

# Florida Historical Quarterly

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Volume 68  
Number 4 *Florida Historical Quarterly, Volume  
68, Number 4*

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Article 4

1989

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### Recommended Citation

Denham, James M. (1989) "The Read-Alston Duel and Politics in Territorial Florida," *Florida Historical Quarterly*: Vol. 68: No. 4, Article 4.

Available at: <https://stars.library.ucf.edu/fhq/vol68/iss4/4>

## THE READ-ALSTON DUEL AND POLITICS IN TERRITORIAL FLORIDA

by JAMES M. DENHAM

**T**HE December 27, 1839, issue of the *St. Augustine News* reported that on December 12 a “duel as fought . . . on the Georgia line between Leigh Read and Augustus Alston of Tallahassee. Weapons, rifles; distance, fifteen paces; *finale*, Alston killed.”<sup>1</sup> As was typical editorial policy in the reporting of such affairs, no commentary was offered. But the editor might have added that Alston, a Whig, and Read, a Democrat, each led their political parties in a time when a man’s honor and bravery were proven by action as well as words. Neither could, nor wished, to evade the field of honor. Indeed, both men regarded the conflict as a cure to both personal and partisan differences. Far from solving anything, the Read-Alston duel inaugurated a two-year long feud in which leading members of rival political factions in Florida took part. Triggering violence and civil disorder, the affair culminated in the bloody assassination of Leigh Read. The feud is significant because it was inextricably tied up with the emergence of an ultrapartisan two-party system in Florida. The event is also significant because it can be contended that it ended Leon County’s— and indeed Florida’s— toleration of dueling. Yet when the duel was fought, it was more condoned than condemned.

Middle Florida’s experience with the code duello began with the first influx of settlers in the region in the middle 1820s. Despite numerous instances of knife fights, barroom brawls, and outright bushwhacking that was characteristic of any newly settled frontier community, the code duello, with its rules reflecting southern conceptions of honor, was popular among the upper classes. Participants in these duels included lawyers, newspaper editors, planters, members of the Legislative Council, and

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1. *St. Joseph Times*, January 1, 1840; *Pensacola Gazette*, December 21, 1839.

military men. Such persons reflected the values of an educated elite who shunned the type of violence practiced by the rougher elements of society. Thus, Middle Florida's experience with dueling demonstrates what many historians have discovered—the duel had a tendency to segregate certain classes of society.<sup>2</sup> This can be explained best by Southerners' insistence that duels be fought only among social equals; only a gentleman, one's peer, would be challenged to a duel. Men of lesser standing were publicly caned or horsewhipped. Many of Middle Florida's residents, despite what others may have thought of them, prided themselves on having "manner and breeding equal to those in any society."<sup>3</sup> The Read-Alston duel, one isolated incident in Leon County, Florida, was an example of upper-class violence enacted in the name of honor.

As in most southern frontier settings, a quick way for political aspirants to gain popularity and recognition was through the military. The Second Seminole War (1835-1842), provided both maneuver and a coveted means of achieving visibility. Many of the area's aspiring young men vied for leadership positions in the local militia units organized by territorial Governor Richard Keith Call. Among those selected were Leigh Read and Augustus Alston.

Born in 1809 in Sumner County, Tennessee, Leigh Read migrated to Florida in 1831. Settling in Centerville, just north of Tallahassee, Read read law in Governor Call's law office and was admitted to the bar in April 1833.<sup>4</sup> He mixed romance with opportunism when he married into two of the area's most respected families. His first wife was the daughter of John Belamy, the affluent planter and road builder from Jefferson County. Upon her death, Read lodged himself firmly into the

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2. Dickson Bruce, *Violence and Culture in the Old South* (Austin, 1979), 40; Richard Buel, *Securing the Revolution: Ideology in American Politics, 1789-1815* (Ithaca, 1972), 80-81; Jack K. Williams, *Dueling in the Old South* (College Station, TX, 1980), 26-40; John Hope Franklin, *The Militant South, 1800-1861* (Cambridge, MA, 1956), 33-61; Clement Eaton, *The Growth of the Southern Civilization, 1790-1860* (New York, 1961), 275-77; Kenneth Greenberg, *Masters and Statesmen: The Political Culture of American Slavery* (Baltimore, 1985), 23-41, 139-44; and Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York, 1982), 166-67, 349-61.
  3. James T. Campbell, ed., "The Charles Hutchinson Letters from Territorial Tallahassee, 1839-1843," *Apalachee* 4 (1950-1956), 17-18.
  4. Leon County, Minutes of the Superior Court, book 1, 463.

powerful Bradford-Eppes-Branch clan by marrying Miss Eliza Branch, daughter of John Branch, a recent settler in Florida and former governor of North Carolina.<sup>5</sup>

In his study of the Second Seminole War, John K. Mahon has contended that Read "habitually dwelt in a medium of violence."<sup>6</sup> There is little in Read's background in Florida to refute this contention. While practicing law in the 1830s, he was involved in a number of violent encounters. In 1833, he clashed with Oscar White in one of the bloodiest duels the territory had ever known. The cause was a heated argument that grew out of the territorial delegate race that pitted White's uncle, Joseph M. White, against Read's mentor, Richard Keith Call. This duel, plus participation as a second in a number of others, earned Read the reputation as a worthy adversary on the field of honor.

