received the same guidance and education as his cousins. Later, he was sent to Richmond to study law under the tutelage of another uncle, Philip Norborne Nicholas.[3]

Then cracks began to appear in the pattern. In the spring of 1807, bored with the study of law and restless under the control of his uncles, Nicholas sought their permission to return to Lexington, Kentucky, to establish his own law practice. His uncles, however, feared that their twenty-year-old nephew would be taking "a rash and precipitate step." His mother had died the previous year, and he would have no family guidance in his first faltering years of practice. Because his father's estate had been encumbered with over £ 22,000 of debts, he had virtually no inheritance to rely upon, and they also fretted that he might come under the influence of his elder brother Robert who was already displaying signs of dissipation. Cary was so earnest in his pleas, however, that they reluctantly agreed to allow him to try his hand.[4]

Unfortunately, Cary managed to live up to everyone's worst fears. In his first and only case at the August 1807 session of the Bourbon County court, he could not muster the nerve to address the court, and the case had to be turned over to another attorney. Living in his married sister's home in Lexington, he idled away his time reading novels, drinking, and gambling in the "public houses" of the town. Friends still tried to rescue him

2. For information on the Nicholases and their connections, see Dennis Golladay, "The Nicholas Family of Virginia, 1722-1820," (Ph.D. diss., University of Virginia, 1973).
3. Wilson Cary Nicholas to Samuel Smith, August 21, October 8, November 12, 1799, ERA; Joshua Fry to Wilson Cary Nicholas, February 17, 1802, A. W. Moore to Wilson Cary Nicholas, [May] 1802, Philip Norborne Nicholas to Wilson Cary Nicholas, July 19, 1806, Wilson Cary Nicholas Papers, University of Virginia Library, Charlottesville [hereinafter cited as WCN].
4. Cary Nicholas to Wilson Cary Nicholas, March 7, 1807, Samuel Smith to [Wilson Gary Nicholas], November 6, 1806, James Morrison to Wilson Cary Nicholas, February 8, 1807 [Account of Debts of George Nicholas Estate, 1799], ERA; Philip Norborne Nicholas to Wilson Cary Nicholas, July 19, 1806, WCN.

from his dissipated life, arguing that with his Virginia education, he could quickly rise to the top of the legal profession if he only showed a little ambition and effort, but Cary responded that such an effort was not worth his trouble. "I am too much displeased to write on this subject with temper," concluded James Morrison, an old family friend and guardian of Cary's younger sisters, "and can only say never had a young man fairer prospects."[5]

Apparently, Cary saw no "fair prospects" in a profession which required of him exactly those qualities he did not possess– independence, initiative, discipline, and tenacity. Instead, he embraced the old dictum of errant sons of the gentry: when all else fails, fall back upon influence. One of his maternal uncles, Robert Smith, was Jefferson's secretary of the navy, so why not seek a naval appointment as a commissioned officer? Such an appointment would befit a young gentleman without demanding the self-generating energy necessary in law, or farming, or commerce. But unconvinced of his nephew's steadiness, Smith would not cooperate by delivering a naval commission for Cary as he had just done for Cary's younger brother George.[6]

Luckily, circumstances and influence combined to bring relief to the indolent young man and his exasperated relatives. Following the *Leopard-Chesapeake* affair in June 1807, President Jefferson convinced Congress to increase the size of the regular army from fewer than 3,000 men to approximately 10,000. An Act of April 12, 1808, authorized the creation of eight additional regiments, a move which opened a timely opportunity for young men seeking military commissions as the answer to personal failings and misfortunes. The circumstance having arrived, relatives and friends used their influence to procure a commission for Cary and "save him from ruin & disgrace." On May 3, 1808, he received his commission as a first lieutenant in the Seventh Infantry Regiment while his elder brother Robert was named a captain in the same unit.[7]

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5. Morrison to Wilson Cary Nicholas, July 4, October 11, 1807, ERA; ibid., September 2, October 10, 1807, WCN.
6. Morrison to Wilson Cary Nicholas, October 11, 26, 1807, ERA; Edward William Callahan, ed., *List of Officers of the Navy of the United States and of the Marine Corps from 1775 to 1900* (New York, 1901), 405.
7. Dumas Malone, *Jefferson the President: Second Term, 1805-1809* (Boston, 1974), 516-19; Richmond *Enquirer*, August 9, 1808; Francis Bernard

Despite all the good intentions, the army did not prove to be Nicholas's salvation, and he liked it no better than any other pursuit he had temporarily followed. Army life on frontier posts, border towns, and seaports was characterized by the boredom of routine, and a young bachelor's companions were most likely the very gamblers and drunkards that well-meaning friends had hoped he could avoid. Promotions and interesting duty were rare and infrequent, and although one had at least a steady though low income, peacetime army routine could not satisfy the itch for movement– any kind of movement– which seemed to afflict Nicholas. In the waning days of 1810, he flirted with the idea of abandoning the army in favor of practicing law either in his hometown of Lexington or in New Orleans, but a promotion to captain on March 1, 1811, persuaded him to remain a soldier a bit longer, and he was still in the army when the United States declared war against Great Britain in 1812.[8]

