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NEGOTIATING FREEDOM IN ST. JOHNS COUNTY, FLORIDA, 1812-1862

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To the victims of abortion

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ABSTRACT

This dissertation examines the agency of African Americans in crafting race relations in St. Augustine, Florida, and its vicinity in the antebellum era. Citing Spanish cultural influences as a major causal factor, historians have traditionally characterized those relations as relatively tolerant by the standards of both Florida and the old South as a whole. The focus is the half-century before the Union capture of St. Augustine in 1862. The dissertation devotes particular attention to the impact of African American memories of the Patriot War of 1812-1813, and to black resistance to the imposition of an American-style slave society upon a formerly Spanish society with slaves. The study utilizes numerous, previously-unknown records of Patriot War claims in the National Archives to assess the effect of these memories on African American life in antebellum St. Johns County, including African American participation in the Second Seminole War (1835-1842) and the Civil War.

Examining another group of underutilized documents, records of the City of St. Augustine, the study explores the influence of African American oral traditions on resistance to the slave society. The dissertation also taps other little-used sources, Catholic parish registries, to determine how African Americans continued to exploit the institutions of compadrazgo (godparenthood) and sacramental marriage that they had previously taken advantage of under Spanish rule. Employing these and other documents, the study investigates the survival of coartación (self-purchase), another Spanish-era institution that antebellum blacks harnessed in negotiating their freedom.

The growing constrictions of the American slave society impelled many talented, ambitious African Americans to migrate from St. Johns County, east to Liberia, north

to Philadelphia and New York, south to Key West and the Caribbean, and west to California and Washington Territory. This migration, like the acquisition of land in Florida and elsewhere--not to mention the bequeathing of this land to heirs and the education of those heirs, demonstrated African American optimism and the determination to succeed despite the efforts of white Floridians to marginalize blacks.

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PREFACE

This dissertation is a study of one group of African Americans who struggled to “make it” in an ethnically diverse slave-owning community. It is about agency, memory, and what one historian has called the “hidden transcript of resistance” by oppressed people. It seeks to retrieve “previously suppressed versions of the past” by illuminating interior worlds of the “Inarticulate.”¹ The locus is St. Johns County, Florida, the time the half-century prior to the American Civil War. That half-century began with the first American intrusion into Spanish East Florida in the so-called Patriot War of 1812-1813, and ended with the collapse of slavery following the capture of St. Augustine by Union forces in 1862. My subjects are free people of African descent in the broad sense of the term “free,” that is, not just those who were legally free, but all those who resisted the constraints of legal bondage and otherwise asserted varying degrees of control over themselves and their circumstances. In antebellum St. Johns County, the line demarking freedom and servitude was blurred and fluid, especially during the first decades after 1812.

Historians have long attributed the relatively flexible system of race relations in antebellum East Florida to the area’s Spanish heritage.² While acknowledging the

¹ Gregg D. Kimball, “African, American, and Virginian: The Shaping of Black Memory in Antebellum Virginia, 1790-1860,” and W. Fitzhugh Brundage, “No Deed but Memory,” in Where These Memories Grow: History, Memory, and Southern Identity, ed. W. Fitzhugh Brundage (Chapel Hill: University of North Carolina Press, 2000), 58, 22; Lee H. Warner, Free Men of Color in An Age of Servitude: Three Generations of a Black Family (Lexington: University of Kentucky Press, 1992), 1.

² For examples see William W. Dewhurst, The History of St. Augustine, Florida (New York: G.P. Putnam’s Sons, 1885; reprint, Rutland, Vermont: Academy Books, 1968), 149; David Y. Thomas, “The Free Negro in Florida before 1865,” South Atlantic Quarterly 10 (October 1911): 336; Thomas Graham, The Awakening of St. Augustine: The Anderson Family and the Oldest City, 1821-1924 (St. Augustine: St. Augustine Historical Society, 1978), 19-21; David R. Colburn, Racial Change and Community Crisis: St. Augustine, Florida, 1877-1980, Contemporary American History Series, ed. William E.

importance of that heritage, this study gives more than the usual emphasis to the role of African American agency in exploiting the limited opportunities that heritage permitted. In other words, remnants of Spanish rule presented blacks with institutions and customs that talented, ambitious and fortunate individuals might and did exploit. In doing so, they drew especially upon memories of lived experiences and cultural resources of their own.

“Slavery, though imposed and maintained by violence,” Ira Berlin has noted, was a “negotiated relationship.” That was certainly the case in St. Johns County, and the “negotiators” included free blacks as well as slaves. As Berlin has also noted, Spanish Florida, unlike British South Carolina and Georgia, never made the transition from a “society with slaves,” in which bondspersons were “marginal to the central productive processes,” to a “slave society,” in which “slavery stood at the center of economic production.” Once the United States acquired Florida in 1821, however, that transition commenced, and the resulting struggle became the focal point of the history of African Americans in Florida. East Florida, it must be noted, was outside the plantation belt, and African Americans there succeeded in following the role Berlin ascribed to “Atlantic Creoles.” That is, they mastered the art of cultural brokerage in an environment conducive to at least limited success, thus taking advantage of their time and place and distinctive cultural environment. This continued a pattern developed in the Spanish period, during which black East Floridians matched the profile, noted by

Leuchtenburg (New York: Columbia University Press, 1985), 17-18; Daniel L. Schafer, “‘A Class of People Neither Freemen Nor Slaves’: From Spanish to American Race Relations in Florida, 1821-1861,” *Journal of Social History* 26 (Spring 1993): 587-609; and Larry Eugene Rivers, *Slavery in Florida: Territorial Days to Emancipation* (Gainesville: University Press of Florida, 2000), 1-2, 15, 68-70.

Jane Landers as well as Ira Berlin, of a people of ‘linguistic dexterity, cultural plasticity, and social agility.’³

This study suggests that that profile continued well into the American period and never entirely disappeared. The profile persisted because the Atlantic Creole mentality endured, sustained in large part by memory, agency and experience. In that experience, nothing was more important than the role blacks played in the Patriot War, the memories of which kept alive a determination to resist the imposition of American forms of slavery.

The area that now falls within St. Johns County prospered in 1812. Although racial prejudice and its consequences were not absent, persons of color aspired to and could in fact live lives of dignity, security, and prosperity. Free blacks, many of them fugitives from American plantations, formed a major talent pool. Some of the enslaved were in the process of purchasing the freedom of themselves and loved ones. Others were the offspring and heirs of well-off and influential white fathers. Collectively, they were indispensable to the functioning of the social order.⁴

The dislocations of the Patriot War and the collapse of Spanish authority between 1812 and 1821 winnowed this population. Many fled to Cuba or elsewhere, but others opted to remain and take their chances in the new American order, confident of their

³ Ira Berlin, Many Thousands Gone: The First Two Centuries of Slavery in North America (Cambridge: Harvard University Press, 1998), 8, 12, 17, 306; and Jane G. Landers, “Introduction,” in Colonial Plantations and Economy in Florida, ed. Jane G. Landers (Gainesville: University Press of Florida, 2000), 6.

⁴ Jane L. Landers, “Traditions of African American Freedom and Community in Spanish Colonial Florida,” in The African American Heritage of Florida, eds. David R. Colburn and Jane L. Landers (Gainesville: University Press of Florida, 1995), 34-35; and Jane Landers, Black Society in Spanish Florida, with a foreword by Peter Wood, Blacks in the New World, ed. August Meier (Urbana: University of Illinois Press, 1999), 23-60.

ability to turn the risks of political and social transition to their own advantage. Under Spain, they had crafted the boundaries of their liberty; under the Americans they would endeavor to do the same, with what success this study seeks to delineate.

For East Floridians of African descent, war and social upheaval had always been crucibles of assertiveness and advancement. One or the other--or both--of these conditions would be commonplace in the three decades following the American incursion of 1812. The sheer intensity of the resulting experiences made memory the wellspring of group identity and inspiration. Instability presented opportunity to serve the community and in doing so further its own well being, to taste the fruits of mobility, responsibility, and freedom. This study demonstrates that black memories of heroic deeds, including those of self-liberation, fueled black hopes and inspired black activities, among them resistance to whites and to the restraints of slavery throughout the antebellum period. The Second Seminole War (1835-1842), “probably . . . the largest slave uprising in the annals of North American history,”⁵ was an especially notable example of such activity. But that experience merely expanded the record blacks had earlier made in the Patriot War and repeated later in the American Civil War, in which “more than a thousand slaves and free blacks from northeast Florida” fought impressively for the Union.⁶ This martial heritage produced an oral tradition that sustained the fight against oppression throughout the period of this study and beyond.

⁵ Rivers, 219.

⁶ Daniel L. Schafer, “Freedom Was as Close as the River: African Americans and the Civil War in Northeast Florida,” in Colburn and Landers, eds., The African American Heritage of Florida, 157, 175.

This study complements the work of historians who have detailed aspects of the story of antebellum black East Florida and fills a significant gap in that work. “The history of the African American experience in Florida has only recently begun to be examined,” David R. Colburn wrote in 1995, “and it will take at least another generation of historical research and writing to bring citizens of the state and students of Florida history to a reasonably full understanding of the African American contribution.”⁷ This study hopes to accomplish one part of the task Colburn defined.

⁷ Colburn, “Introduction,” in Colburn and Landers, eds., The African American Heritage of Florida, 2-5.

CHAPTER 1 INTRODUCTION

Spanish East Florida attracted blacks from the earliest times. Persons of African descent served in the Spanish military forces there as early as 1580, and were participating in raids against nearby English settlements in the 1670s. Such activities were no doubt known in the English settlements, for in 1687, a party of eleven black runaways from South Carolina, including men, women, and an infant, arrived by stolen canoe in St. Augustine, requesting asylum. Cognizant of European political and religious rivalries, and of the convergence of their own interests with those of the Spaniards, these early fugitives offered themselves for baptism in the Roman Catholic faith. It was such activities as these that moved King Carlos II of Spain in 1693 to proclaim a policy that, in the words of a recent historian, “would shape the geopolitics of the Southeast and the Caribbean for years to come.” The new policy offered religious sanctuary and freedom to slaves who escaped from the British colonies north of Florida.¹

Subsequent to the King’s proclamation, by 1738, the black migrants from Carolina were sufficiently numerous to have their own fortified settlement, Gracia Real de Santa Teresa de Mose, about two miles north of St. Augustine, the presence of which may have helped inspire the famous Stono Rebellion in South Carolina in 1739. During Britain’s temporary rule of East Florida from 1763 to 1784, some Spanish families evacuated to Cuba while others remained. When Britain returned control of

¹ Landers, *Black Society*, 22, 24-25, 33; Mark M. Smith, “Remembering Mary, Shaping Revolt: Reconsidering the Stono Rebellion,” *Journal of Southern History* 67 (August 2001): 517, 534.

the area to Spain, many of the evacuees returned. In the second period of Spanish control, from 1784 to 1821, the now abandoned Mose community became a “favorite spot for large Sunday afternoon oyster roasts.” Though it is uncertain whether any Mose blacks were among the returning settlers, the persistence of memories of black experience during the Patriot War of 1812-13 suggests that the recollections of the free black town would have remained strong after 1784. In any case, the tradition of black military service that went back to the earlier period of Spanish sovereignty continued after 1784. Soldiers of color fought on behalf of the Spaniards in 1795, 1800-1803, 1812-1813, and 1817. Also, East Florida blacks were undoubtedly among the forces that battled Andrew Jackson’s men at the Negro Fort in 1816 and during the First Seminole War in 1817-1818.²

Before the first American invasion of East Florida in 1812, the province was “very prosperous,” its “flourishing” plantations on the St. Johns River “gradually attaining to opulence.” As a consequence of the American economic warfare with Great Britain that culminated in the War of 1812, cotton and lumber brought good prices at the port of Fernandina on Amelia Island. A “high and steady” market in St. Augustine likewise enriched the cultivators of nearby gardens. The herds of cattle ranging in nearby woods and plains were also sources of wealth. Planters utilized the task system, permitting bondsmen to raise and gather their own provisions. Under Spanish law and Roman Catholicism, the social system “tolerated slave mobility, free market

² Landers, Black Society, 24-30, 59, 69, 204, 231-237, 244-246; Patricia C. Griffin, “The Spanish Return: The People-Mix Period 1784-1821,” in The Oldest City: St. Augustine Saga of Survival, ed. Jean Parker Waterbury (St. Augustine, Florida: St. Augustine Historical Society, 1983), 131-133, 148; Rivers, 191-192.

and feast days, and an internal slave economy, and permitted the slaves relatively free cultural expression.” Bondspersons thus “lived in fairly durable families and developed extensive and long-term networks of kin, shipmates, and friends across plantations and in the city.” Flight to the nearby Seminole nation provided a safety valve for those alienated from this society with slaves.³

In 1812, free persons of color living in what is now St. Johns County took advantage of the economic boom, as did their white neighbors. That year at Padan Aram, twenty-five miles northwest of St. Augustine along the eastern bank of the St. Johns River, Scipio Fleming planted five acres of corn, peas, pumpkins, melons, sugar cane, “Indian” potatoes, and “some rice,” as well as “all other kinds of vegetables usually planted in Florida.” Eight or ten hogs, a horse, and a dozen hens roamed Fleming’s small farm. A black friend, Antonio Proctor, later estimated Fleming’s two log houses and shed to have been worth \$200. Good rail fences enclosed seven of the twenty-five acres Fleming had been granted in 1809. Eight years before this grant, while cultivating a plot belonging to another man, the free black Fleming had been carried away by Indians, along with his parents and most of his family. After escaping in 1807, he somehow managed to join the ranks of East Florida landowners. Although his possessions were modest--a boat, two guns, a hoe, an axe, an oven, a few pots, and several pieces of furniture in addition to his land--the

³ Robert Raymond Reid to the Secretary of the Treasury, St. Augustine, 31 August 1836, Records of Letters Sent, Florida Claims 1834-1842, Correspondence, General Records of the Department of the Treasury, Record Group 56, National Archives, College Park, Maryland (hereafter cited as RG 56); Landers, Black Society, 246.

whole of it valued at \$600--Fleming had distanced himself from his earlier dependency upon the patronage of the white Fatio family.⁴

Also in 1812, Prince Witten, a tall, muscular African-born carpenter standing six feet tall, who had fled Georgia as a thirty year-old in 1786, lived along with his wife and two children about ten miles southeast of Fleming's place. Taking advantage of Spanish institutions, Witten had requested sanctuary in East Florida and subsequently had himself baptized and married in the Catholic Church. As a free man, he sponsored numerous blacks for baptism, served in an all-black militia unit, and acquired slaves of his own. His integration into Spanish society was sufficiently complete for him successfully to defend his interests against white opponents before royal tribunals. On the eve of the American incursion in 1812, Witten was cultivating ten acres of corn, sweet potatoes, peas, pumpkins, and "other plantation & garden produce" on land owned by a Minorcan, John Leonardy, on Sweet Water Branch, some fourteen miles north of St. Augustine. At that time, he owned four "milch cows & calves" of his own, as well as three horses and a mule. The total value of his property was a substantial \$1200. After the "last hoeing" of his crops in 1812, sometime in July, Witten cut cedar for export at Twelve Mile Swamp, hauling it to a landing on the branch and rafting the squared logs down North River to town. There he exchanged some of them for merchandise and sold the remainder to John Forbes and Company, which in turn shipped them to New York or England. To assist him in his lumber

⁴ Account No. 99008, Scipio Fleming, Settled Miscellaneous Treasury Accounts, September 6, 1790-September 29, 1894, Office of the First Auditor, Records of the Accounting Officers of the Department of the Treasury, Record Group 217, National Archives, College Park, Maryland (hereafter cited as RG 217).

business, Witten used a cart, chain, and “timber wheels” valued at \$59, and hired as many as twenty black laborers. Like other East Floridians, he strove to make “his fortune, hand over hand, as fast as he could” in the “most profitable employment or labor” in which blacks could engage. It was estimated that the quantity of wood he had on hand in 1812 was worth \$1472.⁵

Two miles nearer St. Augustine, on the west side of the North River, another man of color, Charles Hill, cultivated several fields, one of which belonged to a Minorcan, James Arnau. Hill had himself constructed the buildings on his land at his own expense, and cultivated the usual crops of the country in addition to a small quantity of cotton. He made most of his living, however, from “hauling with his wagon & horses,” since there were “only three engaged in that business at the time.” Farther up the Pablo Road, some six miles north of Prince Witten’s place, another free black, Sancho Davis, and his married son Domingo, worked “Government land” and made extra money in lumbering. Along the same road, “several” other “free negroes,” including John Howley, Abraham Rocho, and Abraham McQueen, leased acreage from Don Antonio Yguínez on which “they fenced in one large field for the whole of them & each one used portions of it.” The individual families also constructed their own fences and buildings. When their lease expired, they retained the right to remove

⁵ Account Nos. 98273-Prince Whilton, 73347-Francisco D. and Peter Pons, 86225-Henry Yonge, RG 217; Landers, Black Society, 77, 87-88, 97, 122, 128, 145-146, 268.

or dispose of the buildings they had erected. Howley and Rocho also cut cedar to supplement their incomes.⁶

South of St. Augustine, at Moses Creek, near the mouth of the Matanzas River, other men of color, among them Isaac Bacchus and John Morell, cultivated small farms and cut timber on land next to the property of Charles W. Clarke, the white patriarch of a mixed-race household. Clarke and his brother, George J.F. Clarke, an important provincial official, landowner, and entrepreneur who also headed a large biracial family, owned adjoining estates on which they employed four free black men in cultivation and other free blacks in lumbering. George Clarke, a free man of color not related to the white Clarkes, also farmed and lumbered in the area on land rented from a Minorcan, Antonio Masters. Toby Herreira, another man of African descent, also farmed in the vicinity, as did another Minorcan, Francisco Pellicer. Herreira planted twenty-five acres in corn, peas, potatoes, and pumpkins, as well as Sea Island cotton, owned a horse, four cows, four breeding sows, a boar, and more than thirty pigs, plus a hundred chickens, ducks, and turkeys. Herreira lived in “comfortable circumstances,” having property worth more than \$3000.⁷

Another member of the St. Johns community was Felipe Edinborough, a native of West Africa, who in 1794 had successfully sued for his freedom from Don Francisco Xavier Sánchez, the wealthy patriarch of two families, one biracial and the other white. Edinborough had prevailed in his suit because of his respectability, community

⁶ Account Nos. 97990-Charles Hill, 98272-Sancho Davis, 98271-Domingo Davis, 89455-John Howley, 99162-Abraham Rocho, 85048-Abraham McQueen, RG 217.

⁷ Account Nos. 94419-Isaac Bacchus, 94421-John Morrell, 98270-George Clarke, 74759-Toby Herreira, 83177-George J.F. Clarke, 94415-Charles Witter Clarke, RG 217.

and church ties, and no doubt, the justness of his cause. By 1812, he had acquired land, “a good garden in town,” two “prime” slaves, and fifty head of cattle. He had built up his wealth through military service, as well as farming and gardening. In addition, he and at least some of his relatives married well. His son-in-law, Benjamin Wiggins, whose sister was Charles W. Clarke’s common-law wife, had inherited property from his white father, Job Wiggins. Benjamin Wiggins worked as a “stock keeper & Pilot to those who traveled the country,” earning \$500-\$600 a year in cattle and cash, plus \$200-\$300 in fees for his services as a guide. Indeed, this mulatto son of an African mother “always had money,” but “he always kept it private & took care not to let any body know what he had.”⁸

These free blacks in rural St. Johns County, most of them free by their own effort and enterprise, inspired pride and hope in their enslaved neighbors. In St. Augustine, Don Francisco Xavier Sánchez had his quadroon sons educated, and enabled three of his quadroon daughters to marry European-born Spaniards in the Catholic Church. One of Sánchez’s quadroon sons, Joseph, wed the quadroon daughter of a prominent local Spanish official. Altogether, each of his six children by María Beatriz Piedra, a free mulatto, later inherited a sixth of his substantial estate.⁹ These and other free people of color necessarily found themselves in client relationships with white patrons, but they worked within this framework of dependency to craft better lives for

⁸ Jane L. Landers, “Black Society in Spanish St. Augustine, 1784-1821” (Ph.D. diss., University of Florida, 1988), 149, 156-157, 171; idem, *Black Society*, 104, 147; Account No. 86844, Philip Edinborough, RG 217; Claim of Benjamin Wiggins, Patriot War Papers & Patriot War Claims, 1812-1846 (hereafter cited as Patriot War Claims), St. Augustine Historical Society Research Library, St. Augustine, Florida (hereafter cited as SAHS).

⁹ “Sitiki, ‘The Story of Uncle Jack’ Draft 2,” Buckingham Smith Papers, Manuscript Division, New York Historical Society, New York, New York (hereafter cited as “Sitiki”); Landers, *Black Society*, 123, 128-129, 151-152.

themselves and their descendants. There are numerous variations in surviving records of the patterns revealed in the above examples of the lives of free blacks in East Florida around 1812.

Historians have characterized St. Augustine both before and after the American takeover as cosmopolitan. “Possibly no small town on the North American continent has ever had such a diverse population,” Patricia C. Griffin has written of the years between 1784 and 1821; and Thomas Graham has noted that the town maintained this heterogeneity under American control. The largest group of whites in this cosmopolitan mix was Minorcan. This “diverse collection of individuals and families” from several Mediterranean cultures had been brought as indentured servants to British East Florida in 1768 to cultivate indigo on the New Smyrna plantation of Dr. Andrew Turnbull. After “a death-camp like existence” there, they fled to St. Augustine, where “they became the core of the Hispanic population,” the “fabric upon which the [Spanish-speaking] community [was] built.”¹⁰

The Minorcans earned their monetary income from orange growing, construction work, renting slaves, and a variety of small businesses. The resulting seasonal pattern of activity persisted because of St. Augustine’s insular location and the absence of alternative economic activities. Not all of the Minorcans were poor. The Perpall family became especially well off and socially prominent under Spanish rule, and the Cocifacios, Peso de Burgos, Leonardis, and Seguís also prospered through trade,

¹⁰ Griffin, 130; Graham, 13-14, 24; Patricia C. Griffin, “Mullet on the Beach: The Minorcans of Florida, 1768-1788,” *El Escribano: The St. Augustine Journal of History* 27, special issue (1990): 1, 3-4.

money lending, and performing legal services. In the “personalistic” Minorcan culture, the men of these elite families functioned as patrons to clients of lesser men and families. Perhaps because they had themselves had to toil under black overseers at New Smyrna, the Minorcans reputedly treated their own slaves kindly.¹¹ In any case, the presence of this sizeable population had a significant influence on people of color in St. Augustine and St. Johns County during the period of this study.

Jack Smith, who had been a quasi-free young man when he arrived in St. Augustine in the spring of 1817, recalled that influence. He remembered especially the joyful and colorful Minorcan religious festivals. During the pre-Lenten carnival season, for example, “a great variety of grotesque disguises, on horseback, in cars, gigs, and on foot, paraded the streets with guitars, violins, and other instruments.” On the night before Easter, young men parading door-to-door serenaded households with the formatjada hymn, then ritually demanded a reward, to which householders responded with special cheese-filled pastries. Mid-summer brought the festival of St. Johns Eve, marked by dances, flowers, festooned public altars, and masqueraders dressed in the garb of chivalry. ‘The people were the gayest I can imagine,’ Smith recalled of the Minorcans in his old age, ‘serenades, processions, balls, picnics, masquerades came the year round in constant succession.’¹²

Catholicism “permeated” Minorcan life as well as public ritual and, like personalism and economic interdependence, helped Minorcans transcend and mediate

¹¹ Graham, 14-16, 18; Griffin, “Mullet on the Beach,” 16, 32, 64, 66, 144, 151, 154, 156-157, 169, 179-180; E.P. Panagopoulos, New Smyrna: An Eighteenth Century Greek Odyssey (Gainesville: University of Florida Press, 1966), 90; Griffin, “Spanish Return,” 139.

¹² “Sitiki”; Graham, 37; Griffin, “Spanish Return,” 138-139.

class differences. The community attended Mass every Sunday, after which its members engaged in “merrymaking” and “trading . . . in the plaza,” softening the “hard realities of everyday living.” Furthermore, through the custom of godparentage, fictive kinship ties united the community. These ties, infused with social meaning through the Catholic institution of compadrazgo, were “crucial for family and community binding, and even for survival.”¹³ Local blacks utilized their own parallel institutions as well as those borrowed from the Minorcans to bolster their own cultural and social circumstances. In doing so, many of them entered into client relationships with Minorcans, cementing the bonds by compadrazgo as well as by economic arrangements. The unique Minorcan population was largely responsible for the persistence of Hispanic culture in St. Augustine after the American takeover.

The Patriot War, one episode in the American drive to control all of North America, shattered the glory days of East Florida. Its strategic location on the American frontier and along sea lanes to the Caribbean inevitably drew the attention of expansionist-minded Americans to the area and spelled the end of Spanish control. Turmoil in Europe in the aftermath of the French Revolution and the onset of the Napoleonic wars sparked unrest in Spain’s New World empire that also weakened Spanish control. With the assistance of their fellow countrymen north of the border, Americans recently settled in West Florida “rebelled” against their Spanish overlords in 1810, declared themselves independent, and invited President James Madison to

¹³ Graham, 14-16; Griffin, “Mullet on the Beach,” 16, 32, 64, 66, 151, 154.

annex the territory to the American nation. A year later, Madison obtained secret Congressional approval to seize East Florida should “local authorities” offer the area to the nation, or should the British, then at war with Spain, threaten to take it.¹⁴

When Britain had retroceded East Florida to Spain in 1783, the rural northern reaches of the province, or the 1200 square miles between the St. Marys and St. Johns rivers, “remained exclusively Anglo.” In this “extension of British America into Spanish Florida,” 83% of the population had been born in what became the United States, and nine in ten were Protestants. The wealthier among them measured their worth by the number of slaves they owned; the poorer counted their livestock. Both groups placed great value in landholding. Trade for everyone was quicker, and cheaper, and culturally more inviting with Charleston or New York than with Havana, which led the Spanish governor to countenance the smuggling that developed with the American ports. In an effort to retain the area as well as develop it economically, the Spanish Crown in 1790 had opened it to American immigrants, offering them land on generous terms with minimum interference from local authorities in St. Augustine. Following the invention of the cotton gin in 1793, cotton cultivation spread into the area along with American immigrants, who from the young republic brought American forms of slavery and plantation agriculture with them. An integration of the

¹⁴ Pablo Tornero Tinajero, Relaciones de Dependencia Entre Florida Y Estados Unidos (1783-1820) (Madrid: Ministerio de Asuntos Exteriores, 1979), 21-22, 51, 127-128; Rufus Kay Wyllys, “The East Florida Revolution of 1812-1814,” Hispanic American Historical Review 9 (November 1929): 415, 445; William Earl Weeks, John Quincy Adams and American Global Empire (Lexington: University of Kentucky Press, 1992), 27-28; David J. Weber, The Spanish Frontier in North America (New Haven: Yale University Press, 1992), 274-275, 285, 297; Rembert W. Patrick, Florida Fiasco: Rampant Rebels on the Georgia-Florida Border, 1810-1815 (Athens: University of Georgia Press, 1954), 3-4.

resulting economic and social systems with those of the American republic was only a matter of time.¹⁵

When Madison named an ex-governor of Georgia, George Mathews, as his agent for dealing with East Florida, the time seemed ripe for annexation of the area. Due to general prosperity, however, Mathews found little enthusiasm among the immigrant planters for radical political change. He decided, therefore, with Madison's implicit consent, to create an incident that would prompt American intervention. He convinced John Houston McIntosh, an immigrant planter from Georgia who owned substantial acreage in the area and who had sworn loyalty to the King of Spain, to lead a group of the "Patriots of East Florida" in an uprising against Spanish rule. Once the uprising stirred up the local populace, McIntosh and the Patriots, as the responsible local authorities, were to cede their new "republic" to the United States as Patriot forces consolidated their control of the province. With a small force consisting primarily of "volunteers" from Georgia, Mathews lured a few Americans in East Florida to his cause with promises of land and self-government. He nevertheless aroused little enthusiasm for a military revolt.¹⁶

In mid-March 1812, on the eve of the "rebellion," the Patriot army numbered perhaps 125 men. Their resolution faltered when the local commander of American regulars, uncertain of ex-Governor Mathews' authority, refused to supply him with men. The Patriots thus had too little firepower to march on St. Augustine as planned.

¹⁵ Susan R. Parker, "Men Without God or King: Rural Settlers of East Florida, 1784-1790," Florida Historical Quarterly 69 (October 1990): 135-136, 140-141, 148-149, 152-153, 155; Tornero, 52, 57, 59, 61; Weber, 280-281, 298; Patrick, 48.

¹⁶ Patrick, 49-50, 56-57, 65-67.

Instead, on 13 March at Rose's Bluff on the Spanish side of the St. Marys, nine East Floridians read a list of "grievances" against the Spanish King, proclaimed a republic, and raised a new flag before 70 cheering Georgians. They then offered Rose's Bluff to Mathews in the name of the United States. With the backing of United States gunboats, the Patriots seized Fernandina on nearby Amelia Island a few days later, and Mathews accepted the proffered area on behalf of Madison, and the United States government.¹⁷

None of this had much meaning as long as St. Augustine remained under Spanish control, so the insurrectionary forces next proceeded against the town and its fort, gathering "recruits" by compulsion, threats, and enticements as they marched. The town soon found itself besieged and facing food shortages. Blacks in and around the area observed these developments with consternation. Those who lived with and among the Hispanic population had an obvious stake in preventing an American takeover, understanding the threat such a takeover presented to their freedom or to the nature of their bondage. Their fellow blacks who lived nearby in their own settlements under nominal Seminole overlords, and known to history as Black Seminoles, were especially fearful that an American victory would mean their return to slavery. The success of the Black Seminoles in bridging cultural and linguistic barriers had enabled them to influence tribal councils, and the Seminoles had their own reasons for wanting to keep East Florida free of American control.¹⁸

¹⁷ Ibid., 68-69, 75, 83-100.

¹⁸ Kenneth Wiggins Porter, "Negroes and the East Florida Annexation Plot, 1811-1813," Journal of Negro History, 30 (January 1945): 11-17, 20.

The Spaniards rallied all of these groups against the invaders. In July 1812, allied Seminole and black units launched a series of rear-guard attacks upon the American intruders and “destroyed the Patriots as a fighting and food-gathering organization.” In one key action in September, a party composed largely of members of St. Augustine’s free black militia ambushed a group of American supply wagons in Twelve Mile Swamp between the Americans besieging the town and their supply depots on the St. Johns River. They succeeded in breaking the siege and forcing the invaders to retreat all the way to the St. Johns. By this time, too, the Patriots faced resistance in Georgia, where slaveowners had become concerned about the impact of the promise by the Spanish governor of liberty to American slaves who deserted their masters and enlisted in East Florida’s black or Indian auxiliaries. By May 1813, the United States had withdrawn its regular forces from East Florida, leaving the Patriots to fend for themselves in a “ravaged, despoiled land.” Black troops had succeeded in postponing the change of flags.¹⁹

But not for long, and not without leaving a legacy that influenced the history of blacks in East Florida until the American Civil War and beyond. When Spain officially ceded West and East Florida to the United States in the Adams-Onís treaty in 1821, the United States pledged to compensate Spanish subjects for damages caused “by the late operations of the American Army in Florida.” Congress implemented this provision in an act of 3 March 1825, authorizing federal judges in Florida to adjudicate claims and make awards. The Secretary of the Treasury was then to review the awards and pay those he found “just and equitable.” Not until 1834, however, did

¹⁹ Ibid., 20, 29; Patrick, 191-194; Weber, 298.

Congress decide that “losses occasioned in East Florida, by the troops in the service of the United States in 1812 and 1813” should fall under the 1825 act. This legal snail’s pace continued to plague the actual awards process to the end. As historian Rembert Patrick has noted, for “more than half a century claims for losses cluttered courts of the United States.”²⁰ In the mean time, the claims adjudication process generated a rich historical record that documented the lives of black East Floridians on the eve of the Patriot War and their service in the war itself.

The portion of East Florida under Spanish control before 1821 ran ninety miles south from the St. Marys River, the southern boundary of Georgia, and twenty-five miles inland between the St. Johns River and the sea. Modern St. Johns County is only about a quarter of what was once Spanish East Florida. After the United States raised its flag over Florida in 1821, Governor Andrew Jackson split the territory, assigning to St. Johns County everything south and east of the Suwanee River. A year later, the territorial legislature created Duval County out of a part of this huge administrative unit. Subsequent division further reduced the size of St. Johns County.²¹ These shifting borders complicate the presentation of statistical evidence on matters of concern to this study, including miscegenation, manumission, marriage, baptism, and property holding. The creation of Putnam County’s in 1849, to

²⁰ “Treaty of Amity, Settlement and Limits between Spain and the United States, Signed at Washington, 22 February 1821,” in *The Consolidated Treaty Series*, vol. 70, ed. Clive Parry (Dobbs Ferry, New York: Oceana, 1969), 11; “An Act to Carry into Effect the Ninth Article of the Treaty Concluded Between the United States and Spain, the Twenty-Second Day of February, One Thousand Eight Hundred and Nineteen,” *Statutes at Large* 3, sec. 1-2, 768 (1825); “An Act for the Relief of Certain Inhabitants of East Florida,” *Statutes at Large* 6, sec. 1-2, 569 (1834); Patrick, 302.

²¹ Weber, 278; Charlton W. Tebeau, *A History of Florida* (Coral Gables: University of Miami Press, 1971), 119, 122; Joseph Nathan Kane, *The American Counties*, 3rd ed. (Metuchen, New Jersey: Scarecrow Press, 1972), 493-524.

illustrate, reduced the acreage of land blacks owned in St. Johns County, but the reduction was not necessarily due to any actual loss of land but may have been due to the new basis of the statistics.

The town of St. Augustine, where the great majority of free blacks in St. Johns County lived in the antebellum era, encompassed slightly less than a mile of shoreline along a low-lying peninsula on Matanzas Bay. A fourth of a mile inland, María Sánchez Creek marked the town's western border. Beyond this creek, the waters of a grassy tidal basin, the San Sebastian River, ebbed and flowed. One could walk the town's width in fifteen minutes. A perilous inlet to the bay, and thus to the town harbor, choked trade. This hazard diminished somewhat with the commencement of steamship service in 1834, but the search for a more convenient connection to the outside world remained a concern for town boosters throughout the antebellum era.²²

Though St. Augustine remained a small town during the antebellum period, it offered many amenities of urban life. In 1839, for example, a newspaper boasted of the town's three churches, two cemeteries, six physicians, two printing presses, twelve attorneys, two ice parlors, and numerous grog shops, as well as a bank, a reading room, and a soda fountain. The town's commercial life was vigorous and slowly expanding. Burroughs E. Carr, identified as a merchant in 1839, was four years later the proprietor of the Magnolia Hotel, which catered to northern visitors. A farmer's market opened for several hours each business day, its stalls displaying meat, fish, fresh fruit, and vegetables. Peddlers balancing baskets on their heads hawked seafood

²² Graham, 3, 27, 32-34, 64; George E. Buker, "The Americanization of St. Augustine," in Waterbury, ed., *The Oldest City*, 152.

and produce through the town's sandy streets. African Americans had considerable freedom in this setting, earning their own spending money, learning and using a variety of skills, worshipping and otherwise participating in a rich social life.²³

The town of course had its differences and tensions. White American Protestants brought with them values and views of the society they had left. They tended to look down upon the town's largest ethnic "minority," Minorcans, for ethnic as well as religious reasons. The Minorcans were not only Catholics who spoke a "foreign" tongue, but they also generally had black curly hair and olive complexions. The crassest of the Americans called them 'Turnbull's Negroes,' and disparaged their lifestyle as a kind of Mediterranean indolence. Still, the Minorcans "posed no challenge" to the American newcomers, though their experiences with black overseers at New Smyrna may have made them suspicious of blacks in positions to do them harm. That at least seems a reasonable way to read the fact that one of the enduring memories of the Minorcans' indenture at New Smyrna involved one of their number enduring 'five and thirty lashes from a Negro.'²⁴

Long before the end of the antebellum period, Minorcans attained pre-eminence in St. Augustine life. Joseph M. Hernández, for instance, the master of 77 bondsmen in 1840, was St. Johns County's largest slaveholder. During a long public career Hernández served variously as a town alderman, territorial legislator, general in the

²³ Graham, 31, 63-64; St. Augustine News, 17 August 1839 (hereafter cited as SAN); St. Augustine Florida Herald & Southern Democrat, 13 March 1843 (hereafter cited as FHSD); Griffin, "Spanish Return," 145; Buker, 152; Patricia C. Griffin and Diana S. Edwards, "Richard Aloysius Twine: Photographer of Lincolnville, 1922-1927," (unpublished manuscript, 1991), 46, SAHS.

²⁴ Graham, 14-16, 18; Griffin, "Mullet on the Beach," 16, 32, 64, 66, 151, 154; Panagopoulos, 90; Weber, 337.

military, and territorial delegate to the United States Congress. Pedro Benet, whose wealth and prestige earned him the title 'king of the Minorcans,' was another "influential landowner and taxpayer." He sent his son Stephen Vincent Benet to the U. S. Military Academy, where he became the first Florida graduate. This son in turn fathered three children distinguished by their literary accomplishments, including his well-known namesake, Stephen Vincent Benet.²⁵

These examples attest not only to the prominence of Minorcans in St. Augustine, but also to their growing assimilation into American life. In 1843, when Minorcans comprised about half of the town's population, the traditional Easter formatjada hymn still resounded in St. Augustine streets. Yet, unreplenished by new immigration, the population was losing its knowledge of its native Catalan language. In 1850, the town's mayor, aldermen, and marshal all had Minorcan or Hispanic names, a list of them proudly printed by Sylvester Manucy, himself a Minorcan, in the first issue of his newspaper, Ancient City. In 1860, Mathias R. Andreu, another Minorcan, whose weekly Examiner had replaced Manucy's Ancient City, reminded his subscribers that a "large majority" of St. Augustinians were Catholic; but when he published the formatjada hymn, he included an English as well as a Catalan version. Significantly, it was the Catalan version he had difficulty writing out. "Our acquaintance with the language extends only to ordinary conversation," he explained. Andreu provided other evidence that St. Augustine's Latin heritage was fading. Cristobal Bravo, Sr., he noted, had recently donated a "coin of the reign of Charles 3rd, king of Spain, bearing date 1707" to the "museum of the Florida Historical Society." Others, he hoped,

²⁵ Buker, 155; Graham, 19.

would follow Bravo's example, and in that way preserve the "relics of olden time" for future generations.²⁶

By the time Andreu made this plea, it was possible to speak of at least some Minorcans as Southerners in the sectional conflict then about to engulf the nation. Indeed, one of them, the Reverend A.D. Pellicer, a native of St. Augustine but then pastor of St. Peter's church in Montgomery, Alabama, offered the opening prayer at two sessions of the Montgomery convention called to establish the Confederate government. Although Colonel Stephen Vincent Benet cast his lot with the Union during the Civil War, most Minorcans, led by their Bishop Augustin Verot, enthusiastically backed secession and the Confederate cause. This was the culmination of the assimilation of Minorcans into the southern slave society and into the politics of the national Democratic Party.²⁷

Despite this assimilation, the Minorcan presence was a major reason for the persistence of the flexible Spanish style of race relations that influenced black life in St. Augustine well into the antebellum era. The persistence was also due to the racial demography of East Florida. At the time of American annexation, the non-Indian population of the province was perhaps 12,000, the majority of whom were persons of color. Under these circumstances, the ethnically distinct Minorcans were counted as whites. That they were counted so may have been a previously unnoticed instance of the "new era in the meaning of whiteness" some historians have recently discerned in

²⁶ FHSD, 13 March 1843; St. Augustine Ancient City, 5 January 1850 (hereafter cited as AC); St. Augustine Examiner, 29 October 1859, 7 April 1860, 21 April 1860, 18 August 1860, 25 August 1860 (hereafter cited as EX).

²⁷ EX, 9 March 1861; Buker, 175; Graham, 84-88.

explaining the impact of Irish immigration on American constructions of race in the 1840s and afterward.²⁸ Like the Irish, the Minorcans were Catholic, which, like their ethnic distinctiveness, may have prompted their political and economic leaders to encourage the assimilation of “Southern” values, racial and otherwise.