After a brief stint as clerk of the Legislative Council, Read joined Governor Call's volunteers and traveled to East Florida to fight the Seminoles. On December 31, 1835, he was wounded in the Battle of Withlacoochee. After a brief recovery, he was elected to command a battalion of Florida militia that served in the campaign of 1836.<sup>7</sup> On May 25, 1836, Read and his unit became heroes when they rescued Captain Holloman and his fifty-eight stranded Jefferson County volunteers at a forgotten outpost on the Withlacoochee River. This incident projected Read into the public eye. He quickly became the "Hero of the Withlacoochee Blockhouse."<sup>8</sup> Subsequent misunderstandings about this affair led to a heated exchange between Read and General Winfield Scott. Read was even reputed to have challenged Scott to a duel.<sup>9</sup>

Call, soon to inherit the governor's chair, recommended to President Andrew Jackson that Read fill the post of brigadier

5. Tallahassee, *Florida Watchman*, May 19, 1838.

6. John K. Mahon, *History of the Second Seminole War, 1835-1842* (Gainesville, 1967), 153.

7. For Read's early career in the Second Seminole War, see Tallahassee *Floridian*, January 9, 16, February 6, 13, 1836; Mahon, *Second Seminole War*, 153-62.

8. Tallahassee *Floridian*, April 23, 30, May 7, 21, 28, June 4, 11, 18, 1836; Richard K. Call to Lewis Cass, June 1, 1836, Governors Office, Letterbooks, 1836-1909, RG 101, ser. 32, vol. 1, not paginated, Florida State Archives, Tallahassee.

9. Baltimore *Chronicle*, quoted in St. Augustine *Florida Herald*, July 9, 1836; *ibid.*, May 19, 1836; Tallahassee *Floridian*, June 25, December 31, 1836; Mahon, *Second Seminole War*, 159-67.

general of the Florida militia. Read's strong political views were indicated in a letter from outgoing Governor John Eaton to President Jackson. Eaton warned Jackson that, as a "nullifier," Read was a potentially dangerous man to place at the head of the militia.<sup>10</sup> But Jackson ignored this advice and selected Read anyway.

While still in the militia, Read announced his candidacy to become Florida's delegate to Congress.<sup>11</sup> His brief but successful military career made him an attractive candidate. He also made a good account of himself on the campaign trail. On April 22, 1837, after hearing Read deliver a speech in Apalachicola, the editor of the Apalachicola *Gazette* remarked that Read appeared a "gentleman of highly polished manners, courteous and affable address, and possess[ed] talents and acquirements of the most respectable order." But Read also had his detractors. In a letter to the editor, a citizen of Leon County not only endorsed Read's opponent, Charles Downing, but also contended that Read was unfit for political office. General Read possessed neither oratorical skill, nor "sound judgement." Indeed, in all areas necessary for the successful makeup of a statesman, he was "rather below mediocrity."<sup>12</sup>

Read lost the congressional delegate race to Downing, but the next year he won a seat to represent Leon County at the Florida Constitutional Convention held at St. Joseph. Paradoxically, Read supported a measure calling for the disfranchisement of all those involved in duels— a curious stand when Read's background is considered. Whether Read acted out of deference to David Levy, the Democratic leader who championed the proposal, or out of a sincere belief that dueling should be outlawed is not known. Though the measure did not carry, a slightly altered version of the proposal was adopted in the final draft of the constitution.<sup>13</sup> By far the most volatile issue addressed at the convention was territorial banking policy. The Demo-

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10. Governor Eaton to the President, April 10, 1836, in Clarence Carter, ed., *Territorial Papers of the United States: Territory of Florida*, 26 vols. (Washington, DC, 1934-1962), XXV, 269.

11. Tallahassee *Floridian*, February 25, 1837.

12. Peter Parly, "To the Voters of the Middle District," *ibid.*, April 15, 1837.

13. Arthur Thompson, *Jacksonian Democracy on the Florida Frontier*, University of Florida Monographs, Social Science 9 (Winter 1961), 13; Dorothy Dodd, *Florida Becomes a State* (Tallahassee, 1945), 54, 210-11, 226-27, 316.

crats clearly won the day on this score.<sup>14</sup> And Leigh Read was their new rising star.

The end of the convention marked the beginning of a spirited struggle between the probank Whigs and the antibank Democrats. The antibank faction emerged from the convention a well-organized force in the territory. The Democrats were determined to unseat the Whigs and use their mandate to alter the territory's banking system. The Leon County Democrats put all their efforts into the upcoming Legislative Council election to be held in the fall of 1839. On August 24, they nominated a slate of candidates.<sup>15</sup> Despite the presence of other candidates in the field, citizens in the area focused their main attention on the two most outspoken campaigners— Leigh Read, representing the Democrats, and Dr. William Tradewell, representing the Whigs. One historian, in a study of the emergence of the Democratic party on the Florida frontier, has labeled the 1839 elections as the “first partisan campaign for the Council.” The Democrats blamed Florida's bad economic condition on Whig banking policies. Democratic attempts to equate the Whigs with a privileged aristocracy “aroused both concern and scorn.”<sup>16</sup> If the campaign was partisan throughout the territory, it also was one of the dirtiest in Leon County history. Each party hurled irresponsible accusations at the opposition. The Leon County race began as an election filled with important political concerns, but degenerated into a bitter campaign in which factions dominated by personalities superseded real issues.

Among all Whig leaders who spoke out against Leigh Read and the Democrats, one man, Augustus Alston, emerged as the most vehement. Alston, a director of the Union Bank of Florida, had come to Florida about 1830 from Hancock County, Georgia, with his father, mother, sisters, and fiery older brother Willis. Like many of the other migrants, the Alstons left successful farms in Georgia with the hope of acquiring even richer cotton lands in Florida. They settled near Lake Miccosukee where they built a large plantation, known throughout the area as “Ingleside,” and quickly became successful.