One might expect that the war would have provided a young officer such as Nicholas a splendid opportunity for combat experience, glory, and promotion, but the dissolute Kentuckian managed only the last. Through happenstance or design, he avoided involvement in any of the major campaigns or battles of the war but nonetheless received an appointment as assistant adjutant general for the New Orleans District in April 1813. Despite the convenient location of his office, he missed the Battle of New Orleans because he was nursing an accidental but severe ankle injury which had reduced him to "crutchery" and partially crippled him for life. After the war ended, he was promoted to the rank of major of the Fourteenth Infantry but seems to have spent most of his time on furlough at a Kentucky resort springs, ostensibly to restore his health. When Congress decided to reduce and reorganize the post-war military establishment, Nicholas tried to retain his commission, but the only letters of endorsement he could forward were lukewarm at best,

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Heitman, ed., *Historical Register of the United States Army from its Organization September 29, to March 2, 1903*, 2 vols. (Washington, 1903), I, 746; Morrison to Wilson Cary Nicholas, September 9, 1813, WCN; B[uckner] Thruston to the Secretary of War [Henry Dearborn], April 16, 1808, Letters Received by the Office of the Adjutant General 1805-1821, microcopy M566, Roll No. 3, 10-23-1, National Archives, Washington [hereinafter cited as NA].

8. Morrison to Wilson Cary Nicholas, January 12, 1811. WCN; Heitman, ed., *Historical Register*, I, 746.

and on June 15, 1815, he was officially discharged from the army.[9]

Whatever a military life might have done for Nicholas, it apparently did nothing to change his character as relatives and friends had once hoped. James Morrison still referred to him as a gambler and drunkard who would never again "tred the paths of honor and respectability." Unable to settle down to civilian life and with no reliable source of income, Nicholas merely drifted through the Southwest as a frontier ne'er-do-well. Fortunately, circumstances once again gave him a reprieve. A vacancy in the army's paymaster department had been created by the death of the battalion paymaster for the New Orleans District, and Nicholas successfully lobbied to replace him. He received his new appointment on February 17, 1817, with the privileges and salary of an infantry major.[10] From the skimpy evidence available, Nicholas seems to have approached his new position with the same lack of attentiveness and responsibility which had always characterized his previous efforts, but he did take advantage of the chief asset the post offered, renewed contact with men of influence. The command of the Southern Division of the army had been held by Andrew Jackson since the 1815 reorganization, and the general was well known for his willingness to reward loyal subordinates. Although never admitted to the inner circles of Jackson's closest friends, Nicholas nonetheless won Jackson's respect and became an intimate with the general's cronies throughout the Southern Division.[11]

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9. Cary Nicholas to [the Adjutant General], May 24, 1813, Cary Nicholas to Gen. Thomas Flournoy, January 16, 1814, Cary Nicholas to Adj^{t}. & Insp^{r}. Gen^{l}. Office, February 19, 1815, Thomas Todd to [Adjutant General], March 15, 1815, and Joseph H. Hawkins to [Alexander] J. Dallas, March 21, 1815, Letters Received by the Office of the Adjutant General, 1805-1821, M566, 10-23-1, 1813/N-Pi, 1814/Mos-O, 1815/Mo-O, NA.
10. Morrison to Wilson Cary Nicholas, February 14, 1814, WCN; ibid., May 29, 1814, February 16, 1817, ERA; Lewis Sanders to [Wilson Cary Nicholas], June 26, 1814, WCN; [Richard M.] Johnson and Thomas Fletcher to George Graham, n.d., Letters Received by the Office of the Adjutant General, 1805-1821, M566, 10-23-1, 1814/Mos-O, NA; A Statement of the Officers Affected by the Act of 15th May 1820, Letters Received by the Secretary of War, Unregistered Series, 1789-1860, M222, 10-33-3, 1820/N-Y, P-1820, NA.
11. Andrew Jackson to John C. Calhoun, September 15, October 14, November 25, 30, 1820, in Robert L. Meriwhether, W. Edwin Hemphill, and Clyde N. Wilson, eds., *The Papers of John C. Calhoun*, 14 vols. (Columbia, 1959-1984), V, 355, 373, 395, 451, 459-62. Nicholas was still being hounded

In the fall of 1820, however, Nicholas decided to resign his post as soon as his accounts could be settled, and he was honorably discharged on June 1, 1821. His second departure from the army was once again caused by necessity rather than whim. By 1820 Congress was clearly concerned about the expense of an army which it deemed too large for a peacetime establishment, and it had determined to reduce the size of the army to save money. The reduction plan debated in Congress envisioned not only the elimination of the Southern Division (and thereby Jackson's command), but also the discharge of officers rated as either "clearly inferior" or "mediocrities." While no one may have been so unkind as to rate Nicholas as inferior, few in strict conscience could have rated him as more than mediocre in "intelligence, habits, and military skills," the qualities listed as most vital for retention in the reduced army.[12]