This growing assimilation of Minorcans took place in a relatively stagnant economic environment that provided maneuverability for African Americans, free and unfree. The cycles of economic life in St. Augustine and East Florida mirrored those of the nation as modified by specific local circumstances and events. In the 1830s, the area prospered, the prosperity driven chiefly by the export of 2.5 million oranges annually. In 1835, however, an unusually cold spring severely damaged the orange groves, and at the end of that year, the Second Seminole War erupted, causing an influx of refugees into St. Augustine and generally disrupting the economy. The latter disruption continued for the remainder of the decade. The hostilities interrupted much of the area’s agriculture and normal commercial activity, as the townspeople sought to deal with the refugees as well as the increased military presence. Moreover, an insect infestation further damaged the orange groves in 1836, and the Panic of 1837 brought a prolonged general depression. To complete this series of disasters, yellow fever

²⁸ Rivers, 8-9; Matthew Frye Jacobson, Whiteness of a Different Color: European Immigrants and the Alchemy of Race (Cambridge: Harvard University Press, 1998), 22-30, 37-38.

spread through St. Augustine in 1839, and the silk worms brought in to replace citrus growing were destroyed by disease.²⁹

Thereafter, the economy recovered, especially after Florida's admission to the Union in 1845. This recovery was partly due to the region's "growing reputation as a health resort" and haven from the colder climate of northern areas of the country. In the mid-1830s, perhaps 160 "strangers" per winter, most of them from the northeastern states, rented rooms in private residences, boarding houses, and hotels. By the mid-1850s, this figured had doubled. Real estate activity also quickened, and new construction rose.³⁰ The visitor industry offered a variety of service-related jobs for blacks, and increased the town's cosmopolitan ambiance. Some of the northern tourists brought attitudes toward slavery that conflicted with Southern values. Through interactions with these northerners, African Americans had their horizons broadened.

Agriculture was the mainstay of the region's economy throughout the antebellum era. Although some large plantations existed in East Florida, small, diversified farming "was the norm." Despite the pervasiveness of slavery, in all of St. Johns County in 1840, only three individuals owned more than twenty bondspersons. Half of the county's slave owners had fewer than four "servants," and only a third of whites were in families owning any slaves. As a result of these patterns, slaves were often jacks-of-all-trades, which led them to develop varieties of skills, with the accompanying benefits of boosted confidence and self-esteem. An "important legacy"

²⁹ Graham, 8, 10, 33, 37-51; David Nolan, *Fifty Feet in Paradise* (New York: Harcourt Brace Jovanovich, 1984), 21-26, 31, 34, 44-52.

³⁰ Graham, 57-63.

from the Spanish era was the task system for slaves, which characterized the labor pattern even among American owners “in the old inhabited places.” Most slaves preferred this arrangement because it often enabled them to “complete their assignments well before the day’s end,” and thus partially control their own time. In the spare time thus afforded them, they had opportunities to earn money of their own. In addition, many masters permitted their bondspersons to hire themselves out, retain a portion of their wages, and even live in separate locales.³¹

Historians have noted and stressed the positive effects of these patterns. In a recent synthesis of their works, Larry Eugene Rivers argues that the enduring influence of Spanish customs “afforded slaves rights not systematically found in the Old South or in other slave systems with European origins.” These customs, Rivers continues, influenced the “nature of race relations and slavery well into the nineteenth century.” Particularly in East Florida, Latin traditions “survived long enough to impress their image deeply on the institution of slavery” even after the American takeover.³²

The obvious flexibility these patterns permitted were partly responsible for the romantic views of slavery that appear in some of the historical records of St. Augustine and St. Johns County. William Cullen Bryant, who visited the town in the 1840s, described the blacks he saw there as “good-looking specimen[s] of the race, and hav[ing] the appearance of being very well treated.” Only “rarely” did Bryant see a “negro in ragged clothing, and the coloured children, though slaves, [were] often dressed with great neatness.” Years later, at least a few ex-slaves, among them Jack

³¹ Rivers, 65-84; Graham, 19-20; Landers, Black Society, 139-140.

³² Rivers, 1-2, 15, 68-70; Graham, 19-21; Colburn, Racial Change, 17-18, Schafer, “Spanish to American Race Relations,” 587-609.

Smith, who has already been cited, and A.H. Darns, who became a physician, echoed Bryant's views. "St. Augustine," recalled Darns of the antebellum era, "was heaven for negroes."³³

It is against the backdrop of the patterns just outlined that the history of African Americans in antebellum St. Augustine and St. Johns County must be understood. That backdrop was partly a function of demographic patterns. The population grew slowly because the economy was not generally robust. Between 1830 and 1850, the County's population remained relatively flat, ranging between 2500 and 2700 residents. Only after 1850 did it rise notably, increasing more than 20% in a decade. The proportion of the enslaved population, which averaged about 38% in the censuses of 1830, 1840, and 1850, fell to 33% in 1860. The drop was due to the growth of the white population rather than a decline among slaves, the number of whom remained stable. The growth of the area in the 1850s was in rural areas rather than in St. Augustine, the population of which actually fell slightly in the decade to about 1,900. Though the census figures are not always reliable and the political subdivisions they measured shifted notably between 1830 and 1860, the overall pattern seems clear. In the thirty years before the Civil War, as St. Johns County grew in population, the population became increasingly rural and the rural population increasingly white, while the population of St. Augustine remained stable in number but somewhat

³³ Griffin and Edwards, 39; William Cullen Bryant, Letters of a Traveller or, Notes of Things Seen in Europe and America (New York: George P. Putnam, 1850), 109-111; Arthur W. Thompson, Jacksonian Democracy on the Florida Frontier, University of Florida Monographs, No. 9 (Gainesville: University of Florida Press, 1961), 49.

blacker (about 7%). These figures reflect the growth of the white yeomanry in rural areas and a gradual urbanization of the slave population. In both absolute and relative terms, the size of the free black class contracted, from about 170 in all of St. Johns County in 1830, to 82 in 1860, the greatest proportional decrease occurring in the 1850s. From 7% of the county population in 1830, the proportion of free blacks fell to about 3% in 1860.³⁴

Historians have largely neglected the effects of this collection of circumstances on free persons of color in St. Augustine and St. Johns County, which is the focus of this study. Even the general patterns have remained unclear. Lee H. Warner has traced the fortunes of one free black man, Antonio Proctor, who lived in St. Augustine at the time of the American takeover, but the typicality of Proctor's experience seems questionable. Concluding that St. Augustine "was and would continue to be an anachronistic backwater in the new American scheme of things," Proctor moved from largely Hispanic St. Augustine to Anglo-controlled Tallahassee, capital of the territory and then the state of Florida. He feared that life in St. Augustine would become "precarious for blacks . . . especially if powerful friends had moved away." He therefore decided that his best chance for success was under white patrons in a "fluid, flexible frontier community" like Tallahassee, where "economic opportunity was abundant." In Tallahassee, Proctor flourished, at least in the short run, using the same strategies of adapting to a paternal society he had used in St. Augustine.³⁵

³⁴ "Population: Census: Misc.," File, SAHS; J.D.B. DeBow, The Seventh Census of the United States: 1850 (Washington: Robert Armstrong, 1853), 400-401; Joseph C.G. Kennedy, Population of the United States in 1860 (Washington: Government Printing Office, 1864), 54.

³⁵ Rivers, 65; Warner, 2, 24, 26, 29, 37, 68.

Many of St. Augustine's free people of color were partly white, and those in this group who were related by blood to powerful white men benefited from that fact. In addition, their histories are better documented than are those of other free blacks. Perhaps the best-connected free people of color in St. Augustine at the time of the American takeover were members of the biracial families of George J.F. Clarke. Clarke had been an "intimate friend and trusted adviser of the Spanish governors," and before the takeover served variously as surveyor general, militia officer, timber agent, interpreter, justice of the peace, police chief, deputy governor, engineer, and diplomat. The Spaniards had rewarded Clarke for such service with generous land grants, making him "one of the largest landowners in Florida." He was also one of the area's best-connected citizens, socially as well as politically.³⁶

Clarke's biracial family began in the early 1790s when as a young apprentice he impregnated one of his employer's slaves, Flora. He soon bought and manumitted Flora and his infant daughter Felicia, and thereafter sired at least seven more children by the black woman, all of whom he 'acknowledged, freed, raised and educated.' Moreover, his younger brother, Charles W. Clarke, fathered six quadroon children by Beatriz Wiggins, the mulatto daughter of Job Wiggins, a white man, and Ana Gillum, a native of Africa. Before the American takeover, both of the Clarke brothers moved their families to Fernandina, on Amelia Island, which became a center of free black

³⁶ Louise Biles Hill, "George J.F. Clarke, 1774-1836," *Florida Historical Quarterly*, 21 (January 1943): 197, 205-208, 216-221, 225, 228-229, 234; "Clarke, George F. Last Will and Testament," 28 August 1834, Clarke Papers, SAHS (hereafter cited as Clarke Will).

population in East Florida. Indeed, by 1816 about 44 lots in the port town had been awarded to people of color, who comprised about two-thirds of the population there.³⁷

In part because of the presence of such men as the Clarke brothers and their families, the status of blacks under Spanish rule in East Florida had been much better than that of blacks in the United States. Under the Spanish Crown, blacks had frequently petitioned provincial authorities for redress of grievances, and their petitions had been honored. Moreover, the Adams-Onís treaty provided that all Spanish subjects in East Florida, which included free people of color, were to receive American citizenship and presumably enjoy the rights thereof. This provision was of course contrary to the laws of slave states in the Union, a fact that soon became apparent in Florida, where the territorial and then the state government began enacting a series of measures relegating free people of African descent to the margins of society, barring them from jury duty, military service, public office, and voting. In addition, the Florida government implemented racially biased taxation policies to strip blacks of their property. The latter policies prompted vigorous protest from Robert Brown, a free black man who may have been the carpenter who from New York City in 1828, conveyed 500 acres of land in East Florida to Nehemiah Brush for \$600. In any event, Brown claimed U. S. citizenship under the Adams-Onís treaty and publicly excoriated local authorities for violating the provision of that treaty by leveling a tax that in effect made blacks “pay for the degradation that has been laid upon us.” In his

³⁷ Hill, 200, 206-209, 212-216; Weber, 283-284; William S. Coker and Thomas D. Watson, Indian Traders of the Southeastern Spanish Borderlands: Pantón, Leslie & Company and John Forbes & Company, 1783-1847 (Pensacola: University of West Florida Press, 1986), x-xii, 23, 34-35, 187, 366-369; Tornero, 20-21; Patrick, 46-47; Landers, Black Society, 238-243.

protest, Brown reminded white Floridians that any threat to his rights was equally a threat to theirs. “One evil begets many,” he told his fellow citizens in the best republican rhetoric.³⁸

Such protests as Brown’s, perhaps partly because they were directed against taxation, received a sympathetic ear in St. Augustine’s newspapers. More surprisingly, perhaps, were other public criticisms of other discriminatory “laws of blood” which sometimes surfaced in public discourse, especially in the early years of American control. In 1829, for example, one St. Augustine newspaper carried an item in which “Juridicus” argued that “if the people choose to elect” him, a “black or yellow-skinned man” has “as good a right as any white man in the country to be president of the United States.”³⁹ During the course of the 1830s, however, such rhetoric disappeared from public discourse. Nationally, this was the decade that saw Nat Turner’s rebellion, the first appearance of William Lloyd Garrison’s abolitionist newspaper The Liberator, and the abolition of slavery in the British empire, which made the Bahamas a potential escape hatch for Florida bondsmen. These developments heightened the concerns of white Floridians and raised the hopes of blacks as all Floridians began to concern themselves with the prospect of statehood.

³⁸ Herbert Bruce Fuller, The Purchase of Florida: Its History and Diplomacy (Cleveland: Burrows Brothers, 1906), 373-374; Landers, Black Society, 183; Schafer, “From Spanish to American Race Relations,” 591; St. Augustine East Florida Gazette, 20 October 1821; St. Augustine East Florida Herald, 23 October 1824 (hereafter cited as EFH); St. Johns County, Clerk of the Court, records, box 215, file 91, SAHS (hereafter cited as CCR).

³⁹ EFH, 26 July 1825, 10 January 1826, 7 March 1826, 14 March 1826; St. Augustine Florida Herald, 2 September 1829, 2 December 1829, 5 May 1830, 11 October 1832, 4 May 1839 (hereafter cited as FH); SAN, 25 October 1832, 27 April 1839, 4 May 1839, 10 May 1845; Tebeau, 125, 131; AC, 29 January 1853.

With that prospect in mind, a convention of white Floridians met at St. Joseph in 1838-39 and wrote a constitution for the would-be state. Though Whigs and Democrats argued vociferously over some of the provisions of the resulting document, they united in supporting its provisions concerning slavery. Those provisions safeguarded the peculiar institution “more than was customary,” going so far as prohibiting legislators from passing emancipation statutes, even those which might compensate masters for freeing their slaves. Such rigidity no doubt masked the growing fears of white Floridians as the sectional debate over slavery intensified, but it also signaled the deteriorating status of blacks in Florida, slave and free, as the Americanization-- and southernization-- of the state followed the spread of the Cotton Kingdom there. White fears surfaced from time to time in public discourse; there were rumors of at least four slave uprisings circulated in St. Augustine between 1833 and 1838. The rumors were apparently without substance, but their recurrence accompanied occasional reports in the white press that northern visitors were introducing abolitionist ideas among blacks in St. Augustine. Such reports kept white Augustinians agitated, but the role of blacks in the agitation is unclear from press accounts.⁴⁰

⁴⁰ Graham, 55-57; Stephanie D. Moussali, “Florida’s Frontier Constitution: The Statehood, Banking & Slavery Controversies,” *Florida Historical Quarterly* 74 (Spring 1996): 425, 432-433; Tebeau, 125, 128; Cooper C. Kirk, “A History of the Southern Presbyterian Church in Florida: 1821-1891,” (Ph.D. diss., Florida State University, 1966), 91-93; Nolan, 47-48; FH, 10 September 1835; FHSD, 25 April 1839, 5 July 1839, 7 May 1839, 20 December 1839; *Jacksonville Courier*, 8 October 1835; Examination of Emanuel Aguiar’s Statement relative to Charges of Insurrection among the Negroes, 2 May 1837 (hereafter cited as Aguiar’s Statement), “Blacks:1824-1855,” City of St. Augustine Papers, 1821-1993 (hereafter cited as City Papers), SAHS; SAN, 29 June 1839; “Sitiki”; FH, 24 June 1835; See for example, EFH, 21 March 1826, FH, 9 September 1829, 2 February 1832, 23 February 1832, 14 June 1832, 5 September 1833, 24 October 1833, 7 May 1834, 13 August 1835.

One issue that is clear, however, is that the deteriorating status of blacks in East Florida paralleled the spread of Jacksonian democracy among whites. Increasingly, social policy reflected popular sentiment. Anglos, Spaniards, and Minorcans alike believed people of color should hold lowly places in society, and demanded deference from them. The color line thus hardened.

CHAPTER 2 THE PATRIOT WAR AND ITS AFTERMATH

Recent historians have explored the impact of memories of military service upon black aspirations for freedom. Mark M. Smith has argued that recollections of a sixteenth-century battle in Africa inspired the timing of the Stono Rebellion in South Carolina in 1739. Similarly, Gregg D. Kimball believes antebellum black Virginians found inspiration in “concentrated efforts of extended campaigning” by blacks during the American Revolution. Like Herbert Aptheker before him, Kimball posits a black “revolutionary heritage” which a “robust African American memory” kept alive through songs and folklore. Larry Eugene Rivers, a student of slavery in Florida, likewise attests to the importance of oral tradition among blacks there, surmising the tradition stretched at least as far back as the middle of the eighteenth century.¹ This chapter examines a similar use of memories of the Patriot War of 1812-1813, in which the memories were used by blacks to forestall the transition in St. Johns County from a society with slaves to a slave society.

The Patriot War experience was a controlling memory for those living in St. Johns County, whites as well as blacks. A white man, Lewis Fleming, declared in 1837 that the devastation of Francis P. Fatio’s New Switzerland plantation during the Patriot War was still “spoken of by inhabitants of this country with as much confidence as the Battle of Bunker Hill was in Massachusetts.” Such memories were kept alive by such searing experiences as that of María del Carmen Hill, the widow of Don Francisco Xavier

¹ Smith, 517, 534; Kimball, 59, 62-63, 65, 73-74; Herbert Aptheker, American Negro Slave Revolts, Studies in History, Economics and Public Law, no. 501 (New York: Columbia University Press, 1943), 11; Rivers, 164-165.

Sánchez, who saw herself reduced from the matriarch of an estate “considered the most wealthy and valuable in the Province” to a mother who could not even afford to clothe her children, and who died in 1813 “of a broken heart.” A similar experience drove George Long to an early grave in 1812, when this “moderately independent” rancher and farmer witnessed the destruction of his property. Twenty-five years later, Long’s son Matthew bitterly complained that the United States Treasury did not have enough money to repay his family “for a father’s death, or for a life of poverty and blasted prosperity.”²

Indeed, white East Floridians who survived the Patriot War remembered the conflict and its aftermath as a time of broken dreams. Sarah Acosta lamented that if not for the war, the region’s “inhabitants would have become very rich.” Abraham Daniels added similarly that East Florida “never did recover [from] the shock” of the war. “Such was the depression of Spirits and circumstances produced by the Revolution,” James Arnowe recollected, “that few persons returned to their farms in 1813.” Speaking in the midst of another such disruptive experience, the Second Seminole War, John Floyd opined that the “suffering of the poor People during the Revolution of 12 and 13 was far greater” than that of the Seminole War. Another witness recalled the “alarming and terrifying character” of the Patriot War as the cause of the “indelible” impressions it left upon those who lived through it, impressions that “have been the subject of frequent discussions from that day up to the present.”³

² Account Nos. 94405-Francis P. Fatio, Jr., 74969-Francisco Xavier Sanchez, 74862-George Long, RG 217.

³ Account Nos. 95167-Joseph Summerall, 82248-James Dell, 79073-Juan Leonardy, 75008-Catherine Baker, 81651-Francis Richard, Jr., RG 217.

If traumatized whites recalled their experiences in such terms, their black neighbors surely did the same, though their recollections are less well documented. A glimpse into the unrecorded memories of those enslaved in St. Johns County can often be gleaned from the testimony of their masters. When Philip Dewees deserted his plantation on Pablo Creek during the Patriot incursion, he left most of his slaves behind. Eight of them, including women and children, fled to Amelia Island, where they put out to sea in an “open boat.” For whatever reason, the boat was wrecked, the fugitives drowned, and their bodies washed ashore. Years later, Catherine Taylor, a white woman, recalled the incident as a “fact which was universally known & talked of at the time.” A quarter century had not dulled memories of an event considered “part of the history of those troublesome times.” When the Patriots came, another Dewees slave, described as an “excellent house Servant,” had taken her two-year old child and dashed for freedom despite her advanced pregnancy. After reaching St. Augustine a week later in the winter cold, the woman perished.⁴ Memories of these valiant Dewees slaves had been preserved for a generation in the minds of whites, and surely in the minds of blacks too.

Other East Florida slaves lived to tell the stories of their own escapes from the invading Patriots. John Lofton’s “valuable house servant” Nancy, a “fine looking wench” in her early thirties and the mother of seven “fine Children,” fled her master as well as the Patriots while she was pregnant. Nancy and her master may have shared a blood relative, for one of her daughters, Celia, was a mulatto whom the Lofton family considered “quite valuable.” After reaching the Seminoles, Nancy gave birth to a

⁴ Account Nos. 80150-Philip Dewees, 76003-Joseph Floyd, RG 217.

crippled daughter and, subsequently to two more children. Unfortunately, nearly a decade after her escape, Nancy and her children were reenslaved as a consequence of a Creek raid upon the Seminoles. Manuel Solana's fugitive slaves, John and Sam, who had escaped to freedom with the Seminoles during the Patriot War, lost their freedom as a result of the same Creek raid. Solana, one of East Florida's largest cattlemen, had employed John and Sam at his cowpens on Moccasin Branch, midway between Palatka and St. Augustine. Sam, a gunsmith who was "well acquainted with cattle and the woods" as well as with Indians, had "disappeared" in the company of John when the American invaders approached St. Augustine.⁵

Some of East Florida's bondspeople who fled from the approaching Patriots returned voluntarily to their masters. Ignacio, a teenager "raised in the house" of Gaspar Papy in St. Augustine, "ran off from the city" in 1812 only to reappear two years later, evidently tiring of life among the Seminoles. Surely Ignacio regaled his friends and family with tales of his adventure. As Ignacio's case illustrates, the role of the Seminoles in the history of blacks in St. Johns County during the antebellum era was complex. Not every bondsman perceived the Indians as liberators. James Pellicer had purchased his slave Pompey from the Seminoles when Pompey was already a grown

⁵ Account No. 73101, John Lofton, RG 217; John Crowell (Agent for Indian Affairs) to John C. Calhoun (Secretary of War), Creek Agency, 24 July 1823, Crowell to the Committee of Foreign Affairs, Washington, D.C., 20 April 1826, "Descriptive list of the Negroes brought into the Creek Nation by a Detachment of Indian Warriors, under the Command of Col. William Miller, a half breed Indian, viz and the description made of them," n.d., "Description of negroes brought to this place [Coweta] by a detachment of Indians under the Command of Captain William Miller, an Indian of the Creek nation, from Florida, viz," n.d., in "The Committee of Foreign Relations on the Memorial of sundry persons, inhabitants of East Florida previous to the cession of it to the United States Report," 10 March 1826, file HR 19A-D8.4, Foreign Relations (various subjects), Committee Papers, Records of the United States House of Representatives, Record Group 233, National Archives, Washington, D.C. (hereafter cited as RG 233); Landers, *Black Society*, 139-140; Account No. 73340, Manuel Solana, RG 217; Testimony of James Darley, 21 February 1825, in "Gabriel W. Perpall," RG 233; James Darley's Report, 8 November 1821, RG 233.

man. As Patriot forces neared Pellicer's plantation on the banks of the Matanzas River, Pellicer had enough faith in Pompey to trust the plantation to him, charging him to do what he could to protect it from the Patriots. But after Pellicer himself fled from the Patriots, Pompey, described as a devoted husband and a "good axe-man and workman," also disappeared. Perhaps he went to his wife and children, who lived on another plantation 25 miles away. Wherever he went, it was not likely to the Seminoles, who had earlier sold him to Pellicer.⁶

Sometimes Seminole villages were only stopping points for fugitives fleeing slavery for more distant destinations during the Patriot War. "Many of the fugitives did not remain with the Indians," according to one report, "they went down to the Capes and many passed over to the Bahamas." John Crichton's slaves Stephen and August absconded to the Seminoles, but according to "common report," Stephen then made his way to British forces, who "took him off to the Keys." Severe injury, on the other hand, caused August, "a good Driver and also a boat builder," to remain with the Indians. In another instance, Francis R. Sánchez heard, probably from a slave, that Roger, a "good carpenter," and his wife Phoebe, both fugitive slaves of Farquhar Bethune, "went in the direction of Cape Florida." Perhaps the couple ended up in the Bahamas. Prudence Plummer's slave Robin, a carpenter, expert "Boat Builder," and "Mechanic as well as a very ingenious and useful field hand," also ran away to the Seminoles. A bondsman who survived the destruction of the Negro Fort on the Apalachicola River in 1816 reported that Robin met his death in that incident. This informant may have been protecting Robin's liberty rather than telling the truth, since

⁶ Account Nos. 75182-Gaspar Pappy, 75214-Francis Pellicer; 75215-Isaac Weeks, RG 217.

after the Patriot War, the Spaniards “insisted upon the restoration of negro property by the Indians,” paying the Indians \$50 for each captive returned.⁷ That fact might explain why some fugitives fled beyond the reach not only of the Seminoles but of the Seminoles’ Creek enemies as well.

Slaves responded variously to Seminole raiders during the Patriot War. In July 1812, Seminole warriors attacked Zephaniah Kingsley’s Laurel Grove plantation, carrying away 40 to 50 slaves, who may or may not have welcomed their “kidnappers.” Two who did not welcome them, the blacksmith Montorro and the driver Peter, paid for their resistance with their lives. A month later, when the Indians swooped down upon Francis P. Fatio’s New Switzerland plantation about 10 miles from Laurel Grove, a majority of Fatio’s bondspersons concealed themselves from the attackers and remained on the plantation. Fatio recovered them the next evening. At least some of those who went with the Indians grew to relish life among their “captors,” and in 1844, were still living with the Seminoles west of the Mississippi River.⁸

These examples suggest something of the variety of experiences blacks had in the Patriot War and the nature of their memories of it. Some slaves were remembered for dying in the quest for liberty; others achieved notoriety for their success in freeing themselves or attempting to do so. The periodic return of fugitives over the ensuing years served to remind everyone anew of the experience. Whites learned of the fugitives’ fates from other blacks, among whom stories of the war circulated for a generation and more. Given bondspersons’ oral traditions, it is not difficult to imagine

⁷ Account Nos. 84671-Prudence Plummer, 73800-John Crichton, 73008-Farquhar Bethune, RG 217.

⁸ Account No. 88415, Zephaniah Kingsley, RG 217; Daniel L. Schafer, “Zephaniah Kingsley’s Laurel Grove Plantation, 1803-1813,” in Landers, ed., Colonial Plantations and Economy in Florida, 98-113; Account Nos. 94405-Francis P. Fatio, Jr., 76455-Francis P. Fatio, Sr., RG 217.

that many of those stories were inspirational or cautionary in nature. In either guise the stories kept alive hope among blacks as well as fear among whites.

Along the entire St. Johns River, one white recalled years later, “A man was afraid to enforce subordination of his negroes from dread of their running to the Spaniards & Indians.” Similarly, on Amelia Island, masters “had for their own safety to play a game of hide and seek; to work when they could, and hide out when they must.” Margaret Sterret recalled that “all the male inhabitants on the Island . . . had to lie out, all considered it prudent to run and hide their negroes.” According to Thomas Suárez, “This state of things rendered the negroes almost useless, for it was dangerous to correct one, for fear of their running away.” The “Revolution destroyed the control of the Master over the Slave,” Francisco Román Sánchez concurred, “and the owner could not keep his slaves unless they planned to remain.” Blacks who chose not to flee saw their masters or employers spoken to in various disparaging or degrading ways. As flames enveloped Horatio Low’s plantation, Low, “very much distressed,” argued vehemently with the U.S. officer who ordered it fired. In reply, the officer “very sharply” commanded Low to “hold his tongue.” When James Mattair protested the confiscation of a quantity of merchandise, another American officer ordered him to “cut stick and be off.” Pedro Cocifacio’s overseer vexed Patriot foragers until they threatened to “tie him up and whip him.” When young Peter Suárez attempted to hide his father’s horse, he was “snapped at with a gun, by the patriots.” One American commander in Fernandina, “after using in his intercourse, the harshest terms,” would confine “the people of the island in the stocks.” The prominent planter Fernando D. McDonnell was not only imprisoned for a time but suffered “the additional torment of

being ironed.” Many masters, like the slaves they abused, fled from their plantations. David S.H. Miller, “a Spanish Officer or Judge,” to illustrate, left his estate after enduring “hostile and rude conduct” at the hands of the Patriot intruders.⁹

Decades later, many whites could still quote the harsh phrases barked at them between 1812 and 1813. Slaves who saw their helpless, smarting masters thus treated may have feared for their own security, but in the aftermath acted according to their own sense of the events that had transpired. Bondspersons who liked their owners had their own ways of showing their respect and sympathy. Those with axes to grind were no doubt amused or even delighted by what they observed. Doubtlessly, the Patriots’ arrogance emboldened many blacks, who watched the invaders fray the ropes of authority that tied the plantation system together. These experiences too found their way into the oral tradition that helped blacks resist oppression in future years.

The Tomoka region was the southern-most area of white settlement in East Florida. There, large numbers of slaves lived semi-autonomously when the Patriot War took place, and their distinctive experiences were another source of the oral tradition of resistance. On John Bunch’s cotton plantation in Tomoka a work force of 25 slaves, imported from the Bahamas, cultivated more than 100 acres. Whites variously characterized Bunch’s slaves as “orderly . . . well behaved . . . obedient . . . good to work . . . [and] intelligent,” and “contented on the plantation and happy there doing all that was required of them.” They were also “principally old negroes,” over half of the work

⁹ Account Nos. 88415-Zephaniah Kingsley, 78184-James Smith, 73313-Fernando D. McDonnell, 77822-Antonio Suarez, 83229-Robert Andrew, 92003-Lucy Fitzgerald, 73008-Farquhar Bethune, 88510-Horatio Low, 73359-John J. Lowe, 98530-Ezekial Hudnall, 81371-Pedro Cocifacio, 82782-David S.H. Miller, RG 217.

force being over 40 years of age, and some of them had known freedom in Africa. Their overseer was a free man of color, John Newmer.¹⁰

When the Patriots invaded, the Spanish governor ordered Newmer to St. Augustine for military duty. Without his overseer, Bunch, an aged, “very infirm,” “fat and unwieldy” man, could not manage the plantation, and fled to the safety of St. Augustine. The town, however, offered no employment for his slaves, and supporting them there would be too expensive. Bunch, therefore, left them “in the Country to shift for themselves” where “they did as they pleased.” Fearing Patriot kidnappers and warned by an Indian-black communication network that made “every event in the settlement ... very soon known to them all,” Bunch’s slaves “worked the corn field a little with a view to their own advantage,” but spent most of their time on a beach between the Halifax River and the sea. There, they gathered coontie root, fished, and hunted, occasionally returning to the plantation to tend their corn and collect whatever supplies Bunch managed to send from St. Augustine.¹¹

After a year of this semi-freedom, Bunch’s slaves and their black neighbors used the unsettled times to wrest more concessions from their unnerved masters. Ever ready to take advantage of Spanish weakness, British officials in West Florida dispatched Black Seminoles into the Tomoka region to spread unrest among the slaves there, promising “freedom and protection by the English Government” to any who volunteered to serve in the British military. In response, apprehensive masters “humoured their slaves and suffered them to do very much as they pleased least on the slightest provocation they

¹⁰ Account No. 84638, John Bunch, RG 217.

¹¹ Ibid.

should leave them and fly to the Indians and [the British].” To combat a similar threat from the roving Patriot banditti who plagued East Florida for “several years” after the war, masters used “all manner of kindnesses and indulgence,” encouraging their slaves to hide in the woods. Despite this effort, 114 Tomoka blacks fled to the British and countless others took unrecorded advantage of the temporary breakdown in the slave system.¹²

Although none of Bunch’s hands are known to have absconded, they preserved their quasi-freedom until 1817, when conditions were again sufficiently settled to resume commercial planting. The formerly “tractable” Bunch slaves, however, resisted the reimposition of the old work regimen. Their new overseer “found it difficult with constant attention to them, and some severity to make them make any thing of a crop.” In the subsequent Patriot War claims litigation, Bunch’s heirs sued the United States government for nearly \$26,000, a figure that included compensation for “injury done to the habits” of his slaves “obliged to withdraw . . . from their usual or regular labor and discipline.” After the Patriot War, Bunch’s heirs claimed, “whoever undertook management of Slaves . . . took in hand a severe job,” for the “habits of the slaves were greatly changed for the worse and they were thereby reduced in value one half.”¹³

Mrs. Samuel Williams’ slaves seemed to have been even shrewder than Bunch’s. They too spent most of the Patriot War on the east bank of the Halifax River. After fleeing to the safety of St. Augustine, Mrs. Williams had 15 to 25 boatloads of provisions delivered to her “faithful” slaves, who refused to go to St. Augustine either as refugees

¹² Landers, Black Society, 229-235; Account No. 84638, John Bunch, RG 217.

¹³ Account No. 84638, John Bunch, RG 217.

or to haul the supplies to the plantation. In the words of Matthew Long, the Williams' "negroes were not to be commanded" during the period of unrest. Before the Patriot War they had cultivated 136 acres of Sea Island cotton on Mrs. Williams' Halifax plantation, producing in 1812 58 bales worth \$10,230. Two years later, their overseer coaxed only 5 bales out of "Negroes who would be under no restraint," and a year later, "with hard fighting," 15 bales. Because of her slaves' wartime experiences, a frustrated Mrs. Williams was forced to "finally abandon" her estate, citing the "permanent injury & depreciation in the value" of her labor force. That blacks too remembered this time of unrest is attested to by the fact that in 1835, the planter Joseph M. Hernandez sent his "servant Philip" to summon one of John Bunch's former drivers, a slave named Bob, to ask him about Bunch's losses in connection with the Patriot War claims.¹⁴

As this summons to Bob illustrates, the Patriot War claims hearings in the federal courts in the 1830s, 40s, and 50s generated abundant documentation of enduring memories of the war. These hearings in the federal court in St. Augustine tapped into a tradition of black petitions for redress of grievances that went back to the Spanish period. The black petitions and supporting testimony were like similar ones in antebellum Virginia, which one historian has described as expressing "the ideals and aspirations of African Americans" and as offering insight into a "hidden transcript" of protest and resistance.¹⁵ Testimony in the Patriot War hearings placed the story of black valor in the historical record even as it made the story fresh in the minds of all St. Johns County residents. It thus combated a hardening racial divide, while inspiring a

¹⁴ Account Nos. 73358-Frances Kerr, 89050-Robert McHardy, 76042-Samuel Williams, 86282-Fernando de la Maza Arredondo, Jr., 84638-John Bunch, RG 217.

¹⁵ Kimball, 61.

younger generation of blacks. Memories of black experience during the Patriot War thus functioned as a kind of psychological weapon at a time when public discourse was denigrating blacks and public policy was endeavoring to degrade them.

The Patriot War claims cases also demonstrated and reinforced sincere bonds of friendship, or at least paternalism between the races, ties that softened St. Johns County's evolving slave society by reviving memories of associations forged in a Spanish society with slaves. The mostly Minorcan witnesses who testified on behalf of dead men of color remembered them positively, often fondly. Bartolo Solana, for instance, praised Philip Edinborough as a "respectable man" who was "doing very well before the war." In 1827, while visiting Cuba, Domingo Cercopoly spoke with "many of the free negroes who had left [St. Augustine] previously," and learned that the black Domingo Davis had died. Andreas Pacetty and Michael Andreu recollected how they would often stop at Sancho Davis' place, where the black man would help them to obtain wood for fashioning canoes. In fact, Pacetty had spent "many a night" with Davis. Born about the time Prince Witten and his family reached East Florida as Georgia fugitives, Pacetty had known Witten "from childhood well." George Gianopoli routinely rested at Scipio Fleming's farm on his way to the Fatio family's New Switzerland plantation.¹⁶

In testimony and other documentation a generation after the Patriot War, whites also offered ample evidence of black martial skills and ferocity. When Patriots appeared south of St. Augustine, Francis Pellicer's brother and his mulatto slave, the latter a "St.

¹⁶ Account Nos. 86844-Philip Edinborough, 99008-Scipio Fleming, 98271-Domingo Davis, 98272-Sancho Davis, 79073-Juan Leonardy, 98273-Prince Whilton, RG 217.

Domingo creole,” were guarding 125 puncheons of “superior Jamaica Rum” recently salvaged from a shipwreck. After a Patriot foraging party happened upon the rum, the troops went on a two-day drinking spree, after which they passed out and “were lying asleep in all directions.” Seeing this, the Santo Domingo slave suggested to his horrified teenaged master that “with a broad ax which he had he could kill them one by one as they were lying drunk and asleep.” Another Pellicer slave, Jim, died at the hands of the Americans in another incident. As the invaders entered Pellicer’s home one night, Jim suddenly appeared from the detached kitchen. The surprised marauders ordered him to halt, “but as he attempted to move,” a Patriot captain “shot and killed him dead.” According to the white deponent recounting this story, “The Patriots were affraid of the negroes.”¹⁷

Such fear was encouraged by the kind of incident that occurred just outside St. Augustine during the Patriot siege of the town. During the siege Patriots often crept into the “mil y quinientos,” the strategic 1500 yards north of the Spanish fortress, the Castillo de San Marcos, which guarded the town. Though the Spaniards fired upon the intruders, the Patriots “used to laugh a great deal about it,” and would stand “in front of the City brandishing their arms in a very insulting manner.” The Spanish governor responded to this provocation by sending a company of black troops to ambush a Patriot party. The only casualty in the resulting skirmish turned out to be “a Mulatto Boy a servant of Delany one of the Patriots,” who was on horseback acting as a messenger. The black troops buried the victim after the Patriots withdrew, but not

¹⁷ Account Nos. 75214-Francis Pellicer, 89050-Robert McHardy, RG 217.

before severing his ears, which they brought back to St. Augustine as evidence of their encounter with the enemy.¹⁸

The ex-slave Jack Smith attested to the pride soldiers of color infused in black St. Augustinians. Writing after the American Civil War, Smith recalled the two black companies who had guarded the town's southern flank during the Patriot War. Smith wrote with admiration of the soldiers' discipline, intelligence, skill, and military bearing. Andrés Pacetty, Sr., a Minorcan, remembered black soldiers during the war as good customers for local vegetable farmers. Pacetty recollected "four companies of blacks from Havana one Company of mulattoes from Havana and one company of blacks raised in Florida under the Command of Capt: Prince." The first three of these companies had consisted of 60 men each, the last of 80. Prince Witten's company, whites remembered, had relieved hunger in the besieged town by rounding up cattle in the surrounding hinterland. Many whites testified in the hearings to the exploits of blacks who supplied the town with beef, acknowledging the peril as well as the importance of the effort. Whites reserved their highest praise, however, for the "masterful ambush" that Prince's Black Company carried out at Twelve Mile Swamp on the evening of 11 September 1812. So successful was the ambush that the American invaders "immediately ...fell back upon the St. Johns." Speaking more generally, Zephaniah Kingsley lauded the "about 50 coloured militia inhabitants of this then Province," who "saved by their Bravery and fidelity the City of St. Augustine from being taken & Plundered." In fact, so many whites extolled the merits of the black

¹⁸ Account Nos. 79073-Juan Leonardy, 82988-Peter Capo, 83129-Francis Richard, Sr., RG 217.

militia that Judge Isaac H. Bronson commented in 1847 upon how often the phrase “Princes Black company” appeared in the record of the claims hearings.¹⁹

The whites who generated this record praised Prince and his men for many reasons, for their hard work and for their prosperity as civilians, as well as their patriotism and contribution to the war effort. In doing so, they found themselves, willy-nilly, helping blacks who were endeavoring to contradict contemporary images of the race that were increasingly negative in public and political discourse. George J.F. Clarke’s biracial heirs were among the leading people of color in that endeavor, paving the way for free people of color to testify in Patriot War claims cases, insisting that in that war “free negroes or mullatoes” had had vital roles, and convincing Judge Bronson that “there was no law against [their] testimony.”²⁰ The Clarkes’ tenacity thus gave free men of color a voice in an official proceeding which they used to remind St. Johns County whites of past black achievements and, by implication, of their current potential as citizens and productive members of the community.

¹⁹ Account No. 87746, Margaret Acosta, RG 217; Griffin, “Mullet on the Beach,” 3, 29; “Sitiki,”; Account Nos. 82538-Christopher Lopez, 79073-Juan Leonardy, 75214-Francis Pellicer, 75215-Isaac Weeks, 73063-Felipe Solana, 86282-Fernando de la Maza Arredondo, Jr., RG 217; Captain John Williams to Lieutenant Colonel Franklin Wharton, Commandant of the Marine Corps, Davis Creek Block House, East Florida, 15 September 1812, Volume 16, Letters Received, 1798-1817, Office of the Commandant, Headquarters, U.S. Marine Corps, Historical Division, Records of the U.S. Marine Corps, Record Group 127, National Archives, Washington, D.C.; Joseph H. Alexander, “Swamp Ambush,” *Military History*, 14 (March 1998), 40, 44; Account No. 73350, Francisco D. and Peter Pons, RG 217; Zephaniah Kingsley, “Address to the Legislative Council of Florida on the Subject of its coloured population,” 1823, Manuscript Collection 11, Florida Collection, State Library of Florida, Tallahassee; Account Nos. 86225-Henry Yonge, 72942-James Hall, 73915-John Forbes, 74969-Francisco Xavier Sanchez, 98273-Prince Whilton, RG 217.