14. Thompson, *Jacksonian Democracy*, 15; Herbert J. Doherty, *The Whigs of Florida, 1845-1854*, University of Florida Monographs, Social Sciences 1 (Winter 1959), 1-17; Dodd, *Florida Becomes a State*, 65-66, 334-36.

15. St. Augustine *Florida Herald and Southern Democrat*, September 12, 1839.

16. Thompson, *Jacksonian Democracy*, 18.

Like Read, both Alston brothers served in the territorial militia: Willis as assistant quartermaster and Augustus as colonel. Despite his repeated efforts, Willis's violent personality prevented him from making meaningful advancement in Leon County. After his wife's death in 1835, Willis was frequently on the move. From 1835 to 1841, he divided his time between Middle Florida and Texas, where he had substantial land holdings. The Alstons became well known for their prowess with firearms; both brothers frequently fought duels. Rumors circulated that Willis had killed a Georgia state official, and Augustus had only just recovered from a well-publicized duel fought in the summer of 1837 with fellow bank director George T. Ward.<sup>17</sup>

Day by day the campaign between Read and Tradewell grew more intense. The conservative Whigs realized that the Democrats were trying to cast the struggle in economic terms: a struggle of rich against poor, of aristocracy against democracy. The Whigs reacted to the Loco-Foco menace with contempt. They responded with outbursts like the following: "We are to have a Social Democracy! . . . Men of education, throw open your doors and your hearts to the illiterate, boorish and savage. Men of taste and refinement consort indiscriminately with the vulgar—men of morals with profane; men of sense with the Block-heads."<sup>18</sup> Likewise, the Democrats countered with a series of emotional attacks. On October 5, 1839, about a month before the election, the campaign exploded when Read, during a speech at St. Marks, fired a series of accusations at Tradewell. Hearing of these insults, Tradewell demanded an apology, and when none was offered, he challenged Read to a duel. Perhaps because of his stand on dueling at the Constitutional Convention, Read ignored the challenge. For his refusal to respond, Read received persistent taunts from the Whigs.<sup>19</sup>

During the next two months, Dr. James H. Randolph and Augustus Alston, both prominent Whigs and friends of Tradewell, also challenged Read but were likewise ignored. For refusing to accept their challenges, both men "placarded" Read:

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17. James M. Denham, "Dueling in Territorial Middle Florida" (master's thesis, Florida State University, 1983), 46-74.

18. *Ibid.*, 66.

19. St. Augustine *Florida Herald and Southern Democrat*, December 5, 1839; Tallahassee *Floridian*, December 21, 1839.

Tradewell on October 26, and Randolph on October 29.<sup>20</sup> The language in both these public notices was severe. The object of this placard, Tradewell wrote, "is to inform the public that General Read has declined giving me an apology for the insult offered me at St. Marks. . . . He has refused me satisfaction which as an honorable man, (refusing to apologize) he was bound to give. I therefore pronounce him a Coward and a Scoundrel." Similarly, Randolph held Read up to the scorn and contempt of the community. He described Read as a man "base enough to do an act of injustice, and mean enough to skulk from the consequences."<sup>21</sup> Read remained firm in his refusal to accept their challenges. By early November, however, the campaign had degenerated into a series of riots and armed confrontations between belligerent partisans. Violence was answered by violence. Both sides invoked violence instead of debate and peaceful persuasion.<sup>22</sup>

Read appreciated the public nature of his quarrel with the Whigs. He realized that he had no choice but to act. If he were to retain his standing in this society, he must fight. Read singled out Augustus Alston, whom he labeled the "great BULL DOG" of the party, as the man most responsible for the ensuing difficulties. In "A Card" to the public, Read wrote, "*I am fully, thoroughly, and perfectly satisfied that but for Col. Augustus Alston, I would never have been posted.*"<sup>23</sup> Therefore, on November 24, Read wrote Augustus Alston.

Sir— I have been informed upon good authority that you were on Friday last, again playing the bully in this place, offering to fight me, etc. If you really want a fight, you

20. A "placard" was a notice posted in a conspicuous place such as outside a courthouse, a country store, or a public meeting place. The placard was important in dueling parlance because it was often used to inform the community of some social malfeasance or dishonorable act of the named individual.

21. In 1938, Leon County officials discovered these two placards in the corner of the vault at the courthouse. See Tallahassee *Democrat*, March 25, 1938. Tallahassee *Star of Florida*, quoted in St. Augustine *Florida Herald*, January 9, 1840. For Read's version of these Whig challenges during the course of the campaign, see Leigh Read, "A Card," November ?, 1839, Branch Family Papers, Southern Historical Collection, University of North Carolina, Chapel Hill.

22. Thompson, *Jacksonian Democracy*, 67.

23. Read, "A Card," Branch Papers.

know better than any man in the county, that you have but to ask it in the right sort of way, and your wishes shall be gratified. I cannot, however, consent to be diddled again by a verbal message, or a bully boast. Put down what you want in writing.