Seeing the handwriting on the wall, Nicholas decided to make plans for a new position before his old one was officially eliminated. A number of positions as Indian agents were opening among the recently subdued tribes of the region, and Nicholas asked Jackson to recommend his appointment as agent to the Choctaws. Jackson already had another nominee in mind, but he did recommend Nicholas as a second choice, averring that he knew "of no man who would discharge the duties of this station with more fidelity." Nicholas did not get the position, but more than ever he saw Jackson as his key to the future.[13]

That future, Nicholas decided, lay in the Floridas. Portions of West Florida had been seized illegally by American settlers as early as 1810-1811 on the pretext that the land lay within the

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by the treasury for discrepancies in his paymaster's accounts as late as 1826, Stephen Pleasanton to Cary Nicholas, April 10, 1826, and to Henry Hitchcock, April 10, 1826, Records of the Solicitor of the Treasury, Record Group 206, Letters on Debts and Suits, Letterbook No. 7, NA.

12. Rembert W. Patrick, *Aristocrat in Uniform: General Duncan L. Clinch* (Gainesville, 1963), 48; Robert V. Remini, *Andrew Jackson and the Course of American Empire* (New York, 1977), 400,402; Heitman, ed., *Historical Register,* I, 746.

13. Jackson to Calhoun, November 30, 1820, Meriwhether, Hemphill, and Wilson, eds., *Papers of John C. Calhoun,* V, 461. Nicholas's older brother Robert, who had resigned his army commission a year earlier, successfully sought a position as agent to the Chickasaws. He resigned the post in July 1823 under a cloud of embezzlement, and the government later prosecuted him for using over $35,000 of the stolen funds to purchase a Mississippi steamboat. Ibid., V, 314, 617; VI, 634, 729; VIII, 148-49, 178, 260-61; IX, 113, 497.

boundaries of the Louisiana Purchase, and in February 1819, Secretary of State John Quincy Adams had negotiated with Spain the surrender of the remainder of the Floridas in the Adams-Onís Treaty. Jackson, who had twice invaded the Floridas, once in 1814 and again in 1818, was appointed governor of the new territory when it passed into American hands in 1821. Initially reluctant to accept the position despite the upcoming termination of his military career, Jackson was persuaded to change his mind by friends who would benefit from the offices and appointments they believed within his power to bestow. One of these friends was Cary Nicholas who had decided to establish a newspaper in the small town of Pensacola where Jackson would locate the temporary capital of the territory.[14]

The thirty-four-year-old Nicholas did not cut a very imposing figure when he arrived in Pensacola in the spring of 1821. Still a bachelor, and destined to remain one all his life, he most likely featured the typical physical traits of all the Nicholas males– short, fat, and balding. He still walked with a limp from his ankle injury of earlier years and was sometimes forced to rely upon a cane. An animated man, he was once depicted as "a brilliant talker and noted wit," although in the Southwest that could probably have been translated as fast-talking con artist. Like the rest of his kinsmen, he was "fond of changing," the trait that lay behind his move to Pensacola.[15]

Why Nicholas decided on Pensacola is easy to understand. Not only would the town be the center of Jackson's influence and many of Nicholas's acquaintances, but most Americans expected Pensacola to become a boom town and a financial bonanza. Never all that important or large during the colonial era, Pensacola boasted a fine harbor, and speculators could envision it first rivalling and then outstripping New Orleans as the premier port of the Gulf of Mexico. It was a town of chance

14. Remini, *Andrew Jackson*, 400; Herbert J. Doherty, Jr., *Richard Keith Call, Southern Unionist* (Gainesville,, 1961), 18; William F. Keller, *The Nation's Advocate; Henry Marie Brackenridge and Young America* (Pittsburgh, 1956), 253-54.

15. Hugh Blair Grigsby, *The Virginia Federal Convention of 1788*, 2 vols. (Richmond, 1890), I, 79; Robert Wickliffe [Sketch of the Life of George Nicholas], typescript, WCN; Sarah Nicholas to Jane Nicholas Randolph, January 14, 1819, ERA.

with the prospect of large, fast gains for minimal investment, exactly the new, raw, undeveloped site of potential that made a gambler's pulse quicken.[16]

Why Nicholas chose to become a newspaper publisher is a bit more puzzling. He had absolutely no experience with publishing, printing, or writing and only the most casual knowledge of operating a business. Pensacola, however, had no newspaper or printing shop. In a town that was to become a seat of government, the sole printer could expect a monopoly on the printing of official documents and notices instead of having to rely exclusively on the revenues generated by subscriptions and advertising. Not only would this arrangement provide a steady, guaranteed income, Nicholas believed, but the publisher would be in the center of all important activity within the community—political and economic. That meant a situation ripe for advancement and exploitation for a man with the proper connections in the right places, and in Pensacola, one could not have a more proper connection than Andrew Jackson.