²⁰ Account Nos. 82538-Christopher Lopez, 79073-Juan Leonardy, 75214-Francis Pellicer, 75215-Isaac Weeks, 73063-Felipe Solana, 86282-Fernando de la Maza Arredondo, Jr., 86844-Philip Edinborough, RG 217; “Claim of Benjamin Wiggins,” Patriot War Claims; Account Nos. 99008-Scipio Fleming, 73347-Francisco D. & Peter Pons, 73629-Jose E. Pomar, Juana Rogero, and others, 89739-Andreas Pacetti, 81963-John Ponce, 102832-John Capo, 99162-Abraham Rocho, 85048-Abraham McQueen, 89455-John Howley, 98271-Domingo Davis, RG 217; “Sitiki”; Account Nos. 98272-Sancho Davis, 98273-Prince Whilton, 94419-Isaac Bacchus, 94421-John Morrell, 98270-George Clarke, 83177-George J.F. Clarke, RG 217.

Juan Antonio Florencio, the son of Mariana Bisit, a fugitive from New York by way of Savannah, and a white father, was one of the men of color whose testimony resulted from the Clarkes' effort. Florencio had been baptized a Catholic in 1789 when he was six years old, and later attended an integrated boys' school in St. Augustine. After sacramentally marrying María Rosa Collins, the natural daughter of a biracial businessman, in 1806, he had his own son, Francisco Bautista Agustín Florencio, baptized in 1809. During the Patriot War, Florencio had fought in Prince's Company, and in 1846, he recounted his experience:

Myself & other Spanish soldiers used to go out into the Country during the war to get cattle & bring them in for the troops, & people in the city. The parties that went out were usually commanded by Prince Whilton & Tony Doctor, but sometimes a white sergeant went with us. Sometimes we got 40, Sometimes 50 & Sometimes 60 head of Cattle, just as we could find them. We went sometimes to Matanzas, Sometimes to Deep Creek & wherever we could find Cattle.²¹

Describing another expedition in which he participated, Florencio reminded his listeners that blacks too had suffered heavy losses:

During the war & while the patriots were in Camp out before St Augustine there was a party of 30 or 40 of us that went out into the Country up the North river, & went to Weedmans place & Princes place. Prince himself was one of the party, we found his place burned & destroyed, & all the places about in that part of the country had been burned. We went to Carlos Hills place & found that his house & property had been burned & destroyed also- - we were after cattle that time & got 34 I think.

Another free black man, Tony Proctor, supported the claim of Carlos Hill based on this incident, assuring Judge Bronson that he had known Hill for many years, and knew him to be "an old man of truth." On the same day in 1841, attorney E.B. Gould called upon Hill's expertise to identify Basha McQueen, then the elderly widow of the free black

²¹ Account No. 98273, Prince Whilton, RG 217; Records of the Cathedral Parish, St. Augustine, Florida, Colored Baptisms, vol. I, entries 125, 126, 138, 232, vol. III, entry 74 (hereafter cited as CB), SAHS; Records of the Cathedral Parish, St. Augustine, Florida, Colored Marriages, 1784-1882, entry 38 (hereafter cited as CM), SAHS; Landers, Black Society, 88-89, 116-117, 144-145.

Abraham McQueen, for damages from wartime losses. Hill had lived in East Florida since before British times, and had bought his freedom from “Capt Iznardi” for \$400 prior to the Patriot War. In 1848, the elderly Hill said of himself:

I am a freeman of color, but of what age I do not know. I have lived in Florida near ninety years. I was born in the West Indies, and came over a man grown previous to the British occupancy, and am now, and have been for a long time decrepit and blind but have a good understanding for persons of my age and class. I have always endeavored to maintain an honest and good report, and I believe have succeeded to acquire the good will and confidence of all who have ever known me. I wish to die as I have lived- - an honest man.

During the Patriot War, Hill had “suffered the loss of every thing by the Americans and the Patriots in 1812 and 1813.” Most catastrophically and poignantly, “My wife and children were stolen from me.” This tragedy was corroborated by Philip Weedman, a white man, who recalled the kidnapping of Hill’s wife Lucy, then a 33 year-old free woman of color, and the couple’s three children ranging from 10 to 19 years of age. Hill never recovered his family, despite the fact that Weedman knew one of the kidnapers and in 1816 had “traced the negroes as far as Hartford [Georgia] but could not discover where they were.” Other whites also recollected Hill’s misfortune, and in doing so reminded the community that the United States invasion in 1812 had destroyed the dreams of East Floridians of all colors. More than thirty years later, in 1849, Hill’s tragedy rallied elite whites like Sheriff R.B. Canova, newspaper editor E.B. Gould, and nited States Senator David Levy to support the black man’s Patriot War claims.²²

²² Account Nos. 98273-Prince Whilton, 99008-Scipio Fleming, RG 217; CB, vol. III, entry 367; Deposition of Charles Hill, [1848?], “Papers Relating to Claims By Inhabitants of Florida Under the Treaty of Spain of 1819,” Box No. 2, Florida, Land Suits, 1829-1880, Records of the Solicitor of the Treasury, Record Group 206, National Archives, College Park, Maryland (hereafter cited as RG 206); Account No. 85048, Abraham McQueen, RG 217; Statement of Charles Hill, Sr., [1849?], RG 206; CB, vol. III, p. 339; Account No. 97990, Charles Hill, RG 217; Affidavit of Rafael B. Canova, St. Augustine, 19 April 1848, RG 206; John M. Fontane to David L. Yulee, St. Augustine, 11 January

Prince Witten's nearest rival as the greatest hero of the Patriot War was another man of color, Antonio Proctor, a slave who had earned his own freedom by adept use of his linguistic and diplomatic skills. Proctor was over 90 in 1841, when he testified on behalf of the claim of another black, Philip Edinborough. Although modestly deposing that he had been freed for his "good conduct and services in behalf of the Spanish Government in East Florida" during the war, Proctor had been employed as an interpreter by two trading companies whose services the Spanish government used to maintain a precarious peace with the Indians and the American government.²³

White deponents were quick to second Proctor's testimony, and with it his role in the Patriot War. Thus, Stephen Arnow, a Minorcan, credited Proctor with persuading the Seminoles to "take sides with the Spaniards and act against the Patriots in 1812." Proctor "has always been considered a very honest and worthy man- - as good as any Negro," Arnow added backhandedly, "and I believe him under oath as soon as I would any negro living." After Proctor gained his freedom, Arnow continued, he "went out

1849, RG 206; Account No. 97990, Charles Hill, RG 217; Assignment of Charles Hill, St. Augustine, 9 August 1843, RG 206; Revocation of Charles Hill's Assignment of 9 August 1843, St. Augustine, 2 April 1845, RG 206; Account No. 85048, Abraham McQueen, RG 217; Statement of Charles Hill, Sr., [1849?], RG 206; CB, vol. III, p. 339; Report of the Census of St. Augustine, Florida, "Deep South" Census taken by the United States Department of the Army in November, 1864, of the residents, black and white, of Fernandina, Jacksonville, and St. Augustine (hereafter cited as 1864 Census), SAHS; Deed Book P, p. 250, St. Johns County Courthouse (hereafter cited as CCH); John M. Pons to Robert J. Walker, Secretary of the Treasury, Jacksonville, 28 November 1848, RG 206; Yulee to McClintock Young, Acting Secretary of the Treasury, Washington, D.C., 21 March 1848, RG 206; Yulee to Young, Washington, D.C., 8 May 1848, RG 206; Yulee to Major Barker [Solicitor of the Treasury?], Washington, D.C., 27 February 1849, RG 206; Yulee to Robert J. Walker, Secretary of the Treasury, Bardstown, Kentucky, 21 September 1847, RG 206; Yulee to W.M. Meredith, Secretary of the Treasury, Washington, D.C., 19 May 1849, RG 206; Pons to the Secretary of the Treasury, Jacksonville, 9 August 1848, RG 206; Affidavit of E.B. Gould, St. Augustine, 19 April 1848, RG 206; Pons to Senator James D. Westcott, Jacksonville, 9 December 1847, RG 206; Westcott to Barker, [Washington, D.C.], 22 January 1848, RG 206; Pons to Walker, Jacksonville, 26 September 1848, RG 206; Solicitor of the Treasury to Meredith, Office of the Solicitor of the Treasury, 16 March 1849, RG 206.

²³ Account No. 86844, Philip Edinborough, RG 217; Landers, Black Society, 171.

very frequently on excursions after cattle with [Prince's] Company." Of one such excursion with another free black man, Scipio Fleming, Proctor recalled that they were:

Hunting cattle and [Fleming] had his horse- - we stopped and turned the horse out to feed & he got away and went to the Patriot camp and they kept him. We tracked him up to the Camp but we dare not go near the Camp. In following the horse we not only tracked him, but we saw the horse before us, & followed him until we saw him go into the Patriot camp.²⁴

Black deponents in the claims hearings sometimes contrasted white behavior during the war unfavorably with that of blacks. Thus, Tony Primus, a freeborn black who was nearly 50 when he testified in 1841, contrasted black heroism during the war with white inaction. "A party of us," Primus recalled, "(all coloured people for no whites would go) went out to get cattle." The Spaniards furnished the party with horses and supplies, and promised to pay them \$4 for each head of cattle they brought into town. "We were at the time in the service of the Spanish Government, under command of Prince a Blackman," Primus boasted. Such pride in his conduct as well as concern for his own freedom evidently guided Primus' conduct at the onset of the war. When he first learned of the Patriot incursion, Primus was cutting timber near Julington Creek "on wages" for George J.F. Clarke, whom he knew personally. William Garvin, a white man who later married Clarke's mulatto daughter Felicia, was supervising the 13 lumbermen on the work detail. Knowing that the Patriots would sell him into slavery if they captured him, he told Garvin of his fears, only to have Garvin dismiss them as a ruse to disrupt the timber harvest. When he heard gunshots in the distance, however,

²⁴ Account Nos. 99008-Scipio Fleming, 86844-Philip Edinborough, RG 217.

Primus recalled, Garvin “could not keep us any longer,” and Primus fled in the interest of his own safety.²⁵

Other black deponents were less willing than Primus to antagonize whites. Yet even their testimony could cast whites in a negative light. This was the case with Simon Forrester, whose recollection that he had purchased his freedom from John Forrester prior to the Adams-Onis treaty called attention to his energy, initiative, and determination to leave slavery, and implicitly condemned the hardening racial policy in St. Augustine.²⁶ When Forrester testified in the 1840s, blacks could no longer voice their opposition to slavery in the St. Augustine press or in other instruments of public discourse, but they did so repeatedly in the claims hearings. They were thereby able to harness white self-interest to African American concerns. At the same time, their testimony rekindled pride among blacks who saw their status in the community eroding. The timing of the claims case hearings, when St. Johns authorities were tightening the noose of racism, dramatized the County’s transition from a society with slaves to a slave society.

The vigorous efforts of George J.F. Clarke’s descendants of color to win just compensation for the family’s losses were especially pointed in this regard. Claimants had to petition the federal court, which collected evidence and heard testimony concerning the claim, and then decided what, if any, award the claimant should get. This decision and the accompanying documentation then went to the Secretary of the Treasury in Washington, D.C., who reviewed the material, and made the final judgment

²⁵ Account No. 83177, George J.F. Clarke, RG 217.

²⁶ Ibid.

in the case. Some of the cases the Secretary remanded to the court for further information; in others he approved or reduced the sum the court had awarded. In every instance, he refused to authorize the accumulated interest payments of 5% annually since the Patriot War, which the court routinely awarded claimants. At least 26 African Americans submitted petitions for awards in their own names, while others submitted claims in the names of their white fathers.²⁷ The National Archives has 14 Treasury receipts issued to black claimants, and 8 to heirs of color in the names of white fathers.

St. Johns County residents were suffering through an Indian war and a depressed economy as they awaited payment, non-payment, or partial payment of their Patriot War claims. They had endured years petitioning and testifying before they received any compensation from Washington, and what they received was generally much less than they thought just and appropriate. Once the Treasury Department authorized payments, family members often fought over how to divide them.²⁸ Black claimants, like their white counterparts, engaged in battles of wills with the Secretary of the Treasury over the amount of their payments. In doing so, they often had assistance from whites who knew the justice of their claims. In appealing to the government for compensation and using whites to help them, they were relying on devices they had earlier employed under Spanish rule. Their endeavors here as elsewhere revealed their

²⁷ Landers, Black Society, 138.

²⁸ Account Nos. 82290 and 89535, James Cashen, RG 217; "Reminiscences of S. Murphy," East and West Florida Claims, Claims of Spanish Citizens, c. 1812-66, Treaty of 1819 (Florida Claims), Spain, International Claims, Records of the Boundary and Claims Commissions and Arbitrations, Record Group 76, National Archives, College Park, Maryland (hereafter cited as RG 76); Account No. 74969, Francis X. Sanchez, RG 217; Francis R. Sanchez to Joseph Simeon Sanchez, Newnansville [Alachua County, Florida], 23 January 1842, Joseph Simeon Sanchez Papers, SAHS; Account No. 87060, Francis R. Sanchez, RG 217; Francis Miles to Joseph Simeon Sanchez, Light Ship Florida, 22 June 1842, Frances [Hunter] to Joseph Simeon Sanchez, Washington, D.C., 23 January 1843, Joseph Simeon Sanchez to Mary Deweese, St. Augustine, 25 April 1849, Joseph Simeon Sanchez Papers; Sophia M. Sanchez to Levi Woodbury (Secretary of the Treasury), Philadelphia, 29 March 1838, RG 56.

resistance to the imposition of an American-style slave society upon a Spanish-style society with slaves.

Mrs. Felicia M.F. Garvin, the biracial daughter of George J.F. Clarke, was among the most determined and resourceful claimants of color. In late 1842, Mrs. Garvin wrote Secretary of the Treasury Walter Forward from Albany, New York, asking “if the allowed claim of [her] deceased husband for losses sustained in 1812 & 13 has been paid, [to the] firm of Clarke & Garvin.” The letter addressed a high federal official in the same language used by white claimants, and asserted the rights of citizenship Mrs. Garvin was entitled to under the Adams-Onís treaty. She was also the widow of a white Florida entrepreneur, and her means as well as her education enabled her to gain the assistance of influential whites in pursuit of her claim. The record of her claim includes letters on her behalf from a former militia general, a territorial delegate to Congress, and her white son-in-law, Dr. William H. Whitwell, all of whom referred to her as “Mrs. Garvin” or “Miss Garvin of St. Augustine East Florida,” titles of respect normally reserved for whites. An anonymous opponent of her claim also sent the Treasury Department a statement in 1837 which denounced the “numerous receptacles of vice and iniquity; kept by free negroes and mulattoes” in St. Augustine, a reference to Mrs. Garvin’s tavern-keeping brothers.²⁹

²⁹ Felicia M.F. Garvin to Walter Forward, Secretary of the Treasury, Albany, New York, 19 October 1842, p. 135, Peter Sken Smith to Levi Woodbury, Secretary of the Treasury, St. Augustine, 13 July 1840, p. 301, William H. Whitwell to Forward, Baltimore, 21 March 1842, p. 320, Joseph M. White, Florida Territorial Delegate, to the Secretary of the Treasury, Washington, D.C., 17 February 1836, p. 314, G.W.G. Walton [?] to the Secretary of the Treasury, Baltimore, 22 December 1841, p. 305, “Presentations of the Grand Jury for the Counties of St. Johns and Mosquito, March term, 1837,” p. 266, RG 56; Tebeau, 123; John Huff to the Secretary of the Treasury, Baltimore, 13 July 1844, RG 206.

In dealing with the Treasury as with her white attorneys in St. Johns County, Mrs. Garvin, who lived in New York at the time of her claim, did so on terms of racial equality. At one point in her correspondence with the Treasury Department, Mrs. Garvin learned that her agent, E.B. Gould, had accepted a settlement of her claim. Without her knowledge or approval, Gould had agreed to and received a sum that was considerably less than that for which she was pressing. Her white son-in-law, Dr. Whitwell, took up her appeal with the help of a Philadelphia lawyer, John Hancock, who reminded the Secretary that his client was a widow with children. In 1834, Mrs. Garvin had filed a claim of \$8688 for her deceased husband's Patriot War losses. Three years later, the court allowed her \$2700 plus interest, which the Treasury Department pared to \$2100 without interest. It was the latter amount that the Treasury had paid to Gould in 1838. An angry Mrs. Garvin protested that she had presented her case to the court "somewhat prematurely," and with the understanding that she could supply additional evidence if the court needed it to substantiate her claim.³⁰

A St. Augustine judge, after hearing Mrs. Garvin's protest, permitted further testimony, apparently without the Treasury Department's approval, and in 1841, the court added \$2037 to the original award, plus interest. But, in the same year, the Secretary of the Treasury notified Mrs. Garvin that Gould's acceptance of the payment

³⁰ Felicia M.F. Garvin to Walter Forward (Secretary of the Treasury), Albany, New York, 19 October 1842, p. 135, RG 56; Forward to Garvin, Treasury Department, 1 December 1842, William H. Whitwell to John C. Spencer (Secretary of the Treasury), Philadelphia, 18 July 1843, John Hancock to William Bibb (Secretary of the Treasury), Philadelphia, 22 January 1845, RG 206; Account No. 73801, William Garvin, RG 217.

in 1838 had closed the case. Despite additional protests, the Treasury Secretary remained adamant that the 1838 payment constituted “full” payment of the claim.³¹

Mrs. Garvin remained unintimidated. She hired a Washington, D.C. lawyer who pressed her case through letters and personal visits to the Treasury Department in early 1843. When that effort failed, Mrs. Garvin renewed her claim before a new Treasury secretary, portraying herself as a “poor woman” cheated out of what was rightly hers. When Washington again rebuffed her, she criticized the previous Secretary’s decision as “erroneous” and told the Department she had never given Gould any receipt “in full satisfaction” of her claim. This persistence annoyed Treasury officials, who warned the Secretary that should he reverse his predecessor’s decision in Mrs. Garvin’s case he would create a precedent “by which all the cases heretofore settled & paid might be reopened and addl claims upon the treasury presented to a very large amount.” When in April 1843, the Secretary again rejected Mrs. Garvin’s supplications, Dr. Whitwell sent him a curt note stating that he “shall expect [Mrs. Garvin’s claim] will be paid.” Mrs. Garvin continued to press her case through the 1840s, employing at least three new attorneys, including the well-connected George F. Fairbanks of St. Augustine. Her descendants continued her efforts into the twentieth century, and some of her descendants today think her heirs won a hefty settlement in the 1930s.³²

³¹ Isaac H. Bronson to Thomas Ewing (Secretary of the Treasury), St. Augustine, 1 September 1841, Walter Forward (Secretary of the Treasury), to Peter Sken Smith, Treasury Department, 24 December 1841, James D. Garvin to Forward, St. Augustine, 20 September 1842, Felicia M.F. Garvin to Forward, Philadelphia, 24 November 1842, Forward to Felicia M.F. Garvin, Treasury Department, 1 December 1842, RG 206.

³² W.W. [?] Dent to Forward, Washington, D.C., 13 February 1843, Note of Gilbert Rodman, Treasury Department, 15 February 1843, Felicia M.F. Garvin to John C. Spencer (Secretary of the Treasury), Philadelphia, 15 March 1843, Garvin to Spencer, Philadelphia, 30 March 1843, Rodman to Spencer, Treasury Department, 30 March 1843, William H. Whitwell to Spencer, Boston, 24 May 1843, RG 206; Whitwell to Forward, Baltimore, 21 March 1842, p. 320, RG 56; Whitwell to Spencer, Boston, 31 May

Other persons of color also pressed their Patriot War claims. Advertisements regarding their pending cases peppered St. Augustine newspapers throughout the antebellum period, and gave free blacks visibility in a medium which sought to make them invisible. These advertisements placed African Americans on an equal plane with whites, in addition to reminding the latter of black achievements during Spanish rule. At a time when Florida strove to marginalize free people of color by stripping them of their wealth, Patriot War settlement money gave African Americans greater financial security, as well as hope for the future. Indeed, their vigorous pursuit of their claims demonstrates that they had not acquiesced to the marginal social role that Florida had assigned them. The federal government awarded \$12,468 in the names of 14 free people of color, and another \$262,142 to blacks as heirs of the estates of 8 white fathers or husbands. The individual awards ranged from \$157,146 to the free black heirs of the white patriarch John Fraser, to \$102 for Tony Primus. The average settlement given in the name of a free black was \$983. Black heirs of whites were awarded an average of \$33,582, a figure that illustrates the economic potential of these African American elites, a class that white Floridians sought to impoverish.³³

The Patriot War had presented black East Floridians with many opportunities to exercise freedom. Their decisions during this conflict provided future generations of

1843, Whitwell to William Bibb (Secretary of the Treasury), Philadelphia, 6 July 1844, John Huff to McClintock Young (Secretary of the Treasury), Baltimore, 13 July 1844, John Hancock to Bibb, Philadelphia, 22 January 1845, Charles E. Sherman to William Meredith (Secretary of the Treasury), Washington, D.C., 15 March 1849, RG 206; Account Nos. 83177-George J.F. Clarke, 83763-George J.F. Clarke, surviving partner of Clarke & Garvin, RG 217; Telephone interviews with Dr. Yvonne Daniel, 6 April 2000, Attorney Kirby Payne, 17 September 2000, and Mrs. Orville Payne, 12 October 2000; "Descendants of Montague Cummings," File, SAHS.

³³ These figures were derived from the Patriot War claims that the author discovered in RG 217 at the National Archives, College Park, Maryland, in 2000, while on grants from the National Endowment for the Humanities, the Pennsylvania State System of Higher Education, and Cheyney University of Pennsylvania.

African Americans with abundant materials for an oral tradition of resistance. The presence of this oral tradition has not been emphasized in the historical literature dealing with antebellum East Florida. Although one historian, for example, characterized Sarasota Bay, the free black settlement on the west coast of Florida between 1812 and 1821, as a “reality only dimly remembered by succeeding generations of Floridians,” this chapter, by noting that some East Florida runaways were recovered by their masters vis-à-vis Creek raids upon Sarasota Bay, suggests that the memory may not have been so dim. Whites themselves documented the actions of slaves during Patriot War compensation hearings more than a generation after 1812, often consulting with slaves for useful information. The Minorcan residents of St. Johns County, who possessed a distinctively oral and communal culture, also preserved a great deal of information regarding the activities of blacks during the Patriot War.³⁴ African American oral tradition, combined with Minorcan accounts and the Patriot War claims cases, meant that memories of black achievements during the era of Spanish control lived on in the minds of St. Johns County residents of all colors well into the antebellum United States slave society. The Patriot War claims cases also gave free blacks a public voice at the very time that they were being excluded from the St. Augustine press and marginalized by Florida legislators. These carefully crafted protests of African Americans before the courts also inspired black resistance. When free blacks such as the Clarke clan pressed their Patriot War claims against the United

³⁴ Smith, 517, 534; Canter Brown, Jr., “The ‘Sarrazota, or Runaway Negro Plantation’: Tampa Bay’s First Black Community, 1812-1821,” *Tampa Bay History* 12 (Fall/Winter 1990): 17; Griffin, “Mullet on the Beach,” 175; Account Nos. 72686-Joseph Baya, 102832-John Capo, 76104-Bennet Segui, RG 217; Philip D. Rasico, “The Spanish and Minorcan Linguistic Heritage of St. Augustine, Florida,” *El Escribano* 20 (1983): 16; Account No. 82775, John Segui, RG 217.

States, they asserted their equality with whites by continuing a practice for the redress of grievances that had begun in Spanish times. The claims process resurrected old bonds between blacks and whites which had been forged in the Spanish society with slaves, bonds which African Americans used to help preserve some of the features of that society which were advantageous to blacks. Materially speaking, Patriot War monetary awards helped to give African Americans hope and security in a slave society that increasingly moved to strip them of their wealth.

CHAPTER 3 TRICKSTERING AND RESISTANCE

The long history of armed conflict, frontier violence, and political discontinuity in antebellum East Florida provided blacks with rich sources of inspirational memories. Since the 1670s, the region had harbored runaways from plantations to the north, and the “saga of capture and transportation” of slaves “occupied a hallowed place within family storytelling practices.” Even after the Civil War, one-time St. Augustine bondsman Jack Smith published memoirs vividly recounting his early life in Africa, including the details of his childhood kidnapping, his father’s death defending his family, and his painful separation from his mother. It is also safe to assume that blacks slave and free in St. Johns County told “trickster tales,” the didactic, “therapeutic,” and entertaining stories that functioned throughout the slave states as “symbolic attacks on oppressive masters and overseers,” and served as a “medium through which the slaves spoke to posterity from their souls.”¹ This chapter explores the strategies and techniques of trickstering in St. Johns County; that is, how slaves and other blacks avoided work, resisted rules and regulations, and asserted control over themselves, their

¹ Rivers, 164-165; Henry D. Spalding, ed., Encyclopedia of Black Folklore and Humor, with an introduction by J. Mason Brewer (Middle Village, N.Y.: Jonathan David, 1972), 238-239; Stetson Kennedy, Palmetto Country, American Folkways, ed. Erskine Caldwell (New York; Duell, Sloan & Pearce, 1942), 68-69; Tolagbe Ogunleye, “The Self-Emancipated Africans of Florida: Pan-African Nationalists in the ‘New World,’” Journal of Black Studies 27 (September 1996): 32-33; “Sitiki”; Patrick Riordan, “Finding Freedom in Florida: Native Peoples, African Americans, and Colonists, 1670-1816,” Florida Historical Quarterly 75 (Summer 1996): 24; Charles Joyner, Down by the Riverside: A South Carolina Slave Community, Blacks in the New World, ed. August Meier (Urbana: University of Illinois Press, 1984), 172, 174, 179-180, 194; John W. Blassingame, The Slave Community: Plantation Life in the Antebellum South, revised and enlarged edition (New York: Oxford University Press, 1979), 129; John W. Roberts, From Trickster to Badman: The Black Folk Hero in Slavery and Freedom (Philadelphia: University of Pennsylvania Press, 1989), 1, 5, 44, 49; Eugene D. Genovese, Roll, Jordan, Roll: The World the Slaves Made, First Vintage Books ed. (New York: Random house, Pantheon Books, 1974; Random House, Vintage Books, 1976), 582.

families, and their time. Trickstering, although it made slaves a “troublesome” property, threatened neither the institution of slavery nor the slave society. Masters thus could afford to tolerate trickstering, and this toleration made their own lives more tolerable, by easing the bothersome aspects of their station in life, as well as their consciences, for in dealing with trickstering, they might exercise the leniency that stoked their self-images as Christian paternalists. The second topic of this chapter, resistance, on the other hand, challenged the existence of slavery and the slave society. Resistance included such behavior as violence against the agents of the slave society and running away. Masters did not tolerate resistance, and made every attempt to quash it. African American success in trickstering and resistance represented another weapon in their arsenal against the imposition of an American-style slave society.

Antebellum St. Johns County produced scores of African American heroes for trickster tales. The exploits of these models, in turn, encouraged less bold folks and helped preserve the region’s rich oral tradition of resistance. Their daring, defiant “tricks” at whites’ expense frustrated their masters’ efforts to degrade and dehumanize blacks and helped slow the transition from a society with slaves to a slave society.

One important and widespread instance of trickstering involved nighttime socializing, and evidenced the active social lives of bondsmen as well as free people of color. On 27 April 1842, to illustrate, Thomas R. Perpall granted his slave Sandy “full permission to assist in giving a ball tonight, to which he is to act as one of the managers.” Similarly, on 23 April 1851, Mayor E.B. Gould, upon the “application of Mrs. Margaret Cook and others,” granted permission for Cook’s slave Jacob Hanson to “have a party” at B.E. Carr’s home on the corner of St. George and Bridge streets. The

next day, city marshal Francis Ferreira reported that the “ball was conducted in a proper manner and was dispersed at two o’clock.” When slaves were disobedient, whites denied them these party privileges. Hence, in 1851, Mayor Gould rejected Susan Murphy’s petition to allow her slave Peter to have a Friday evening ball at Carr’s property because Peter was “one of a party of negroes found on the way to the Island Anastatia on Saturday evening without leaves—it being unlawful assembly.”²

There is abundant evidence that “day-to-day realities . . . permitted bond servants more freedom of movement than the wording of laws and ordinances might suggest.” The ex-slave Jane Murray spoke of blacks roaming from plantation to plantation looking for dances. Such “strolling and roving” took place in St. Augustine all night long. In one typical instance, in 1840, a rescue party happened upon two blacks fishing on Moultrie creek during the early hours of the morning. Such nocturnal wanderings burdened whites with security concerns before and after the transition to American rule.³ Ironically, the methods devised to control African American activities after dark, like the moves blacks made to counter them, restricted the freedom of whites as well as blacks, and the result on some levels was to soften the actual impact of the repressive control measures. This black resistance contributed in good measure to the rather easy-going nature of race relations in antebellum East Florida. African Americans, to a significant extent, then, crafted for themselves the day-to-day realities that circumvented statutory restrictions.

² Sandy Perpall’s Party, 27 April 1842, and Peter Murphy, 13 May 1851, “Blacks 1824-1855,” City Papers; Entry—22 August 1857, “Finances: Treasury Account—Nov. 1854-Nov. 1861,” City Papers.

³ Rivers, 100; SAN, 19 June 1840; Edict of Don Enrique White, St. Augustine, 20 May 1807, Proclamations and Edicts, 1786-1821, microfilm reel 118, East Florida Papers (hereafter cited as EFP), P.K. Yonge Library of Florida History, University of Florida, Gainesville (hereafter cited as PKY).

In doing this, blacks used clever psychological tactics, often exploiting conflicts within the white community, to extricate themselves from precarious situations involving their post-sunset socializing. Models of behavior fashioned in the Spanish-era persisted in antebellum times. On a January 1812, afternoon, Don Manuel Paulin, a white artillery officer, obtained permission from Justice of the Peace Juan Villalonga to hold a dance. That night, Villalonga discovered that the revelers were people of color. Fearful of offending Paulin, who was present at the dance, Villalonga ignored the 1807 ban on black parties after dark. Unfortunately, St. Augustine Mayor Don Gerónimo Álvarez also discovered the gathering, entered the premises, and demanded the name of the host, as well as the name of the official who had sanctioned the festivities. Paulin identified himself as the sponsor of the party and named Villalonga as the responsible official. When Álvarez asked to see the written permit, a chorus of blacks declared that the justice of the peace had just left. The actual hostess, a mulatto, then shrewdly stepped forward with an infant in her arms. Seeing the child, Álvarez declined to arrest the woman; instead, he sentenced Villalonga to eight days confinement.⁴

Almost fifty years later, in 1854, St. Augustine authorities charged a free biracial woman, Phoebe Dupont, with illegally holding a dance, and sentenced the twelve participants, including slaves as well as free people of color, to fines of a dollar each or ten lashes if the fines were not paid. Dupont herself was fined five dollars, and was to be imprisoned until she paid that sum. But “on account of her poverty & her imbecility

⁴ Edict of Don Enrique White, 20 May 1807, EFP, PKY; “Blacks: Judicial proceedings vs. Juan Villalonga, Justice of the peace for St. Augustine for allowing a dance to be held by colored people at prohibited hours 1813,” File, SAHS.

[?] of mind, Dupont's fine was remitted."⁵ Like the hostess a half-century earlier, Dupont may have presented herself as a helpless or foolish female in order to avoid legal difficulties. Tales of such trickstering may have been widely circulated among local blacks. Perhaps Dupont even modeled her response upon that of the Spanish-era hostess.

Civilian-military conflict and paternalism were also factors which tricksters exploited. On the night of 20 August 1845, the slave Ben also took advantage of circumstances not unlike those of Phoebe Dupont, and in the aftermath caused an Army general and a young future Confederate general to come to blows over his arrest. Brigadier General William Worth had sent Ben, whom he apparently rented from Gabriel W. Perpall's estate, to purchase ice and bread after the curfew bell had sounded. When civilian patrollers seized Ben for having no pass and confined him to the stocks, Ben took on a manner that Patrol Captain Albert A. Nunes characterized as "insolent" and "impertinent in the extreme." Ben taunted his captors with warnings that they would have to deal with General Worth.⁶

Soon enough, a livid Worth, whom a local newspaper had praised in 1842 for his "gentlemanly deportment and amiable manners," burst into the city council chambers where Ben was being held and demanded the slave's immediate release. William W. Loring, a future Confederate general and notorious hothead, refused to be intimidated by Worth's "imperious and dictatorial manner" and brashly walked into the guardroom and placed his foot upon the stocks. Worth thereupon threatened to kill Loring, making

⁵ "Blacks 1824-1855," City Papers.

⁶ Affidavit of Albert A. Nunes, 21 August 1845, *State of Florida v. Johnson, a Slave of the Estate of G. W. Perpall*, "Blacks, 1824-1855," City Papers.

motions at drawing a knife from his jacket. When Loring did not budge, Worth grabbed a chair, and aimed “several deadly blows” at young Loring’s head. Loring struck back with a cane in a “severe struggle” that continued until a bystander broke it up. During the fight, Ben escaped, and Mayor Gould ordered the sheriff to arrest Worth.

Eventually, cooler heads prevailed and the charges against the general were dropped.⁷

The outcome for Ben is unknown, but it is clear he was aware of the civilian-military conflicts that plagued St. Augustine and of the rivalry between the competing white officials involved in this incident. He skillfully played the officials against one another, no doubt to his own advantage.

The patrol regulations designed to protect whites themselves developed into a source of conflict among the white community, and blacks took advantage of this conflict.

Florida’s draconian slave code reflected the worst fears of whites, but generally speaking, the patrolling of slaves and free blacks was poorly planned and even more poorly executed. A city ordinance of 1836 made all able white men subject to patrol duty from eight o’clock in the evening until “broad daylight.” The ordinance required at least ten patrollers each night, and those neglecting the duty risked fines or imprisonment. Even during the tense May nights of 1837, in the midst of the Second Seminole War, patrol records reveal scores of absences. On one night, for instance, Abraham Dupont commanded only four men—the other five failed to report for duty. In fact, the prescribed ten-man detail was the exception rather than the rule. Thus, in

⁷ Affidavit of W.W. Loring, *State of Florida v. Brigadier General William W. Worth*, 21 August 1845, “Blacks, 1824-1855,” City Papers; FHSD, 3 July 1842; Affidavit of Albert A. Nunes, 21 August 1845, *State of Florida v. Johnson, a slave of the Estate of G.W. Perpall*, “Blacks, 1824-1855,” City Papers; E.B. Gould to Francis P. Ferreira, 21 August 1845, “Patrols, 1838-1867,” City Papers; Circuit Court Minutes, St. Johns County, Volume A, 1846-1860, 29 July 1846, SAHS.

1840, the St. Augustine News sarcastically commended the city council for its “active watchfulness” of people of color in the city. It seems that the patrol was on duty “for the first time in some months.”⁸

At the end of 1840, an exasperated patrol captain listed the names of five absentees in his record book, placing exclamation marks next to the names, the number of marks increasing with his rising ire and ending with “Philip Manucy!!!!” The captain then directed that this record be reported to the city council, so steps could be taken to compel men to do their duty. His effort was apparently wasted, for in December 1841, another patrol captain reported that only one man had reported for duty before 10:00 P.M. This captain believed most men shirked their patrol responsibility because “the call interferes with their pursuits & pleasures.” In 1842, the city council summoned at least eight citizens for neglecting their patrol assignments. Even so, the council remitted the fines of men whose excuses it deemed acceptable, and fast-talking shirkers evidently got away with their negligence.⁹

Men who did perform patrol duties often had unpleasant experiences on St. Augustine’s dark streets. Patrollers were as likely to have to deal with unruly soldiers as with slaves without passes, again illustrating a rift in the white community that slaves like Ben could exploit. In 1837, the slave patrol caught a soldier breaking into a home. On another occasion, a mounted trooper fired at a slave patrol from the St. Sebastian

⁸ James M. Denham, “A Rogue’s Paradise”: Crime and Punishment in Antebellum Florida, 1821-1861 (Tuscaloosa: University of Alabama Press, 1997), 130-131; Ordinance relating to Patrols, 1836, “Patrols, 1836-1837,” City Papers; SAN, 10 May 1840, SAHS; Morning Report of the Patrol for the City of St. Augustine, 15 May 1837, “Patrols, 1836-1837,” City Papers.

⁹ Report of A. Watson, 27 December 1840, Report of F. Johnson, 20 December 1841, Joyner’s Petition for the remission of Patrol Fine, Read and fine remitted in Council, 3d October, 1842, “Patrols, 1838-1867,” City Papers; Denham, 130.

Bridge. Soldiers were often found drunk in the street. People of color saw such soldiers as allies in their struggle against increasing racial repression. In May 1837, Patrol Captain Abraham Dupont and two of his men (the other seven having failed to report for duty) entered the tavern run by George P. Clarke, a mulatto, at 11:00 P.M. There Dupont discovered Clarke's brothers James and John "drinking and smoking segars," with soldiers and a white man who claimed to be temporarily minding the tavern. One of the soldiers, who was armed, threatened the patrollers, causing Dupont, who lacked "a sufficient guard to take the party without shedding of blood," to order the soldiers back to their barracks. Seizing the Clarke brothers and their nephew, James D. Garvin, whom they encountered in the street, the patrol escorted the arrestees to the guardhouse. The short-handed Dupont soon had to release them when he learned of a drunkard staggering through one of St. Augustine's narrow passageways and creating a disturbance. To Dupont's frustration, the offender turned out to be one of the soldiers he had just reprimanded at Clarke's grog shop. In his inebriated state, the soldier was praising the Seminoles, "speaking in behalf of the rights of the Indians," and bellowing that "he wished every ball that the Indians fired would take effect."¹⁰

A week later, Patrol Captain Matthew Solana spotted five soldiers leaving James F. Clarke's bar, soon after midnight. The soldiers "commenced yelling and making a great noise," and to elude Solana they disappeared into the tavern of Sampson Williams, a free man of color, threatening the patrol from behind locked doors. A determined Solana gathered reinforcements and returned to the tavern, only to learn that the

¹⁰ Patrol reports, 11 June 1837, 22 June 1837, 24 June 1837, 25 June 1837, 29 July 1837, 13 August 1837, Ordinance Relating to Patrols, 1836, "Patrols, 1836-1837," City Papers; Patrol report, 9 April 1840, "Patrols, 1838-1867," City Papers; Patrol Report for 29th May 1837, "Patrols, 1836-1837," City Papers.

offending soldiers had returned to Clarke's place, where they pledged to "turn out" the "garrison" against the patrol if it troubled them further. When Solana indignantly followed the soldiers to the barracks, and demanded to speak to the sergeant of the guard, the sentry snapped that the civilian Solana had "no business here." Two months after this incident, in August 1837, the mayor dispatched Patrol Captain Bartolo Maestre and his men to the home of Thomas Clarke, a free man of color, where they found not only the corpse of Clarke's uncle, Ben Wiggins, but a white man, John B. Suárez, "making a great noise and being drunk [causing] much disturbance in the house."¹¹

Bondsmen, like free blacks, used their wiles to elude patrollers. In October 1843, the patrol arrested Jerry Mason, who was in the street at 10:00 P.M. without a pass, and confined him in the same guard room in which Ben would provoke the fight between Worth and Loring. The next morning, Mason's captors discovered that he had escaped, the stock securing him having been cut. One August night in 1849, two patrollers spotted a "negro boy" on horseback at the city gates around 1:00 A.M. Alerted to the patrollers, the black "boy" wheeled his mount about, and headed into town over the bridge at María Sánchez Creek. The patrollers, on foot, moved to intercept the rider, but he "ran his horse through to St. George St. in the direction of North City." Despite a "brilliant" pursuit, the patrollers could not determine the horseman's identity.¹²

Just as free blacks found white allies to aid in their defiance of the patrols, so too did bondspersons likewise manipulate white support. On 29 December 1849, when

¹¹ Patrol Report for 6th June 1837, Guard Report, 12th Aug. 1837, "Patrols, 1836-1837," City Papers.