I did hope, however, that . . . if you renewed this affair at all, [you would] enable me to carry it over the line and dispose of it in a quiet, gentlemanly sort of way. Your residence is nearer to my plantation than to Tallahassee, and nearer to the Georgia Line than either, but it seems that your favorite stomping ground is the only place on which you can get your courage up to the sticking point. When you intimate your wishes in writing, the terms shall in charity be made to suit your fancy, at least in some respects. You propose nothing, I am informed, except in the following form— ‘Mr. Gaillard and myself will, etc. etc.’ I wish you to be assured that I and myself will always be at the service of both when properly called on.<sup>24</sup>

A few days later, Read challenged Alston, and the latter named Yager rifles at fifteen paces. On the morning of December 12, 1839, Augustus Alston, accompanied by Decimus A. Gaillard, his brother-in-law who acted as his second, and Dr. James Randolph, a surgeon, left Miccosukee and headed toward Mannington. This small, isolated community near the Florida-Georgia line had become a popular dueling site since the ongoing boundary dispute between Florida and Georgia made the prosecution of duelists difficult. Read was attended by a Captain Guyon and a Dr. McCormick. The controversy between Read and Alston was widely followed in Leon County. A large number of partisans traveled to Mannington to witness the affair. Alston, probably because of his superior marksmanship, seemed unafraid. Insisting to his family that all was well, he directed his wife and sisters to prepare a “sumptuous dinner” for him and his friends for their hourly return.<sup>25</sup>

24. St. Augustine *Florida Herald and Southern Democrat*, January 9, 1840.

25. Jerrell Shofner, *History of Jefferson County* (Tallahassee, 1976), 157; Henry E. Palmer, “Physicians of Early Tallahassee,” *Apalachee* 1 (1944), 3; Ellen Call Long, *Florida Breezes: or Florida New and Old* (Jacksonville, 1883; facsimile ed., Gainesville, 1962), 212-13.

The terms of the duel were precise. The principals were to stand at fifteen paces, back to back. At the word "wheel" they were to turn and, during the count of "one, two, three, four," to fire. Instructions also stipulated that the "fight shall continue until both parties are fully satisfied, or are so disabled that he cannot continue it, and his disability to be determined by both surgeons."<sup>26</sup> At the direction of their seconds, the adversaries assumed their back-to-back positions and heard the order, "wheel." Before the third count, Alston, apparently in overconfident haste, slipped as he fired. His rifle ball ripped harmlessly through the oaks behind Read. With his fate sealed, Alston clutched his rifle close to his heart while Read faced him. Read took careful aim and sent a ball through Alston's chest. Alston died instantly.

Later Read defended his killing of Alston on the following grounds: First, Alston demanded that the duel take place within twenty-four hours after the settlement of the preliminaries— a demand that prevented Read from securing his preferred seconds. Second, Alston chose Yager rifles at fifteen paces, knowing full well "I was in principle opposed to the rifle, and that my right wrist has been so disabled that I could not fight with that weapon with any prospect of success. He on the contrary was a first rate shot." Finally, Read asserted that the rules stipulated that the duel would continue until "both surgeons" certify that one of the parties was so disabled that the duel could not continue. Alston's surgeon was Dr. James Randolph. He, Read reminded his critics, was a "party to the quarrel, and one of the authors of it. My friends objected to both the article and the surgeon; but they would yield nothing, and there was no course left for me but to kill him if I could."<sup>27</sup>

Read killed Alston within the exact rules of the encounter. Yet given the makeup and lifestyle of the Alston family, few believed they would let the affair die with their brother. According to legend, the Alston sisters cut out the bullet from Augustus's body and sent it to their brother Willis in Texas to be used on Read.<sup>28</sup> Whether the macabre act occurred or not, when Wil-

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26. Leigh Read to General T. S. Brown, December 20, 1839, in *St. Augustine Florida Herald and Southern Democrat*, May 7, 1841.

27. *Ibid.*

28. Long, *Florida Breezes*, 213.

lis heard of his brother's death, he returned immediately to Tallahassee to inquire into the exact circumstances of the killing.

Meanwhile, it was learned that Read's campaign had been successful. In the brief time between the duel and opening of the legislative session, citizens in Tallahassee speculated on what the next few weeks would bring. On December 17, five days after the duel, local Whigs gathered at Tallahassee's City Hotel. They took "into consideration the affecting circumstances" of Alston's death. Seven resolutions were passed lamenting the loss of his honorable life. Resolutions decrying the resort to violence to settle differences were conspicuously absent.<sup>29</sup>

Read's political stock was never higher. On January 1, 1840, six days before the legislative session began (possibly as tacit approval of his duel with Alston), Read was selected chairman of Leon County's Democratic party.<sup>30</sup> Over the next several weeks, a number of concerned citizens asked Read how he could reconcile his position on dueling at the St. Joseph convention and his affair with Alston. For Read, the demands of honor outweighed all legal considerations. He defended his duel with Alston by invoking the age-old dictum that necessity knows no law. "I have done my utmost to adjust my views and feelings to the new Constitution, but I could not get over a fight in this case," he replied.<sup>31</sup> This, indeed, was the problem. Read knew his duel with Alston was illegal, yet public opinion outweighed all legal and moral implications of the act. As a brigadier general in the territorial militia, Read realized that further avoidance of the dueling ground would have suggested cowardice. Not to fight would have jeopardized his troops' loyalty.

But Read's duel with Alston solved nothing. It only further exacerbated hostility between both parties. Now even more than before, the territory was hopelessly divided into openly belligerent Whig and Democratic factions. While this political confusion raged, Willis Alston returned to Tallahassee from Texas on the afternoon of January 5, 1840. The legislative session was to begin the next day, and the town was crowded with legislators and other visitors. Nevertheless, Willis Alston was able to secure

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29. Tallahassee *Floridian*, December 21, 1839.

30. *Ibid.*, January 4, 1840.