Fortunately for Nicholas, he did not have to enter the newspaper publishing business alone. He formed a partnership with an experienced printer, twenty-seven-year-old George Brooke Tunstall of Nashville. Like Nicholas, Tunstall was Virginia-born but western-raised. He had learned the printing trade in the Nashville offices of his uncle Thomas Todd and had been co-publisher of the Nashville *Whig* from 1817 until he began his association with Nicholas in 1821. Best of all, as a Nashville resident, Tunstall was well acquainted with Andrew Jackson and his entourage.[17] Nicholas and Tunstall established their business in a rented building fronting the north side of the public square,

16. David Yancey Thomas, *A History of Military Government in Newly Acquired Territory of the United States* (New York, 1904; reprinted., 1967), 62; Jackson to John Donelson, July 3, 1821, in John Spencer Bassett, ed., *Correspondence of Andrew Jackson*, 7 vols. (Washington, 1926-1935), III, 88; affidavit of John Donelson, Jr., January 13, 1820, in ibid., III, 6.

17. James Owen Knauss, *Territorial Florida Journalism* (DeLand, 1926), 67; Douglas C. McMurtrie, "The Beginnings of Printing in Florida," *Florida Historical Quarterly*, XXIII (October 1944), 73-76; Clarence S. Brigham, *History and Bibliography of American Newspapers, 1690-1820*, 2 vols. (Worcester, MA, 1947), II, 1066; General Andrew Jackson in account Current with Jas. Jackson and Company, March 17, 1819, in Bassett, ed., *Correspondence of Andrew Jackson*, II, 412-14; Jackson to James Forbes, June 11, 1821, United States State Department Territorial Papers, Florida, 1777-1824, M116, 10-17-2, NA.

waiting for several months until the printing press they had ordered from Philadelphia in April finally arrived in August. The first edition of their paper, the Pensacola *Floridian* appeared on Saturday, August 18, 1821.[18]

Yearly subscriptions for the weekly newspaper, whose sheets were dominated by advertising, were set at five dollars in advance. The ads may well have been the paper's most important service for the typical citizen. Not only could one read of ship arrivals and departures, goods for sale at local stores, taverns with accommodations and drink, opening of lawyers' offices, and real estate bargains, but he could also learn of the plays to be presented at the theatre, the latest works to be found at W. Hassell Hunt's bookstore, and the opening of a new school for Pensacola's youth. Following the practice of most small newspapers of the day, the *Floridian* might feature "a dearth of news" at times, but it never was lacking for advertisements.[19]

Perhaps just as important to local citizens as the advertisements were the official government decrees and ordinances printed in the paper. As expected, Nicholas and Tunstall had been appointed by Jackson as the first official printers of the territory, and much of their newspaper's space was devoted to this important duty. In addition to the newspaper coverage, their print shop also turned out official broadsides and publications of territorial laws. Because Florida was a bilingual society-de facto if not de jure– many of these official columns and printings appeared in both Spanish and English.[20]

The firm of Nicholas and Tunstall voluntarily took on yet a third major role in the columns of the *Floridian,* that of self-annointed prophets, publicists, and promoters for the future of West Florida in general and Pensacola in particular. The very first issue of the paper castigated J. G. Forbes's *Sketches Historical and Topographical of the Floridas* for what the editors saw as ludicrously-inaccurate descriptions of Pensacola. The third issue carried a copy of a petition for the establishment of a branch of

18. Pensacola *Floridian,* August 18, 182 1, April 6, 1822; James Parton, *The Life of Andrew Jackson,* 3 vols. (New York, 1860), II, 603. See the map of Pensacola contained in John Lee Williams, *A View of West Florida* (Philadelphia, 1827).
19. Pensacola *Floridian,* August 18, September 8, 1821, February 4, April 6, 1822; Knauss, *Territorial Florida Journalism,* 20-21.
20. McMurtrie, "The Beginnings of Printing in Florida," 73-76. Also see extant issues of the *Floridian,* 1821-1823.

the Bank of the United States in the town which they asserted "must soon assume the first rank among the commercial cities of the South." In subsequent issues, the editors endorsed the views of "A Satisfied Emigrant" who claimed that "Nature has done more for this city than any other on this continent" and argued that with a clever bit of canal construction, Pensacola would become the major deposit for the produce of interior America and the greatest port on the Gulf of Mexico. Even though Nicholas would agree with critics that Pensacola had its problems, he denied charges that it had a sickly climate, poor soil, and worthless harbor during the hurricane season. As for the people, he responded to one critic: "we do not consider there are more idiots in Pensacola than in other towns of the same population."[21]

In addition to these public duties of a small town newspaper, Nicholas and Tunstall could not forget the call of personal advancement. In a territory governed by a former military officer with near-dictatorial powers, prudence dictated that those interested in obtaining positions of power and pecuniary rewards support him openly and enthusiastically, especially when that figure was the temperamental Andrew Jackson. From the beginning of publication, therefore, the *Floridian* adopted a pro-Jackson stance which was maintained well after Jackson's brief stay of eleven weeks in Pensacola.