¹² Report of Charles Hauger [?], 3 February 1844[?], George R. Fairbanks, patrol report, 8 August 1849, "Blacks, 1821-1855," City Papers.

patrollers took up the slave Rip Van Winkle, his owners, the Watson family, paid the dollar fine for his release. James R. Sánchez, however, refused to do the same for his bondswoman Inez, whom patrollers had apprehended on the same evening, maintaining that Inez had been seized before the curfew hour. Such disputes over the curfew frequently divided whites, giving leverage to bondspersons roaming the streets at night. In 1840, John C. Cleland headed a patrol which jailed Bernardo Bravo, Peter Solano, John Solano, and Ann Solano, all slaves, and Boatswain, a free man of color. To “alleviate the general clamor of the owners of slaves whenever their negroes are apprehended,” and “not to encourage partiality” in disposing of the cases, Cleland recommended that blacks have a half hour after the curfew bell to return to their homes. Otherwise, he pointed out, “they cannot venture out after dark.” He also condemned the prevalent practice of releasing blacks taken up without passes after confining them to a night in jail. Since fines and whippings were remitted in such cases, masters were unconcerned whether their slaves were in bed “or rioting abroad.”¹³

The circumstances Cleland pointed toward may have been the cause of one owner’s displeasure at the handling of one of his slaves by patrollers in 1846. In this case, W.M [?] Reid gave his slave Peyton permission to attend a Saturday night ball, writing on a slip of paper, “Pass Peyton tonight July 25th 1846.” Reid, however, mistakenly handed Peyton another slip of paper. When the patrol officer refused to accept Reid’s story to

¹³ Detail of City Patrol for night of 29th December 1849, Patrol Report 9th inst. {penciled “Apr. 1840}, “patrols, 1838-1867,” City Papers.

this effect, Reid was forced to pay “the constable \$1. to save the boy from a whipping.” His explanation, he complained, “would have been enough without the fine.”¹⁴

In these and other ways, St. Augustine blacks turned the tables on white patrollers, and caused their owners bother and expense. According to one student of antebellum Florida, most whites, under normal circumstances, believed the state’s slave laws were too strict,¹⁵ and such episodes as those just noted suggest that that was indeed the case in St. Augustine and probably throughout East Florida. It must be emphasized, however, that to a significant degree, the actions of blacks themselves were responsible for these white attitudes. By their refusal to submit to the restrictions imposed upon them, African Americans circumscribed white freedom while at least to some degree protecting their own social space.

Besides evading night patrols, bondspersons also shirked work. Joseph Simeon Sánchez, who was notable among other achievements as the author of a play set in a future time in which the “States have separated” but the slaves remained loyal to their masters, in real life had trouble with his own slaves. In 1843 Sánchez permitted his bondsman George to “work out on his own account” since he could find no other way to make George pay his own way. Another slave, Ben, who also hired himself out and paid Sánchez a share of his wages, “short paid [Sánchez] two dollars and a half” in May of the same year, and for the ensuing six weeks “regularly cheated” Sánchez, in Sánchez’s words, “saying that certain persons owed him but he says that he has the means and will pay me.” Fed up with such dalliance, Sánchez hired Ben out to work on

¹⁴ Items B10, B11, B12, St. Augustine Papers: Negro Passes and Permits, SAHS (hereafter cited as Negro Passes).

¹⁵ Denham, 131.

the St. Augustine sea wall in July. He tried to do the same with another slave, John, but, according to Sánchez, John “began to play me the same game being either sick or pretending to be so” for several months. Then, with only a week of sea wall construction work remaining, John suddenly felt better. Since this source of employment was coming to an end, Sánchez had to “allow [John] to find work on his own account.” Not only did Sánchez’s slaves malingering, but it seems that at least one of them entertained dangerous ideas. “I have my fears,” he wrote of Ben, “who has been making abolition speeches as I have been informed and perhaps knows too much of this matter.”¹⁶

Bondsmen made clear their preference for hiring themselves out, so much so that this was a distinguishing feature of slavery in St. Augustine. It seems clear that this was the preference of Sánchez’s slaves, and that the malingering just described forced him to give in to their wishes. Hiring themselves out gave the slaves considerable control over their own time, and when masters impinged upon this practice, they had to deal with consequences that ranged from malingering to outright violence. In early 1850, Mrs. Incarnacio Hernández evidently had just this problem regarding Redmond, her 30 year-old bondsman. Redmond objected so vehemently to the decision of Hernández to rent him to David Durrance, a farmer living along the rural Picolata Road, that she had him whipped. When Redmond arrived at the Durrance place, he was given a midday meal, permitted to rest, and then assigned to prepare potato beds with an elderly black man, George. Upon reaching the potato fields, and in the presence of the other laborers,

¹⁶ Jose S. Sanchez, *A Play or Drama*, n.d., Joseph Simeon Sanchez to son, St. Augustine, 14 August 1843, Jose Simeon Sanchez Papers.

Redmond announced that when he had left St. Augustine, he was “very cross” with his owner because of the whipping, yet for the remainder of the afternoon, he worked in a “rather jolly” manner.¹⁷

Nearly an hour before sunset, Durrance took his gun and proceeded to the woods to hunt. Shortly thereafter, Redmond shouted that he saw a “big Buck” and sent one of Durrance’s young sons into the farmhouse to bring him a gun. When the boy returned empty-handed, Redmond seized an axe, saying that he was going to “knock the deer on the head with it.” After briefly disappearing into a nearby hammock, Redmond threw his hat into a cart, placed the axe over his shoulder, and started off “over the branch,” in the direction that Durrance had gone. When the latter returned home, he found his “considerably alarmed” wife and children standing in the doorway, fearful that Redmond had “intended to do mischief.”¹⁸

A half hour after dark, Redmond appeared at the Durrance house “making all kinds of hallowing & noise.” From the porch, Durrance ordered the black man Old George to calm the slave, who was standing fifteen feet away. When Durrance ventured to the gate of the yard, Redmond declared that he “had been over the branch and got converted and his sins pardoned,” prompting the white man to order him back to St. Augustine. This order evidently triggered Redmond’s anger over his recent whipping, for he repeatedly asked Durrance if he was threatening to whip him. “Did you not know I was a Hell of a fellow?” Redmond shouted. “You do not know what sort of Man I am?” When Redmond reached for his knife, Durrance pointed his gun and ordered him to

¹⁷ Deed Book O, pp. 373, 578-579, CCH; CCR, file 23, box 165.

¹⁸ CCR, file 23, box 165.

halt. As the slave drew nearer, Durrance shot him in the stomach at point-blank range. Within 45 minutes Redmond died.¹⁹

Redmond had likely been accustomed to hiring himself out, and he may have lived apart from his mistress, so that the job at Durrance's, besides depriving him of the freedom to choose his employment, required him to sleep away from his loved ones, for the practice of allowing slaves in St. Augustine to occupy residences away from their owner's home was widespread. In 1850, Christóbal Bravo petitioned the city council for permission for his slave Bella and her three children to live apart from him, promising she would keep an orderly house. Bravo had already obtained the approval of white householders on Hospital Street, where Bella would live. On another occasion, Bravo asked the Council's approval for his slave Hanah, a baker, and her mother Venus, to live on Marine Street, an arrangement for which he had the prior approval of Hanah's white neighbors. Slaves who managed to negotiate such living arrangements compromised one of the town's basic "mechanism[s] of social control." In doing so, they made themselves "persons more than they were property," and saw their lives "invigorated." Such quasi-freedom often profited owners, not only in terms of money but also in reducing the aggravating responsibilities of day-to-day supervision.²⁰

Such holdovers from the days of Spanish control did not always sit well with American authorities. Thus, in March 1844, the St. Johns County Grand Jury voiced concern over the "almost universal usage among slave owners" of "making the slaves in substance free dealers." This usage caused a "relaxation of discipline" and a

¹⁹ Ibid.

²⁰ Petitions of Christobal Bravo, 1850[?] and undated, "Blacks, 1824-1855," City Papers; Whittington B. Johnson, Black Savannah, 1788-1864 (Fayetteville: University of Arkansas Press, 1996), 85-86, 178-179; Account No. 89486, Jose Bergall, RG 217.

“forgetfulness of duty,” the jurors warned, which ran counter to the “public weal.” Slaves who gained the “possession of money” by hiring themselves out acquired the “means of debauchery,” which would prove ruinous to blacks themselves and “disastrous . . . to the community.” Nearly a decade later, in 1853, a St. Augustine newspaper similarly condemned the liquor “hourly sold” in the city to “negroes bond and free,” and criticized county authorities for their negligence in enforcing the Florida statute forbidding the practice. Evidently the newspaper’s complaint went unheeded, for three years later, Mayor-elect George R. Fairbanks asked the city’s aldermen to form committees to investigate “selling liquor to negroes,” “negroes hiring their own time,” and “negroes living by themselves.” Throughout the antebellum period, it seems, St. Johns County’s people of color managed to protect certain practices and privileges they had enjoyed in the Spanish era. Ironically, in view of his concerns over some of those practices and privileges, Fairbanks himself later petitioned to have two of his own slaves occupy separate residences.²¹

A part of the evident leniency of this system stemmed from the fact that it was a “matter of public honor” among many slave owners to be seen as “paternalistic caretakers of ‘their people’ in a patriarchal society.” While many slaves milked this paternalism for the freedom to hire themselves out and to occupy separate residences, free people of color also took advantage of paternalism. The key to their success in doing so was to be perceived by whites as behaving according to standard rules of

²¹ FHSD, 25 June 1844; AC, 9 July 1853; St. Augustine City Council, Minute Book B, November 1854-April 1871, p. 86, SAHS (hereafter cited as Minute Book B); George R. Fairbanks, The History and Antiquities of the City of St. Augustine, Florida: A Facsimile Reproduction of the 1858 Edition, with an introduction and index by Michael V. Gannon, Bicentennial Floridiana Facsimile Series, ed. Samuel Proctor (Gainesville: University Presses of Florida, 1975), xxxii-xxxiii.

behavior. Thus, in 1837, when patroller John C. Cleland apprehended Joseph M. Hernández's slave Alex and a free man of color, he described the two as "decent and well behaved negroes," and recommended that they be fined only and not physically punished for their offenses. Whipping, he thought, might make them "careless and unprofitable servants," an observation which suggests that that had been the consequence in other similar cases. In other words, blacks who displayed a proper deference could expand the boundaries of their liberty. In 1835, for example, two free men of color, William R. Clarke and Sampson Williams, petitioned the city council to renew their liquor licenses. In doing so, they carefully followed established procedures, among other arrangements persuading the white merchant, Venancio Sánchez, to stand the requisite bond. They also obtained the endorsement of six white neighbors of their tavern on Marine Street, who agreed that Clarke and Williams operated the tavern for the "comfort of the neighborhood."²²

Despite this endorsement Clarke and Williams soon ran into trouble when a white man, Philip Weadman, charged them with violating the municipal ordinance against operating a tavern without a proper license. Presuming themselves to be fully licensed, Clarke and Williams ignored the charge, only to have city authorities shut them down on grounds that their license application had been rejected. Clarke and Williams responded to the closure by pleading ignorance of the rejection, and stating their readiness to abide by the demands of the law, since, as they petitioned, "they have always endeavored to conduct themselves as good citizens and entitle themselves to the

²² Return Book, 1835, Tax Rolls, St. Johns County, Florida, Florida State Archives (hereafter cited as FSA), Tallahassee; Petition of Sampson Williams, 5 December 1835, "Licenses: Liquor—1825-1836," City Papers; Clarke Will, SAHS.

good opinion of the community.” Clarke used the same tactic successfully fifteen years later, in 1850, when a jury fined him \$30 plus costs for selling alcoholic beverages without a license. In the latter case, however, Clarke persuaded Governor Thomas Brown to remit the fine on his “understanding that [Clarke’s] was a hard case.”²³

Clarke had such difficulties repeatedly, and just why he was always able to extricate himself from them is not always clear. In 1851 he was found guilty of “keeping a Common ill-governed & disorderly House,” for which he was imprisoned for a day, a punishment that seems hardly to match the seriousness of the offense. At least twice, in 1855 and 1856, the city council exempted him from the three-dollar tax on persons of African ancestry after he pleaded inability to pay because of poor health. But apparently Clarke paid a psychological price for his generally meek behavior. That at least may be the meaning of the episode in June 1860, in which the drunken Clarke used “improper language” and was “highly disrespectful” in addressing Mayor Paul Arnau. But again, Clarke utilized his wits to extricate himself even from this episode. In a letter to city authorities, he apologized “for his bad conduct,” begging forgiveness “of his Honor the Mayor and Council,” and asking that “his sentence be commuted” due to his “sickly and diseased body, as well as his old age.” Again, he was evidently successful.²⁴

This kind of manipulation of the system seems to have been notably successful in times of public peril, such as the Second Seminole War. Luís Fatio grew up as a slave

²³ Petition of S. Williams & Clarke relative to a Summons,” n.d., “Licenses: Liquor—1825-1836,” City Papers; “Patrols—1838-1867,” City Papers; Letters of Governor Thomas Brown, Tallahassee, 6 July 1850, and 15 July 1850, State of Florida v. William Clarke, Circuit Court Minutes, 1846-1860, Book A, pp. 95, 98-99, CCH.

²⁴ Circuit Court Minutes, Book A, pp. 111-113, 116, CCH; Minute Book B, 226-228, City Papers.

at New Switzerland, Don Francisco Fatio's "10,000-acre plantation with twelve miles of riverfront" in northwestern St. Johns County. The son of Fatio's slaves Adam and Juana, Luís was born in 1800, and baptized nine months later in the Catholic Church. The standing of his parents is indicated by the fact that he had two godparents at his baptism. Other plantation slave infants typically had a single godparent, or, as was often the case, shared common godparents in a joint baptismal ceremony during the course of a priest's circuit visit to outlying plantations. Luís' godparents were bondspersons not of Fatio but of Don Francisco Xavier Sánchez, a fact that suggests something of the paternalism of the Spanish society as well as the sense of community that existed among the slaves. Luis' family must have been esteemed by Don Francisco Fatio in ways that are not evident in the historical record.²⁵

That is at least suggested by the fact that Don Francisco Fatio's daughter, Susan Philippa Fatio, "taught [Luís] to read and write," most likely in the Fatio's "splendid" manor house containing a "great abundance" of the "very best quality" furniture and a "Choice Library [of] over 1200 Vols.," "mostly English, French, German & Spanish publications." Luís not only learned to read, but he eventually learned to speak English, French, Spanish, and the Seminole tongue. At a young age, he married a town slave, a woman who later bought her freedom. Soon thereafter, Luís ran away from New Switzerland and made his way to the Gulf of Mexico, most likely with the assistance of siblings, who lived among the Seminoles. His flight to freedom ended at Tampa Bay,

²⁵ CB, vol. II, entry 573; Susan R. Parker, "Success through Diversification: Francis Philip Fatio's New Switzerland Plantation," in Landers, ed., *Colonial Plantations and Economy in Florida*, 69; Account Nos. 76455-Francis P. Fatio, Sr., 94405-Francis P. Fatio, Jr., RG 217; Kenneth W. Porter, "The Early Life of Luis Pacheco Ne Fatio," *Negro History Bulletin* 7 (December 1943): 52; idem, "Three Fighters for Freedom," *Journal of Negro History* (January 1943): 66.

where he was apprehended and sold to the commanding officer at Fort Brooke. There, he served as an interpreter for a succession of commanders until the early 1830s, when he was purchased by Don Antonio Pacheco. Pacheco entrusted Luís with a number of responsibilities at his Sarasota trading establishment, 40 miles south of Tampa, and in 1835, as Luís Pacheco, he “possessed close connections among all elements of the southern peninsula’s population.”²⁶

At the end of that year, Luís’ widowed mistress rented him as an interpreter to Major Francis Dade, who with 100 troops marched inland from Fort Brooke to reinforce Fort King, near modern Ocala. Along the way, Dade frequently sent Luís ahead of the advancing column to scout. The Seminoles ambushed Dade on 27 December 1835, in what is commonly called the start of the Second Seminole War. Only Luís and three whites survived the attack. The whites accused Luís of complicity in the ambush, but Luís denied the charge, insisting that the Indians had captured him and held him against his will. Whatever the truth, General Thomas Jesup considered Luís a bad security risk, and in 1837 forced him into exile with the Seminoles who were moved west to Indian Territory.²⁷

That is not the end of Luís’ story, however. In 1892, the nonagenarian Luís returned to Florida to live under the care of the woman who in her girlhood had taught him to read and write. There, he attended church regularly and continued to deny any

²⁶ Porter, “Luis Pacheco,” 52, 54; Canter Brown, Jr., Tampa Before the Civil War, Tampa Bay history Center, Reference Library Series No. 8 (Tampa: University of Tampa Press, 1999), 25.

²⁷ Porter, “Luis Pacheco,” 54; Brown, Tampa, 25, 50; Frank Laumer, Massacre! (Gainesville: University of Florida Press, 1968), 36-37, 39, 111, 120; John K. Mahon, History of the Second Seminole War (Gainesville: University of Florida Press, 1967), 106; Porter, “Three Fighters,” 67-70; Idem, “Florida Slaves and Free Negroes in the Seminole War, 1835-1842,” Journal of Negro History 28 (October 1943): 393.

complicity in the Indian ambush in 1837. When he died in 1895, he was interred at New Switzerland after a funeral 'attended by representatives of the old families of Jacksonville.'²⁸ The drama and success of Luís Fatio/Pacheco's life was exceptional among those born into slavery in East Florida. They were due not only to his literacy but to his obvious abilities and initiative. He took maximum advantage of white paternalism, and negotiated his own freedom without the kind of compromises resorted to by his contemporary, William Clarke.

The attack on Dade's troops that made Luís Pacheco's name notorious rallied many slaves in East Florida to the Seminole cause. Large numbers deserted from the Tomoka region south of St. Augustine, where slaves during the Patriot War era had been left to fend for themselves, and where many of them fled to the Negro Fort or the Tampa area and where those who remained became problematic workers. Now, two decades later, Indian emissaries, including two known Black Seminoles, Abraham and John Caesar, appeared in Tomoka and elsewhere, actively soliciting volunteers to serve in the Seminole cause. Thus it happened that in the immediate aftermath of the Dade Massacre, blacks from "Tomoka & Smyrna" were again in the Tampa region besieging Fort Brooke.²⁹

At the same time other blacks, slave and free, joined the exodus of refugees pouring into St. Augustine, provoking white fears of a Fifth Column. Many of the black refugees 'had wives among the Indian negroes, and the Indian negroes had wives

²⁸ Porter, "Three Fighters," 66, 68; Mahon, 106; Brown, Tampa, 25; Laumer, 170; Porter, "Luis Pacheco," 62, 64.

²⁹ Porter, "Florida Slaves and Free Negroes," 393-395; "Petition to Congress by Inhabitants of St. Augustine," March, 1836, in The Territorial Papers of the United States (hereafter cited as Territorial Papers), vol. 25, ed. Clarence Edwin Carter (Washington: National Archives, 1960), 265.

among them.’ Within the town, therefore, were many people of color with blood connections to the enemy, individuals who might furnish supplies or intelligence to that enemy. Even before hostilities commenced, General Duncan L. Clinch had warned his superiors in Washington of the danger of a black-Seminole alliance. The warning proved well founded. “These coloured persons are giving us much trouble and there is scarcely a doubt that some of them have . . . given important information to the Indians,” an officer in the Florida militia had complained as early as July 1836. By August, the Seminoles had demonstrated their ability to penetrate into St. Johns County, appearing at Moultrie Creek, “within five miles and in sight of town,” and at the Canova and Papy plantations, “within a stone’s throw” of St. Francis Barracks on St. Augustine’s southern edge. Rumor circulated that Indians were moving about the town market under cover of darkness. Most of the “several hundred Negroes concentrated within the walls of the city” had picked up the Indian language as a consequence of lifetimes of contact with Indians. Some whites were especially fearful of arson, afraid the smoke would signal the Seminoles to attack. By October, the grand jury of St. Johns and Mosquito counties was lamenting the “total ruin” the war had already brought to the countryside around St. Augustine.³⁰

³⁰ Kenneth Wiggins Porter, The Negro on the American Frontier, with a preface by William Loren Katz, The American Negro: His History and Literature (New York: Arno Press, 1971), 266, 268-269, 341; Buker, 164-165; Duncan L. Clinch to Brevet Brigadier General A. Jones, Adjutant, Fort King, Florida, 22 January 1835, and Clinch to Jones, St. Augustine, 9 October 1835, Duncan Clinch Letterbook, 1834-1836 and Slave List 1859, Camden County, Georgia, Records of the Ante-Bellum Southern Plantations from the Revolution through the Civil war, Series C, Selections from Holdings of the library of Congress, Part 2, Alabama, Georgia, and South Carolina, microfilm reel 1, Library of Congress, Washington, D.C.; B.A. Putnam to R.K. Call, Governor of Florida, St. Augustine, 26 July 1836, and Putnam to Lewis Cass, Secretary of war, St. Augustine, 31 July 1836, “Letterbook & Accounts for B.A. Putnam, 1836-1844,” Calhoun Putnam Papers, SAHS; FH, 17 August 1836, 22 September 1836, 24 November 1836, 26 January 1837.

In this tense atmosphere, blacks found ample room to maneuver for their own purposes. Ironically, one reason for this was the territory's increasingly repressive slave laws. In late 1836, to illustrate, the St. Augustine Florida Herald printed a protest against a recent statute barring free blacks from immigrating to the territory, citing the case of a recent arrival from New York who came with the intention of working as a "domestic servant in the house of a highly respectable gentleman; who some months ago, came to settle in this Territory." For weeks in late 1836, the Herald printed items criticizing recently enacted Florida laws for penalizing whites whose slaves were apprehended among the Seminoles. Blacks skillfully took advantage of this divisive atmosphere. Thus, lawyer John Rodman was called to account because Rebecca, one of his house servants, had sheltered in her home "some negroes" who had "held communication with the Indians" and returned to St. Augustine. Defending himself as well as his bondswoman, Rodman could only assert, "Every person accused, white, mulatto, black; free or slave . . . is entitled . . . to an indictment by a grand jury and a regular trial by a petit jury." When a critic took Rodman to task for his defense of slaves accused of aiding the enemy, an anonymous defender of the lawyer noted that Mayor Frederick Weedon had permitted two male slaves who had been apprehended after running away to the Indians to "go at large," even though they faced more serious charges than Rodman's Rebecca.³¹

In this context, the celebrated case of Randall Erwin takes an added significance. In early 1837, in the midst of the Seminole War, three men of color, Andrew Gue, Joe

³¹ FH, 17 August 1836 to 1 December 1836, SAHS; Porter, Negro on the American Frontier, 269-271; Canter Brown, Jr., "Race Relations in Territorial Florida, 1821-1845," Florida Historical Quarterly 73 (January 1995): 304; Putnam to Cass, St. Augustine, 31 July 1836, Calhoun Putnam Papers.

Merritt, and John Bicity, contacted Erwin, a free mulatto, at his home on Anastasia Island. They told Erwin that during the previous summer, when only “an inefficient patrol” of 8 to 10 civilians kept watch in St. Augustine, two Seminoles had ridden “through the town and went out at the gates.” Gue and the others argued that it was safe for Erwin to help the Seminole cause. Accepting this argument, Erwin provided cloth, needles, thread, and tobacco, and promised to pick up other supplies for them in St. Augustine. The following night, Erwin’s conspirators participated in a raid on the Hanson plantation, just outside town, in the aftermath of which they were apprehended in an engagement in which Merritt was fatally wounded. Gue, also wounded, managed to escape.³²

In a manner not revealed in the sources, authorities soon learned of the raiders’ contacts with Erwin. As a result, Erwin, along with Stephen and Tomasa Merritt, Joseph Merritt’s father and sister, presently faced charges of treason. The affair “revived something of the panic of the early days of the war.” The dread of an impending slave uprising, which the affair fueled, drew the militia back to town, thus relieving military pressure on the Seminoles and their black allies operating outside of town. Evidently the accused were allowed to go free while awaiting trial, for Erwin and Stephen Merritt were apparently soon consorting again. Despite the potential for a “consequence . . . had it been permitted to ripen we well may shudder at,” in the words

³² Porter, Negro on the American Frontier, 34, 273-275, 400-401.

of a local newspaper, and a petition signed by more than 100 white men, Erwin and the Merritts were exonerated.³³

An investigation into the family ties of the accused sheds light on why this denouement may have occurred. Randall Erwin was the mulatto son of James Erwin, a white South Carolinian who owned a plantation on the Little St. Marys River. George J.F. Clarke was the elder Erwin's friend, and their families were close. In fact, George Clarke's brother Charles W. Clarke, administered James Erwin's estate. Randall Erwin also seems to have been tied to another prominent white, George Center, who was serving as a St. Augustine alderman in 1838, when he was "appointed sole trader with the Indians." The reason cited for this appointment was Center's "high character," and "experience in the Indian character." Randall Erwin's tie to Center was through his sister, who bore three children fathered by Center in the 1840s.³⁴

Stephen Merritt was similarly well connected. Also known as Stephen Wright, Merritt had been born around 1786, the son of an Englishman and a free black woman from South Carolina. He was baptized into the Catholic Church at the age of six, and later married Josefa Herrera, the daughter of a free black who owned a small farm in the Matanzas area, and the couple had three children. In handling the affairs of his life, Joseph Merritt, who had been killed in the raid referred to earlier, had learned well from

³³ Ibid., 34, 273-275, 400-401; FH, 19 January 1837, 26 January 1837, 21 March 1837; FHSD, 7 August 1843; SAN, 16 March 1839, 23 March 1839, 30 March 1839; Petition of the inhabitants of the City of St. Augustine, 14 September 1838, "Blacks: 1824-1855," City Papers.

³⁴ Porter, *Negro on the American Frontier*, 265-266; Deed Book D, pp. 11-14, CCH; Spanish Land Grants (hereafter cited as SLG), Confirmed, microfilm reel 50-G, E10, PKY; Claim of James Erwin, Patriot War Papers; CCR, file 14, box 117; Manuscript returns of the Seventh United States Census, 1850, Florida, St. Johns County, National Archives, Washington, D.C. (All decennial censuses are taken from the manuscript returns at the National Archives. Hereafter they will only be cited by the year of the census); CB, vol. IV, p. 1; Deed Book M, pp. 304-305, CCH; SAN, 17 November 1838; FHSD, 11 July 1839.

his father, Stephen Merritt. In his lifetime, Joe Merritt had been a masterful trickster. He had disguised his defection to the Seminoles by feigning his own drowning, which had “called forth sympathies of the people [of St. Augustine] much in his favor.”³⁵

The lives of such men as the Merritts and Randall Erwin were admittedly exceptional in antebellum East Florida. They were of biracial ancestry and had ties to Caucasians to whom they were related. Through inheritance and marriage they owned land. Ambition, intelligence, and assertiveness were aspects of their basic characters. Still, the success of these men in maneuvering through the racial minefields of this increasingly repressive society seems best explained by their family ties and their standing in the community. These together with their personal abilities enabled them to take advantage of the ameliorative features of antebellum paternalism, of the conviction of many whites, for example, that in dealings with the law respectable blacks should enjoy the “same procedural safeguards as whites.” White attorneys did not hesitate to defend blacks, and often enhanced their professional prestige in doing so. Thus, though opinion in the white community ran squarely against Erwin and Merritt in their legal troubles in 1838, there was no cry for blood vengeance, only that they be exiled. The following year a judge defended Erwin in court, and persuaded an all-white jury that Irwin was not guilty of the charge of ‘attempting to excite and exciting slaves to insurrection.’ The St. Augustine News reported this verdict matter-of-factly. Yet the

³⁵ FH, 19 January 1837, 29 March 1837; CB, vol. I, entries 258, 259; Landers, Black Society, 260; SLG, Confirmed, microfilm reel 50-C, B58, and Unconfirmed, microfilm reel 52-C, W28, PKY; Asbury Dickens and John B. Forney, eds. American State papers: Documents of the Congress of the United States in Relation to Public Lands From the First Session of the Twenty-First to the First Session of the Twenty-Third Congress, Commencing December 1, 1828, and Ending April 11, 1834, vol. 6 (Washington: Gales & Seaton, 1860), 113 (hereafter cited as ASP-PL); C M, entries 17, 51; CB, vol. II, entries 139, 496, 616, vol. III, entries 298, 362, 421; Account No. 74759, Toby Herreira, RG 217; SAN, 30 March 1839; Porter, Negro and the American Frontier, 349.

real reason for the verdict was the attorney's success in persuading the presiding judge to rule that "no law . . . authorized [black witnesses] to testify in a United States case." Therefore, "many negroes who were to have testified as to the facts, against the negroes on trial, were excluded." After the verdict, Randall Erwin evidently placed himself under the protection of the white patriarch Zephaniah Kingsley and sailed to Haiti, where Kingsley had earlier evacuated his own biracial family. Four years later, Erwin was back in Duval County.³⁶

Under these circumstances, it is not surprising that the Erwin-Merritt affair repeated itself with a similar outcome in 1840. The latter incident began in February, when Indians killed two wagoners transporting mail from Jacksonville to St. Augustine. Three tense months later, a party of Seminoles ambushed a theater troupe seven miles from town, and then a mid-summer assault on Indian Key in South Florida added to white apprehension. In St. Augustine, Florida Governor Robert R. Reid pledged to tighten security and "immediately offer rewards for the apprehension of all whites & blacks holding intercourse with, or aiding the Indians." On 14 September, George L. Phillips again echoed white fears when he spoke of the "traitorous designs of some of our coloured population." Other whites petitioned Congress for assistance, citing dangers they feared from the British West Indies, where officials were threatening to "incite" the "savage foes" of the nation and Florida to "deeds of outrage." The British

³⁶ Petition of the inhabitants of the city of St. Augustine, 14 September 1838, "Blacks: 1824-1855," City Papers; Daniel L. Schafer, Anna Kingsley, Revised and Expanded Edition (St. Augustine: St. Augustine Historical Society, 1997), 41-45, 47; SAN, 13 September 1839, 4 October 1845; Jose Augusto Puig Ortiz, Emigracion de Libertos Norteamericanos A Puerto Plata En La Primera Mitad Del Siglo XIX: La Iglesia Metodista Wesleyana (Santo Domingo: Editora "Alfa y Omega," 1978), 84, 99; Deed Book O, p. 578, CCH; Wills and Letters of Administration I, pp. 436-438, CCH; Denham, 122, 130, 132.

government itself, the petitioners warned, was threatening the South by “causing to be disciplined for war the coloured population of her American Colonies.”³⁷

The climax to this litany of nerve-wracking events was the attack on the Hanson plantation on 25 October 1840 by upwards of a score of Seminoles. The Indians plundered the plantation, but before they could torch the buildings, loyal slaves warned whites, who scattered the raiding Indians. The raid scared everyone, and in the ensuing night, sentinels posted around the plantation fired upon approaching United States troops, killing a sergeant and wounding an officer. In the excitement thereafter, George and Joe, two Hanson bondsmen, were “arrested on a charge of treasonable intercourse with the Indians.” The case against the bondsmen was pursued vigorously. By late November, a grand jury had “examined upwards of 30 witnesses, embracing officers of the Army, negroes, and captured Indians,” and took note of the “extraordinary zeal for [George and Joe’s] conviction” on the part of some witnesses. Yet the members of the jury “were uninfluenced by the malignant prejudices of several of the witnesses, and no bill was found against the slaves.”³⁸

Whether George and Joe were guilty or innocent, many blacks did in fact ally themselves with the Seminoles, and they played a major role in the Indians “winning control of the St. Johns River valley up to the gates of St. Augustine in the early days of the war.” By keeping “that region terrorized,” they forced General Jesup to allow

³⁷ Graham, 49-51; John T. McLaughlin to the Secretary of the Navy, U.S. Schooner Flirt, Key Biscayno, 11 August 1840, Governor Reid to the Secretary of War, St. Augustine, 22 August 1840, The Secretary of War to George L. Phillips, 3 October 1840, Memorial to Congress by Citizens of St. Johns County, [Referred 16 February 1841], Territorial Papers, vol. 26, pp. 194, 202, 216-217, 266.

³⁸ SAN, 30 October 1840, 6 November 1840, 27 November 1840; St. Johns County Court, Minute Book, 13 September 1827-12 July 1845, p. 133, SAHS.

scores of people of color who joined the Indians to leave Florida.³⁹ Essentially, these people negotiated their freedom through constant pressure, and in doing so they seriously impeded the progress toward creating a slave society in East Florida. African Americans continued the strategies that they had employed during the Patriot war. Furthermore, when the Seminole War ended in August 1842, they maintained that effort, as they had earlier done after the Patriot War.

The effects of that effort are attested to by the need white St. Augustinians felt regularly to update the town's slave and black codes. New municipal ordinances in 1822, 1836, 1845, 1848, and 1853 enacted increasingly rigid curfews on African Americans. But curfew violations were only one part of white concerns. Another was the fact that slaves continued to run away, if not to the Seminoles after their relocation to the West, then to the Bahamas, where the British had recently abolished slavery and to which fugitive slaves from East Florida fled in increasing numbers via Tampa Bay, Charlotte Harbor, or the Florida Keys.⁴⁰

In November 1839, the St. Augustine News reported that a "negro belonging to J. HERNANDEZ, Esq., of this city, secreted himself on board of the Southerner, just before she left the wharf for Charleston, on her last trip." The Southerner's skipper discovered the stowaway after he had embarked, and though "put to a great deal of

³⁹ Porter, The Negro on the American Frontier, 355-356; idem, "Slaves and Free Negroes in the Seminole War, 417-419.

⁴⁰ Julie Ann Lisenby, "The Free Negro in Antebellum Florida, 1821-1861" (Master's thesis, Florida State University, 1967), 33-34; Florida Historical Records Survey, Ordinances of the City of St. Augustine, vol. I (Jacksonville: Florida Historical Records Survey, 1941) 20-21; James C. Scott, Domination and the Arts of Resistance: Hidden Transcripts (New Haven: Yale University Press, 1990), 4, 14; Bertram Wyatt-Brown, "The Mask of Obedience: Male Slave Psychology in the Old South," American Historical Review 93 (December 1988): 1245; Kimball, 59, 62-63, 65, 73-74; Aptheker, 11; John Hope Franklin and Loren Schwening, Runaway Slaves: Rebels on the Plantation (New York: Oxford University Press, 1999), 291-292; SAN, 22 November 1839, 29 January 1841; FHSD, 27 June 1839; Governor DuVal to the Secretary of War, St. Augustine, 23 September 1823, Territorial Papers, vol. 22, 744-745.

trouble on account of the slave,” returned him to Hernández. Similarly, on 2 July 1841, Ned or Edward Dixon, a 23 year-old slave carpenter owned by Thomas Ledwith of Jacksonville, fled in a small boat. A “bright Mulatto or quadroon” with straight hair and “the letters E D on his arm in Indian ink,” Dixon was light enough that his owner feared he would pass himself off as a white man. Florida Governor Richard Keith Call took note of the potential for ocean flight in a message to the Legislative Council, warning that the Territory’s “sparse white population,” the “extent of [its] seaboard . . . proximity to the British islands,” and its “exposed and defenceless situation,” meant that Florida was “slumbering on a volcano.”⁴¹

Several weeks after Call’s alarm, the St. Augustine News carried extensive coverage of the slave mutiny that took place on the brig Creole in early November 1841. While en route to New Orleans from Hampton Roads, Virginia, 135 slaves seized the Creole and sailed to Nassau in the Bahamas. There, despite protests from the American consul, local authorities welcomed the escaped slaves, most of whom belonged to a master who had earlier lost blacks to the British after a shipwreck off the island of Abaco. Less than a year before the Creole affair, a United States vessel sailing from Louisiana to Virginia carrying 38 slaves had foundered near Nassau, and authorities there had liberated its human cargo. In the same period, inclement weather forced three other American ships with enslaved passengers to land in the Bahamas, and these bondsmen too were freed. Consequently, when the Creole pulled into Nassau, the town’s black populace, which outnumbered whites four to one, took action. Fifty local boats surrounded the ship,

⁴¹ SAN, 22 November 1839, 29 January 1841, 29 January 1842; FHSD, 27 June 1839, 9 July 1841; Governor DuVal to the Secretary of War, St. Augustine, 23 September 1823, Territorial Papers, 744-745.

threatening to free the mutineers “by something approaching mob action.” This action, as white St. Augustinians well knew, came only months after the U.S. Supreme Court had freed all of the slaves participating in the Amistad revolt of 1839.⁴²

Most free people of color in St. Augustine were literate, and some, “too many perhaps,” of its slaves were also. This fact, plus the oral communication networks meant that blacks there had ample opportunity to learn of sea escapes, and of the Bahamas as a place of refuge. News of local escapes was regularly reported in city newspapers. Thus, on 19 November 1842, James Keogh announced a “liberal reward” for the recovery of his missing yawl, which he believed had been stolen by Amos, Sandy, and Brass, runaway slaves of William H. Williams. In a similar incident in July 1843, seven slaves from Key West stole a boat in St. Augustine harbor, and though “closely pursued,” managed to reach the Bahamas, where “they have ever since been sheltered and have no doubt been made free.”⁴³

Shortly thereafter occurred the most spectacular of this series of sea escapes. In this episode, Andrew Gue and five other slaves belonging to different masters threw St. Augustine “into a state of universal excitement.” The six bondsmen, two of whom had served on the United States schooner Walter M., absconded on one of the schooner’s boats, taking with them assorted supplies and “seven stand of muskets.” From the St. Augustine harbor, the fugitives steered to Fish’s Island, where they commandeered a pilot boat capable of a sea travel. Since one of the slaves hailed from the Bahamas, whites presumed that that was their destination. With “one or two exceptions,” the

⁴² Howard Jones, “The Peculiar Institution and National Honor: the Case of the Creole Slave Revolt,” Civil War History 21 (March 1975): 31-35; See for example, FHSD, 26 September 1839; SAN, 11 October 1839, 18 October 1839, 31 January 1840, 15 May 1840, 5 March 1841.

⁴³ SAN, 19 November 1842, 30 September 1843; FHSD, 9 July 1841.

runaways had been “most faithful negroes” who “stood high in the estimation of their owners.”⁴⁴

One of the “exceptions” may have been William Hernández, who may have been the Hernández slave who attempted to flee to Charleston on the Southerner in 1839.

Andrew Gue, whose name was listed at the top of the reward notice for the runaways, soon became the most notorious of all East Florida fugitive slaves. Early in the Second Seminole War, Gue and two of his fellow slaves had been “in the habit of coming into town at night and being harboured aided and fed,” and in the summer of 1836 when he was no more than 21 years of age Gue had fled to the Seminoles. On his after-dark visits to St. Augustine, he recruited slaves to the Indian cause by convincing friends that he held a position of confidence with the Seminoles and ‘only wanted a white man’s scalp to make him a great man.’ Wounded in the attack in which Joe Merritt was killed, Gue hid among sympathizers until his capture in March 1837. “The notorious Andrew Gue taken,” the Florida Herald headlined.⁴⁵

There is no record of Gue’s punishment for his role in that attack, though one historian has surmised that it consisted of “rather light” jail time. In any case, Gue reappears in the record in 1839 as recipient of pay for work done for the city of St. Augustine, presumably on his own time, in connection with a burial. Three years later, Henrietta Boye bore Gue a daughter whom the couple had baptized in the Catholic

⁴⁴ Gil Wilson, “An African American Fight for Freedom,” The Ancient City Genealogist 3, no. 1, (1992): 16; FHSD, 31 July 1843; Joseph B. Browne, United States Marshal, to Sir Francis Cockburn, Governor of the Bahamas, United States Schooner Nautilus, Nassau, Bahamas, 26 December 1843, in U.S. Congress, House, Executive Document 160, 28th Cong., 1st sess., 1844, p. 6.

⁴⁵ Benjamin A. Putnam to Richard K. Call, St. Augustine, 26 July 1836, Letterbook and Accounts for B.A. Putnam, 1836-1844, Calhoun Putnam Papers; FH, 21 March 1837; Porter, Negro on the American Frontier, 347.

Church. During this time he evidently maintained a close relationship with Antonio Fontane, a slave noted for his fidelity, who stood as the godfather of Gue's daughter's. To all appearances, Gue had integrated himself into St. Augustine society, and he may have begun work to purchase his freedom. If that was indeed the case, something went wrong in the summer of 1841. In July of that year, Gue's master, Francis Gue, warned St. Augustinians not to hire his bondsman or otherwise do business with him without Francis Gue's written permission.⁴⁶ This restriction on his freedom may have been the motivation for Gue's decision to escape slavery by the sea.