31. Read to Brown, December 20, 1839, in St. Augustine *Florida Herald and Southern Democrat*, January 9, 1840; *ibid.*, May 7, 1841.

lodging in Tallahassee's City Hotel. Read was also present there. As the guests were being seated for supper, a violent encounter erupted between Alston and Read. According to one witness, both men recognized one another and "hostile glance[s]" were exchanged. Alston drew a pistol and fired, hitting Read in the side. Though temporarily dazed, Read chased Alston toward the door with a cane and pistol, firing at Alston and wounding him in the hand. Then as the weakened Read fell into the hands of his friends, Alston returned, stabbed Read severely in the abdomen with a bowie knife, and fled.<sup>32</sup>

Immediately following the assault, Samuel S. Sibley and Turbott Betton, both justices of the peace and witnesses to the fight, issued warrants for Alston's arrest. That same evening, with the town in an uproar, newly appointed Governor Robert Raymond Reid summoned both a federal army force and the local militia to help capture Alston, but to no effect.<sup>33</sup> In the subsequent weeks, Alston successfully eluded all efforts to bring him to justice.

On the day following the Read-Alston encounter, the Legislative Council met, and with the Democrats in the majority, the body selected the critically wounded Read as its speaker. When notified of this honorary gesture, Read immediately penned an expression of gratitude to his Democratic friends. "Gentlemen: I have received with the deepest sensitivity, a communication from the committee of your body, informing me that I had been elected by you, your presiding officer. Under any circumstances, to have received such a token of the respect and confidence of my fellow citizens, would have been to me a source of gratification and pride, but under the particular circumstances in which I am placed, I can not find the terms adequate to the expression of my grateful emotions. Although I am prevented by the state of my wounds from accepting the high trust your favorable regard has assigned me . . . the expression of your confidence in myself will be to me a subject of unceasing grateful recollection."

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32. "Correspondence of the News," in *St. Augustine News*, January 24, 1840; *Tallahassee Floridian*, January 11, 1840; *St. Joseph Times*, January 22, 1840; *St. Augustine Florida Herald and Southern Democrat*, January 30, 1840; *Fernandina Florida Mirror*, March 29, 1879.

33. Erasmus D. Bullock to Governor Reid, January 5, 1840, Carter, *Territorial Papers*, XXVI, 47.

tion.<sup>34</sup> Reads phrase “under the particular circumstances in which I am placed” meant that he realized the duel and subsequent events had not made him a political liability, and he was grateful.

Read’s supporters were relieved to learn that his wounds, though serious, were not mortal. Governor Reid, a political ally, wrote Read that he was comforted in the belief that “God in his mercy has again saved your life, and we may humbly infer that there is some happy destiny in store for you, which may not be defeated by malice and assassination.” Governor Reid promised to visit Read when “a free conversation might [not] agitate or injure” him.<sup>35</sup> Remarkably, after a month of convalescence, Read had recovered enough to attend the last few meetings of the Legislative Council. Meanwhile, Willis Alston waited for another opportunity to murder Read. If Alston were desperate, so was Read. Read could never drop his vigil and traveled about heavily armed, always in constant readiness. Throughout the session he carried a weapon, even on the House floor.

On January 12, just seven days after Read’s assault, an obviously disturbed Governor Reid addressed the Legislative Council. Prohibitions against dueling were inadequate. The governor admonished the legislators to amend existing laws with “a care commensurate with the known evasions of all statutory regulations upon this subject.” Dueling had no place in a civilized society. “The experiences of every day shows,” he said, “that all its influences are evil; it ministers to bad passions; exults in bloody triumph over the laws of the land and entails unspeakable distress upon hapless widows and innocent children.” In closing, the governor referred specifically to the outrageous incident perpetrated during the past week. “The outrage recently committed upon the whole community and upon the person of the gentlemen who was subsequently honored by the House of Representatives, in his appointment to the chair of that body, cannot be too much deplored; as also, the fact, that the offender has not been arrested, and brought to answer to the laws for their signal violations. Is it to be tolerated, that in this country, and at this time of day; resort is had to the most atrocious

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34. Tallahassee *Floridian*, January 11, 1840.

35. Robert Raymond Reid to Read, January 9, 1840, Branch Papers.

weapons, and the revenger, lifts his 'red right arm' in defiance of all authority both human and divine?" Reid declared that "public indignation as well as the law" must be relied upon to "bring the community back to the paths of peace and good order."<sup>36</sup>

In response to Governor Reid's call, several members of the Legislative Council sponsored another antidueling bill. The effort was altogether preposterous. The bill proposed to disfranchise anyone involved in a duel. If anyone was killed in the duel, all survivors were to be hanged and their heirs would be compelled to pay the debts of the deceased plus, if applicable, a pension to his surviving widow. The bill never passed. Editor Samuel Sibley of the Democratically aligned Tallahassee *Floridian* labeled the bill "the most ridiculous tissue of crudities and fudgeries ever sanctioned by a grave legislative body." Legal enactments alone were insufficient. "Preventatives can only be found in the moral influence of enlightened public opinion. That is the only corrective, because for those who uphold dueling, laws are of course useless."<sup>37</sup> Sibley realized that the tradition was beyond the law, embedded in the minds of individuals as an honorable remedy against insult. Unless people changed their values, laws to prohibit dueling would be futile.

What Sibley should have said was that the territory already had laws on the books that, if enforced equally against all offenders, would have discouraged dueling. The criminal code of 1829 and 1832 contained tough provisions against the practice but were continually evaded by those with power and influence. Until the public censured those who chose not to abide by the law, little could be expected from any new laws.