A prime example was the position the *Floridian* followed in the feud which developed between the new governor, Andrew Jackson, and the former Spanish governor, Don José Callava, who had remained in Pensacola to wrap up unsettled affairs. When Callava refused to hand over to Jackson documents relating to the claims of Mercedes Vidal against the powerful merchant John Innerarity, Jackson had the Spanish agent arrested and the papers seized. Callava was incensed over this high-handed treatment, but Jackson's wrath reached even higher levels when Callava's allies prevailed upon Judge Eligius Fromentin, a French-born former Jesuit priest and Monroe appointee, to issue a writ of habeus corpus for Callava's release, even though Fromentin did not have proper jurisdiction over the matter. True to character, Jackson ignored the writ and

21. Pensacola *Floridian*, August 18, September 1, December 10, 17, 1821, August 3, 10, 1822.

gave the judge a tongue-lashing lecture on the proper outlines of judicial duty.[22]

Initially, the editors of the *Floridian* stated that they would do no more than print the facts of the incident which they felt exonerated the conduct of Jackson, but they did offer to print any statements that Callava or his friends wished to submit. However, in a town as small as Pensacola with more than its fair share of mercurial, explosive personalities, refraining from partisanship was neither possible nor always wise. Through September and October, the paper carried numerous articles, letters, and documents relating to the Callava affair and the Vidal-Innerarity suit. Without fail, Jackson's decisions were supported.[23]

Even after Jackson left Pensacola early in October 1821 for Nashville, the ripples from the feud refused to calm. The *Floridian* continued to feature material exonerating Jackson and blasting Callava, Fromentin, and their associates. Jackson himself seemed especially bitter about Judge Fromentin, and as if on cue, Nicholas went after the besieged judge so vigorously that one correspondent wrote Jackson that Fromentin "rarely crawls out of his shell– the lashing given him by Nicholas a few weeks since I think has put him down forever, even in Pensacola." One trusts that the lashing was verbal rather than physical, although neither would have been out of place in a rather rough town caught in a period of transition.[24]

Still, with all the excitement in the bustling little town and the various services a pioneer paper could offer, the *Floridian* found survival difficult. With virtually no decent communication or transportation lines established overland, contact with the rest of the nation could be maintained only over long, time-consuming water routes. Most supplies a printer needed had to

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22. Marquis James, *The Life of Andrew Jackson* (Indianapolis, 1938) 321-27; Robert V. Remini, *Andrew Jackson* (New York, 1966), 88-89; Keller, *The Nation's Advocate*, 271-81.
23. Pensacola *Floridian*, September 1, 15, 22, 29, October 15, 1821.
24. Jackson to Richard Keith Call, November 15, 1821, in Bassett, *Correspondence of Andrew Jackson*, III, 131; George Walton to Jackson, December 10, 1821, in Clarence Edwin Carter, ed., *Territorial Papers of the United States: Territory of Florida*, 26 vols. (Washington, 1934-1962) XXII, 298-99. In late December 1821, Nicholas joined other Jackson men in Pensacola in a successful petition to President Monroe to replace Fromentin with Henry Marie Brackenridge.

come from the northeast or middle Atlantic states, and they seldom arrived on time and sometimes not at all. In February and again in July of 1822, the editors had to suspend publication for several weeks because they had no paper. Nicholas explained that the *Floridian*, like most "infant establishments," was very poor and could not keep a large stock of supplies on hand because everything had to be paid for in cash.[25]

The *Floridian* suffered a severe setback, in June 1822 when George Tunstall left the paper and dissolved his partnership with Nicholas. Not the result of any falling out between the partners, Tunstall's decision was simply the conclusion of his having struck it rich in another endeavor, his impending marriage to the daughter of a prosperous planter in Baldwin County, Alabama. Bachelor Nicholas "rejoice[d] at the brightening fortunes of his friend . . . about to light him, into the highest and happiest walks of life," but he had to face the sobering fact that the man with all the knowledge of the printing trade had left.[26]

Gamely, Nicholas reorganized the business as C. Nicholas & Co. and tried to carry on. But troubles multiplied rapidly, and Nicholas's days as a publisher and printer were numbered. Soon after Tunstall left, Nicholas had to suspend publication temporarily for lack of supplies, and then just as he recovered and the press began to turn out weekly editions again, he was hit by the final, devastating blow– an outbreak of yellow fever in Pensacola. The very utterance of the name of the disease struck fear in the hearts of southern coastal dwellers, and Nicholas had always done his best to ridicule and allay those fears in the columns of the *Floridian* by stressing the salubrious climate and generally healthy conditions of Pensacola.[27]

But on August 17, 1822, the usually optimistic editor had to admit that the dreaded disease had indeed made its appearance and was responsible for at least five of the eight deaths in the town the preceding week. Still, he cautioned against panic and tried to be optimistic. The five who had died from the fever, he wrote, were susceptible to the disease because of other factors