On the day of Gue's escape, whites observed a suspicious ship, purportedly carrying salt from Rum Key in the Bahamas, outside St. Augustine harbor "with a light on her mast head at night." When harbor pilots boarded the ship, they found "rather a numerous crew on board," though the ship itself "appeared to be otherwise unusually light or only in ballast." A slave later reported that one of the fugitives had told him a few days before Gue and his companions fled that a "British vessel would soon be off the port, and that there would then be a good opportunity for those who wished it, to obtain their freedom." This report prompted the city council to conclude that "in some quarter, and probably in the Bahama Islands" a "regularly organized system" existed for the "abduction of our slaves—or for aiding and abetting them in escaping from their owners." City officials thus asked the U.S. government to station "a proper Maritime Force" of two naval cutters off East Florida to patrol the coastline between St. Augustine and Key West, "so as to form a check on our slaves" and on "those whom it

⁴⁶ Wilson, 16; Item No. 9, "Receipts, 1838-1839," City Papers; CB, vol. III, p. 319; FHSD, 9 July 1841.

is believed keep up a communication with them, in order to withdraw them from their owners” and who “may incite them to still more pernicious acts against the latter.”⁴⁷

In late July or early August 1843, Gue and his fellow fugitives sailed to Key Biscayne, but after unsuccessfully attempting to cross the Gulf Stream, returned to the “North Beach” ten miles from St. Augustine. “Having suffered much for want of water,” they came ashore there at the place of farmer John Seguí, refreshed themselves and their water supply, gathered “a quantity of Water Melons,” and set sail again. Seguí, “a simple man,” was alone when the fugitives approached him, and did not challenge them. He did, however, send word of their appearance to St. Augustine, from which officials immediately dispatched two search parties, one by land, and another by sea. Four days later, the land party spotted the runaways, who eluded their pursuers.⁴⁸

By the third week of September, Gue and his gang were back on Key Biscayne, where they raided the home of John Henry Geireen, a German immigrant, taking all the food supplies they could find. Only Geireen’s six-year-old daughter was at home during the raid, but when the fugitives departed, the girl rushed to her father, who was fishing nearby with his son. Geireen grabbed his rifle and chased the intruders. Moments later, Geireen’s children heard shots and a series of agonizing cries. After a terrifying night in hiding, the children found their father’s mutilated body. No other people lived on the island, but a wrecker happened upon the traumatized youngsters

⁴⁷ FHSD, 31 July 1843; SAN, 30 September 1843.

⁴⁸ FHSD, 7 August 1843; Joseph Simeon Sanchez to Son, St. Augustine, 14 August 1843, Jose Simeon Sanchez Papers.

later in the day. This violent episode was one of a series of raids the fugitives staged, always eluding their pursuers.⁴⁹

After Geireen's death, the fugitives' pilot boat was spotted leaving Key Biscayne, but several days later, it returned to the island. On 3 October, news of their whereabouts reached Key West, from which authorities dispatched a search party on three vessels, including the Walter M, upon which two of the fugitives had served. The search party, which included twenty soldiers, had orders to capture the fugitives dead or alive. A search of Key Biscayne and surrounding areas of the mainland was fruitless, in part because no one living in the area would challenge the fugitives, who had now recruited two additional members. Despite an agreement the American commander, General William Worth, made with the Seminoles to turn over the fugitives should they be encountered, Gue and his men reportedly reached the Bahamas. News reports of their reception there ignited a storm of protest in Florida as well as in Washington, but the British refused to turn Gue and his men over to U.S. authorities.⁵⁰ The blow-by-blow accounts of these events in St. Augustine newspapers assured that local African Americans heard of Gue's success.

Gue's rejection of slavery and his resistance to the slave regime were spectacular and inspiring, but hardly typical. Much more representative were the kinds of ordinary actions that produced a wave of arson, crimes against property, and insolence in St.

⁴⁹ SAN, 7 October 1843; FHSD, 10 October 1843, 31 October 1843.

⁵⁰ FHSD, 31 October 1843, 5 March 1844, 26 March 1844, 25 June 1844, 16 July 1844; SAN, 4 November 1843, 2 December 1843, 20 January 1844; Browne to Cockburn, United States Schooner Nautilus, Nassau, Bahamas, 25 December 1843 and Opinion of the Court, Nassau, Bahamas, 29 December 1843, in U.S. Congress, House, Executive Document 160, 28th Cong., 1st sess., 1844, 5, 7; John C. Calhoun, Secretary of State, to Edward Everett, [Ambassador to Great Britain], Department of State, Washington, D.C., 7 August 1844, U.S. Congress, House, executive Document 114, 28th Cong., 2nd sess., 1845, 1-7.

Augustine between 1839 and 1845. These behaviors prompted the St. Johns County Grand Jury to decry the “great looseness or laxity which too generally prevails in the management of the slave population.” The jurors blamed the situation on “an inertness in the enforcement of the laws” which resulted in “an extent of privileges and indulgence” toward bondspersons deemed “wholly incompatible with. . . . their proper position.” Just how much of the crime wave should be blamed on slaves or other blacks cannot be established, but the apprehension of whites was evident, as was the willingness of many African Americans to exploit that apprehension. The case of Lucy, Venancio Sánchez’s slave, illustrates that fact. Because she had been raised in the Sánchez family, Lucy was “thought very much of,” and given her own private living quarters, “the best room in the house.” Yet if her master is to be believed, Lucy became a malingering thief who stashed in her bedroom items she stole from the household. A white neighbor, C.D. Loring, concurred in that evaluation, swearing that Lucy’s character was “very bad,” so bad in fact that it “dearly impaired her value.” Lucy had, according to Loring, been caught in the act of attempting to set the dwelling of a local merchant on fire. As a result of such accusations, Lucy’s owner sold her in 1849 for \$1000 “to a Spaniard in New Orleans for his mistress.” George Papino, a free black man, accompanied Lucy at the outset of her trip west, an arrangement Lucy insisted on, but despite this accommodation, she soon ran away. Papino’s assessment that Lucy was “a Smot Woman” differed notably from that of Loring or Sánchez.⁵¹

⁵¹ FHSD, 7 February 1839, 17 August 1839, 14 November 1839, 26 June 1840, 13 August 1841, 8 October 1841, 4 December 1841, 5 March 1844, 26 March 1844, 25 June 1844, 16 July 1844; SAN, 13 July 1839, 20 July 1839, 13 December 1839, 20 December 1839, 30 January 1840, 28 February 1840, 5 June 1840, 31 July 1840, 23 April 1841, 15 January 1842, 5 February 1842, 19 March 1842, 4 November 1843, 2 December 1843, 20 January 1844, 25 January 1845; CCR, file 41, box 153; Marjorie C. Meyer,

Perhaps another “Smot Woman” was Phebe, a slave whom her owner, Clarissa C. Anderson, rented to a Mr. Landon in Duval County. In early 1842, Landon whipped Phebe, accusing her of trying to poison him with arsenic, and had her confined in St. Augustine’s old Spanish fort. At her trial in Jacksonville, the jury exonerated her after only 30 minutes of deliberation despite the fact that her white attorney considered the circumstantial evidence against her quite strong. By the end of the year, however, Phebe had again been rented out to a white mistress who considered her service quite satisfactory. Phebe was back with her owner in February 1843, again garnering high praise for her service and more than a year later receiving gifts from white friends of her owner from the north.⁵²

As sectional tensions mounted in the 1850s, St. Johns County slaves resisted the tightening slave society. In August 1857, four adolescent slaves received 10 lashes each for “abusive language” in the streets of St. Augustine. Two months later, four other slaves received 30 lashes each for the same offense, and in late 1858 the mayor’s court sentenced two young bondsmen to 10 stripes each for playing the game of “shinney” on Sunday. More seriously, Sam, another of Venancio Sánchez’s slaves who had been fined \$10 for carrying a knife and club in August 1859, was convicted in May 1860 for fighting in public, for which he received 20 stripes. A fellow brawler, Powell, owned by Petronita López, received the same punishment. Five months later, Powell was in trouble again, this time being caught by the patrol near St. Francis Barracks

“Venancio Sanchez: Nineteenth Century St. Augustine Citizen” (Masters Thesis, Arkansas State Teachers College, 1959), 1-4, 23.

⁵² Mrs. C.C. Anderson to Mrs. C.L. Fairbanks, Markland Hall, St. Augustine, 23 May 1842, 5 December 1842, 26 December 1842, B.A. Putnam to Mrs. C.C. Anderson, Jacksonville, 9 December 1842, Mrs. C.C. Anderson to Mrs. C.L. Fairbanks, Markland Cottage, St. Augustine, 20 February 1843, Mrs. Dodge [?] to Mrs. Dr. Anderson, Boston, 9 July 1844, Anderson Papers, SAHS.

without a pass. When captured, Powell laughed at his captors, who locked him up, only to have him escape by breaking the lock on the city jail. On 3 December 1860, Powell was again apprehended without a pass. For his repeated offenses, the mayor ordered the marshal to give him 39 lashes. Four days earlier, authorities sentenced John Llambias to 18 lashes for throwing stones.⁵³

The whip appeared to be a badge of honor for some St. Augustine slaves. In October 1860, Low, owned by Antonio Álvarez, received 25 stripes on the “bare back” for “provoking and insulting behavior.” As 1861 opened, Venancio Sánchez’s Lawrence endured 39 lashes “well laid on” for disturbing the peace. In late February of that year, the patrol caught the bondsman Eleck on the streets after curfew, for which he suffered 20 lashes. Then, on 24 June, Sánchez’s Lawrence again vented his rage, this time on Tony Fontane, a recently freed black who had joined the local militia, the St. Augustine Blues. In the presence of several ladies, Lawrence evidently used “provoking language to Tony Fontane the Fifer of the Blues whilst in line,” and also “cursed and abused said Tony and disturbed the peace of the City.” For this, the court meted out another 39 lashes.⁵⁴

These numerous whippings indicate that the slave society in St. Johns County was unraveling as the Union dissolved and slave discipline diminished. In October, 1858, a white woman, Mrs. Anderson, wrote her son that her chicken coops were raided nightly,

⁵³ Minute Book B, 244, 247, 256, City Papers; 6 August 1857, 5 October 1857, 13 August 1859, 29 May 1860, 28 October 1860, 29 November 1860, 3 December 1860, Court Dockets, 9 March 1857-9 July 1883, pp. 6, 9, 23, 31-32, City Papers.

⁵⁴ 31 January 1861, 20 February 1861, 25 June 1861, Court Dockets, 9 March 1857-9 July 1883, pp. 43, 47, 51, City Papers; David J. Coles, “Ancient City Defenders: The St. Augustine Blues,” in Civil War Times in St. Augustine, ed. Jacqueline K. Fretwell (Port Salerno, Florida: Florida Classics Library, 1988), 73-74.

and a few days previously she reported, a neighbor found a black man hiding under his kitchen table. When he seized the intruder by the shirt, the man of color tore himself away, leaving the neighbor holding a sizable chunk of clothing. According to Mrs. Anderson, she and her friends were forced to ring bells at night, sometimes multiple times, to warn each other of noises they feared came from uninvited black visitors.⁵⁵

Still, slaves continued to turn paternalism to their own ends, though in ways that are not always clear. Charles, a mulatto belonging to O.M. Dorman, absconded in the fall of 1859 after committing a series of robberies, and remained at large until October 1860, when he returned to Dorman. Dorman carried Charles to the city marshal as the law required, but with the request “not to keep him too closely confined” in jail. Seven days later, the marshal released Charles “without inflicting the necessary chastisement as would warn him or other slaves in future from doing likewise.” In the aftermath, 42 whites complained to city authorities in writing that Dorman’s leniency was “far from exemplary or approved,” and demanded the “immediate removal [of Charles] from our midst,” to keep his rebellious spirit from infecting other slaves. Still, other masters besides Dorman kept a loose rein upon their slaves. In October 1860, the St. Augustine Examiner urged its readers to “take pains, each night before closing their houses to see that all their servants are at home,” and to deliver to authorities “any servants of others . . . found at late hours in their yards.” “There is too much remissness in regard to such matters,” the paper editorialized, “and great evil is liable to result.”⁵⁶

⁵⁵ Mrs. C.C. Anderson to Andrew Anderson, Markland, St. Augustine, 8 October 1858, Anderson Papers; Spalding, 238; Kennedy, 68-69.

⁵⁶ Petition of Sundry citizens of the City of St. Augustine asking the action of the Council in removing Charles a slave of one Dorman from the City, October, 1860, “Blacks; 1824-1855” City Papers; EX, 27 October 1860.

Notwithstanding this warning, African Americans continued to resist the discipline of the slave society. In March 1861, Mayor R.B. Canova chastised the St. Augustine Blues for failing to halt the “many thefts” that “had been committed within the City, and at short intervals, within a short time.” Canova, in disgust, ordered a return to customary civilian patrols, instead of the recently instituted militia nighttime security. In mid-April, the patrols still had not apprehended the perpetrators of “the numerous thefts committed within the City of late and for some time past.” As a result, the city council empowered Mayor Canova to do whatever was necessary to halt the crimes, including the use of “secret police to aid him in his Official duties.” Ten days later, the thieves were captured. They turned out to be three slaves, Migales [?], Simon, and Eve, the first two of whom belonged to the mayor’s father, Antonio Canova. The court promptly convicted the trio of larceny, and ordered that they “be removed out of this County.” The elder Canova had hoped to avoid the loss of valuable property, but decided to abide by the “voice of the people” in the matter.⁵⁷

Slaves may well have been a source of embarrassment to Colonel Samuel Buffington in 1860. Early that year, Buffington, proprietor of the Planters Hotel, complained to Mayor Canova about the “dangerous condition of a chimney now in use by colored persons” on a lot adjoining his hotel. Authorities responded by ordering the marshal to ban the use of the chimney. Not long afterward, however, the Colonel found himself eating crow. On 10 March he pleaded with city council to remit the \$10 fine it had

⁵⁷ Coles, 65-66; Minute Book B, 268, 270, 272-273, City Papers.

imposed upon him for one of the Planters Hotel's chimneys catching fire.⁵⁸ Perhaps the "colored persons" whom Buffington had earlier reported had taken their revenge.

African Americans also harassed whites in rural East Florida. In August 1860, the Examiner blamed the "outrageous murder" of Don Antonio Álvarez's slave Calistro on "runaway negroes, some of whom have been lurking in the neighborhood for sometime, with head quarters at Hurlburt's." Since the runaways recently had been spotted in town, the editor suggested that they survived by thievery. The "gang of out-laws and desperadoes," he thought, likely had allies within as well as without the gates. Fuming at "[t]hese renegades," the Examiner sought to rouse whites from their "indifference," an indifference that encouraged black defiance and "affect[s] unfavorably the negroes among us." "The bare fact, that negroes can run away, and remain out for months," the editor concluded, "operates injuriously upon every slave," making all slaves think "more of escape" as well as "disobedience and insolence," because they had "living evidence of its practicability and safety."⁵⁹

On 13 March 1862, St. Augustine surrendered to Union forces. Up to that date, the city continued to punish slaves by whippings. Thus, George R. Fairbanks' slave March received 25 lashes in the public market on 14 February for "using abusive & threatening language" to a white man, and two weeks later Antonio Álvarez's bondsman Low received 39 lashes for carrying a pistol. In short, an increasingly defiant slave population hounded a white community desperately seeking to impose order. A good

⁵⁸ Minute Book B, 212, 217, City Papers.

⁵⁹ EX, 18 August 1860.

barometer of that situation on both sides of the racial divide was the frequent use of the whip.⁶⁰

⁶⁰ Thomas Graham, "The Home Front: Civil War Times in St. Augustine," in Fretwell, ed., Civil War Times in St. Augustine, 26; 14 February 1862, 28 February 1862, Court Dockets, 9 March, 1857-9 July, 1883, p. 57, City Papers; Patrol Report, 16 May 1837, "Patrols, 1836-1837." City Papers; Thomas Stark to Joseph Simeon Sanchez, Spring Garden, Florida, 8 April 1847, Jose Simeon Sanchez Papers.

CHAPTER 4 EARNING A LIVING

In antebellum Florida, local, territorial, and then state laws concerning African Americans were “specifically designed to legislate black inferiority.” This applied to laws governing free people of color as well as slaves. American territorialization and statehood were accompanied by an array of public policies intended to smother free blacks as a class by barring free black immigrants, constricting the rights of those in the territory and state, and eventually banning manumission. Among the most constraining measures were the “guardianship laws” enacted during the 1840s and 1850s which subjected every free black to a specified white guardian, thereby giving them the “legal status of a child or perhaps even a favored slave.” Collectively, these laws embodied the view of white Floridians that free blacks were a “menace to the state, to be either expelled or enslaved,” and were intended to convey to slaves the message that freedom had no real advantage.¹

One historian has characterized the ordinances and regulations the city of St. Augustine adopted between 1843 and 1861 concerning free blacks as “among the most severe” in Florida. Another scholar has argued that “uniform enforcement” of those measures did not occur until the 1850s because of a lingering tradition of paternalism inherited from the era of Spanish rule. Another explanation for the allegedly lax enforcement of the repressive laws stresses the fact that the laws were enacted during

¹ Denham, 139; Joseph Conan Thompson, “Toward a More Humane Oppression: Florida’s Slave Codes, 1821-1861,” *Florida Historical Quarterly*, 71 (January 1993): 324, 326, 328-330, 332, 338; Lois Virginia Meacham Gould, “In Full Enjoyment of Their Liberty: The Free Women of Color of the Gulf Ports of New Orleans, Mobile, and Pensacola, 1769-1860,” (Ph.D. diss., Emory University, 1989), 94-95, 99-100; Julia Floyd Smith, *Slavery and Plantation growth in Antebellum Florida, 1821-1860* (Gainesville: University of Florida Press, 1973), 111, 118, 120-121; Leedell W. Neyland, “The Free Negro in Florida,” *Negro History Bulletin* 29 (November 1965): 42.

or as a result of crisis situations, and thus went “far beyond the bounds of community consensus . . . once the particular emergency passed.” Other assessments emphasize the frontier character of East Florida society throughout the antebellum era, as well as its highly personalistic character, which made personal relationships more important in actual experience than the letter of the law.² All of these factors would seem to be important as illustrations in this chapter, which explores the ways free blacks coped with their circumstances in antebellum St. Johns County as a Spanish society with slaves gave way to an American slave society.

During the three centuries of Spanish colonial rule in the Americas, the “free colored population . . . increased in size and importance” despite the meaningful restrictions on its status and activity. The Spanish system barred blacks from higher education, and thus from high professional and bureaucratic positions. In practice, however, individual free blacks could and did, with great difficulty, achieve positions of responsibility and with them social status and economic standing. Success in skilled craftsmanship or the military, like biracial ancestry, shrewd marriage, or making oneself indispensable to a wealthy or powerful Spaniard, were all means of “whitening” oneself and achieving some degree of success. Military service was an especially effective avenue to social mobility.³ The American ban on military service for men of color was therefore doubly restrictive.

² Lisenby, 28-30, 32-37, 45; Jean Parker Waterbury, “Blacks’ passes and permits,” St Augustine Historical Society East Florida Gazette, February, 1998, 2; Neyland, 42; Daniel L. Schafer, “Spanish to American Race Relations,” 587, 592-597; Brown, “Race Relations,” 292, 299-300, 303; Julia Floyd Smith, 102, 110-111; Denham, 130.

³ Frederick P. Bowser, “Colonial Spanish America,” in Neither Slave Nor Free: The Freedman of African Descent in the Slave Societies of the New World, ed. with an intro. by David W. Cohen and Jack P. Greene, The Johns Hopkins Symposia in Comparative History (Baltimore: Johns Hopkins

In Spanish East Florida before the American takeover, the easiest way for men of African descent to acquire land was by taking up arms in the service of the government. The precariousness of Spanish control of the area, especially in the last several decades before 1821, offered blacks ample opportunities for such service. Spanish commanders well understood that black militiamen were essential to their effort to “maintain a tenuous sovereignty, which was under almost constant challenge.” From 1796 to 1801, Spanish St. Augustine was home to Jorge Biassou, the black general who had taken a prominent part in the slaughter of whites in the Haitian revolt against France in the early 1790s. The Spaniards harbored Biassou and his entourage in St. Augustine because they considered them too dangerous for residence in Hispaniola or Cuba. St. Augustinians accorded Biassou the kind of lavish public funeral that befitted a celebrated military commander when he died in 1801.⁴ It is difficult to imagine the Americans who took over East Florida in 1821 tolerating the presence of a man like Biassou.

According to East Florida planter Zephaniah Kingsley, the white patriarch of a large biracial family, however, the new American rulers would benefit from encouraging and co-opting talented blacks like Biassou. In fact, Kingsley recommended that the Florida territorial legislature organized by the Americans adopt social policies that meshed the interests of free people of color with those of whites. This, he insisted, would give free blacks a stake in East Florida society and a reason to

University Press, 1972), 46, 58; Landers, “Free Black Plantations and Economy in East Florida, 1784-1821,” in Landers, ed., Colonial Plantations and Economy in Florida, 126.

⁴ Jane Landers, “Jorge Biassou, Black Chieftain,” in Clash Between Cultures: Spanish East Florida, 1784-1821, eds. Jacqueline K. Fretwell and Susan R. Parker, El Escribano: The St. Augustine Journal of History 25, special issue (1988): 93.

support the new American regime. Access to education, property, positions of public responsibility, and even ownership of slaves would encourage them to stand with whites against the dangers of slave unrest or insurrection. Given the opportunity for military service, Kingsley believed, free blacks would bolster public security and public prosperity.⁵

The experience of blacks and whites in the Second Seminole War shows the extent to which Americans rejected Kingsley's advice, and the racial consequences of their doing so. The war itself may be seen as a major episode in the ongoing effort of blacks to thwart the United States imposition of an American-style slave society in Florida. The war, which lasted from 1835 to 1842, cost Washington \$40 million and the lives of 1500 American troops.⁶ Had Florida adopted Kingsley's model of race relations, the cost would surely have been less. In those circumstances, the Seminole threat would have provided free men of color a chance at valor as well as economic advancement. With memories of Prince Witten's exploits still alive, authorities might have sanctioned a black militia company, which would in turn have diminished black-Seminole cooperation. In short, whites might have integrated free blacks into the social system as soldier-defenders. Instead, they opted for marginalization and many free people of color sided with the Seminoles.

Yet many free blacks also sided with the Americans, and historians have largely overlooked their role in the Second Seminole War. The best documented of these free men of color was the mulatto Benjamin Wiggins, "probably the most active Negro

⁵ Zephaniah Kingsley, "Address to the Legislative Council of Florida on the Subject of its coloured population," 1823, Manuscript Collection 11, State Library of Florida, Tallahassee.

⁶ Porter, Negro on the American Frontier, 238.

partisan of the whites in the early days of the Seminole war.” Shortly after the outbreak of hostilities, Wiggins was “engaged in the highly hazardous occupation of riding express,” and was soon “employed as a principal guide to Colonel Brisbane’s regiment of South Carolina volunteers” in United States service in Florida. In July 1836, at Dunlawton plantation south of St. Augustine, Wiggins took part in an encounter in which he killed three Seminoles and was himself wounded. Before his death in August 1837, Wiggins served in three different companies of Joseph Simeon Sánchez’s 2nd Regiment of Florida Mounted Militia.⁷

Like his white Indian-trader father and African born mother, Wiggins had a talent for languages, which the Spaniards utilized in frontier diplomacy. He also served the Spanish as a pilot and militiaman in the “many disturbances which shook Florida,” including the Patriot War, earning whites’ respect in the process. E.B. Gould, a judge in St. Johns County, characterized Wiggins as a “long standing” resident of “unimpeached integrity and veracity.” With no mention of Wiggins’ African ancestry, Generals Duncan L. Clinch and Joseph M. Hernández included testimony by him in support of their claims for compensation for losses they suffered during the Second Seminole War. No other African American’s depositions were included in the lengthy proceedings.⁸

⁷ Kenneth W. Porter, “Negro Guides and Interpreters in the Early Stages of the Seminole War, Dec. 28, 1835-March 6, 1837,” *Journal of Negro History* 35 (April 1950): 179-180; Deposition of Benjamin Wiggins, 10 July 1836, in U.S. Congress, House, Document 283, 27th Cong., 2nd sess., 1841-1842, p. 119; Guard Report, 12th Aug. 1837, “Patrols, 1836-1837,” City Papers; Compiled Service Records of Volunteer Soldiers Who Served in Organizations From the State of Florida During the Florida Indian Wars, 1835-1858, Microcopy 1086, microfilm rolls 26, 40-41, Records of the Adjutant General’s Office, Record Group 94, National Archives, Washington, D.C. (hereafter cited as CSR).

⁸ Landers, *Black Society*, 91, 99, 104, 225; U.S. Congress, House, Document 283, 27th Cong., 2nd sess., pp. 4, 33.

In assessing Wiggins' loyalty to the United States, historian Kenneth W. Porter suggested that as a "frontiersman" Wiggins' interests were "naturally about as much with the whites as if he had been of unmixed European ancestry." Having grown to maturity under Spanish colonial rule, Wiggins had benefited from Spanish policies that "rewarded every step taken" by free blacks toward self-improvement and which in that sense "approximated the white ideal." In such a society, "only under the most extreme circumstances did the advantaged person of color identify with those beneath him." In Wiggins' case, something else may have been equally important: in 1797 Indians had killed his eldest brother Billy.⁹

Other free men of color also fought against the Seminoles. Among them were William R. Clarke, George P. Clarke, Thomas Clarke, John D. Clarke, Sampson Williams, Jack Forrester, Peter Seville, and possibly Carlos Manuel Clarke, who served variously in militia units as musicians, guides, and privates. The Clarke family, white and black, had a distinguished record of military service in East Florida. Wiggins and Williams were linked to the Clarks by marriage. Peter Seville was a protégé of the family as well as the son of Don Juan Sivelly, an Italian artillery sergeant in the Spanish army; and Jack Forrester had once been the property of the family patriarch George J.F. Clarke. This combination of family and militia ties represented continuity from Spanish times.¹⁰

⁹ Porter, "Negro Guides," 179-180; Bowser, 53-58; "Job Wiggins," St. Augustine, 26 January 1797, Testamentary Proceedings, 1784-1821, EFP, microfilm roll 137, PKY.

¹⁰ CSR, microfilm rolls 10, 14, 25-26, 39-41, 48; Militia & Troop Lists, State Claims Relating to the Florida Indian Wars, State Claims, Land Files and Miscellaneous Division, Records of the Accounting Officers of the Department of the Treasury, Record Group 217, National Archives, College Park, Maryland; Index, Claims, Florida War, State Claims Relating to the Florida Indian Wars, State Claims, Land Files and Miscellaneous Division, Record Group 217, National Archives, College Park,

Unlike the Spanish, the Americans permitted no persons of color to serve in their military units as commissioned or non-commissioned officers, nor did they permit separate black militia units. The fact that some of those who did serve did so as musicians was another reflection of the erosion of free black status. In August 1836, the Florida Herald reported that Benjamin Wiggins and two other free blacks had arrived in St. Augustine from New Switzerland with news that Seminoles were lurking in the vicinity of Twelve Mile swamp. The Herald reminded readers that Wiggins' father-in-law and perhaps Wiggins himself had "figured conspicuously" in Prince Witten's storied attack on American troops during the Patriot War. It did not, however, draw lessons from that fact for the war then raging. In fact, when free blacks were discharged from service against the Seminoles, they had to select white guardians.¹¹

Outside St. Johns County some of the men of at least one biracial family with St. Augustine roots fought against the Seminoles. William, Charles, and Phillip Wanton, quadroon sons of Edward M. Wanton who had suffered greatly for his service to the Spanish during the Patriot War, moved to Alachua County in the early 1820s. At that time, the Seminoles held the elder Wanton in high esteem, but by the 1830s Wanton had become involved in disputes with some of the Seminoles over debts owed to him

Maryland; St. Johns County Marriage Licenses, 1830-1840, 26 September 1827, 11 February 1840, SAHS; Will of Don Guillermo Williams, 21 November 1807, Testamentary Proceedings, 1784-1821, EFP, microfilm reel 140, Library of Congress, Washington, D.C.; CB, vol. III, pp. 313-314; Records of the Cathedral Parish, Infant Deaths (white), 1784-1826, entry 27, SAHS; CM, entry 49; Deed Book D, pp. 10-11, Deed Book G, p. 220, CCH; Landers, "Black Society in Spanish St. Augustine," 134-135; Hill, 197, 205-208, 216-221, 225, 228-229, 234; Clarke Will, SAHS.

¹¹ Landers, "Black Society in Spanish St. Augustine," 30-31, 203; Kimball, 63; Russell Garvin, "The Free Negro in Florida Before the Civil War," Florida Historical Quarterly 46 (July 1967): 13-14; Thelma Bates, "The Legal Status of the Negro in Florida," Florida Historical Quarterly 6 (January 1928): 163; Passes, "Blacks: 1824-1855," City Papers; Petition of the Inhabitants of the City of St. Augustine, 14 September 1838, "Blacks: 1824-1855," City Papers; FH, 31 August 1836.

and over his accusations that tribesmen had encouraged his slaves to abscond. Soon after the Second Seminole War began, the Americans ordered Wanton out of the village of Micanopy, and destroyed the buildings on the property he owned there to keep them from falling into Seminole hands. His three sons then enrolled as privates in American units, serving from 1837 to 1840, long after their St. Johns County counterparts ceased to be accepted for enlistment. Interestingly, one of the sons, Charles Wanton, then in his early 50s, later fought for the Americans during the Third Seminole War in 1857-1858.¹² Perhaps it was their light skin color or frontier conditions that enabled the Wantons to be accepted in the United States military when other men of color were denied the opportunity.

Only after St. Augustine fell to Union forces during the American Civil War were blacks in St. Johns County generally able to resume the traditions of military service begun under the Spanish. Then, George J.F. Clarke's son Elogius (Ellick) served in the U.S. Colored Troops, as did the patriarch's grandson, George J.F. Garvin. William Williams, Sampson Williams' son, likewise enlisted in the Union forces, along with Abraham Lancaster, the grandson of Patriot war veteran Abraham McQueen. Phoebe Dupont's son, Julius Shemetella, whose white father apparently fought in the Second Seminole War, also joined the federal forces, as did Edward Wanton, who was

¹² Frank Marotti, Jr., "Edward M. Wanton and the Settling of Micanopy," Florida Historical Quarterly 73 (April 1995): 457-458; Account No. 80361, Edward M. Wanton, RG 217; Robert Franklin Crider, "The Borderland Floridas, 1815-1821: Spanish Sovereignty Under Siege" (Ph.D. diss., Florida State University, 1979), 129; Porter, Negro on the Frontier, 267; Index to Compiled Service Records of Volunteers Who Served During the Indian Wars and Disturbances, 1815-1858, Microcopy 629, microfilm roll 39, Records of the Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.; CSR, microfilm rolls 15, 18, 40, 47, 55-56; Index, Claims, Florida War, State Claims Relating to the Florida Indian Wars, November 1835-August 1856, State Claims, Land Files and Miscellaneous Division, Records of the Accounting Officers of the Department of the Treasury, Record Group 217, National Archives, College Park, Maryland.

probably Edward M. Wanton's grandson and who was killed on active duty in South Carolina. Yet, exceptions to the ban on African American troops were permitted. Prior to the Union capture of St. Augustine, the free black Tony Fontane was allowed to join the St. Augustine Blues, the local militia which was formed as the American Civil War loomed, an occurrence which one scholar attributed to the town's "Latin heritage."¹³

The eagerness of such men for military duty in the Civil War demonstrates that at least some blacks in East Florida never succumbed to the measures the slave society designed to crush their spirits. Like the seventeenth-century free blacks in Virginia whom T.H. Breen and Stephen Innis studied,¹⁴ they continued to see possibilities for themselves even in an increasingly racist society. If military service was one major area of social activity that reflected the efforts of East Florida blacks to resist the potentially stifling effects of the transition from a Spanish society with slaves to an American slave society, education--including the struggle for schooling and the desire for literacy and learning--was another. Antebellum America was a "developing society of information abundance" that featured a "tremendous increase in printed material."

¹³ Daniel L. Schafer, "Freedom Was as Close as the River," 157, 175; Alexander Clark, Soldier's Certificate 359,456, George J.F. Garvin, Soldier's Certificate 370,848, Abraham Lancaster, Soldier's Certificate 671,600, Julius Shemetella, Soldier's Certificates 174,818 and 522,752, Civil War and Later Pension Files, Records of the Veteran's Administration, Record Group 15, National Archives, Washington, D.C. (hereafter cited as RG 15); Edward Wanton, Company G, Regimental Descriptive Book, vol. 1, 33d United States Colored Infantry, Book Records of Volunteer Union Organizations, Records of the Adjutant General's Office, Record Group 94, National Archives, Washington, D.C.; William Williams, Regimental Descriptive Book, Company A, 34th United States Colored Infantry, Record Group 94; Abraham McQueen, Account No. 85048, RG 217; Clarke Will, SAHS; CM, p. 63; CB, vol. III, "Guillermo Williams," p. 314; 1864 Census, SAHS; Theodore Shemytillo, Churchill's Escort, Florida Mounted Militia, CSR, microfilm roll 39; 1850 Census, Monroe, Putnam, and St. Johns Counties; Coles, 65-66, 73-74; 25 June 1861, Court Dockets, 9 March 1857-9 July 1883, p. 51, City Papers.

¹⁴ See T.H. Breen and Stephen Innes, "Myne Owne Ground": Race & Freedom on Virginia's Eastern Shore, 1640-1676, (New York: Oxford University Press, 1980).

Those who mastered the “tools of the print culture” might enjoy access to “new worlds and possibilities.” Besides functioning as a “powerful symbol of freedom” and a “sign of equality” with whites, literacy was potentially a “weapon to carve out greater freedom in everyday life.”¹⁵

Perhaps because of the effort to deprive them of schooling and literacy, African Americans placed more “faith in the liberating qualities of education” than did whites. Across antebellum America, many “ambitious and thrifty Negroes” paid hard-earned money to “entrepreneurial schools” because they considered education an “important means of advancement,” a “prerequisite for upward mobility and greater participation in American Society.” Along the formerly Spanish Gulf coast, “free Creoles of color were often tutored in private schools set up in homes or educated by the Catholic churches of the region.” In short, “literacy was equated with political and economic freedom.”¹⁶

Much work remains to be done on the “vast network of schools” blacks operated in the antebellum South, including Florida, where it was not uncommon for slaves to acquire literacy. In St. Johns County, slaves such as Luís Fatio, Jack Smith, Caleb Simmons, and Alick Smith are known to have been literate, and in 1856, two of

¹⁵ Janet Duitsman Cornelius, Slave Missions and the Black Church in the Antebellum South (Columbia: University of South Carolina Press, 1999), 127-128; Kimball, 70-71; Franklin Schweninger, 119.

¹⁶ Leonard P. Curry, The Free Black in Urban America, 1800-1850: The Shadow of the Dream (Chicago: University of Chicago Press, 1981), 147-148; E. Franklin Frazier, The Free Negro Family: A Study of Family Origins Before the Civil War, The American Negro: His History and Literature, ed. William Loren Katz (New York: Arno Press, 1968), 16; James Oliver Horton, Free People of Color: Inside the African American Community (Washington: Smithsonian Institution Press, 1993), 188; Ira Berlin, Slaves Without Masters: The Free Negro in the Antebellum South (New York: Pantheon, 1975; reprint, New York: The New Press, 1992), 75; Virginia Gould, “In Defense of their Creole Culture: The Free Creoles of Color of New Orleans, Mobile, and Pensacola,” Gulf Coast Historical Review, 9, no. 1 (1993): 40; David Freedman, “African American Schooling in the South Prior to 1861,” Journal of Negro History 84 (Winter 1999); 3.

Clarissa Anderson's bondswomen were learning to read and write. Prior to 1832, a white tutor, Mr. Ashman, ran a "humble school" supported by St. Augustine blacks, "out of their slender means." Ashman taught 20 to 30 pupils, "the greater part of whom were coloured children." As a result of such efforts, by 1832 there were "but few of the children of the free people of color" in the city "who have not been taught to read." Moreover, a number of slave children, "too many perhaps" were also literate.¹⁷

The Spanish had sponsored quasi-integrated schools, but the Americans maintained an attitude of "public indifference" to free education. The result of this indifference was the demise of 32 schools between 1821 and 1845. Until the late 1850s, as this suggests, ephemeral "small private schools" were the rule, though the efforts of individual family patriarchs could be more lasting. George J.F. Clarke was one such man. Clarke was an educated man himself, the author of items on a variety of topics, and he provided for the education of his biracial children. The library of his mulatto daughter, Felicia Garvin, contained volumes on ancient and modern history, as well as books dealing with travel, literature, logic, philosophy, and religion. In 1840, Garvin leased the "lower part of her dwelling house" on St. George Street to B.

¹⁷ Freedman, "African American Schooling," 3, 7, 15; Rivers, 78-79, 149, 216; Cornelius, 128; "Sitiki"; Kirk, 52-53; "The Boyhood Days of General Edmund Kirby-Smith Spent in St. Augustine, Written by his daughter, Nina Kirby-Smith Buck," Frances Kirby-Smith to Edmund Kirby-Smith, St. Augustine, 1 September 1860, Frances Kirby-Smith to Edmund Kirby-Smith, St. Augustine, 8 October 1856, Edmund Kirby-Smith Papers, SAHS; James Weldon Johnson, *Along This Way*, (New York: Viking Press, 1933), 41; C.C. Meeker to Mrs. Anderson, St. Augustine, 22 January 1856, Anderson Papers; Graham, 79; Porter, "Early Life of Luis Pacheco," 52; Account Nos. 76455-Francis P. Fatio, Sr., 89602-Francis P. Fatio, Sr., RG 217; H.S. Pratt to E.B. Gould, St. Marys, Georgia, 1 January 1828, Records of the Presbyterian Church, SAHS; Shearjashub B. Townsend to R. R. Gurley, St. Augustine, 25 January 1832, American Colonization Society Records, series 1, vol. 37, microfilm reel 13, Library of Congress, Washington, D.C.; E.[?] Hazard Snowden to Benjamin Brand, St. Augustine, 17 December 1831, American Colonization Society Records, series 1, vol. 36, microfilm reel 13, Library of Congress; FH, 25 October 1832.

Creegan for the purpose of running a “Seminary for the education of young Ladies and Gentlemen.” Her own quadroon daughter Eliza also “kept a school” for a number of years, normally comprised of about 10 students who paid monthly tuition of twenty-five cents to a dollar, depending on their age. For the rest of the nineteenth century, African Americans recalled the teachers in such schools, black and white. One who did so recounted her attendance in the school run by “Nora Clark,” Eliza Garvin’s quadroon cousin. When whites closed Clarke’s school, the student received tutoring at a white man’s home for a fee.¹⁸

Education represented an investment in the future, and the interest blacks had in it demonstrated their belief that they had a future of some promise despite the larger society’s efforts to the contrary. The St. Augustine press documented one result of this interest in its published lists of the names of local residents who had mail awaiting them at the post office. The names of free persons of color as well as occasional slaves appeared in the lists without racial designation. Between 1823 and 1844, the names of 67 African Americans appeared on the lists in such forms as “Felicia M.F. Garvin,” “Eliza M. Garvin,” “John D. Clarke,” “Miss Angela Williams,” “Sophia M. Fish,” and “Mrs. Garvin.” Many such individuals received letters multiple times. For them the customary excitement of receiving mail must have been increased by the public advertisement of their literacy.¹⁹

¹⁸ Landers, *Black Society*, 116-117; Graham, 64-67, 144-145; Jane Quinn, *Minorcans in Florida: Their History and Heritage* (St. Augustine: Mission Press, 1975), 125; Hill, 200, 237-244; Deed Book O, p. 216, CCH; FHSD, 17 July 1840; CCR, file 14, box 117, SAHS; Thomas, 344; CB, vol. III, entry 540.

¹⁹ See for example, FH, 5 September 1833, 3 July 1834, 8 April 1835, 8 July 1835; FHSD, 13 August 1844; SAN, 9 July 1841.

Census figures give only a minimum indication of the extent of black education in antebellum St. Johns County. The data therein are inconsistent and contain no information on minors not in school during the census year. Incomplete data list that only 11 free children of color enrolled in classes in 1850, and 14 literate free blacks in the county. Prior to the census from which these figures were taken, black literacy in the county had been higher, but the migration of many members of the Clarke family to Key West and Palatka in the late 1840s reduced the number notably.²⁰

Literacy was useful in dealings with the law, government, and business, and in making a living and protecting one's interests. Slavery and racism excluded blacks from the professions and most other positions of responsibility, and made it difficult to succeed economically or otherwise in an era of social and political change and economic uncertainty. In fact, women of color who taught school came closest to being black professionals in the county. This is not to say that free blacks made no attempts to break the professional color barrier. In the autumn of 1821, for example, Geoffrey Turner, a free man of color, offended St. Augustine doctors by "administering medicine, to the prejudice of the Inhabitants of this City" and "interfering with the practice of the regular Physicians." After a complaint from a white physician, the Board of Health, on 4 October 1821, formally prohibited Turner from attending the sick under penalty of a \$100 fine for the first offense and banishment from "the Province" for a second. Health officials also established a

²⁰ 1850 Census, Monroe, Putnam, and St. Johns Counties.