Read's crowning moment as a Democratic leader came during the final days of the legislative session. On March 3, the Democratic party caucus selected him chairman.<sup>38</sup> Upon adjournment of the Council, Read proceeded at once to St. Augustine as a commissioner to examine the books of the St. Augustine Life and Trust Bank.<sup>39</sup> When Read returned to Tallahassee, he learned that he had been put in command of a special unit of

36. Robert Reid, "Message to the Legislative Council," January 12, 1840; Florida, *House Journal* (1840), 16.

37. Tallahassee *Floridian*, February 22, 1840.

38. *Ibid.*, March 7, 1840.

39. St. Augustine *Florida Herald and Southern Democrat*, April 9, 1840.

1,500 volunteers, ordered to protect settlements west of the Suwannee River.<sup>40</sup> Then on May 22, 1840, President Martin Van Buren appointed Read United States Marshal for the Middle District of Florida. These appointments came shortly before the presidential election of 1840 that pitted Van Buren against the Whig candidate, William Henry Harrison. The selection of the Democrat Read as marshal was another blow to the Whigs who hoped their man, Deputy Minor Walker, would fill the vacancy.<sup>41</sup> Former Governor William P. Duval complained to a friend in Congress that Read's appointment was a blatant political maneuver by the Van Buren administration calculated to gain the confidence of John Branch, Read's father-in-law, so that the old Tarheel would help sway North Carolina in Van Buren's favor. Duval also had serious doubts about Read's ability to serve impartially in such a time of political instability. Read was a "man of violent passions and prejudices," and worse, was a "professed Duelisto [sic] who had been engaged in some of the most bloody and savage contests that ever occurred in any country." Moreover, Read's appointment, Duval contended, "united . . . civil power & the military . . . in the same individual" – something that should never be done "except in the case of the president and governors of states & Territories."<sup>42</sup>

On April 3, 1840, just as Read was assuming his new military duties, newly appointed federal Judge Alfred Balch wrote Van Buren that the "condition of this territory is deplorable. The leading men are divided into bitter parties and violence is the order of the day. Heretofore the Banking influence has been predominant, but now the most determined resistance is made to it and in fact it is tottering to its very foundations as well it may since the paper of the Union Bank here is 25 per cent below Virginia paper and Virginia paper is 8 per cent below specie." The situation in the capital was extremely tense because the Legislative Council's banking committee had made an unfavorable report on Florida's banking system and recommended its dismantlement.<sup>43</sup>

40. St. Augustine News, August 14, 1840.

41. Recommendation of Minor Walker as United States Marshal, February 2, 1841, Carter, *Territorial Papers*, XXVI, 252-54.

42. William P. Duval to B. Penrose, February 19, 1841, *ibid.*, 272-73.

43. Judge Balch to the President, April 3, 1840, *ibid.*, 128-29; Thompson, *Jacksonian Democracy*, 27-28.

From March 1840 until April 1841, when his volunteer unit was disbanded, Read concentrated on his duties as brigadier general. Read's critics charged that "General Humbug" and his "Sedentary Infantry" were more interested in advancing Read's political career than they were in moving against the Seminoles.<sup>44</sup> Meanwhile, Read was neglecting his duties as United States Marshal. His only official act was to force Willis Alston to find sureties and take out a peace bond, swearing that he would not attempt to "avenge" his brother's death.<sup>45</sup>

Alston returned to Tallahassee in June 1840, and soon after his arrival, he wrote the governor, complaining that Reid's reference to him in the January address had done him grave injustice. Remarkably, Reid answered Alston in written form, but the fugitive's refusal to accept the letter ended the correspondence.<sup>46</sup> Evidence suggests that Alston even threatened Reid with physical abuse. On March 13, 1840, the *St. Augustine News* reported, perhaps jokingly, that Alston had threatened to cut off Reid's ears. In this highly agitated political atmosphere, charges and countercharges were exchanged between Read, Alston, and their supporters. Robert Alston, the fugitive's father, maintained that since the fight at the City Hotel, Read and other "high public functionaries [of his party] instead of honestly performing their duties, have prostituted the power and influence of their offices for the purpose of private revenge." The Van Buren administration had placed "executive civil power in the hands of a military chieftain— giving him the means of coercing the courts and jurors, forcing convictions and decisions, and carrying them into effect by a hired soldiery." Worst of all, Robert Alston published an affidavit to prove that at the same time Read had forced his son to take out a peace bond, he was plotting to have Willis assassinated.<sup>47</sup>

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44. *St. Augustine News*, January 1, 8, 15, 22, August 28, 1840.

45. Bond of Willis Alston, R. W. Alston, Minor Walker, and Thomas Brown, August 28, 1840, Document A and C in "To the Public" [Statement of R. W. Alston] in *Tallahassee Star of Florida*, September 29, 1840, quoted in *St. Augustine News*, October 23, 1840.

46. Warren G. Foracker, "The Administration of Robert Raymond Reid" (master's thesis, Florida State University, 1949), 118; *Apalachicola Advocate*, August 15, 1840.