25. Pensacola *Floridian*, March 4, July 20, 1820.
26. Ibid., June 22, July 20, 1822. Tunstall was married on July 4, 1822, and settled in Baldwin County to raise a family and live the life of a planter at his farm Montgomery Hill where he died on July 28, 1842. Nicholas, as with all his brothers save one, remained a bachelor all his life.
27. Ibid., September 1, 1821, June 22, July 20, August 3, 17, 1822.

which had weakened their bodies: the consumption of green fruit, overexposure to the sun, alcoholism, or contraction of the disease in other places. It was obvious to Nicholas that if one avoided such factors, he would have nothing to worry about. "It is utterly inconceivable, how any infection can rage here, as long as our bay contains salt, and the Gulph stream breeze continues in its daily luxurious office," he wrote, adding, "we suspect that the greatest danger attends those who are most apprehensive– fear, is the greatest possible, predisposing cause to fever– and we implore all that are so affected– to relieve us from the danger of their longer continuance amongst us."[28]

Despite Nicholas's chiding, fear was exactly the proper response for Pensacolians in the late summer of 1822 as the yellow fever "raged with great fury" through the town, killing scores of inhabitants and sending most of the rest fleeing inland. Showing more good sense than journalistic consistency, Nicholas shut down the *Floridian* and fled with them. He survived "the dreadful calamity," but Nicholas & Co. did not. Decreasing revenue from a drastically reduced population convinced him to sell the *Floridian* in March 1823 to John Fitzgerald, who struggled with the paper until the end of the following August when it came under the control of a very aggressive group of partners headed by William F. Steele, the United States District Attorney for West Florida, and Samuel Fry, a local attorney and member of the territorial Legislative Council.[29]

28. Ibid., August 17, 1822. When a young army officer arrived in Pensacola in November 1822. the first sight which greeted him was the corpse of a victim of the yellow fever stretched out at the foot of Palafox Street. The sickening sight confirmed the rumor he had heard in Philadelphia that yellow fever had been racking the town since August. See George A. McCall, *Letters From the Frontier; Written During a Period of Thirty Years' Service in the Army of the United States* (Philadelphia, 1868; facsimile. ed., Gainesville, 1974), 12-13. According to Herbert J. Doherty, Jr., the epidemic was a major factor in reducing the population of the town from about 3,000-4,000 in the fall of 1821 to about 1,000-1,250 a little over a year later. See his "Ante Bellum Pensacola: 1821-1860," *Florida Historical Quarterly*, XXXVII (January-April 1959), 342-43, 351.

29. Jackson to Walton, November 20, 1822. in Herbert J. Doherty, Jr., "Andrew Jackson vs. the Spanish Governor," Florida *Historical Quarterly*, XXXIV (July 1955), 24-29; Pensacola *Floridian*, March 8, 1823; Pensacola *Gazette and West Florida Advertiser*, March 13, 1824; Brackenridge to John Quincy Adams, March 10, 1824, Henry de Grand Pré to Adams, March 18, 1824, John Lee Williams to Adams, April 1, 1824, Department of State Ms. Territorial Papers, XI, Florida 1823-1824, NA; *In re Samuel Fry*, Escambia County Court Records, File No. 1824-251, Escambia County Courthouse, Pensacola.

Fortunately, Nicholas had not put all his eggs in the *Floridian* basket. A major reason for coming to Pensacola had been the opportunity for appointment to government offices, an opportunity made realistic by his association with Andrew Jackson. Because Nicholas was not a member of Jackson's inner circle, he could not expect the premier appointments, but he did not have to wait long for lesser ones to fall his way. Nicholas and Tunstall had been appointed the first official printers in the Floridas even before the arrival of their printing press, and soon thereafter Nicholas was named as Pensacola's first postmaster, a typical appointment for a small town newspaper editor. When Nicholas sold the *Floridian* in March 1823, he also relinquished the postmaster's position to Robert Mitchell.[30]

Another post consigned to Nicholas was that of an associate justice of the Escambia County Court. Not among the original five justices appointed by Jackson, he received his seat on the court sometime in the late fall or early winter of 1821 as a replacement for a justice who had died. Reverting to old patterns, Nicholas approached his judicial duties rather haphazardly, causing his fellow justices to complain in June 1822 that he had "sat but two or three terms." Since the court met monthly for a period of one to two weeks, hearing all civil and criminal cases for a county which at the moment stretched from the Suwanee River to the Alabama border in the west, one can understand why the other justices were so upset with Nicholas.[31]

Although offices such as these did not carry the power and income associated with higher posts, they did place Nicholas among the area's local leadership elite and brought a type of prestige he had never enjoyed before. When two prospective school-masters sought endorsements for their new private school from "gentlemen of high respectability," the name of Major Nicholas was included, along with those of General Edmund P. Gaines, Colonel Duncan L. Clinch, and Judge John V. Garnier. What all this reveals is that Nicholas had accomplished