Board of Physicians to examine and license “all persons now practicing Physick” in St. Augustine, and “all those who may hereafter wish to practice.”²¹

Despite the prohibition, Turner continued to practice “physick,” and a few days later was found guilty of violating the ordinance aimed against him. Authorities remitted his fine, however, on the condition that Turner give satisfactory security that he would discontinue his practice. The mercy may have grown out of necessity, however, due to the yellow fever epidemic then raging in the city. The fever appeared to officials to “be nearly Confin’d to the labouring class of white persons coming from the Northward States, whose avocations expose them to the actions of an intence Sun.” Ten days after the encounter with Turner just noted, however, health officials received another complaint that Turner had bled “a White man nam’d Mills.” This time, the Board ran out of patience, and ordered Turner “committed to Prison, under a Warrt from the Pres of the Board of Health, until the fine impos’d on him be paid” and until he had posted a bond of \$500 guaranteeing that he would refrain from the future practice of medicine.²²

Turner’s name does not appear on the 1829 tax rolls, the city record that survives. He may have left or been banished from the Territory, or he may have succumbed to the yellow fever epidemic, one of whose known victims was Dr. Micah Stone, the president of the Board of Health that punished Turner. During the epidemic, the city paid \$1 to anyone who brought in the clothing and bedding of a victim of the fever and an additional 37¢ for hauling the bedding and clothing outside of the city and

²¹ Council Meetings, 27 August 1821-29 December 1828, Board of Health, 4 October 1822, p.4, City Papers.

²² Ibid., 5-6.

burning it.²³ Blacks might have thereby earned some money because of their relative immunity from the fever.

Tabb Smith was another free man of color who attempted to assume a “white role” in St. Augustine. Born free in Georgia in the 1790s, Smith had married a free woman and grew up to be a “man of approved moral and christian character.” A Baptist, he was “appointed by the proper authorities of that denomination to administer Christian ordinances” and “preach to the Baptist church of blacks” in St. Augustine. In that capacity, he “ministered to a colored congregation” for “some time” prior to December 1831, raising the ire of local Catholics. Smith, however, did not limit his activities to religion. He hired a white man named Ashman to tutor his children, boarding Ashman in his own home. He also acquired real estate, owning in 1832 at least “four city lots with dwelling houses upon them, and an orange grove, facing on Marine Street,” in addition to a slave.²⁴

Smith engaged in a variety of economic activities besides preaching and dealing in real estate. City records indicate that he retailed liquor in 1826-1827 and groceries as well from 1826 to 1831, and kept a “cart for public hire.” His slave, a man “of a yellow or mulatto complexion” named John Fleischman, “alias John Solana,”

²³ Return Book, 1829, Tax Rolls, St. Johns County, FSA; John W. Griffin, “St. Augustine in 1822,” El Escribano: The St. Augustine Journal of History 14 (1977): 48.

²⁴ 1830 Census, St. Johns County; Tom W. Shick, Emigrants to Liberia, 1820 to 1843: An Alphabetical Listing, Liberian Studies Research Working Paper No. 2 (Newark, Delaware: Department of Anthropology, University of Delaware, 1971), 89-91; Shearjashub B. Townsend to R.R. Gurley, St. Augustine, 25 January 1832, American Colonization Society Records, series 1, vol. 37, reel 13, Library of Congress, Washington, D.C.; H.S. Pratt to E.B. Gould, St. Marys, Georgia, 1 January 1828, Records of the Presbyterian Church, SAHS; E.[?] Hazard Snowden to Benjamin Brand, St. Augustine, 17 December 1831, American Colonization Society Records, Series 1, vol. 36, reel 13, Library of Congress; FH, 25 October 1832; Deed Book E, pp. 91, 202-203, Deed Book G, pp. 31-36; Deed Book H, pp. 146, 402-403, Deed book M, pp. 327-328, Deed Book I&J, pp. 128-131, 139-141, 397-398, Deed Book K, pp. 31-33, CCH.

probably worked as Smith's drayman. The entrepreneurial preacher did business with influential whites such as Waters Smith, Joseph L. Smith, Joseph Simeon Sánchez, and Gabriel W. Perpall, all of whom had prominent positions in the government. Nevertheless, Smith found himself in trouble with municipal authorities on several occasions. In the spring of 1828, he complained that a city official had illegally rounded up and sold some of his hogs running loose in the streets. The city accepted the complaint but made Smith pay \$2 to the animal control officer before recovering his livestock. This was not the end of Smith's troubles, however. A few months later, city officials sued Smith for interfering with another animal control officer who was discharging his duty of selling roaming hogs. It seems that Smith had tried to use force to prevent the officer from selling Smith's confiscated animals. They later withdrew the suit when Smith agreed to return the hogs he had retrieved from the officer and pay the costs of the legal action against him. As he faced these problems, the energetic Smith was also involved in a physical altercation with a white man, John Hammond, who worked for Smith on one of his properties. It seems that Smith came upon Hammond idling on a bench while Smith was paying him to work, and asked him to return to his work. Hammond said he would do so when he felt like it. At this impertinence, Smith grabbed Hammond by the throat and held him for what seemed to Hammond like a minute, leaving his throat so tender that he had difficulty swallowing for a week.²⁵

²⁵ Council Meetings, 27 August 1821-29 December 1828, pp. 237-238, 248, 251, 255, 258, City Papers; CCR, file 68, box 169, SAHS; Tabb Smith to Mayor and Aldermen, St. Augustine, 27 December 1827, "Leases: 1823-1869," City Papers; Council Meetings, 27 August 1821-29 December 1828, pp. 237-238, City Papers; "Finances: 1814, 1821-1829," "Receipts: 1832-1837," "Licenses: Billiard tables and others, 1825-1881," City Papers; Return Books, 1829-1831, 1833, Tax Rolls, St.

The justice of the peace who heard the case resulting from this spat found Smith guilty of assaulting a white person and sentenced him to be whipped under a recently passed territorial ordinance that imposed a maximum of 39 lashes on any black convicted of abusing a white person. Smith appealed the sentence on the grounds that the ordinance was unconstitutional since the Florida criminal code made no distinction between whites and free persons of color in the allocation of punishments. The federal judge who heard Smith's appeal refused to address the constitutional issue Smith raised, but dismissed the case on the grounds that Smith had been "charged with one offense and sentenced to be punished for quite a different one."²⁶

Matters nevertheless worsened for Tabb Smith. In early 1832, the territorial legislature passed a law forbidding religious preaching by blacks except in integrated gatherings in white churches. This ordinance was aimed at the heart of Smith's vocation, and prompted in him "a strong desire to emigrate to Liberia with his family & as many as he can induce to accompany him." He sold his slave for \$500, appointed a white man to take charge of all his property in St. Augustine and "throughout the Territory of Florida," and at the end of 1832, sailed with two of his children from Charleston to Liberia. His wife Frances remained behind until his

Johns County, FSA; "Taxes: 1821-1837," "Taxes, Collectors Report: 1827-1830," City Papers; W. Smith Rect \$42.62, "Financial Reports: 1830-1839," Joseph Simeon Sanchez Papers; Florida Historical Records Survey, *Ordinances of the City of St. Augustine*, vol. I, 1821-1827 (Jacksonville; Florida Historical Records Survey, November, 1941), 97-98; Council Meetings, 27 August 1821-29 December 1828, p. 248, City Papers.

²⁶ CCR, file 68, box 169; Lisenby, 17-18; Garvin, 16.

property was disposed, finally joining him in Liberia in 1835.²⁷ No doubt white St. Augustinians breathed a sigh of relief at his departure.

Smith died of “diseased lungs” in 1839 in Liberia, but even then he was not forgotten in East Florida. In 1841, newspapers in St. Augustine bandied his name about as a synonym for abolitionist.²⁸ By overstepping racial boundaries in his battle against the constrictions of slave society, Tabb Smith expressed the logic of black resistance to racial discrimination.

Other free blacks also found their business enterprises quashed by the constrictions that snared Smith. Sprig Mosby, born a slave in Virginia, was a free man and a landowner in St. Augustine in 1824 with close ties to the Clarke family. In the following year, Mosby and John Fish, the mulatto son of white citrus grower Jesse Fish, operated the Laffeyete Coffee House, where patrons played cards and billiards, ate, and drank coffee or spirits. The name of the tavern reflected their patriotic identification with the American republic as well as their dreams for prosperity, for Congress had just granted the Marquis de Lafayette “a township of land” in Florida, where the popular revolutionary war hero planned to establish a “slave-free utopian community.” The tavern’s clientele included whites as well as blacks.²⁹

²⁷ Lisenby, 11; Garvin, 13; Snowden to Brand, St. Augustine, 17 December 1831, American Colonization Society Records, series 1, vol. 36, reel 13, Library of Congress; Townsend to Gurley, 25 January 1832, American Colonization Society Records, Series 1, vol. 37, reel 13, American Colonization Society Records, Library of Congress; Deed Book I&J, p. 204, Deed Book K, pp. 27-29, 31-33, 59-60, 68-72, CCR; Emigration Register—Ship Hercules, American Colonization Society Records, Series VI, vol. 17, reel 314, Library of Congress; Shick, 88-91; “Printed Matter: Newspaper Clippings,” Joseph Simeon Sanchez Papers; FH, 27 December 1832.

²⁸ Shick, 89, 91; Deed Book I&J, pp. 397-398, CCH; Return Books, 1833-1835, Tax Rolls, St. Johns County, FSA; FH, 5 September 1833; “Taxes: 1821-1837,” City Papers; FHSD, 8 October 1841; Nolan, 48; SAN, 6 August 1841.

²⁹ 1850 and 1860 Censuses, St. Johns County; CB, vol. III, entries 540-542, vol. II, pp. 68-69, 198; Deed Book F, pp. 160-162, Deed Book P, pp. 317-318, CCH; Judgment Record A, p. 20, CCH; Deed

Although the Laffeyete Coffee House proved to be a popular place of diversion, the black proprietors soon had trouble collecting from their customers, which in turn, led to problems of their own with their suppliers. To prevent their principal supplier from taking over one of his properties, Mosby conveyed his Marine Street lot to fellow black businessman Tabb Smith. Smith immediately mortgaged the lot to Mosby, who transferred the mortgage to his wife in trust. The scheme failed, however, for the supplier successfully sued Mosby and Fish for \$185.95, obtaining a writ of attachment against their real property, which included the Marine street lot and the home on St. Francis Street in which Fish and his family lived. Fish sold the personal property he had available, including a cow and a bull, for cash to make payment on the “judgement rendered against him.”³⁰

The legal battles Mosby and Fish and their chief supplier were acrimonious and long. The principal supplier accused the two black proprietors of “secreting and disposing” of their real property to avoid their debt payments, while they in turn claimed the supplier owed them \$400. The outcome of the litigation is unclear, but the dispute it involved commenced a downward spiral in the fortunes of Mosby and Fish. Both men were listed on the tax rolls as delinquents in 1826. Fish thereafter faded from the historical record, an indication of his death or migration. Mosby evidently never again owned taxable property, and was unable to pay his assessments for being a free man of color between 1829 and 1835. To make matters worse, Mosby’s wife

Book E, pp. 202-203, Deed Book G, pp. 31-36, CCH; CCR, file 19, box 116; EFH, 8 August 1826; 1864 Census, SAHS; Deed Book E, pp. 202-203, CCH; “Taxes: 1821-1837” City Papers; Tebeau, 135-136; Warner, 27.

³⁰ Deed Book E, pp. 202-203, Deed Book F, pp. 160-161, Deed Book G, pp. 31-36, 74, CCH; CCR, file 19, box 116; “Taxes: 1821-1837,” City Papers.

evidently died, and he claimed in 1832 that Tabb Smith had cheated him out of the Marine Street property. Mosby survived for a while working for Dr. William H. Simmons, but this eventually gave way to alcoholism. In 1859, the city was supporting Mosby as a charity case.³¹

Like Mosby and Fish, other free blacks tried to earn their livings in hospitality and food service ventures. Their customers included soldiers, slaves, free people of color, prominent whites, and probably winter visitors. William R. Clarke and his wife Louisa Kerr pursued these occupations during the 1830s. Sometimes in partnership with Sampson Williams, Clarke ran a tavern while his wife baked cakes. The Clarkes also catered affairs such as an 1834 “Court Ball,” at which white dignitaries danced and consumed champagne, wine, whiskey, brandy, chicken, beef, shrimp, raisins, almonds, and baked goods. In 1840, the Clarkes announced that at the structure “formerly known as the U.S. Ordnance House,” they would “keep a Mess for officers and other gentlemen,” accommodate “Transient Boarders,” and “still continue the cake baking.” The previous year, “Williams & Clarke” had offered to lease their “shop on Charlotte St. near the wharf and the Oyster House connected therewith.”³²

³¹ Return Books, 1829-1835, 1845-1846, 1848-1850, 1852-1856, 1859-1861, Tax Rolls, St. Johns County, FSA; “Receipts: 1830-1831,” City Papers; “Printed Matter, Newspaper Clippings,” Joseph Simeon Sanchez Papers; FH, 27 December 1832; “Blacks; 1824-1855,” City Papers; CCR, file 45, box 98; Minute Book B, 16, 20, 27, 195, 205-206, City Papers.

³² Petition of S. Williams & Clark relative to a summons, n.d. [circa 1835-1836], Petition of Sampson Williams, 5 December 1835, Certificate of Sampson Williams’ moral character, 2[?] November 1836, “Licenses: Liquor, 1825-1836,” City Papers; Tax Collectors Return 1837, “Taxes: 1836-1845,” City Papers; CCR, file 6, box 170; Return Books, 1830 & 1835, Tax Rolls, St. Johns County, FSA; Shop License, William Clarke, 18 March 1830, “Taxes: Collectors Report, 1827-1830,” City Papers; Last Will and Testament of Jeremiah Henry Brown, St. Augustine, 10 February 1840, Wills and Letters of Administration I, p. 209, CCH; Mrs. Sanchez to Louisa Clarke, 5 May 1836, Report of Committee of Management to Court Ball, 1834, “Financial Reports and Statements: 1830-1839,” Joseph Simeon Sanchez Papers; SAN, 10 April 1840; FHSD, 21 February 1839.

Municipal licensing procedures, like patrol ordinances and other racial control measures, restricted the limited economic opportunities for free blacks. Thus, Seminole War veteran Jack Forrester, a free man of color, had his petition to open “a shop on Charlotte St.” rejected by municipal authorities in 1830 despite its endorsement by six whites in the neighborhood. Another free black, José de Regla, on the other hand, received a permit in the same year to operate a tavern. The fate of these and similar applications for businesses seems to have rested at least in part, on nothing more concrete than official whimsy. Under such conditions, free blacks were forced to curry the favor of municipal authorities. Furthermore, black tavern keepers had to contend with periodic outcries, like one in 1837 against the allegedly deleterious effects of “the numerous receptacles of vice and iniquity kept by free Negroes.” The presence and absence of such outcries may explain why William R. Clarke’s petitions to operate taverns were rejected in 1835 and 1836, but approved in 1844 and 1845.³³

These problems, a combination of official capriciousness, racial restrictions, debt, and lack of inadequate capital, probably explain why free blacks in trade pursued a mixture of occupations. The sometime tavern keepers Clarke and Williams, for example, also on occasion sold oyster shells to the city, probably for use in street improvements, paving, or causeway construction, and on another occasion engaged in

³³ Deed Book C, pp. 83-84, CCH; “Liquor: 1825-1836,” City Papers; Estimate of Taxes on Stores & Billiard Tables for 1827, Clerks report of Debts Due the Corporation March 31st 1827, “Finance: 1814, 1821-1829,” City Papers; St. Johns County Tax Rolls, 1830, 1839, 1845, FSA; FH, 9 January 1834; Petitions of Sampson Williams, 5 December 1835, Jack Forrester, 24 December 1830, “Licenses: Liquor, 1825-1836,” file 24, box 3, City Papers, SAHS; Petition of William Clarke, 23 December 1836, Petition of Wm Clark for retail license, 23 September 1837, “Licenses: Liquor, 1831-1839,” City Papers; FH, 5 April 1837.

lumbering, a source of income for men of color since Spanish times. In 1845, however, the federal government restricted the harvesting of timber “upon the Public Land of East Florida,” hurting whites as well as blacks. Toward the end of his life, Clarke even worked as a fisherman.³⁴

A few free men of color earned part of their livelihood from skilled crafts. At various times, William R. Clarke, as well as his brothers James and George, worked at tailoring. This brought them into competition with the city’s Minorcan residents. The absence of such competition may explain why Pensacola, the former Spanish capital of West Florida, where there were no Minorcans and fewer white Hispanic holdovers than in St. Augustine, also had many more free black craftsmen in the 1830s and 1840s. The diminishment of skilled black craftsmen in East Florida appeared in carpentry, as in tailoring. In 1834, to illustrate, James F. Clarke earned \$50 for repairing the “Bridge & Causeway on the rear of the Govt House” in St. Augustine. Nine years later, James D. Garvin, his brother George, and cousins George W., Francis A., and George D. Clarke, roofed, repaired, and plastered a house James D. Garvin rented from Judge Joseph L. Smith south of town. James D. English, another member of the Clarke extended family, was at the same time an apprentice at Allen’s Carpenter Shop. In 1844, however, when Phoebe Dupont apprenticed her son Moses to learn carpentry, she did so in Duval County.³⁵

³⁴ “Receipts: 1840-1889,” City Papers; Alvarez Ledger, 1839, pp. 5, 27, SAHS; Dr. Seth Peck, May 10, 1837-May 15, 1841, pp. 109, 124, Peck Papers, SAHS; “Old” Book 3, Inventories, Probate records, 1784-1933, County Judge, St. Johns County, pp. 24, 64, 160-161, FSA; FHSD, 21 February 1839; SAN, 2 August 1845; *Jacksonville News*, 19 December 1845; 1860 Census, St. Johns County.

³⁵ CCR, file 14, box 117; “Receipts: 1832-1837,” City Papers; CCR, file 53, box 160; No. 50 James English \$3.75, 20 September 1846, “Blacks: 1824-1855,” City Papers; St. Johns County Court, Minute Book, 1827-1845, pp. 267-268, SAHS.

Commercial hauling was another occupation open to some free men of color.

James F. Clarke employed his slave, John Sively, a “Mestee or coloured man of small stature,” as a public drayman. George Papino earned enough money in the hauling business to buy his freedom in the 1850s. Syke Sanders, born free in the West Indies, moved from Key West to St. Augustine in the early 1850s, and by the end of that decade owned a horse and cart, which he used to transport loads between St. Augustine and Picolata on the St. Johns River. As a draymen, Sanders held a position of public trust, for which the city council in 1858 granted him permission to travel at night.³⁶

The varied business ventures of James F. Clarke illustrated the adaptability required of free black men who earned their living in St. Johns County. Besides tavern-keeping, hauling, and carpentry, Clarke at one time or another engaged in lumbering, real estate rental, and farming, raising an experimental tobacco crop, in hopes of making money by crafting “segars.” Like other men of his class, Clarke encountered difficulties in paying and collecting debts. At one point, four white men sued Clarke. One of them, Aaron Kemp, held Clarke responsible when the latter’s slave, John Sevilly, ran a cart carrying Kemp’s goods over the edge of a wharf.

Clarke, in turn, sued one of the white men for payment of a load of timber he had

³⁶ CCR, file 7, box 131; Deed Book H, pp. 495-496, CCH; Order Book A, pp. 6, 7, 247-248, CCH; St. Johns County Tax Rolls, 1829, 1830, 1845-1861, FSA; William Papina, Soldier’s Certificate No. 816,315, RG 15; CCR, file 41, box 153; Minute Book B, 158, 222, 232, City Papers; 1830 and 1860 Censuses, St. Johns County; 1850 and 1860 Censuses, Monroe County; St. Mary Star of the Sea Catholic Church, Baptisms, vol. I, p. 25, entry 9, Local and State History Department, Monroe County Public Library, Key West, Florida; Order Book A, pp. 3, 247-248, CCH; 1870 Census, St. Johns County; 1864 Census, SAHS; Deed Book E, p. 313, Local and State History Department, Monroe County Public Library; Tax Assessments/Revenue, 1855-1871, City Papers; Fri 9th, “Journal by Mrs. Joseph L. Smith, 1863,” Edmund Kirby-Smith Papers; St. Johns County Circuit Court, Inventories & Appraisements of Estates Status & Dowery, 1866-1895, vol. I, p. 168, SAHS; CCR, folder 31, box 165; Deed Book K, pp. 104-106, Deed Book O, p. 518, Judgment Record A, pp. 7-8, CCH.

delivered to him. For such matters, Clarke was in court in 1824, 1829, 1830, 1832, and 1834. The stresses of such litigation may have contributed to his early death, sometime around 1840, when he was in his early 40s.³⁷

At least a few free women of color supported themselves wholly or in part through economic endeavors of their own. Felicia Garvin is one who did so. Mrs. Garvin, a widow, had a slave, Peggy, as well as an apprentice, Charlotte Irwin. For more than twenty years after the Patriot War, Garvin employed the two servants cooking, washing, baking cakes, and breadding oysters for sale. She sometimes made as much as \$3 a day selling cakes. She also took in sewing, and as noted earlier, she also rented rooms in her home, where her daughter Eliza worked as a teacher.³⁸

According to Michael P. Johnson and James L. Roark, “the free Negro’s right to choose an occupation” was one of the most important symbols of freedom. That right had been largely uncontested in East Florida during the Spanish era, but under American rule after 1820 it diminished notably, and with this diminishment the distance between free persons of color and slaves narrowed notably. By 1860, the federal census counted only eighteen free persons of color by occupation in the county: eight laundresses, four servants, three laborers, two farmers, and one tailor. In contrast, in Monroe County, which included the bustling port of Key West, there were 14 carpenters, 28 laundresses, 20 seamstresses, 6 draymen, 4 servants, and 2 bakers, as

³⁷ CCR, file 28, box 140, file 44, box 141, file 7, box 131, file 18, box 103, file 11, box 150; Deed Book O, pp. 474-475, Deed Book I&J, pp. 180-181, Deed Book M, pp. 96-97, CCH; “Tax Collectors Report: 1827-1830,” City Papers; “Patrols: 1836-1837,” City Papers; Tax Rolls, St. Johns County, FSA; “Blacks: 1824-1855,” City Papers; 1840 Census, St. Johns County; FHSD, 14 November 1839; Ledger B, Account Book, 10 May 1837-15 May 1841, Ledger C, Account Book, Dr. Seth Peck, Peck Papers.

³⁸ CCR, file 14, box 117; Estate of James Erwin, dec’d. v. the United States, Patriot War Claims; Deed Book D, pp. 11-14, CCH; 1840 and 1850 censuses, St. Johns County; CB, vol. IV, entry 3.

well as a cook, a mason, a barber, a midwife, a sailor, a woodcutter, and a farmer among free persons of color. The Clarke family members who had migrated to Key West from St. Augustine furnished 3 of the carpenters and 9 of the seamstresses, as well as the drayman, and the barber.³⁹

In moving beyond the advancing constrictions of slavery, the Clarkes were following a family tradition. During the period of Spanish rule, it will be recalled, they had moved from St. Augustine to Fernandina, then a booming entrepot whose town plan George J.F. Clarke had designed. At the change of flags in 1821, some of the Clarkes had followed the Spaniards to Cuba. Those who remained in East Florida returned to St. Augustine, the seat of government of the new American territory. By the 1840s, they again began to move, some of them going north to Philadelphia and New York, others southward to Key West and the Caribbean, and two of them westward to the Washington Territory. Those who remained in East Florida relocated to Jacksonville and Palatka, and by 1850 almost none of the immediate family remained in St. Johns County.

Tax rolls indicate a Clarke exodus to Key West around 1847. The family no doubt knew of Key West as an island of opportunity in shipping, fishing, military activity, and related trades, as well as a place of relative racial tolerance. In late October 1846, a powerful hurricane pummeled Key West, inundating the streets with five feet of water while damaging or destroying nearly every structure there, including the lighthouse and the fort. The aftermath of this devastation was a mushrooming

³⁹ Michael P. Johnson and James L. Roark, "Strategies of Survival: Free Negro Families and the Problem of Slavery," in *In Joy and In Sorrow: Women, Family, and Marriage in the Victorian South, 1830-1900*, ed. Carol Bleser (New York: Oxford University Press, 1991), 3; 1850 and 1860 Censuses, St. Johns County, Monroe County.

population drawn by the employment opportunities federal repair money created. By 1850, it was the largest town in Florida, with, for the first time in its history, an appreciable black population of more than 500.⁴⁰

The diminution of African American wealth that resulted from the deteriorating economic and political position of blacks in St. Johns County after the 1820s and 1830s was accompanied by a lowered image of blacks in white racial attitudes. “Southerners regarded wealth as a mark of merit, and free Negroes realized it was a powerful tool in gaining respect,” two historians have written of the South generally, and this assessment applies especially strongly to antebellum East Florida. Clarke family correspondence makes it clear that anti-black statutes exercised a powerful influence on their decisions to relocate. As late as the 1910s, whites in and around St. Augustine still remembered the Clarke exodus and still attributed it to racist laws.⁴¹ The Clarkes’ relocation demonstrates clearly that members of the family refused to accept the restraints society was imposing on them and their fellow African Americans.

The fortunes of one member of the extended Clarke family, James D. English, were representative of what happened to the Clarkes who moved to Key West. Related to the Clarkes by his marriage to Mary Fish, whose sisters married John D.

⁴⁰ Return Books, 1846, 1848, Tax Rolls, St. Johns County, FSA; Sheriff’s Report of Insolvencies on Assessment return of 1847, “Accounts of Jose S. Sanchez as Tax Collector & Papers Relating Thereto 1839-1848,” Joseph Simeon Sanchez Papers; Tax Rolls, 1847, Monroe County, Florida, FSA; SAN, 19 August 1843; Canter Brown, Jr., Ossian Bingley Hart, Florida’s Loyalist Reconstruction Governor (Baton Rouge: Louisiana State University Press, 1997), 67-71; Jefferson B. Browne, Key West: The Old and the New. A Facsimile Reproduction of the 1912 Edition, introduction and index by E. Ashby Hammond, Bicentennial Floridiana Facsimile Series (Gainesville: University of Florida Press, 1973), 171.

⁴¹ Johnson and Roark, 93-94, 101; Eliza M. Whitwell to Dr. John Peck, Brooklyn, New York, 30 May 1868, “1840-1886 Part 1, legal battle over Alachua land grant (Garvin tract),” Peck Papers; Thomas, 337, 340-341.

and George P. Clarke, and by his sister's marriage to William R. Clarke, English moved to Key West with other members of the family in 1846. Born in the mid- or late-1810s to a white father and woman of color, English enters the historical record in 1833 as "a free coloured boy" assessed a tax of 50¢ for his African blood. He was apparently less well off than most of his Clarke relatives, apparently never owning taxable property in St. Johns County. About the time of his departure from St. Augustine to Key West, he asked officials to pay him the \$3.75 the city evidently owed him. "Ples to let me have that small sum," he pleaded, " For I stand much in need of it."⁴²

Arriving in Key West not long after his thirtieth birthday, English symbolically demonstrated his intent to reinvent himself by sporting a silver watch, his first recorded piece of taxable property. Perhaps his wife's share of the sale of her mother's St. Augustine home and of a long-time family slave and her children, provided the money for his watch and his relocation. In any case, he did well in his new home, being in 1850 a barber as well as the owner of real estate worth \$800. In the 1850s, his property increased markedly, and by 1860 his personal and real property were valued at \$3000, a figure that surpassed all of free blacks that year in St. Johns County. In 1880, English bequeathed at least four lots in Key West to his heirs in a will in which he proclaimed himself to be James D. English, "gentleman."⁴³

⁴² 1830 and 1840 Censuses, St. Johns County, and 1850 and 1860 Censuses, Monroe County; Tax Rolls, St. Johns County, 1829-1835, 1845-1848, Tax Rolls, Monroe County, 1847, FSA; No. 50 James English \$3.75, 20 September 1846, "Blacks: 1824-1855," City Papers.

⁴³ St. Johns County Tax Rolls, 1846, Monroe County Tax Rolls, 1847-1848, 1855-1859, FSA; Deed Record E, p. 202, Deed Record F, pp. 429-431, 572-573, 608-610, 811-812, 855-856, 868-869, 922-923, Local and State History Department, Monroe County Public Library; Monroe County, Probate Court, Book A, Monroe County Courthouse, Key West, Florida; Browne, 171.

Other members of the Clarke clan who left their mark on Key West included Petrona Álvarez, “Aunt Petrona,” a beloved nurse who “ministered in almost every family on the island.” Rosita Espinosa Álvarez’s son, Pablo Rodgers, “for many years was the principal colored musician” in Key West, and “no social gathering was complete without the strains of Pablo’s fiddle.” After Rodgers’ death, “Mony” Seville, another member of the family, took on his role. Meanwhile, some of the women of the Clarke and Fish families were “fine seamstresses, no New York or London haberdasher or tailor could equal.” George Garvin excelled as a boat pilot, while Jesse and Williams became highly regarded members of the community.⁴⁴

Key West, of course, was not without its racial problems, despite a greater openness than St. Augustine. Its racial constraints may explain why in 1849, two of James Clarke’s sons, Frederick and George, caught gold fever and hastened to the California gold fields, Frederick mortgaging his property at the corner of Southard and Duval Streets to pay for his passage. Both brothers left family members behind, Frederick a wife and son in Key West, and George a wife in Palatka in Putnam County. In 1853, Frederick was living in Washington Territory, where he married a white woman and two years later volunteered to fight Indians. Through his hotel and ferry business, Frederick prospered, and soon involved himself in territorial politics. The 1860 census listed him and his brother George as whites. According to that

⁴⁴ Browne, 171; 1850 Census, Monroe County.

census, Frederick's real and personal property was worth \$23,500, while George's was valued at \$5,250.⁴⁵

The Clarke brothers left Florida largely because of the state's racial restrictions, and the relative absence of such systematic restrictions explains the appeal of the West for them. Anticipating that he would remain in Washington Territory, Frederick sent a power of attorney to his brother James Washington Clarke back in Key West in 1854, instructing him to "sell or do as you pleas with all I have at home." Frederick felt that George, on the other hand, might return to Florida because "he donte like this country it is too cold for him he seas and too much rain too." If George did return, Frederick surmised, he would take their sister Susan and her children to the West Indies, where brother "Wash" was evidently also planning to move. Eliza Garvin Whitwell, the Clarke brothers' cousin, repeated the logic of the brothers' determination to escape the constrictions of slavery in 1868. "I am pleased to say that the bad laws are . . . dead," Whitwell wrote, "those laws that drove us away from our homes."⁴⁶

In a letter to his brother "Wash" in 1853, Frederick expressed anguish over his mother's recent death in St. Augustine, as well as his separation, which proved to be permanent, from his family, particularly his young son:

⁴⁵ CB, vol. III, entry 579; CCR, file 11, box 150, file 25, box 98, file 14, box 117; Clarke Will, SAHS; SLG, Confirmed, microfilm reel 50-F, entry C63, PKY; EFH, 29 November 1824; Deed Record D, p. 390, Deed Record E, pp. 42-43, 87, Local and State History Department, Monroe County Public Library; Frederick A. Clarke to James Washington Clarke, Cowlitz Landing, Washington Territory, 26 April 1854, "Blacks: 1824-1855," City Papers; 1850 Census, Putnam County; 1860 Census, Monroe County, and Lewis County (Washington), and Putnam County; Order Book A, p. 4, CCH; CB, vol. III, p. 317; Eunice A. Clarke, Widow of Fred A. Clarke, Private, Captain Warbass' Company L, 2 Washington Territory Volunteers, Certificate 7777, Indian Wars Pension Files, Records of the Veterans Administration, Record Group 15, National Archives, Washington, D.C.

⁴⁶ Clarke to Clarke, Cowlitz Landing, Washington Territory, 26 April 1854, "Blacks: 1824-1855," City Papers; Whitwell to Peck, Brooklyn, N.Y., 30 May 1868, Peck Papers.

I want you to take my boy with you when you leve allwais let me know where you are and[?] if you should at any time be in need let me know it and I will do all I can to help you . . . [he wrote] Wash, do get my boys “Likeness” taken and send it to me do do this for me will you? Send it soon I kiss my boy for me my respects to all inquires friends. Do send me some ringes locket or sumpthing of my mothers and sisters which I will have to remember both of them by do this for me my brother let me once more see something which was my poor mothers and sisters any thing you send put it in a letter [illegible] and it will come safete.⁴⁷

Frederick’s concerns extended also to his slave Peter, whom he had also left in Key West. Peter had been with the Clarkes since 1831. Frederick instructed his brother to keep Peter as a slave and collect the bondsman’s wages, or free him for an agreed-upon sum. If he opted for the latter, Frederick wrote, “when you give [Peter] his freedom he must leve the country and stay away from it or I wont agree for him to be free for if you leve him there he will allwers be a slave.”⁴⁸

At Cowlitz Landing, on a tributary of the Columbia River, where he was known as F.A. Clark, Frederick and a business partner operated a “mail boat” transporting passengers and freight. By 1853, the two men had made Cowlitz Landing into a “thriving community” that included, on land owned by Clarke, “a blockhouse, general store, and the Clarke hotel.” “A few houses and farms” clustered around this tiny “commercial center.” In 1852, when a group of delegates convened to begin the process of creating what became the territory of Washington, Frederick Clarke was one of the 13 “gentlemen,” who drafted a petition to Congress for a “separate territorial organization for the people of Northern Oregon.” After the Civil War, Clarke served for a while as commissioner of Pierce County, where he died in 1878

⁴⁷ Clarke to Clarke, Cowlitz Landing, 26 April 1854, City Papers; AC, 3 September 1853.

⁴⁸ Whitwell to Peck, Brooklyn, N.Y., 30 May 1868, Peck Papers; Clarke to Clarke, Cowlitz Landing, Washington Territory, 26 April 1854, City Papers; Deed Book I&J, pp. 180-181, CCH.

from paralysis. His Washington wife Eunice survived until 1914. The names of Frederick and Eunice's daughters, Mary and Florida, honored Frederick's white mother, Mary Dulcet Clarke, and his Florida origins. Today, river erosion has left "no vestige" of Cowlitz Landing, but a Washington State Highway Department marker at the site commemorates the Landing and Frederick A. Clarke as one of the state's pioneering founders. It does not appear that his commemorators knew he was African American.⁴⁹

By its racist policies the slave society of St. Johns County drove away many of its ambitious, productive people, people whose talents blossomed elsewhere. Memories of Spanish days had stirred black members of that society to resist the impositions of American slavery by voting with their feet to seek their well-being elsewhere. In doing so, they effectively harnessed their own resources as weapons against a society that sought to marginalize them as perpetual dependents. Their history is well worth preserving.

⁴⁹ Eunice A. Clarke, Widow of Fred A. Clarke, Private, Captain Warbass' Company 1, 2 Washington Territory Volunteers, Certificate 7777, Indian Wars Pension Files, Record Group 15, National Archives; Oscar Osburn Winther, The Old Oregon Country: A History of Frontier Trade, Transportation, and Travel (Stanford, California: Stanford University Press, 1950), 75, 128, 165; Weldon W. Rau, Surviving the Oregon Trail, 1852 (Pullman: Washington State University, 2001), 212-215; Miscellaneous materials graciously provided by Sandra Carter of Heritage Quest Research Library, Sumner, Washington.

CHAPTER 5 MANUMISSION

The differences between the slave code the Americans enacted in Florida after 1821 and the Siete Partidas of the Spanish era are striking. The Siete Partidas considered slavery “something against both nature and reason,” and so encouraged manumission that in Spanish America jurisprudence was “biased in favor of freedom.” Under its provisions a slave’s servile status “could be wiped out by a fixed purchase price”; the “taint” of the slavery it imposed thus “proved neither very deep nor indelible.” Frank Tannenbaum’s pioneering comparative analysis of slavery in the New World described the favorable attitude of Spanish and Portuguese colonizers toward manumission as “perhaps the most characteristic and significant feature of the Latin-American slave system,” and contrasted it with the opposite attitude that prevailed in the United States and the British Caribbean. The “systematic obstruction of manumission,” Tannenbaum suggested of the Anglo-American system, “implies a complete, if unconscious, attitude of hostility” to blacks, and that too differentiated the condition of blacks in Ibero- and Anglo- America.¹ This chapter examines manumission and how it changed over time in antebellum St. Johns County, emphasizing African American agency in preserving the legacy of Spanish ways in the constricting arena of an American slave society.

To “institutionalize a two-caste system of race relations” in Florida, the territorial legislature enacted laws “aggressively” attacking manumission in 1829 and 1842. In northeastern Florida, however, influential patriarchs from the Spanish era, some of

¹ Frank Tannenbaum, Slave and Citizen, with an introduction by Franklin W. Knight (New York: Alfred A. Knopf, 1946; reprint, Boston: Beacon Press, 1992), 45-46, 49-51, 53, 56, 69, 120-123.

them of Anglo-American ancestry, openly defied these new laws by continuing to issue emancipation papers without requisite security bonds, accepting the validity of freedom documents that had no standing in law, and neglecting to enforce the mandatory emigration of newly-liberated slaves. Many masters continued the Spanish tradition of freeing their biracial children and emancipating other favored bondspersons in their wills. After Florida achieved statehood, in 1845, laws against these activities were more vigorously enforced, and new restrictions were imposed on free blacks in 1848 and 1856. By 1853, manumission in northeastern Florida had become “exceedingly rare,” and Anglo-American attitudes and practices “represented the new order and the general will.”²

Statistics on emancipations in St. Johns County from 1821 to 1862 illustrate this pattern. The statistics, however, must be used with caution, for figures in the early years of this period represent freedmen in all of East Florida, an area that had by 1862 been broken into several counties. Moreover, the statistics fail sometimes to differentiate between freeborn persons and those who gained their freedom under the Spanish. Rather than indicating the number of actual manumissions, the numbers, especially during the territorial period, reflect the anxiety of free blacks who felt it necessary to document their freedom lest they risk losing it.

Given these caveats, the statistics suggest that 1845 was a benchmark in the transition from the relatively easy attitudes and practices of the Spanish concerning manumission to the rigidity of those of the Anglo-Americans. Of 119 recorded emancipations between 1821 and 1862, 64 or 54% date from the 1820s. Of these 64,

² Schafer, “From Spanish to American Race Relations,” *passim*.

44 occurred in 1823, 1825, and 1829, years in which new laws and practices were especially threatening to free blacks. There were 26 recorded manumissions in the 1830s and 21 more in the 1840s. The 47 manumissions in the latter decades represent a 17% drop from the numbers in the single decade of the 1820s. Only 7 emancipations took place during the anxious years of the Second Seminole War (1836-1842). Still, except for 1838, at least one manumission was certified each year in the 1830s, while none was recorded in 1840 or between 1845 and 1847. Of 21 emancipations in the 1840s, 12 occurred in 1844, the final year before statehood, when new restrictions loomed. From 1845 to 1862, only 11 emancipations were recorded.³

In Spain's American colonies, miscegenation often led to the manumission of mixed-race children and their mothers. The American takeover of East Florida in 1821 made such persons and their white patriarchs fearful. Don Francisco Richard, for example, had freed his slave mistress Eve and her (and his) mulatto son Fernando in 1809, but registered the emancipation only in 1821, when he also registered that of Eve's six other biracial children, born between 1811 and 1821. George J.F. Clarke had been similarly negligent. When he manumitted his slave Flora in 1797, he neglected to include James, her (and his) infant son, from the official deed.⁴ In 1821,

³ These figures are derived from: St. Johns County Deed Books, Order Book A, Wills and Letters of Administration I, CCH; 1864 Census, SAHS; CCR; Negro Passes and Permits; Schafer, "From Spanish to American Race Relations," 591; EFH, 8 February 1823; "An Act to prevent the Manumission of Slaves, in certain cases, in this Territory," and "An Act relating to Crimes and Misdemeanors committed by Slaves, free Negroes, and Mulattoes," in John P. Duval, Compilation of the Public Acts of the Legislative Council of the Territory of Florida Passed Prior to 1840 (Tallahassee: Samuel S. Sibley, 1839), 225, 228-229.