47. Affidavit of Augustus Archer before Joshua McCan, justice of the peace of Thomas County, Georgia, September 1, 1840, Document C in "To the Public," quoted in *St. Augustine News*, October 23, 1840. Archer later

Alston remained in the Tallahassee community, and with the help of his friends, evaded attempts to bring him to justice. His boisterous activities contributed to the constant civil disorder throughout the summer of 1840. Alston, it was soon learned, even planned to run for a seat in the Legislative Council.<sup>48</sup>

When Florida Democrats learned of William Henry Harrison's election as president, most expected that the new Whig administration would replace all key federal appointees. They were not disappointed. Richard Keith Call replaced Robert R. Reid as governor, and Minor Walker replaced Leigh Read as United States Marshal for the Middle District. Then, on April 26, 1841, what seemed inevitable finally occurred—Willis Alston murdered Leigh Read. There are several versions of how Read's murder was carried out, each reflecting the partisan character that by now the Alston-Read affair had assumed. According to the account set forth by Colonel Robert Williams, Reads brother-in-law, Alston ambushed Read as he and Minor Walker walked down Monroe Street toward the courthouse. Read and Walker's purpose was to transfer official papers so that Walker could be sworn in as marshal. As the two made their way toward the courthouse, Willis Alston secretly positioned himself in the house of Michael Ledwith, a business associate. As Walker and Read passed by, Alston stepped out of the shadows and opened fire on Read, only a few yards away, with a double-barreled shotgun loaded with slugs and pistol bullets.<sup>49</sup> Read received the

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denied the veracity of this affidavit, stating that Alston's friends had forced him to sign the prepared statement under threat of his life. Archer further swore that on a number of occasions Alston and "several distinguished leaders of the [Bank] Party" had pledged "money" and "negroes" if he would assassinate Read. On one occasion, Willis Alston himself had "exhibit[ed] his Pocket Book, containing large rolls of Union Bank bills." Statement of Augustus Archer, November 25, 1840, Branch Papers.

48. Denham, "Duelling in Territorial Middle Florida," 83-89.

49. Union Bank president John G. Gamble, in a letter to President John Tyler, bitterly challenged this account of the murder since it suggested that his friend Minor Walker had forewarned Alston and therefore had led Read into a trap. Gamble cited evidence to prove that Walker was not in town at the time of the killing. Gamble, however, offered no other account in its place. See John G. Gamble to the President, June 9, 1841, Carter, *Territorial Papers*, XXVI, 330-34. On May 22, 1841, Secretary of State Daniel Webster informed Walker that "the murder of General Read at Tallahassee, apparently perpetrated with so much deliberation of purpose, is calculated to produce very strong excitement. The President is not disposed at the moment, to form any unfavorable opinion of your conduct, or of the

full brunt of both blasts. A number of bystanders dragged Read into Joseph Branch's law office, but Alston's assault was lethal. Read died early the next morning.<sup>50</sup>

After giving himself up, Alston stayed in jail for two months awaiting trial. Due to the help of prominent friends, combined with an absence of strong federal authority, Alston was released on bail.<sup>51</sup> He fled to Texas and within a year became involved in another bloody encounter with an influential citizen in the

conduct of those who appear to be among your friends; but he thinks it absolutely indispensable, that the trial of the accused should be conducted in such a manner as to leave no possible ground of suspicion in the public mind that justice will have its due course." Secretary of State to Minor Walker, May 22, 1841, *ibid.*, 314. For Judge Richard C. Allen's account of the affair, see Judge Allen to Minor Walker, June 10, 1841, *ibid.*, 336-38. The president appointed John Camp in Walker's place.

50. Inquest Over the Body of Leigh Read, April 27, 1841, Miscellaneous Territorial Papers, MS 148, Dorothy Dodd Room, Florida State Library, Tallahassee; Tallahassee *Floridian*, May 1, 1841; St. Augustine *Florida Herald and Southern Democrat*, May 7, 1841; St. Augustine *News*, May 13, 1841; New Orleans *Picayune*, May 8, 1841.
51. Judge Richard C. Allen had continually denied Alston bail, but in his and the district attorney's absence, three justices of the peace granted Alston bail on June 5. John G. Camp to the Secretary of State, June 7, 1841, Carter, *Territorial Papers*, XXVI, 327-29. In an effort to defend themselves against what the Tallahassee *Floridian* on June 12, 1841, called "one of the greatest outrages in law and justice that ever took place in the United States," the JPs published a number of affidavits to suggest that Alston had merely killed Read in self defense. Read, evidence indicated, had plotted with a number of individuals to have Alston assassinated. "With all these facts before us we thought Willis Alston entitled to bail, and we granted it conscientiously," they contended. [John Lea and David Brown] "To the Public," July 20, 1841, in Tallahassee *Star*, quoted in St. Augustine *News*, August 27, 1841. Thomas Hagner was a member of the law firm employed to defend Alston. Writing his father in Washington, he explained that his firm was preparing a plea of self defense. Thomas Hagner to Peter Hagner, May 1, 1841, Peter Hagner Papers, Southern Historical Collection. For Hagner's account of Alston's release on bail, see Thomas Hagner to Peter Hagner, June 14, 1841, *ibid.* When Governor Call learned that the JPs' commissions had expired, he issued a proclamation for the arrest of Willis Alston, June 16, 1841, in Carter, *Territorial Papers*, XXVI, 346; Tallahassee *Floridian*, July 24, 1841; Tallahassee *Star of Florida*, July 14, 1841; St. Augustine *News*, July 23, 1841; St. Augustine *Florida Herald and Southern Democrat*, July 30, 1841. When Alston failed to appear in court on December 27, 1841, a writ of *scire facias* was issued against him and his sureties. Leon County, Minutes of the Superior Court, 1841-1843, book 3, 44, 113. Both Lea and Brown were prosecuted unsuccessfully for "Aiding a Prisoner to Escape." See *ibid.*, 528-29. For more on the confused aftermath of Read's murder, see Denham, "Dueling in Territorial Middle Florida," 92-102.