30. Pensacola *Floridian*, September 8, 1821, March 8, 29, 1823.

31. Herbert J. Doherty, Jr., "The Governorship of Andrew Jackson," *Florida Historical Quarterly*, XXXIII (July 1954), 12-13; *National Intelligencer*, September 13, 1821; Memorial to the President from Escambia County Court Justices, June 25, 1822, in Carter, ed., *Territorial Papers, XXII*, 480-81. The first mention of Nicholas as a justice appears on a December 26, 1821, petition to President Monroe to replace Eligius Fromentin as the United States judge in Pensacola with Henry M. Brackenridge, see ibid., XXII, 315-18.

almost everthing he had set out to do except become wealthy. Jackson and his closest friends complained bitterly when President Monroe had failed to award offices to most of the governor's nominees, but given this circumstance, Nicholas fared well.[32]

Just how well became evident in the late summer of 1823. In July the territorial Legislative Council had enacted legislation "to regulate the counties and establish Inferior Courts in the Territory of Florida." Escambia County was given a new eastern boundary to the Choctawhatchee River, and Cary Nicholas was appointed by Governor William P. DuVal– a Jackson man– to be the first county judge of the re-created county court. In most respects, the appointment was astounding, essentially because Nicholas had so little solid experience with the law. His days as a law student had occurred seventeen years earlier, and his initial attempt to establish a law practice in Kentucky had ended in miserable, humiliating failure in 1807. As an associate justice of the earlier Escambia County Court, he had neglected his duties, and although he had announced the opening of a Pensacola law practice in July 1822, evidence suggests that once again the practice never got off the ground. Still, the new editor of the *Floridian* held that Nicholas's selection enjoyed "the unlimited confidence of the whole county. His firmness, his integrity, and the excellence of his understanding, give him the most indisputable claims to the respect of all who know him." Fitzgerald admitted that much time had passed since Nicholas's "midnight lamp shed its light upon the folios of the law," but given his thorough training, he should be able to recollect what he needed to know.[33]

This purely political appointment with little regard for judicial qualifications was Nicholas's reward for his loyalty to the Jackson men who played a dominant role in Florida politics after the general himself had quit the territory. Foremost among these was Richard Keith Call, a former army captain and a Jackson protogé, who served on the territorial Legislative Council in 1822 and 1823 and as Florida's non-voting delegate to

32. Pensacola *Floridian*, February 4, 1822; Doherty, *Richard Keith Call*, 18.
33. Pensacola *Floridian*, July 20, 1822, August 9, 23, 1823; Charles D. Farris, "The Courts of Territorial Florida," *Florida Historical Quarterly*, XIX (April 1941), 346-67.

Congress from 1823 to 1825. Nicholas had guessed correctly that Call would emerge as the strongest figure among the squabbling Jacksonians, and he aligned himself with Call's faction– later called the land office gang or Nucleus– from the earliest skirmishes. Call's greatest rival during the territorial period was Joseph M. White, a lawyer who succeeded Call as Florida's congressional delegate in 1826 despite any earlier association with Jackson or his crowd. In an 1822 *Floridian* editorial, Nicholas had publicly objected to White's appointment to the first Legislative Council because White was an outsider who had never lived in Florida, and he maintained his opposition to the White faction through his association with Call for the remainder of his life.[34]

That life, however, was not to be spent in Pensacola. Spurning his judicial appointment, Nicholas apparently departed in October 1823, entrusting his financial affairs and all claims against him in West Florida to the new postmaster, Robert Mitchell. When the new Escambia County Court met for its initial term that same month, its first judge was George Bowie, not Cary Nicholas.[35]

Nicholas's reasons for leaving Pensacola are not all that difficult to understand. Because a county judge depended on fees for services rather than a fixed salary, the post was not financially attractive, especially in a town that had not fulfilled expectations for rapid growth. Pensacola had proven to be a great disappointment to those who had gambled on quick rewards in a boom town. Reinforcing this disappointment was the fact that Pensacola was about to lose its political significance as well. A commission chosen by Governor DuVal to find a more central location for a permanent capital had selected a site at Tallahas-

34. Robert Butler to Andrew Jackson, June 9, 1831 in Bassett, ed., *Correspondence of Andrew Jackson.* IV, 293-94: Doherty, *Richard Keith Call,* 6-8, 12-16; Pensacola *Floridian,* June 8, 1822; Carter, ed, *Territorial Papers,* XXII, 287-88, 317-18. When Nicholas was brought to court in 1822 and 1823 for failure to pay debts, he used Call as his attorney and surety to handle the cases and settle the debts. See Escambia County Court Records, File Nos. 106, 2409, 2414.