⁴ Escrituras (Notarized Instruments), 1784-1821, EFP, Bundle 365, Quadernos 6, 7, 8, microfilm reel 55-A, pp. 258-260, 339-342, 348-351, SAHS.

Clarke rectified the omission, fearing that it might lead to the re-enslavement of his son.

Black East Floridians who feared for their free status took similar steps at the time of the cession of Florida to the United States. A month before the transfer of political power, St. Augustine mayor Don Gabriel Guillermo Perpall certified that Nancy, a black woman, had been free since the period of British rule, which ended in 1783, and her six children and their children had inherited her free status. Polly Bowlegs, whose Seminole husband had freed her and her children, felt similarly “apprehensive” because of the “late change of Government in Florida” under which “new usages and customs” were “daily gaining ground.” Fearing that the “liberty of herself or children may be either jeopardized or called into question” by the change, Polly had two white men petition the St. Johns County probate judge in 1821 for certification of her and her children’s freedom. The judge granted the request, barring “all persons from molesting or taking possession” of her and her children “under the pretext of their being slaves or under any claim of property on them.”⁵

Polly’s concern was well founded, for during the early years of American rule, blacks who had enjoyed freedom among the Seminoles were in danger of enslavement. In 1825, for instance, Mary Hanny, a destitute widow with dependent children, offered \$300 to any person who would “further the cause of humanity” by retrieving Sarah, a black woman, and her offspring from the Indians. Hanny’s mother had purchased Sarah for Hanny sometime before 1800, but despite the “deed of gift” proving her ownership, Hanny’s father and stepmother had sold Sarah to the

⁵ Deed Book H, p. 303, Deed Book B&L, p. 3, CCH; Marotti, 456, 458, 466.

Seminoles. Twenty-five years after that illicit sale, Hanny pressed for Sarah's return to her after hearing that Sarah was alive and now had four children.⁶

Free women of color thus found their freedom threatened by the change of government. Ambrose Hull, a white planter, emancipated his mulatto slave Patt and her children in his will, and left Patt a legacy of \$200. Five whites witnessed Hull's will, and George J.F. Clarke had it recorded in St. Johns County in 1823. Despite this, John Rodman, an attorney, had Patt (or Patience) and her daughter Ellen seized by the authorities in 1825, claiming they were slaves. Clarke rushed to Patt's defense as an agent of Hull's executor, who lived in St. Marys, Georgia, forcing Rodman to release Patt and Ellen. Two years later when Ellen bore the daughter of a white man, she had the infant baptized in the Catholic faith to create a record of her free status.⁷ Surely such incidents had an effect on free blacks everywhere in East Florida.

The case of Tony Primus had even more ominous implications for free blacks. During the period of Spanish rule in East Florida, Thomas Primus and his wife and three children escaped to Florida from a Georgia plantation owned by Lucia Braddock Fitzgerald, and Spanish authorities granted them sanctuary and freedom. The Fitzgerald family subsequently moved to Amelia Island, where they found the Primuses, and petitioned provincial authorities to restore the family to them, their rightful owners, who had become Spanish subjects by their move to Florida. Thomas Primus resisted the petition, asking authorities instead to certify his and his family's free status. Governor Enrique White ruled against the Fitzgeralds, on grounds that the

⁶ St. Augustine East Florida Gazette, 4 August 1821; FH, 1 March 1823; EFH, 31 May 1825.

⁷ Deed Book D, pp. 5-6, CCH; CCR, file 20, box 123; CB, vol. III, entry 572; 1830 Census, St. Johns County.

Spanish policy of granting sanctuary to runaway slaves had been in effect when the Primuses reached Florida.⁸

Tony Primus had thus been born in St. Augustine in 1791 as a free person. In 1812 when the Patriot War began, he was supporting his mother and other relatives by farming and wage labor. George J.F. Clarke was one of his patrons. During the war, the Patriots destroyed Primus' modest property and threatened him with enslavement. Primus responded to the threat by joining Prince Witten's free black militia. More than two decades later, during the Patriot War claims hearings, three of Primus' white neighbors attested that he had been free in 1812. Evidence presented in the hearings also demonstrated that Primus had inherited a 50-acre tract that Governor White had granted to his father in 1806. In fact, in June 1825, as "a free colored man," Primus sold this land to another free black, William Hodgeson, and a year earlier, again as a "Freeman of colour," Primus had testified in court on behalf of the sons of the aforementioned black woman Nancy.⁹

Despite this record, Waters Smith, the United States Marshal in St. Augustine, arrested Tony Primus in 1825, inflicting on him in the course of the arrest painful injuries and lodging him in a squalid jail cell. In doing this, Marshal Smith acted on a writ from the Superior Court of East Florida empowering him to confiscate \$700 worth of John Davy Braddock's property and thus on the basis of Braddock's claim that Primus was his "reputed slave and property," he arrested the black man.¹⁰

⁸ Landers, "Black Society," 167-169, 170 (note 37).

⁹ Account Nos. 83177-George J.F. Clarke, 94415-Charles Witter Clarke, 84941-Tony Primus, RG 217; Deed Book E, pp. 372-373, CCH; CCR, file 48, box 157.

¹⁰ CCR, file 37, box 147.

In making this belated claim the Braddocks clearly expected the American court to overturn the earlier Spanish ruling that the Primuses were free. After hearing the case, magistrate Joseph L. Smith instructed jurors that if they were convinced that a sanctuary policy had existed under the Spaniards, that Primus' parents had been declared free under that policy, and that Tony Primus was thus born to free parents, they must find Primus free. The jury did just that, only to have Marshal Smith appeal the decision, thus dragging the matter out until 1829, when six whites, including Clarke, again testified successfully on the Primus' behalf. More than thirty years after his father Thomas Primus had won his and his family's freedom, an American court finally confirmed the freedom of Tony Primus.¹¹

Although litigants such as Tony Primus ultimately prevailed, the very fact that their freedom was challenged had a chilling, foreboding effect on free persons of color. In their successful suits for freedom, blacks often took advantage of policies and precedents from the Spanish era. In such suits, they regularly benefited from the testimony and other forms of support from white patrons, another legacy of the Spanish past. They also benefited from rifts in the white community, one of which pitted older Spanish or Spanish-thinking whites against newer Americans. In 1822, for example, Francis P. Sánchez, a white, Spanish-era resident, accused three new American officials, two justices of the peace and the High Constable, of brutality in the wrongful arrest and imprisonment of his slave Jacob. In another example, when Thomas Douglas arrived in St. Augustine to set up a law practice in 1826, he found federal judge Joseph L. Smith and lawyer John Rodman so at odds with Marshal

¹¹ Ibid.; Return Book, 1835, Tax Rolls, St. Johns County, 1829-1835, FSA.

Waters Smith and United States Attorney Edgar Macon, that the “public business” had been “entirely suspended” for about two years.¹²

Further evidence of the divisions among whites may be seen in the differing reactions to the handling of a cargo of shipwrecked Africans who arrived in St. Augustine early in 1828. In late December 1827, a Spanish slaver loaded with 400 Africans struck a reef off Key West with a British warship in pursuit. Wreckers placed the human cargo of the wrecked slaver in three ships, two of which Spanish crews commandeered and took to Cuba. The third, with 121 Africans aboard, ended up in St. Augustine under the jurisdiction of Marshal Smith. To support the Africans until the international controversy over them was resolved, Smith hired out all of those old enough to work. Zephaniah Kingsley, for example, rented 36 of the Africans to work on a federal canal project he was then overseeing. When the United States government finally ordered Smith, in August 1829, to collect the Africans and return them to Liberia, many whites in the county objected, questioning Washington’s authority to order legally free Africans out of Florida. Eventually, however, the Africans sailed for Liberia.¹³

In the early years of American governance, many elements of the Spanish system of manumission, or coartación, continued to function in East Florida, and its persistence is a measure of African American success in slowing the evolution to a slave society. Its history is therefore a record of the negotiating strategies East Florida blacks used in dealing with social and racial pressures that followed the American

¹² CCR, file 98, box 160; Thomas Douglas, Autobiography of Thomas Douglas, Late Judge of the Supreme Court of Florida (New York: Calkins & Stiles, 1856), 60-61, 70-72.

¹³ Jean B. Stephens, “Zephaniah Kingsley and the Recaptured Africans,” El Escribano 15 (1978): 71-76.

takeover. Coartación, which means “to limit or cut off,” was the term applied to the “most important” of several emancipation arrangements earlier developed in colonial Cuba, from which Spanish East Florida was governed. Under this arrangement, a slave could request that a tribunal set his or her price, which he or she could then pay, almost always in installments over a period of time, and thereby attain freedom. A bondsperson’s “absolute right to property of his own” undergirded the arrangement. After making an initial payment, a coartado, as the slave in the process of buying freedom was called, had the “right to change masters at will” if he or she found one who would accept the arrangement. Individuals who took advantage of coartación were almost by nature resourceful, industrious, and ambitious, and perhaps also talented and well connected; they were likely to be urban bondspersons rather than plantation laborers. Coartación permitted urban entrepreneurs to obtain skilled workers at a low wages, thus encouraging them to participate in the system, while it relieved slave owners of some of the bother of supervising their slaves. Wherever the system operated, “there were bound to be large numbers of Negroes who had partly purchased their freedom and thus stood between slavery and freedom.” In Cuba, coartación “steadily fed energetic and able Negro slaves into the free colored population.”¹⁴

The system functioned somewhat differently in different locations. Along the Gulf coast, during the period of this study, the majority of those emancipated by purchase were evidently children whose parents or grandparents paid their masters with a

¹⁴ Herbert S. Klein, Slavery in the Americas: A Comparative Study of Virginia and Cuba (Chicago: University of Chicago Press, 1966), 196-199.

relatively modest price for their freedom. Women were also more likely than men to be freed through coartación because of their comparatively lower value. Jane Landers, who studied manumission in Spanish East Florida, concluded that masters rarely freed any slaves without compensation of some kind. In the last decades of Spanish rule, Landers found, the “institutional framework” of coartación remained in place, and some slaves continued to buy their freedom, despite declining economic opportunities, escalating purchase prices, and “political and social pressures” on masters to limit the practice.¹⁵

Historian Frederick P. Bowser delineated three ways in which slaves in Spanish America attained their liberty, all of which appear in antebellum East Florida. A master might emancipate a slave during his lifetime or in his will in recognition of years of devotion or the fulfillment of certain conditions. He might also allow a slave to be manumitted through coartación. Or, he might manumit, usually unconditionally, his own biracial offspring and their mothers. Of the 101 emancipations documented in St. Johns County during the period of American rule, a figure that excludes free-born blacks registering their pre-existing liberty and blacks whose freedom status was unclear when they registered, 47 were manumitted in return for monetary payments, 29 by their owners’ wills, and 25 unconditionally.¹⁶ The first of these figures is evidence of the survival of coartación under the American flag.

Records of court cases provide additional evidence of this survival and, incidentally, evidence of just how shadowy a black person’s status could be during the

¹⁵ Gould, 86-89; Landers, “Black Society,” 161, 169-170; Bowser, 31-32.

¹⁶ Bowser, 22-31; Data was taken from St. Johns County Deed Books, Order Book A, and Wills of Administration I, CCH. Other data comes from the 1864 census, as well as CCR, both located at SAHS.

transitional years from the Spanish to the American system of slavery. Prior to the change of flags, Sarah Petty struck a bargain with her slave Cyrus, whom she owned apart from her husband George Petty, agreeing to hire Cyrus to Horatio S. Dexter for \$13 per month until he earned \$200, at which point she would manumit him. Cyrus had apparently leveraged this arrangement himself, taking advantage of the fact that George Petty owed \$200 to a Mrs. Falk. Petty wanted Dexter in effect to pay Falk for Cyrus' labor because Petty himself evidently could not coax Cyrus to work effectively. "Cyrus does not seem willing to go to work," Petty wrote, attesting to Cyrus' agency in Petty's arrangement with Dexter. Do not, he wrote Dexter, "acquaint Cyrus that I have wrote to you respecting him."¹⁷

Subsequently, Dexter listed Cyrus as his slave in an inventory of his Volusia plantation, perhaps to increase the value of his holdings for credit purposes. Then, probably to protect Cyrus from being seized by a creditor, Dexter executed a manumission deed for him in late 1825, saying the black man had paid him \$400. The following year, however, a Superior Court judge issued a writ of attachment against Dexter in the creditor's favor, whereupon Marshal Smith arrested Cyrus, and held him until he obtained a bond from two white patrons, George J.F. Clarke and Joseph M. Sánchez.¹⁸

In late 1827, Cyrus' situation deteriorated, for Marshal Smith demanded that Clarke and Sánchez deliver Cyrus to be sold. Clarke refused, insisting that Cyrus had been Mrs. Petty's slave, not Dexter's, and had paid Mrs. Petty \$200 for his liberty.

¹⁷ George J.F. Clarke v. Waters Smith, 12 January 1831, Territorial Court of Appeals, Case Files, 1825-1846, Series 73, Record Group 1110, FSA.

¹⁸ Ibid.; Deed Book F, pp. 108-109, CCH; CCR, file 48, box 164.

Clarke delayed the case for a time, but a jury eventually ruled against Dexter and an appeal against the ruling failed. Since Sánchez had died by this time, Clarke must have forfeited the bond and in the process acquired Cyrus, for in 1835, Cyrus paid Clarke the final \$5 of his \$400 self-purchase price, a sum that perhaps recovered the cost of the forfeited bond. Still, however, Cyrus received no freedom papers from Clarke, and in 1848, long after Clarke's death, the question of Cyrus' status arose again. This time, Clarke's executor, John M. Fontane, formally manumitted the man. The 1860 census lists Cyrus Forrester as an 84 year-old farmer living across the St. Johns River in Clay County, owning real and personal property worth \$2,400.¹⁹

The complexity of Cyrus Forrester's case may be linked to George and Sarah Petty's manumission, in January 1822, of a man listed in the record as Simon Forrester and described as a black man around 40 years of age. By his "industry" Simon had earned his freedom price of \$450. Twenty years later, however, in testimony on behalf of George J.F. Clarke's biracial heirs in the Patriot War claims, Simon Forrester swore he had purchased himself from John Forrester prior to 1816.²⁰ The discrepancy in dates may have been due to a coartación arrangement under which Simon Forrester commenced his freedom payments in 1816 or earlier and completed them in 1822. Circumstantial evidence indicates that Simon and Cyrus Forrester were the same person. If so, the slave may have paid John Forrester \$250 before coming into Mrs. Petty's possession, and the 1822 manumission may have been conditional on completion of an agreed upon purchase price of \$400 by working for Dexter. If

¹⁹ Clarke v. Smith, FSA; CCR, file 48, box 164; Order Book A, p. 5, CCH; 1860 Census, Clay County.

²⁰ Deed Book E, pp. 343-344, Deed Book F, pp. 108-109, CCH; Account No. 83177, George J.F. Clarke, RG 217.

Simon and Cyrus Forrester were not the same person, their purchase prices were approximately equal, and Cyrus had already paid about half of his price to the Pettys. In either case, Dexter and Clarke had acted honorably to prevent a gross injustice.

For thirty years or more before 1848, Cyrus Forrester had lived in a kind of quasi-free status. The story of his life and that of his children thus illuminates the resourcefulness of slaves who purchased themselves and maintained their freedom in difficult times. Talent, persistence, hard work, and a support network that included whites as well as blacks were all necessary for success in such circumstances. While quasi-free in 1839, Cyrus bought the liberty of his teenaged son, Lewis Charles Forrester, from Duncan Clinch, a Clarke associate, and the freedom of his son's mother as well. By 1840-1841, though technically still Clarke's slave, Cyrus was living in what is now Clay County, where he owned a herd of 20 cattle whose numbers "increased rapidly," and in 1853 he received a federal patent for the 35 acres of land he had purchased from the United States. Cyrus then arranged, with "No writings given," to divide his property among his heirs, thus protecting their freedom.²¹

Cyrus' son, Lewis, a carpenter, already owned 40 acres land when he married the freeborn Affy Gray in 1854. Gray's father, David Fleming, had paid more than \$500 between 1821 and 1829 for his own wife's freedom and that of her children. By 1862, the Forrester clan lived in "very comfortable circumstances" on their own farm with

²¹ Lewis Forrester, Case No. 16162, file 57, Clay County, Florida, Settled Case Files for Claims Approved By the Southern Claims Commission, 1871-1880, Records of the Land, Files, and Miscellaneous Division, Records of the Accounting Officers of the Department of the Treasury, Record Group 217, National Archives Building, College Park, Maryland; Lewis Forrester, Soldier's Certificate No. 288,415, RG 15; Cyrus Forrester, Document No. 714, Lewis Forrester, Document No. 1181, Florida, Patent Descriptions, Bureau of Land Management, General Land Office Records, Record Group 49, National Archives, Washington, D.C. (available from [http://www.glorerecords.blm.gov/search?query=&accession=FLO330%5F%5F%2E139 and 2E414](http://www.glorerecords.blm.gov/search?query=&accession=FLO330%5F%5F%2E139%20and%202E414)).

“good framed buildings,” and owned 100 cattle, 103 hogs, 125 chickens and ducks, and even \$311 in gold, which Lewis’ mother, Dorcas Forrester, kept buried in the garden. Early in the Civil War, “three rebel ruffians” stole Lewis Forrester’s sister-in-law and her children and carried them off to Georgia to sell them into slavery. Fortunately, the sister-in-law “told on” her kidnapers and “found some one to take her part & they had the men arrested.” Thereupon, the Forresters’ white guardian “went up [to Georgia] & got them back.” Then, Yankee troops stole the Forresters’ gold. Despite that, some 25 Forrester relatives served in the Union forces during the Civil War. Long after that war, in 1892, a federal official noted that the Forresters “have been esteemed and respected by every person who knows them,” and that “their reputations are of the very best.” Another official called Lewis Forrester “as reliable & honest a man as there is in East Florida—white or black.”²²

The shadowy status of another man of color in antebellum East Florida, José Richo, may, like that of Cyrus Forrester, be explained by the survival of informal arrangements of coartación. According to his own testimony in 1845, Richo was born free in the West Indies and came to East Florida around the turn of the nineteenth century. When the Patriot War began, he was raising a family and working as a cook and baker in Fernandina, and in 1827 he received \$150 for the damage done to his Fernandina property by U.S. troops in 1818. Only former Spanish subjects, not slaves, were eligible for such compensation. Also in 1818, José Próspero Richo, possibly

²² Lewis Forrester, Case No. 16162, Southern Claims Commission, Record Group 217; Lewis Forrester, Soldier’s Certificate No. 288,415, George Elias Forrester, U.S. Navy, SC 30764, RG 15.

Richo's son, was baptized in the Catholic faith. The baptismal record lists the child as freeborn and the child's mother as María Francisca Richo, a free black.²³

Other evidence of José Richo's free status is less clear. Between 1806 and 1832, Richo sponsored seven children of color for Catholic baptism. In the first of those instances, when he stood as godfather for the son of free black parents, Richo is listed in the Catholic registry the slave of Don Pedro Cocifacio. Some time after this baptism, Richo became the property of Domingo Acosta of Fernandina, who in 1822 sold him to Antonio Giraldo of St. Augustine. Two years later, Giraldo conveyed Richo to Joseph B. Lancaster as a "slave for life." Both Giraldo and Lancaster each paid only \$220 for Richo, a suspiciously low price for a cook so skilled that in 1834 he earned \$14.62 for his culinary services at a "Court Ball" attended by white elites. After 1829, when Lancaster issued Richo his manumission papers in return for \$220, Catholic Church records note Richo's status as free.²⁴

Coartación may explain the discrepancies in Richo's historical record, which are not altogether unlike those in the story of another man of color, Stepney Morris. Also called Stepney Bulow, Morris enters the historical record in March 1826, when his month-old daughter, Donata Morris, was baptized in the Catholic Church in St. Augustine. Donata's mother, Amelia Nichols, was a free woman. The fact that Morris had a surname that whites recognized, and that he passed this surname to his

²³ CB, vol. III, entries 366, 645, 647; Report of Committee of Management to Court Ball, "Financial Receipts and Statements: 1830-1839," Joseph Simeon Sanchez Papers; Passes, "Blacks: 1824-1855," City Papers; Claim of Charles W. Clarke, Patriot War Claims; Account No. 55016, Jose Richo, RG 217.

²⁴ CB, vol. II, entry 772, vol. III, entries 366, 529, 532[?], 551, 560, 645, 647; Deed Book B&L, pp. 113-114, Deed Book C, pp. 306-307, Deed Book E, pp. 400-401, Deed Book F, p. 137, Deed Book H, pp. 223-224, CCH; Report Of Committee of Management to Court Ball, "Financial Receipts and Statements: 1830-1839," Joseph Simeon Sanchez Papers.

daughter, is one indication of a free status. Other records suggest that Morris was an ambitious, hard-working man of entrepreneurial disposition. In January 1837, he invested \$8 in the Southern Life Insurance Company of St. Augustine, and he patronized the same whites as the biracial Clarkes—the merchant James Hanson and the physician Seth Peck, for example. He also owned a horse and cart, for which he rented a slave, Caesar, as a drayman. In 1838, he opened the “Washington Beef-Steak and Oyster House” next door to the store of B.E. Carr, with whom he maintained a business relationship. The eye-catching newspaper advertisement announcing the opening of his restaurant featured open oyster shells flanking a pearl, and promised “suppers at the shortest notice . . . in a style of elegance and comfort unsurpassed in St. Augustine.”²⁵

These enterprises strongly suggest that Morris was not a slave. Nevertheless, he does not appear on an 1838 list of free persons of color required to select white guardians. Amelia Nichols and her children, however, did appear on the list, and the census of 1840 lists no man in her household. Morris’ name is also absent from surviving county tax rolls between 1829 and 1835. Morris’ name appears in church records in 1842 when his son Alexander was baptized, and in probate records as owing money to the estate of the recently deceased merchant Isaac W. Avery. These contradictions are cleared up in records generated after Morris migrated to Key West in the 1840s. John D. Clarke, one of George J.F. Clarke’s mulatto sons, had at some

²⁵ CB, vol. III, entry 554; Account No. 85048, Abraham McQueen, RG 217; 1830 Census, St. Johns County; “Southern Life Insurance: 1836-1838,” Joseph Simeon Sanchez Papers; Inventories, “old” Book 3: 1840-1861, pp. 154-155, St. Johns County, County Judge, Probate Records, 1784-1933, FSA; Account Book, Ledger B, Dr. Seth S. Peck, 10 May 1837-15 May 1841, p. 138, Peck Papers; Copy of the Proceedings versus Stepney Bulow Caesar for a breach of the City Ordinance passed 13 March 1838, “Carriages: 1838-1887,” City Papers; SAN, 22 December 1838.

point bought Morris and promised to manumit him as soon as he paid the remainder of his manumission price, plus a portion of his earnings. Until that was done, Clarke instructed his agent to dispose of his interest in Morris as best he could. In 1847, Morris completed his self-purchase, and obtained his freedom.²⁶ His uncertain status had rested on some type of informal coartación arrangement that survived into the period of Florida statehood.

Further evidence of that survival, and of the efforts blacks made to keep it alive, is found in the experience of Jimmy Gibbs, George Gibbs' slave, who in 1839 faced the threat of separation from his family. "Old Mr. Gibbs" was leaving St. Augustine and taking his slaves with him, but was concerned over Jimmy Gibbs' pleas that this would separate him from his family, who did not belong to Master Gibbs. The master told Jimmy he could remain in St. Augustine if he, Jimmy, could find someone who agreed to pay \$700 for him and to free him when he had worked out that sum. This extralegal arrangement reflects a survival of coartación. Jimmy Gibbs, in effect, had his price declared and was permitted to find a master who would agree to purchase him and free him on an installment plan. The risk he ran was that American law did not sanction this arrangement, and any dispute between him and his new owner that reached the legal system would almost certainly be decided against him. Under Spanish law, a bondsman could take his master to court. No such right existed under the Americans.²⁷

²⁶ Passes 1838, "Blacks: 1824-1855," City Papers; Tax Rolls, St. Johns County, 1829-1835, FSA; 1840 Census, St. Johns County; CB, vol. III, entry for 7 November 1842; Inventories, "old" Book 3: 1840-1861, pp. 65-66, St. Johns County, County Judge, Probate records, 1784-1933, FSA; Deed Book D, p. 13, Monroe County Courthouse; Monroe County Tax Rolls, 1847, FSA.

²⁷ CCR, file 2, box 91; Deed Book N, p. 386, CCH; Landers, "Black Society," 149-157, 171 (note 15).

That George Gibbs was willing to let Jimmy Gibbs purchase himself may have been due to his family connections with Zephaniah Kingsley, who was especially notable among whites in antebellum East Florida for his concern for the well being of free blacks. George Gibbs was Kingsley's brother-in-law, spent a great deal of time at Kingsley's plantation on Fort George Island near modern Jacksonville, and must have been influenced by his wealthier relative's views on slavery and manumission. "The door of liberty," Kingsley believed, should always be "open to every slave who can find the means of purchasing himself." A planter who followed this precept would be better able to control his labor force, Kingsley also believed, for "hope creates a spirit of economy, industry and emulation to obtain merit by good behavior, which has a general and beneficial effect."²⁸

Once his master accepted this or some similar principle, Jimmy Gibbs faced the task of finding a buyer he could trust. He eventually found such a man in Andrew Pow, who had himself once been the slave of the Minorcan Pablo Sabate and had purchased his own freedom a decade earlier for \$400. At the time of Pow's manumission, Sabate had permitted Pow to claim not only his personal effects, including his household furniture, but farm goods, including four horses and a pig and the corn and fodder necessary to feed them. Pow had at least two children by Juana, a slave of Francisco Gue, and a daughter by Francisca, a bondswoman of Doña Marianna Gue. All of Pow's children were baptized in the Roman Catholic faith, and all bore the surname Gue. A year after Pow purchased himself, Francisco Gue

²⁸ Schafer, Anna Kingsley, 37; Zephaniah Kingsley, A Treatise on the Patriarchal or Cooperative System of Society as it Exists in Some Governments and Colonies in America, and in the United States, under the Name of Slavery, with its Necessity and Advantages, 2nd ed. ([no publisher], 1829, reprint; Freeport, New York; Books for Libraries Press, 1970), 7.

emancipated Pow's wife Jenny, then about 35 years of age, for \$350. Three years later, in 1833, Pow paid \$173.50 for a lot on St. George Street in St. Augustine next to the Presbyterian church.²⁹

Jimmy and Pow were friends who worshipped together in a Baptist congregation. After a long discussion in the presence of other blacks, Pow agreed to purchase and manumit his friend on condition that he work out the \$700 purchase price. But when Jimmy Gibbs asked Pow to put the terms of their bargain in writing, Pow refused. "You know brother Jimmy," Pow responded, "you and I are [Christian] brethren and . . . not of this world . . . our [oral] agreement is more binding than any in writing." In a weak bargaining position, Jimmy Gibbs reluctantly assented. As a free man of color, Pow had to secure the approval of his white guardian, Joshua Joyner, for this arrangement. With the explicit understanding that Gibbs would be freed upon paying Pow \$700, Joyner consented to the arrangement. Only George Gibbs is known to have criticized the arrangement, complaining that on the open market Jimmy Gibbs would have brought \$900.³⁰

In Andrew Pow, Jimmy Gibbs had a master whose talents, ambitions, and energy matched his own. Once a slave himself, Pow had, like the model of Ira Berlin's Atlantic Creole blacks, purchased his own liberty and probably that of his wife Jenny, and accumulated property, including a town lot. Furthermore, Pow had rejected his slave surname as well as the religion of his former owner. It therefore appeared that Jimmy Gibbs chose his new master wisely, for Andrew Pow was a model for the best

²⁹ Deed Book H, p. 314, Deed Book I&J, p. 14, Deed Book K, pp. 104-106, CCH; CB, vol. I, entries 285, 461, 527.

³⁰ CCR, file 2, box 91.

that a slave might become. Inspired by the prospect of freedom, Jimmy Gibbs worked hard for Pow, in time accumulating his market value of \$900, not the agreed upon \$700, which he handed over to Pow. Pow, however, refused to execute the legal paperwork necessary to certify Gibbs' freedom.³¹

Meanwhile, Pow was taking measures to certify his own precarious liberty. In April 1841, he married Jenny Gue in the Presbyterian Church, and some time thereafter purchased his son Francisco, then about twenty years old, from Francisco Gue for \$700, mortgaging his town lot to do so. Meanwhile, his relationship with Jimmy Gibbs deteriorated. Seeing Pow's expenditure on his son, Gibbs pressed Pow for his freedom papers, only to have Pow angrily remind him that he was his slave, threaten him with the whip, and have him jailed in the Castillo de San Marcos.³² The blood of kinship had been thicker than the waters of baptism.

A day after Jimmy Gibbs' arrest, his lawyer had him released on a writ of habeas corpus after Joshua Joyner, Pow's former guardian, entered a deposition supporting Gibbs' case. Gibbs himself also testified on his own behalf, hoping thereby "to be liberated by process of law," as he would have been under Spanish law. The magistrate, however, ordered another hearing, remanding Gibbs in the meantime to the custody of James Gould, Pow's guardian. The results of the second hearing are unknown, but it is clear that Gibbs lost his case, for in September 1844, with Gould's approval, Pow sold Gibbs to Rafael Fontane, who in turn sold him to George Fairbanks. Less than a month after selling Gibbs, Pow manumitted his son Francisco.

³¹ Ibid.

³² Ibid.; Marriage Licenses, Volume A, p. 6, Judgment Record A, pp. 7-8, Deed Book O, p. 518, CCR.

Fairbanks may have held Gibbs in some type of quasi-freedom, for Gibbs' wife was named Venus and Fairbanks owned a bondswoman by that same name.³³ Whatever his status, there is no record that Jimmy Gibbs was emancipated in St. Johns County.

Gibbs' uncertain fate symbolized the decline of coartación and with it the increased precariousness of the status of an individual caught in the change. As a slave, Jimmy Gibbs had no standing in court under American law. Even had he had a written agreement with Pow, it would have had no legal weight, for it was impossible for a slave to make a binding contract. The arrangement between Pow and Gibbs was a private affair, unenforceable by law.³⁴ By 1842, then, the Spanish practice of coartación had fallen victim to the slave society. Yet, the fact that Jimmy Gibbs and his attorney had taken Pow to court and had their case heard demonstrates that the customs of Spanish times were still remembered. Despite this legal change, it was possible for a slave in East Florida to earn and save money and thereby liberate himself and others.

The case of Maria Anderson demonstrates that despite Jimmy Gibbs' defeat, his strategy of using the courts in cases involving one's liberty remained viable, although transmuted in form. On 3 July 1842, as Gibbs' dispute with Pow raged, Peter Sken Smith, a business partner of the deceased Dr. Andrew Anderson in the Southern Life Insurance & Trust Company, issued a "Certificate of Freedom" to Maria Anderson. Five years later, however, her freedom and that of her two small children, Henrietta and Dominga, faced a legal challenge. The challenge stemmed from provisions of the

³³ CCR, file 2, box 91; Judgment Record A, p. 7, Deed Book O, p. 518, Order Book A, p. 3, CCH; Emanuel Aguiar's Statement, "Blacks: 1824-1855," City Papers; Entry D49, 7 December 1858, Entry D45, 7 December 1858, Negro Passes and Permits.

³⁴ CCR, file 2, box 91.

will of Dr. Anderson, which listed Maria Anderson and her children among the property bequeathed to his widow Clarissa Anderson. After hearing Maria Anderson's challenge to this bequest, the St. Johns County Circuit Court ruled that Maria had indeed been emancipated in 1842 and her 3 year-old daughter Dominga born after that date had inherited her free status. But Maria Anderson's 6 year-old daughter Henrietta had been born before her manumission and not named in the "Certificate of Freedom," and thus remained Clarissa Anderson's property. This situation may have been resolved by some form of coartación, for in 1850, Henrietta was no longer a slave, though no record of her manumission has survived.³⁵

Another incident in these years shows that some St. Augustine's bondspeople continued to purchase their freedom long after the American takeover of East Florida. In 1842, María Sofía Hernández, who was born in slavery in 1819, and her infant son were purchased at a marshal's sale by her father, Alexander Hernández, despite the fact that Alexander Hernández was himself still a slave. At the time of the purchase Hernández made a down payment of \$443.56 for his daughter and grandson, and still owed \$171.44 for the "right title and interest" to them.³⁶

Another example sheds light on how slaves who purchased their own or someone else's freedom obtained financing to acquire property once they were free. Tony Papy, "a man of industrious habits," had bought his own freedom for \$450 in 1835, and subsequently his son's freedom with money advanced by Tony Pow, a free black. In 1844, Pow in turn wanted to borrow \$150 from Papy, money Papy had been

³⁵ CCR, file 12, box 90; 1850 Census, St. Johns County.

³⁶ CB, vol. IV, entry 507; Accounts of Jose S. Sanchez as Tax Collector & Papers Relating Thereto: 1839-1848, Joseph Simeon Sanchez Papers.

accumulating to buy the land upon which he was living with his enslaved wife Katy in a “low one story house with a garret in the outskirts of St. Augustine.” Perhaps in gratitude for Pow’s earlier assistance, Papy lent Pow the money on assurances that he would repay it in time for Papy to buy the land he wanted.³⁷

Another episode about this time, involving Papy’s slave wife Katy, shows that slaves in East Florida in the 1840s not only accumulated money but also used the courts to protect it. Over the years, Katy Papy’s friend Mary-Ann, who was also a slave, saved her money and by the mid-1840s had accumulated \$600 in silver. Mary-Ann’s husband, who had moved to Cuba in the early 1820s, was the source of some of this silver, but the rest Mary-Ann had earned from the “opportunities she had had.” When Mary-Ann’s master called her into the country to work, she left her cache with Katy Papy for safekeeping in a box covered with a canvas bag. Hearing of the above-mentioned loan Tony Papy made to Tony Pow, Mary-Ann became alarmed, but Katy assured her that her treasure was secure. When she subsequently heard reports that her money had been stolen, Mary-Ann confronted Papy, accusing him of theft. According to Papy’s witnesses in the court suit that resulted from Mary-Ann’s accusation, Papy had arisen especially early on the day of the theft to go to St. Augustine to fetch a pot for scalding a hog he was butchering for market. After Papy left the house and his wife still slept, two burglars allegedly broke into the house and made off with the canvas-covered box and its contents. Despite this testimony, the jury found Papy guilty and fined him \$600. In doing so it implicitly recognized the right of a slave to

³⁷ The Territory v. Tony Papy, 1 November 1845, Territorial Court of Appeals Case Files, Series 73, roll 8, Record Group 970, FSA; Deed Book M, pp. 136-137, CCH.

hold personal property, an underlying principle of coartación. Papy appealed the decision, but no record exists for the results of his appeal.³⁸ But the case shows that St. Augustine slaves in the mid-1840s held property, took advantage of opportunities to earn cash, exercised a degree of autonomy in their lives, and maintained a financial support network among themselves and free African Americans. The case also shows something of the pressures the slave society exerted against black freedom. Pow and Papy were free men in financial straits. Mary-Ann was a slave whose savings of more than two decades disappeared, and with them perhaps her hopes of self-purchase. Worse still, the case reveals the fissure that sometimes appeared in the support networks in black St. Augustine.

Connections with Cuba also functioned to keep coartación alive long after the American takeover. Fernando Falany, a former East Florida resident originally from Italy, to illustrate, made a will in Cuba that was recorded, in Spanish, in St. Johns County in 1848. Falany willed that four slaves he still owned in the county remain coartados because of their good service to him, and that three of them, Felipe, Francisca, and Catalina, be sold by his executor for no more than 200 pesos each, and the fourth, María, for no more than 100 pesos.³⁹ Recognition of Falany's wishes in this was another implicit official acknowledgement of the continued functioning of coartación.

The varieties of quasi-freedom were seemingly endless, causing whites to be confused about who was slave and who was free. In 1834, about a decade before

³⁸ Territory v. Tony Papy, 1 November 1845, FSA.

³⁹ Order Book A, pp. 3-4, Wills and Letters of Administration I, pp. 163-166, CCH.

Geronimo Alvarez officially freed Petrona and her two children, one white St. Augustinian who complained about Petrona's abusive language toward him thought that Petrona was already emancipated. James Roberts, who reared his slave Phoebe as a "pet," willed from South Carolina in 1814 that Phoebe receive free food and clothing and an income of \$14 a year for life from the proceeds of his estate, and that she be kept at home "as free,' doing nothing more strenuous than sewing or tending to her own wardrobe. Phoebe lived in this middle ground between freedom and slavery from 1814 until 1835, when she was discharged from all responsibilities as a slave so that she might work as she pleased. Patty Harrison, then a teenager, may have been in a similar situation when she absconded from her owner in 1837 with "what was and what was not her own." In advertising for the runaway, whom she called María Rodríguez, her owner warned that Harrison had "reported herself throughout this city as free born, and sent to me not to work but to be educated."⁴⁰ Patty Harrison's fate is unknown, but her agency in asserting herself is evident.

Jane Nattiel, another slave, may have been less assertive than Harrison, but after the Civil War, her son recalled that his mother "was a house girl and was permitted to do as she pleased, and was practically free." Such a situation may explain why two white neighbors of Lucy, a slave in the Rogero family, were uncertain about her freedom status in 1858. In a variation of this pattern, it was revealed in 1842 that the "free black" Jim Coleman was not really free. Coleman had been passing as free "for some time," and later purported to belong to a Christian minister. In the face of such ambiguities, it is little wonder that one man of color took to calling himself "Free

⁴⁰ Order Book A, p. 4, Deed Book M, pp. 300-301, CCH; CCR, file 56, box 102; FH, 26 May 1837.

Abraham Hannaham.”⁴¹ The various degrees of freedom in antebellum St. Johns County reflected the degree to which many people of color thought and acted as though they owned themselves.

Just as liberty for the legally free blacks could be precarious, so was the manumission process even for slaves who won their masters’ affections through faithful service. For 44 years Tony Welters was a slave of the Fontane family, serving for much of that time as a “special servant and body guard” to the family patriarch John M. Fontane. Before his death in the mid-1850s, Fontane directed that Welters be manumitted upon his, Fontane’s, death. In an inventory of Fontane’s estate made in 1855, Welters is listed as a slave valued at \$700. Two of Fontane’s direct heirs eventually relinquished their interest in the bondsman according to Fontane’s wishes. A third heir, however, who lived in Georgia, refused to do so until he received \$150 in payment for what he considered his rightful share of his legacy. During the three years it took to work this out, Welters lived in a kind of legal limbo.⁴²

Indirect evidence suggests that the Fontane family made some type of coartación arrangement to enable Welters to pay the \$150 to the insistent Georgia heir. Welters does not appear in the 1860 census. If he owed the Fontane estate \$150 at that time, he would have still been technically a slave, and not enumerated by name. Shortly after the census, Welters must have obtained his freedom, for he enlisted in the town

⁴¹ Account No. 85048, Abraham McQueen, RG 217; 1850 Census, St. Johns County; Entry D35, 6 December 1858, Entry D45, 7 December 1858, Negro Passes and Permits; William Morris, Soldier’s Certificate No. 176,225, Abraham Lancaster, Soldier’s Certificate No. 671,600, RG 15; Passes: 1838, “Blacks: 1824-1855,” City Papers; CCR, file 24, box 124; FHSD, 1 August 1842.