community of Brazoria. The controversy began when Dr. John McNeil Stewart, reputedly a native of Tallahassee and friend of Leigh Read, began speaking out against the killer and calling for his arrest and removal from the Republic of Texas. Once he was apprised of Stewart's activities, Alston sought out Stewart and demanded an explanation. When Alston confronted Stewart about a mile from Brazoria, ensuing gunfire left Stewart dead and Alston severely wounded. Alston was taken into custody, and a magistrate jailed him to await the meeting of a grand jury. That same evening an angry mob overpowered the sheriff, took Alston out of the jail, and shot him.<sup>52</sup>

With Alston's departure from Florida, events moved quickly toward the prosecution of Michael Ledwith as an accomplice in Read's murder. In such a highly charged atmosphere, many doubted that Ledwith could obtain a fair trial. Nevertheless, the trial proceeded, and Ledwith was convicted to hang on March 18, 1842.<sup>53</sup> But in a highly controversial move, Governor Call pardoned Ledwith. This action caused bitter protests against Call, especially from Read's father-in-law, John Branch, who charged that Call was somehow involved in a conspiracy and had pardoned Ledwith to silence him. The Whigs responded to Branch's charges by claiming that he had gone insane.<sup>54</sup>

The news of Alston's death and Ledwith's close brush with the gallows had a sobering effect on Tallahassee. The Read-Alston affair and its bloody aftermath ended dueling in Middle Florida. The tragic event, along with its final ramifications, had

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52. *Austin Daily Bulletin*, December 22, 31, 1841; *Washington National Intelligencer*, January 12, 1842; "Troubles in Brazoria County," *Austin Daily Texan*, January 13, 1842; *St. Augustine Florida Herald and Southern Democrat*, January 21, February 11, 1842; *St. Augustine News*, January 22, February 12, 1842.
  53. Ledwith was indicted in December 1841. The lengthy trial called over eighteen witnesses, and the jury required more than two weeks to reach a verdict of guilty. See Leon County, *Minutes of the Superior Court, 1841-1843*, book 3, 113, 265, 336. Tallahassee *Florida Sentinel*, February 18, 1842; Tallahassee *Star of Florida*, February 19, 1842; *St. Augustine News*, March 5, 1842; Judge Douglas to the Secretary of State, February 12, 1842, Carter, *Territorial Papers*, XXVI, 434-35.
  54. Proclamation of Pardon of Michael Ledwith, March 11, 1842, Office of the Governor, Letterbooks, 1836-1909, RG 101, ser. 32, vol. 2, no pagination, Florida State Archives; [John Branch] "To Richard K. Call, Governor of the Territory of Florida," in Tallahassee *Floridian*, April 2, 1842. For the Whig response, see Tallahassee *Star of Florida*, March 17, 24, 31, April 7, 14, 21, 1842.

a marked influence on the leading citizens in the region. The public was shocked by the civil disorder and violence in their community. Numerous editorials revealed sharply altered sentiments. To fight a duel was no longer heroic; personal vendettas were insane, not valiant; and the finality of death was irreversible. The public reaction against dueling was enough of a deterrent to dissuade gentlemen from resorting to the field of honor in settling disputes with their peers. In the three remaining years, 1842-1845, before Florida became a state, the advice of community leaders who had always spoken out against dueling began to have a moderating influence on public opinion. In addition, strong, impartial judicial leadership enhanced public respect for the law. The public began showing signs that they were determined not to tolerate such barbarous behavior.

After Reads tragic death, a number of concerned Floridians called for legislative enactments to end what Peter Gautier of the *St. Joseph Times* called the "Florida fever for duelling." But in the end, it was enlightened public opinion as voiced by Florida's editorial fraternity that had the greatest impact. In response to the Read-Alston duel, editor Gautier decried, thus "another dark and bloody page is added to the domestic history of Florida. Is there no path to honor—no stepping stone to ambition but that which leads over the dead body of the fallen duelist? Is there not atonement for private wrongs, but in single combat?" Would that "public appetite, ever seeking for excitement and blood," continue to "look on calmly and with no condemnation at these open and repeated violations of the laws of God and of men?"<sup>55</sup> James Gould of the *St. Augustine Florida Herald* also called for an end to dueling. He contended that killing someone in a duel constituted murder, "not in heat, but after cool deliberation." Thus the "duelist may be properly classified with persons guilty of infamous crimes. Civilized society should provide a remedy for the wrongs of all its members; private revenge is attributable to the savage." Let the "insult to our wife; our sister; or our honor . . . be punished by society; and let public disgrace be attached to the bravo's trade."<sup>56</sup> Here it should be noted that ultrapartisan journalism had been par-

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55. *St. Joseph Times*, quoted in *Pensacola Gazette*, December 21, 1839.

56. *St. Augustine Florida Herald and Southern Democrat*, April 11, 1839.

tially responsible for the high-charged atmosphere that had inspired continued outbreaks of political violence. But an articulate Florida press should also be credited with leading public opinion in the direction of reform. As if they finally realized the power of their pen, Samuel Sibley, Gautier, Gould, and others restrained the passionate partisanship that had instigated so much violence and hard feelings.

Although the Whig-Democrat struggle continued for several more years, each faction diluted the venom of their political messages. Volatile political issues were addressed in a much more responsible manner. Guns and knives remained as arbiters, but their respectability was gone forever. In the short time following Read's murder, violence remained prevalent. But it was clear that the institution of dueling had lost its silent approval and its covert popularity.