35. Pensacola *Floridian,* November 8, 1823; Brackenridge to Adams, March 10, 1824, and Benjamin D. Wright to William F. Steel;, March 12, 1824, Department of State Ms. Territorial Papers, XI, Florida 1823-1824, NA. After serving one term, Bowie was succeeded by Benjamin D. Wright for the February and October 1824 terms, see ibid.; Pensacola *Gazette and West Florida Advertiser,* October 9, 1824.

see in October 1823, and in March of the following year, DuVal announced that the November session of the Legislative Council would be held there. Suddenly Tallahassee replaced Pensacola in the affection of speculators, and hopes for a territorial El Dorado shifted to the site of the new capital. When Governor DuVal and Secretary George Walton left Pensacola in June to establish executive offices in Tallahassee, it was clear that Pensacola would be relegated to a minor role in the territory.[36]

Nicholas did not want to remain in a town that had fizzled economically and had lost its political importance. He did not go directly from Pensacola to Tallahassee in the late fall of 1823 for the simple reason that the latter existed only as a designated spot on a map, but when the Legislative Council held its first session in the new capital in November 1824, Nicholas was there to receive his political due. It came on December 30 when he was appointed as the first presiding judge of the new Leon County Court, a position similar to the one he had rejected earlier in Escambia County. This time Nicholas accepted the post, although only on a temporary basis. He presided over the February 1825 session of the court, but in November he presented to that same court his commission from Acting Governor George Walton as its newly-appointed clerk. Rather than a demotion, the appointment probably came at Nicholas's request because the county clerk was paid a regular salary while the county judge was compensated from fees for his services. For once Nicholas hedged his bets, strayed from his gambler's mentality, and took the safer, more assured course. When a Superior Court was created for the Middle District encompassing the area around Tallahassee, he accepted the clerking duties for that court as well.[37]

In Tallahassee Nicholas continued the convivial life for which he was noted although his Kentucky reputation as a drunkard and gambler seemed well behind him. At a public dinner replete with standard political toasts, it was Nicholas– true to form– who saluted "The Ladies of Tallahassee." While

36. Keller, *The Nation's Advocate*, 308-09; Pensacola *Gazette and West Florida Advertiser*, March 13, June 26, 1824.
37. Pensacola *Gazette and West Florida Advertiser*, November 13, 1824, February 5, 1825; Leon County Deed Record Book A and Leon County Court Minutes, March 14, 1825, to September 19, 1833, Leon County Courthouse, Tallahassee; Farris, "The Courts of Territorial Florida," 346-67.

other members of the Florida Institute of Agriculture Antiquities and Science suggested serious projects for study and discussion, Nicholas seemed most concerned about plans for the group's anniversary dinner and celebration.[38]

Nicholas had come to Tallahassee, however, primarily to increase his slender estate. With that view in mind, he dabbled— almost in amateurish fashion— in land speculation. The first public auction of lots in Tallahassee was held on April 5, 1825, and although Nicholas had little clear capital of his own, he nonetheless purchased several lots on terms of credit. Unable to make payments on schedule, he solicited the aid of Augustus B. Woodward, the treasurer of Leon County, in forming a partnership as joint owners of the lots in 1826. Still unable to come up with the necessary funds, he was eventually forced to turn over all the lots save one to Woodward and other creditors.[39]

As a speculator even on a small scale, Nicholas proved a total failure. Deed books and land records reveal that he never owned the large quantity of lands necessary to make speculation pay, and an 1825 census taken for tax purposes shows him owning only one slave. When he died in Tallahassee on April 20, 1829, at the age of forty-three, the Leon County Court estimated the value of his estate at $2,346.67, and nearly half that amount had only recently come his way as the result of a sale of some contested Kentucky land to a younger brother.[40]

Unlike earlier generations of his family, Cary Nicholas made no major impact on the society of his day. No monuments were

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38. Pensacola *Gazette and West Florida Advertiser,* February 26, 1825; Tallahassee *Florida Intelligencer,* October 6, 1826.
39. Pensacola *Gazette and West Florida Advertiser,* January 8, 1825; Leon County Deed Book A, 1, 176; Leon County Court Minutes, March 14, 1825, to September 19, 1833; Leon County Chancery Order Book No. 1, 9. Nicholas's handling of the purchase, payments, and disposal of the lots was questionable to say the least. He attempted to sell one of the jointly owned lots without Woodward's consent and even at that failed to note the transfer to the buyer on the back of the land certificate. When the buyer in turn attempted to resell the lot, his claim's as well as Woodward's were invalidated because of Nicholas's machinations. The sources and information on Nicholas's real estate gambits were uncovered by my colleague Peter W. King who graciously shared them with me.
40. Dorothy Dodd, "The Florida Census of 1825." *Florida Historical Quarterly,* XXII (July 1943), 34-40; Leon County *Miscellaneous Proceedings,* 27; Leon County Deed Book A, 499-500; Tallahassee *Florida Advocate,* April 25, June 13, 1829.

erected to his memory; no space in history texts was given to his accomplishments for the simple reason that he had none worth recording. Even the announcements of his death in Florida newspapers were cursory at best despite his roles as an early territorial editor and office holder. Yet his life in territorial Florida merits examination if for no other reason than as an example of a personality type lured and nurtured by the American frontier.[41]

41. Tallahassee *Florida Advocate*, April 25, 1829; Key West *Register and Commercial Advertiser*, April 30, 1829; Pensacola *Gazette and West Florida Advertiser*, May 12, 1829. One reason for the lack of newspaper space given to his life may have been the fact that the papers in Tallahassee and Pensacola were strong advocates of the White faction which Nicholas had always opposed.