⁴² CB, vol. III, entry 243; Order Book A, p. 8, CCH; Testimony of Antonio Huertas, 10 February 1893, Letter 162, Segui-Dallum Papers, SAHS; Inventories, “old” Book 3: 1840-1861, pp. 200-208, St. Johns County, County Judge, Probate Records, 1784-1933, FSA.

militia, the St. Augustine Blues. Since at least 1857, Welters had lived in his own residence, most likely with his enslaved wife. The 1850 census lists Felicia Fontane, a free black midwife who had a general pass to visit her patients after curfew. Baptismal records list Welter's mother as Felicia Fontane. Extant records specify no connection between the Midwife Fontane and Tony Welters, and there are no manumission deeds for either.⁴³

Like Tony Welters, George Vanness lived in quasi-freedom until manumitted in his master's will. Born in St. Augustine sometime around 1810, Vanness began life as George Rivers, a slave of Isaac Wickes. His surname Rivers may be a corruption of the Spanish "Rivas" or "Ribas," for Wickes owned at least one of the children of Antonio Ribas, a free man of color. At some time prior to June 1821, Ribas sold Wickes a house and lot, and used the money he received to purchase his child's freedom. When Wickes died in 1825, he left a will freeing his bondsman Boatswain on condition that Boatswain pay his estate \$400. He also manumitted his slaves Tom O'Reilly and Katy unconditionally, bestowing on the pair a \$25 legacy. Unfortunately for George Rivers, he had been sold "about the time he was grown" to a man living south of St. Augustine, who later conveyed him to Joseph Sánchez. Sánchez moved from St. Augustine to a "large plantation" on the "east side of Duns Lake." Since he regarded Rivers as a "trusted and efficient servant," Sánchez would send him to the St. Johns River town of Palatka on business and to pick up supplies from Nehemiah Brush's store. Rivers impressed Brush so much that the latter persuaded Sánchez to

⁴³ 1850 Census, St. Johns County; Accounts to October 27, 1857, "1850s Business Bills & Memos," George Burt Papers, SAHS; CM, entries 60, 70; CB, vol. IV, entry 23, and pp. 23-24 (1851), p. 67 (7 October 1858); Entries D7, 2 January 1857, and D29 [6 December 1858?], Negro Passes and Permits; Entry for 11 December 1858, Minute Book B, p. 158, City Papers.

part with the slave and his wife Lugarda, also called Lucy. Under Brush, Rivers and his wife continued to live quasi-free lives as custodians of Brush's orange groves across the St. Johns River from Palatka.⁴⁴

When Dr. Brush died in New York, he freed the couple on the condition that they spend a prescribed period of time demonstrating to Brush's heirs that they were "worthy" of manumission. This being done, Brush's executors pronounced the Riverses "free persons of color" in 1849, citing their "long and faithful services." Although they were emancipated in Putnam County, the Riverses are listed in the 1850 and 1860 censuses as inhabitants of rural St. Johns County and with the surname of Brush. The case of the Riverses, like that of Tony Welters, demonstrates that the cultivation of white patrons was important for slaves wishing to obtain freedom. George J.F. Clarke participated in the liberation of at least 15 blacks in St. Johns County, while the Sanchez family helped 8 become free, and Zephaniah Kingsley manumitted 6. The most generous St. Augustinian, however, appears to have been Gerónimo Álvarez, who emancipated 8 slaves outrightly, for reasons of "benevolence and humanity," and 1 more for cash. Moreover, Álvarez claimed none of those he freed as mistresses or relatives, although that does not discount the possibility.⁴⁵

⁴⁴ George Vanness, Jr., Soldier's Certificate No. 258,248, RG 15; Escrituras (Notarized Instruments), 1784-1821, EFP, Bundle 365, Quaderno 10, microfilm reel 55-A, pp. 445-450, SAHS; Deed Book E, pp. 338-339, 422, CCH; Deed Book A, p. 75, Putnam County Clerk of the Court, Palatka, Florida.

⁴⁵ George Vanness, Jr., Soldier's Certificate No. 258,248, RG 15; Deed Book A, p. 75, Putnam County Clerk of the Court; 1850 and 1860 Censuses, St. Johns County; Deed Book D, pp. 11-14, Deed Book G, p. 220, Deed Book H, pp. 318-319, Deed Book I&J, pp. 5, 25-26, Deed Book M, p. 472, Deed Book N, p. 421, CCH; Order book A, pp. 1,2,5, CCH; 1864 Census, SAHS; Deed Book B, pp. 94-95, Deed Book F, pp. 234-235, Deed Book H, pp. 64-65, 152, Deed Book M, pp. 141-143, Deed Book AA, pp. 68-69, 97098, Deed Book I&J, pp. 311-313, Deed Book E, p. 149, Deed Book N, p. 53, Deed Book G, p. 191, Deed Book I&J, p. 14, Deed Book M, pp. 152-154, CCH; Deed Book H, pp. 149-150, Deed Book I&J, pp. 479-480, CCH; Order Book A, pp. 1, 4, CCH; Escrituras, (Notarized Instruments), 1784-1821, EFP, Bundle 361, Quaderno 5, microfilm reel 55-A, pp. 4870-4874, SAHS.

The terms of individual emancipations seem to have varied infinitely, even when persons of color did the manumitting. Felipe Edinborough freed his bondswoman Hannah for \$350 in 1825. Two of the Clarke brothers manumitted John and George Sively in the 1830s for payments of \$400 and \$350 respectively. Tony Proctor released Nancy from bondage in 1827, and Charles Hill did the same for Sally in 1849 for the sums of \$10. The Seminole Seetake permitted Nero to free himself by paying him \$200 in installments. Chief Payne's bondsman Pompey himself owned Polly, whom he freed in his will and designated her as his heir. Billy Bowlegs, another Seminole chief, manumitted his own Polly and her children, Margarita and Martínez. Abraham Hudson, honored his dying wife's wishes by setting free a "blood relative," Peggy, a girl of 14. Elizabeth Wiggins promised to free her 30 year-old bondswoman Fanny in her will if Fanny continued to serve her faithfully until the time of Wiggins' death. To prevent her heirs from contesting this promise, Wiggins affixed her seal to the promissory document.⁴⁶

Slaves might also obtain their freedom through the efforts of blacks who were not their masters. In early 1826, Jack Forrester, who belonged to George J.F. Clarke, stole a boat and made his way to a plantation near St. Mary's, Georgia, where he carried off Maria, her six children, and four other slaves. The owner of the slaves soon recovered all but one of them, a 19 year-old African named Tom Sterret, whom he assumed had accompanied Forrester back into Florida. The owner described Forrester as passing for a free man, but Clarke did not manumit Forrester until 1828, for which Forrester

⁴⁶ Deed Book E, p. 421, Deed Book I&J, pp. 25-26, Deed Book M, p. 472, Deed Book I&J, pp. 410-411, CCH; Order Book A, pp. 3, 6, CCH; Deed Book B&L, p. 161, Deed Book M, p. 193, Deed Book N, p. 421, CCH.

paid him \$400. (What became of Sterret is unknown.) After his manumission, Forrester lived with Fanny, whom he had purchased a short time before. It is likely that both of these purchases were made over time.⁴⁷

Other African Americans exhibited the same industrious energy as Jack Forrester in freeing fellow blacks. Valentine Pepino offered 275 pesos for his daughter María Luísa five months before Spain turned over East Florida to the U.S. in 1821. Pepino was himself a coartado at the time, but completed his manumission payments four months later. In yet another example of how blurred the status of blacks could be, a deed drawn up in 1823 certified that Pepino had paid \$475 for his daughter but characterized him as a slave. Four years later, however, when he paid \$100 for the freedom of a black infant named Tony, Pepino was recorded as being free.⁴⁸

In other examples, William Marshall paid \$80 to Dominga López for his son William in 1825, and in 1844 for the nominal fee of \$5, “a man of Colour called Sampson” secured the freedom of his teenaged son Cyrus from an army officer. Elsewhere, the slave Willis told his mistress, Clarissa Anderson, he wanted to buy his son William, whose mother was Ally, another Anderson slave. Mrs. Anderson agreed to the purchase despite a letter from her brother in Michigan urging her on religious

⁴⁷ EFH, 31 January 1826; Deed Book G, p. 221, Deed Book B&L, p. 63, Deed Book M, pp. 136-137, 176-177, 314-317, CCH; Return of Persons defaulted in payment of City Taxes, for 1833, 1834 and 1835, and who have paid me their arrears, 19 July 1837, “Taxes: 1821-1837,” City Papers; Return Book, 1835, Tax Rolls, St. Johns County, 1829-1835, FSA; Account Book, Ledger C [Dr. Seth Peck], p. 62, Peck Papers; Petition of Jack Forrester, 24 December 1830, “Liquor: 1825-1836,” City Papers; Fanny Forrester, Charlotte S., 13 March 1838, “Licenses: Liquor 1831-1839,” City Papers; No. 5 Jack Forrester \$22, “Receipts: 1838-1839,” City Papers; CCR, file 58, box 352; Deed Book H, p. 314, Deed Book I&J, p. 14, Deed Book N, pp. 386-387, CCH; Judgment Record A, pp. 7-8, CCH; Deed Book G, pp. 220-221, Deed Book M, pp. 176-177, CCH.

⁴⁸ Entry for 15 May 1835, “Receipts: 1832-1837,” City Papers; Entries for 30 March 1826 and 2 October 1826, “Receipts: 1823-1829,” City Papers; Escripturas, (Notarized Instruments), 1784-1821, EFP, Bundle 365, Quadernos, 2, 9, microfilm reel 55-A, pp. 50-53, 408-410, SAHS; Deed Book I&J, pp. 311-313, Deed Book G, p. 191, CCH; CB, vol. II, entry 786; Deed Book E, p. 105, CCH.

grounds to have nothing to do with slavery. Also in 1844, the free black Peter Ysnarde sent \$600 from Cuba to buy the freedom of Josepha and her two children.⁴⁹

Slaves whose owners of color refused to free them sometimes ran away. In June 1821, before departing for Cuba, Don Francisco Xavier Sánchez's quadroon daughter Anna, sold for \$323 the "yellowish color" José Rafael, whom she had inherited from her father, to "Don Jose Jorge," a free man of color. Eight years later, Don José Jorge, now known as Joseph George, conveyed the rights to José Rafael, who had fled to the Seminoles, to Bernardo Seguí, for \$400. Seguí later transferred these rights to Gad Humphreys in 1835 for \$300. Around 1833, José Rafael's brother, George Santos, had been emancipated by Don Fernando de la Maza Arredondo. Fearing for his brother's freedom should he be taken from the Seminoles by Humpheys, Santos bought the rights to José Rafael, whom Humphreys subsequently quit claimed. In October 1842, Lucy and Teresa, middle-aged bondswomen of a member of the Clarke family, left St. Augustine "with a leave of absence for one week" in the company of John Suárez, a white man, and failed to return. Similarly, the "negro boy Andrew," a slim 5-foot tall slave wearing "ragged apparel" and no coat, was apprehended in St. Augustine in June 1851 after running away from his owner Martha Baxter, Zephaniah Kingsley's free mulatto daughter who had married the white "ship builder and planter" Oran Baxter.⁵⁰

⁴⁹ Order Book A, pp. 1, 3-4, 6-7, CCH; Clarissa C. Anderson to Miss C.L. Fairbanks, Markland, St. Augustine, 15 March 1844, Lyman Cochrane to Mrs. Clarissa Anderson, Vennantsville[?], Michigan, 25 August 1842, Anderson Papers; Deed Book H, pp. 327-329, Deed Book M, pp. 86, 191, CCH.

⁵⁰ Order Book A, pp. 3-4, CCH; Deed Book H, pp. 327-329, Deed Book M, pp. 86, 191, CCH; SAN, 19 November 1842; AC, 12 June 1851; Schafer, Anna Kingsley, 41-42.

The flurry of manumissions in 1844 indicates that St. Johns County masters as well as slaves anticipated tightening restrictions when Florida became a state in 1845. Manumission did in fact become much more difficult after that date. Thus, in 1855 when Susan Linde wrote a provision in her will to free her mulatto servant Belinda at her death, she was forced to make provisions for the fact that the state might nullify the manumission. In early 1858, Ventura Noda appears in Catholic records as a slave, but at the end of the year, St. Augustine authorities granted the now free Noda an exemption “from a Certified permit during her short visit to the City.” No emancipation deed for Noda has been discovered, but if she had indeed been freed in 1858 she might have had to leave Florida.⁵¹

Nevertheless, even as the grip of slavery tightened, a few St. Johns County blacks continued to be manumitted in ways that survived from Spanish times. Thus, George Papy obtained his freedom from Benjamin A. Putnam for \$475 in 1855, and Lena Papy paid George Zehnbauer \$410 for his two years later. Neither left St. Augustine. But in 1846, William Dean, a free man of color, appeared on an insolvency list with a notation that he had “removed from the State.” Nine years later in California William Dean purchased a slave, Charles Bunch, from Antonio Canova in St. Augustine for \$300, an indication that like the Clarke brothers, Dean had struck it rich on the west coast. The 1860 census listed a previously unlisted free man of color in St. Johns

⁵¹ Wills and Letters of Administration I, pp. 297-298, CCH; Entries for 11 July 1857, 18 December 1858, Minute Book B, pp. 110, 160, City Papers; CB, vol. IV, entry for 6 January 1858, p. 61; 1860 Census, St. Johns County; *Escrituras*, (Notarized Instruments), 1784-1821, EFP, Bundle 365, *Quaderno* 3, microfilm reel 55-A, pp. 122-125, SAHS.

County, Charles Dean, and described him as a 68 year-old African native.⁵² To summarize this evidence, slaves and free blacks continued to make private self-purchase arrangements throughout the antebellum era.

At least some masters in St. Johns County always thought of themselves as humane, Christian beings, and for them manumission was one way of affirming that identity. Certainly slaves and free people of color took advantage of this where possible, even though they recognized that it was no threat to slavery. An 1839 incident is, perhaps, best read in light of that recognition. William Henry Shadgett, a visiting Englishman suspected of being an “Abolition Emissary,” on one occasion publicly chastised Donato Andreo for cursing a black man who was late for work. After Shadgett’s rebuke, Andreo overheard two men of color standing nearby, Marcellino and George, comment on Shadgett’s remarks. “Well George,” said Marcellino, “good news. We will all soon be free, and shall not have to ask a white man any favors . . . we shall all be free without paying for it.”⁵³

⁵² Order Book A, pp. 1, 6-7, CCH; 1850 and 1860 Censuses, St. Johns County; Supplemental list of Insolvencies and over charges presented to the Board of County Commissioners acting upon assessment return of 1846, “Accounts of Jose S. Sanchez as Tax Collector & Papers Relating Thereto: 1839-1848,” Joseph Simeon Sanchez Papers.

⁵³ FHSD, 5 July 1839.

CHAPTER 6 RELIGION

At the time of the American takeover of East Florida, the official, inclusive religion of Spanish Florida was Roman Catholicism. The Catholic faith gave meaning to the lives of believing blacks, and hope for a bright future, on earth and in the afterlife. With the arrival of the Americans, opportunities for religious expression expanded through the establishment of Protestant churches. This chapter investigates how African Americans used religion as a survival strategy in antebellum St. Johns County. It describes how many people of color clung to Spanish Catholic religious forms to bolster community standing, social bonds, and family ties while others turned to new Protestant American ways for much the same purposes.

When George J.F. Clarke and his common-law wife, Flora Leslie, had one of their mulatto sons baptized Guillermo Román Clarke in St. Augustine's Catholic church in 1808, they were following a time-honored strategy many blacks and interracial couples had long used to protect the freedom of themselves or their offspring, and would continue to use throughout the antebellum period. The sacrament of baptism marked three-week old Guillermo's "entrance into the community," on earth and in heaven. What Luís González has said of Mexican villagers applied equally well to the great majority of blacks in Spanish St. Augustine. "Religious practices were widespread," González wrote, and in the minds of worshippers, heaven, hell, and purgatory, and even limbo, to which the faith dispatched the souls of children who died unbaptized, were "as real as night and day." Indeed, Catholicism permeated the daily lives of St. Augustinians, black and white. Each evening, at 7:00 P.M., the

church bell tolled and even government messengers dropped to their knees for brief silent prayer. When men walked by the church, they doffed their hats in respect. Inside, they participated in services featuring candles, incense, sacred vessels made of precious metals, and music. Women covered with lace veils prayed rosaries while seated on rugs. After morning Mass, the faithful were free to spend Sunday in a festive mode. Throughout the year, liturgical celebrations enlivened public life.¹

The baptismal ritual of the infant Guillermo Román Clarke, who Anglicized his name to William R. Clarke under the American flag, positioned the child in the community in a number of ways. It assured his loved ones that should the child die as an angelito, “before reaching the age of reason,” he was certain to go to heaven. There, he could intercede on their behalf, for in Hispanic culture, “Nobody can imagine heaven without his relatives and friends.” Even though the Church into which he entered segregated baptismal registries by color, the appearance of the infant’s name there signified his equality in the sight of God. In addition, in young Clarke’s case, the registry constituted an official record of his free status, acknowledged by the appearance of his white father’s name, whose high social status was indicated by the honorable title “Don.” The registry also documented the child’s birth date and genealogy, identifying his paternal grandparents and his mother’s birthplace. Finally, baptism placed young Clarke in a social support system through the institution of compadrazgo, which linked him with his godparents in bonds of

¹ CB, vol. III, entry 41; Clarke Will, SAHS; Tannenbaum, 63; Landers, Black Society, 121-122; Luis Gonzalez, San Jose de Gracia: Mexican Village in Transition, trans. John Upton, Texas Pan American Series (Austin: University of Texas Press, 1974), 51, 323, 325; “Sitiki”.

“fictive kinship.”² In short, the infant began life surrounded by love and security, with prospects for a future that might offset the stigma of his mother’s slave origins.

The sacrament of Catholic baptism, then conferred salvation, status, and identity, and not just to those born free like the Clarkes but to those born in slavery. Through the record of his baptism on 6 October 1822, Tomás Jaime O’Neill y Pons, born a month earlier, entered history. His parents, Jayme O’Neill and Catalina Villalonga, were bondspersons respectively of D.N. Fitch and Agueda Pons, and his godparents, Anselmo González and Ysabel, were slaves of Don Antonio Giraldo and Don Bartolomé Villalonga. Significantly, the surnames of the infant’s parents were not those of their owners, and the child was named for his father with the addition of a Spanish-style name that designated him as his mistress’ property.³

Throughout the antebellum era in formerly Latin areas along the Gulf Coast of what became the United States, the “overwhelming majority” of people descended from Spanish subjects of color “adhered to Catholicism which in turn reinforced their group identity and thus their status” after the American takeover. The Catholic St. Louis Cathedral in New Orleans at the time might feature “women of all varieties kneeling on the bare stone floor” in worship while Protestant churches there either barred black worshippers or placed them in “some remote corner.” No such inclusive Catholic tradition existed in St. Augustine, where from the time of its completion in 1797, the Catholic cathedral had a separate “gallery” for black worshippers. Still, antebellum St. Augustine clergy such as Bishop Augustin Verot generally viewed

² Tannenbaum, 63; CB, vol. III, entry 41; Landers, Black Society, 121-122; Gonzalez, 51, 323, 325.

³ CB, vol. III, entry 515.

slavery as a 'social evil' and were caring in their ministries to individual blacks. Masters incurred serious "duties and obligations" by owning human property, Verot insisted, and late in the antebellum period, he excoriated Florida legislators who "had before them" laws banishing free people of color from the state or selling them into slavery. Instead of such laws, Verot urged that the "rights of free colored persons" be "respected," and he exhorted whites in his flock not to "vex and molest them merely because they are colored." The bishop also condemned white men who exploited black women sexually, citing the "frequent occasions of immorality, which the subservient and degraded position of the slave offers to the lewd."⁴

Throughout the antebellum era in Florida, St. Augustine remained "an island of Catholicism in a spreading sea of Protestantism."⁵ This meant that blacks there had a religious option, and with it distinctive social attitudes and practices that were generally unavailable to African Americans in the rest of Florida. By continuing to follow the precepts and practices of a Catholic society with slaves, therefore, blacks helped forestall and ameliorate the effects of the transition to an American-style slave society in East Florida. The fact that the sizeable Minorcan population there remained Catholic meant that persons of color could appeal to white co-religionists to honor the clergy's admonitions concerning matters of race and of the human dignity of African Americans.

⁴ Gould, 268-270, 272; Michael V. Gannon, The Cross in the Sand: The Early Catholic Church in Florida, 1513-1870, (Gainesville: University of Florida Press, 1965), 109, 156; idem, Rebel Bishop: The Life and Era of Augustin Verot, with a foreword by John Tracy Ellis (Milwaukee: Bruce, 1964), 34, 36, 44; Augustin Verot, A Tract for the Times. Slavery & Abolitionism being the Substance Of A Sermon, Preached in the Church of St. Augustine, Florida, on the 4th Day of January 1861, Day of Public Humiliation, Fasting and Prayer, New edition (New Orleans: "Catholic Propagator," 1861), 16-17

⁵ Gannon, Cross in the Sand, 152.

Under the Spaniards, infant baptism was often the occasion for manumission. In Cuba at the time, infant slaves were often “freed at the baptismal font” for a standard fee of \$25. Toward this end, a “female slave could seek a godfather . . . in some respectable person, hoping that the moral obligation imposed . . . would lead to freeing the child.” For the willing godfather, it was “both a meritorious and a pious deed to accept such a responsibility and to fulfill its implicit commitments, and it bestowed distinction upon him who accepted them.⁶ In thus soliciting a godfather, a mother might broker her child’s liberty.

The influence of this custom is evident in the baptism in 1821 of José Pablo Juan Dupon, the son of Clarisa, whose owner was Don Pablo Dupon, and an “unknown” white man, evidently Román Sánchez. The infant bore the name of his master as well as his godfather, Don Juan González, whose wife, Doña Fernanda, was young José’s godmother. The relationships between these families may have reflected a West African “system of fictive kinship” in which an “exhaustive network of support” was “equally important” as blood kinship. Certainly African American families in East Florida “construed kinship in the broadest terms.” The Spanish Catholic institution of compadrazgo fit well into this cultural milieu, establishing as it did “reciprocal obligations between the ahijado, the baptized, and his or her godparents, and between the compadres, or parents and godparents.” Padrinos (godparents) not only bestowed gifts on godchildren at festive baptismal celebrations, but also bound themselves to “provide for the spiritual and material care of the child in the event of the parents’ death.” In essence, then, by the sacramental cleansing of original sin in an infant, a

⁶ Tannenbaum, 57, 63; Landers, Black Society, 121.

new extended family came into being. The members of this family “could expect trust, confidence, respect, and mutual assistance from the relationship.” The slave Clarisa, who was herself of partly white ancestry, had thus ritually attached herself and her son to prominent whites who might effect her son’s freedom. That freedom in this case had already been effected shortly after the child’s birth, in December 1820, when Dupon had agreed to Sánchez’s purchase of the infant on condition that he emancipate him.⁷

Sánchez waited to have José baptized until July 1821, only days before the American takeover of East Florida. More than a year later, in December 1822, Sánchez was still evidently apprehensive about the child’s status, for he certified before county officials that the boy had been manumitted. In such cases, baptismal records could be and were often used as proof of freedom. Thus, in October 1829, George J.F. Clarke swore before a justice of the peace that prior to 1803, July, a slave, had entrusted to him the freedom certificate of his infant daughter Felicia, for whom July had paid \$50. Now, to document her freedom and get it registered in the county deed book a quarter of a century later, Felicia furnished not only Clarke’s deposition but also entered the record of her Catholic baptism, which declared her free birth.

⁷ CB, vol. III, entry 468; Deed Book AA, pp. 97-98, CCH; James Oliver Horton and Lois E. Horton, In Hope of Liberty: Culture, Community, and Protest Among Northern Free Blacks, 1700-1860 (New York: Oxford University Press, 1997), 95-96; Ira Berlin and Leslie S. Rowland, eds., Families and Freedom: A Documentary History of African-American Kinship in the Civil War Era, Freedmen and Southern Society Project (New York: The New Press, 1997), 225; Landers, Black Society, 121; Tannenbaum, 63.

Two other persons of color also used baptismal records for similar purposes in 1829, as did other individuals in 1834 and 1843.⁸

The importance of that policy may help explain the persisting appeal of Catholicism to many families of color whose roots were in Spanish Florida. In 1843, Eliza Macon, the biracial daughter of United States Attorney Edgar Macon, married George J.F. Clarke's quadroon grandson, George Garvin. The couple married in the Catholic Church, and after they migrated to Key West not long thereafter, they continued to practice Catholicism. In 1852, Catholics, who constituted about 15% of the population in Key West, built their own house of worship, in which blacks had their own section of pews. Long afterwards, Mrs. Garvin recollected that in her day infants had customarily received the sacrament of baptism 1 to 3 months after their birth, and one of the functions of godparents for children of color was to record godchildren's names and ages in the family Bible. Since she was illiterate, Mrs. Garvin depended on the godparents of her children to do that. "But few Colored people could read and write," she recalled, and were "without any opportunity of keeping family records."⁹

Baptismal rituals provided a means of measuring the social status of individual blacks. In 1825, Sprig Mosby stood as godfather for George D. Clarke, one of the biracial heirs of the large and well-connected Clarke clan. When he did so, he was a married, property-owning businessman, but for some reason not altogether clear from surviving records, Mosby fell from the high social status associated with those

⁸ Deed Book H, pp. 288-289, 310-311, 318-319, Deed Book K, pp. 326-327, Deed Book O, p. 592 Deed Book AA, pp. 97-98, CCH; CB, vol. III, entry 468.

⁹ George J.F. Garvin, Soldier's Certificate No. 370,848, RG 15; CB, vol. III, entry 573; St. Johns County Marriage Licenses, Volume A, p. 31, CCH; Gannon, Cross in the Sand, 158.

circumstances to that of an impoverished drunkard. From 1842 to 1849, he vanished from the historical record altogether, only to resurface in 1850, apparently having undergone a spiritual or at least social rebirth. After an absence of 25 years from baptismal registries, he appeared in the latter year as the godfather for Rebecca, a slave child who belonged to Matthew Solana. Later that year, he appeared twice more, once as godfather of an adult slave and then of an infant slave. His godchildren increased the following year, when he functioned in this capacity for three more slave children, Frank, Catherine, and Sarah. The latter children were perhaps the offspring of John and Fanny Mickler's children, for in September 1852, when that couple married after themselves being baptized, Mosby as stood as their own godfather and marriage witness.¹⁰

In 1858, two more people became Mosby's godchildren, Charles Henry, a child, and William Masters, an adult "servant slave," as did another adult, John Canova, the following year, when the priest recorded his name as John Sprig Mosby. The ties of Mosby, a free black man, to John M. Fontane, the executor of George J.F. Clarke's will, can be gleaned from these sponsorships. Mathew Solana, the master of Mosby's goddaughter Rebecca, was Fontane's brother-in-law. After Fontane emancipated his trusty servant Tony Welters, "John Sprig" was witness to Welters' marriage to Cydra Benet at a Catholic ceremony in 1858.¹¹

¹⁰ 1850 and 1860 Censuses, St. Johns County; CB, vol. III, entries 540-542, vol. II, pp. 68-69, 198; Deed Book F, pp. 160-162, Deed Book P, pp. 317-318, CCH; Judgment Record A, p. 20, CCH; Deed Book E, pp. 202-203, Deed Book G, pp. 31-36, CCH; CCR, file 19, box 116, and file 45, box 98; EFH, 8 August 1826; 1864 Census, SAHS; CB, vol. IV, pp. 14, 16-17, 22-24, 32, 63-64, 71.

¹¹ CB, vol. IV, pp. 14, 16-17, 22-24, 32, 63-64, 71, vol. III, p. 14; Order Book A, pp. 7-8, CCH; CM, p. 56.

The elderly Sprig Mosby was certainly a man of little wealth in these years of his godfatherhood, yet his stature among Catholics of color was evidently quite high. When his material circumstances bottomed in 1859, an alderman brought to the attention of the city council the “miserable and unfortunate condition of Moseby.” The council in turn ordered the city treasurer to pay the black pauper \$5 to relieve his destitution. Black Catholics had obviously selected Mosby as a godfather and marriage witness not because of his material resources but because of his sanctity or respectability. Mosby’s white neighbors put his virtue in writing, extolling the fact that over the course of the years he had “extended daily the hand of charity to many of our poor population particularly widows.” When in 1856 a mentally ill white man had “strayed” into town, a man city officials deemed a danger to society, Mosby sheltered him “on his premises.” Soon, however, the officials appointed a committee to “call on Gov: Moseby & confer with him . . . to devise the best mode of removing [the deranged visitor] from the City.”¹²

The support of whites for Mosby was unflagging. Among those who helped him were prominent Anglos and Minorcans, Protestants and Catholics. When the city proposed in 1860 to send the black pauper to “Mr John Ponce at the St. Johns Bar, who, they understood purchased him some few years ago,” Mosby’s supporters would have none of it. Instead, they got the city to provide \$3 a month for Mosby’s maintenance, a sum soon increased to \$4 due to his “continued present afflicted status.” The money was to be entrusted to James B. Ponce or “some other suitable

¹² Minute Book B, pp. 16, 20, 27, 74, 76, 78, 195, 205-206, City Papers; Petition of R.B. Canovas and others asking weekly allowance and Shelter for Moseby, 6 January 1860, “Blacks: 1824-1855,” City Papers.

person who will take proper care of him.” In the financial exigencies caused by the onset of the Civil War, the city in early 1862 halted the payment of funds to all paupers “Excepting Spirigg Moseby.”¹³

Whites had so marginalized Mosby that only their taxes kept him alive. Nevertheless, at a time when their treatment of persons of color grew even more constricting, their charity toward Mosby increased. The former slave had retained his sense of identity by becoming a Catholic role model. His life of poverty, religious activities in a white-controlled church, and his dedication to charitable works was an acceptable one to whites. It was unthreatening to the social and racial order, and gave whites an opportunity to express their paternalism and their own sense of generosity. By funneling his energies into spiritual life, Mosby in his later life attained a kind of inner peace and a kind of esteem from the overlords of his society.

Sprig Mosby was in all of these affairs atypical of godparents of color. Some 482 black Catholic godparents can be identified with some certainty in antebellum East Florida. Whites were much less likely to serve as godparents for blacks after the American takeover of Florida, and both under the Americans and their Spanish predecessors, one never sees blacks serving as godparents for whites. Of the 482 antebellum black Catholic godparents, approximately 40% were godfathers, the others godmothers. Two-thirds of the godfathers and slightly more of the godmothers (7 in 10) had only one godchild, and most of the others in both categories had only 2 godchildren. These patterns tended to reinforce the personal nature of the godparent-

¹³ Petition of R.B. Canovas and others asking weekly allowance and Shelter for Moseby, 6 January 1860, “Blacks: 1824-1855,” City Papers; Minute Book B, pp. 74, 76, 78, City Papers.

godchild relationship. Yet a few individuals were godparents to what can only be described as flocks of godchildren, the most extreme examples being Joshua Dummett, a slave who had 23 godchildren, and Betsy Benet and Mary Papy, slaves who had 23 and 21 godchildren respectively.¹⁴

The sacrament of marriage was another Catholic practice many African Americans clung to in resisting the constricting policies of the Americanization of East Florida. Catholic marriage, observed as a sacrament and recorded in church records, defied Florida's proscription of legalized slave marriages. St. Johns County even went so far on occasion as to issue licenses for nuptials between bondspersons. Catholic marriages did not of course have the contractual status of marriages sanctioned by law, but they were canonically valid, and believers severed their bonds at the peril of their souls. The provincial government continued to respect Catholic unions even in the face of powerful owners who wished to separate couples for profit or convenience, for Spanish law had provided that married slaves could not be forced to live apart from each other. Prior to 1811, Spanish authorities had even recognized common-law marriages among slaves, but after that date, and certainly subsequent to the American takeover in 1821, "Anglo emphasis on property rights was beginning to supercede more traditional and flexible Spanish interpretations of 'family'." Jane Landers found only 51 Church marriages between East Florida's persons of color from 1784 to 1821, and surmised that the lack of access of rural slaves to priests accounted for the dearth. That some slave marriages were formalized, Landers concluded, was

¹⁴ Sources for the statistical data were: CB, vols. III and IV; Joshua Hagaman, Soldier's Certificate No. 503,002, RG 15.

attributable to the conscientiousness of masters who felt obligated to comply with ecclesiastical precepts.¹⁵

From 1821 to 1862, St. Augustine's Catholic parish recognized 84 black marriages, of which 48 show up in extant marriage records, while the other 36 appear in baptismal records. When one adds to these totals the 12 Protestant weddings and 5 civil weddings for which there are records, there is evidence of 99 African American marriages in St. Johns County during the American period, approximately double the number recorded in the Spanish era from 1784 to 1821. The characteristics of black marriages in the two periods were quite similar. During the Spanish era, 29% of both partners were free, compared to 27% in the American period, while under the Spanish 57% of the partners were both slaves as were 60% under the Americans. The remainder of the marriages--about one in every seven in both periods--united a slave and a free person of color.¹⁶

Applications for Civil War pensions made long after the fact suggest that the above figures understate the incidence of black marriages in the Catholic Church in antebellum East Florida, though by how much will never be known. In 1898, Sally Growles testified that while a slave in 1850 and a few days after delivering her son James Filomena Rogero, she had been married to bondsman Handy Canova "in the Big Catholic church by the Priest, Father Edmond Aubril. Joshua Hagaman, formerly Joshua Dummett, mentioned above as East Florida's leading black godfather, and William Natteel attested that they had witnessed the wedding in the church. No record

¹⁵ Tannenbaum, 49; Landers, Black Society, 124-126.

¹⁶ CM; CB, vol. III, vol. IV; Marriage Licenses, 1830-1840, Marriage Bonds, 1823-1833, SAHS; Marriage Licenses, Volume A, CCH; Records of Trinity Episcopal Church, St. Augustine, Florida, Volume I, (hereafter cited as ER), SAHS; Landers, Black Society, 125.

of the ceremony existed, and Growles conjectured that the record had been destroyed by fire. The church registry does, however, record the baptism of her son in 1850 but did not recognize his legitimacy or name his father. There is no other entry of Sally Growles' name in surviving church records. Still, her claim is not implausible. Two believable witnesses supported it, her and her alleged husband's masters, the Rogeros and Canovas, permitted other bondspersons to marry in the Church, and Growles' mistress was a Solano, whose family allowed its slaves to do the same. The fact that Handy witnessed in a black Catholic wedding in 1858 is evidence that he was in good standing in the Church. During antebellum times, Handy and Growles served as Catholic godparents, and after the Civil War, they worshipped at St. Augustine's segregated St. Benedict the Moor Catholic Church.¹⁷

Similarly during the 1890s, ex-slave Peter Johnson claimed that Father Aubril officiated at his wedding to Amanda (Hermana) Canova, which seems to have taken place around the late 1830s, and which was blessed with 10 children. A free man of color, Abraham Lancaster, supported Johnson's claim, as did John Williams, who recalled of the Johnsons that he "used to go to their house quite often" and knew that "they lived together and were known as husband and wife." Furthermore, the couple's son John Mills attested that his parents had been "lawfully married in slave time by Rev Father Obree," and attributed the absence of documentation either to a church fire or to the notion that "no records was kept of the marriage of slaves."¹⁸

¹⁷ Handy Growles, alias Goud, Soldier's Certificate No. 469,919, RG 15; CB, vol. IV, pp. 17, 48, 57; CM, p. 62.

¹⁸ John Mills, Soldier's Certificate No. 490,204, RG 15.

The four children of the Johnsons who appear in Catholic baptismal records are not described as legitimate, nor is the father named, circumstances that challenge the claim of a sanctified union. On the other hand, the Johnsons between them sponsored 7 godchildren, which suggests that they enjoyed the respect of the Church and of black Catholics. Peter Johnson's owner, Sarah Murphy, was a Catholic, and left a legacy of \$100 to Father Aubril.¹⁹ Thus, the Johnsons may have been married despite the absence of marriage records.

The marriages of two other Solana family slaves, Peter and John, are documented in civil records in 1838-1839, though records of neither ceremony appear in extant Catholic registries. The fact that Church records list the children of both men as legitimate indicates that the Church had sanctified their unions. Evidence for another slave marriage missing from surviving Church registries appears for the year 1857, when the Church acknowledged the legitimacy of a son born that year to José Pomar's bondwoman Manuela and the parents had been together eight years, though no record exists of their marriage.²⁰

In a distinctive variation of this record of black marriages, St. Johns County issued a marriage license to freeborn Abraham Lancaster and Jane Canova, a house slave, on 5 December 1857. Although county records confirm that Father Aubril "legally" married the couple on 6 January 1858, the marriage is not recorded in parish records. After the Civil War, however, Martin Dixon and Domingo Papy recalled the wedding

¹⁹ CB, vol. III, pp. 317, 327, vol. IV, pp. 32, 40, 42, 50, 53, 61, 63, 71, 75; In Supreme Court, Florida, February Term, 1860, D.L. Yulee Appellee, caveator. Ads. Francis Bridier, Executor, Brief of G.R. Fairbanks, Counsel of Appellee (Jacksonville, Florida: Columbus Drew, Book and Job Printer, 1860), 26 (hereafter cited as Fairbanks Brief), RG 76.

²⁰ Marriage Licenses, 1830-1840, entries for 21 February 1838 and 15 June 1839, SAHS; CB, vol. III, pp. 315, 318, 320, 325, 332, 339, vol. IV, entry 45 and pp. 28, 49.

taking place when they were boys. Thomas Williams, a former slave and Lancaster's childhood playmate, also recollected the marriage. Lancaster's niece, a girl about ten years old in 1858, could still recall years later the bridal wreath Jane Canova had worn on her head. The niece also recalled that the ceremony had taken place in the "Cathedral," but she differentiated between this ceremony and the "wedding" that was held at her grandmother Tyra Lancaster's house on Charlotte Street. Thomas Richardson, a former slave, remembered that it took place on Saturday night. Finally, the baptismal records of 1860 list the Lancasters' son John Vultor Canova as legitimate. But if the Lancasters had a county license to marry but left no record of their marriage in Catholic sources, Eulogius Clarke, a free black, and Martha Mickler, a slave, who married in 1861, were in the opposite situation. There is no record that they had a county license, but a notation of their marriage appears in the parish register.²¹

Larry Rivers' recent study of slavery in Florida concluded that "more than has previously been recognized, religious ceremonies of various kinds occurred" in connection with slave marriages. Regarding Catholic marriages in St. Johns County, Rivers cited as "atypical" the case of a priest conducting a "legal" wedding.²² Yet under the Americans the Catholic Church sanctioned more black marriages, slave and free and mixed, than it had under the Spaniards. Though the exact numbers of such marriages cannot now be counted, they were larger than extant parish registries suggest. Moreover, some of the slaves who married in the Church are known only

²¹ Abraham Lancaster, Soldier's Certificate No. 671,600, RG 15; 1860 Census, St. Johns County. CM, passim, and pp. 61, 63; CB, vol. IV, p. 75; St. Johns County Marriage Licenses, Volume A, pp. 4, 215, CCH; Clarke Will, SAHS.

²² Rivers, 86, 100.

because they received county marriage licenses. This is anomalous because slaves were not entitled to make legal contracts, and the anomaly may be explained by the willingness of some officials to protest the forsaking of Spanish ways for those of the Americans. The slaves who sought and received county marriage licenses were no doubt seeking to protect their marriages from the increasing constrictions of American slavery.

That Catholic owners permitted their slaves to marry sacramentally, knowing that if they broke the marriage bonds they would incur the Church's censure, may be attributed to a number of factors. Masters often used marriage as a means of controlling their slaves. Also, some owners took their religious faith seriously. Bishop Augustin Verot, who arrived in St. Augustine in 1858, declared from the pulpit that though masters had the right to the labor of their bondspeople, slaves had the same rights as their masters to enjoy the benefits of the holy sacraments, of which marriage was one. Other priests preached the same message. Father Edmond Aubril especially, but also Father Benedict Madeore, both of whom arrived in St. Augustine 14 years earlier than Verot, took active roles in blessing slaves marriages, as did Father Félix Varela, who served in St. Augustine from 1850 to 1853. The saintly Varela had international renown as a scholar, a writer, a critic of slavery, and an advocate of Cuban independence, and St. Augustinians of both races lamented his untimely passing in 1853.²³

²³ Gannon, Cross in the Sand, 151, 157-158, 164; Verot, 18; Gannon, Rebel Bishop, 26; Joseph and Helen McCadden, Father Varela: Torch Bearer from Cuba, United States Catholic Historical Society Monograph Series, no. 27 (New York: United States Catholic Historical Society, 1969), 124-145; CM; FHSD, 12 March 1849; AC, 26 February 1853.

In antebellum Florida, free persons of color could contract legal marriage with other members of their class. Those who were Catholics might also have the Church sanction their unions. Church weddings “conveyed respectability and status,” and like baptism ceremonies, cemented community ties. Yet the Catholic Church did not treat blacks, even free blacks, as equal to white parishioners. Circumstantial evidence suggests that black Catholics in St. Augustine maintained a separate religious society that furnished them with a “unique opportunity . . . to exercise some decision making and self-government.” When Bishop Verot took up his post, “Catholic Negroes of the city presented him with a pectoral cross.” In Baltimore, Maryland, in the mid-1840s African American Catholics conducted prayer services in the cathedral basement. Priests in East Florida were no doubt familiar with such a practice, but there is no evidence of such services there in the antebellum era. By collecting funds to present Verot with a cross, black Catholics had to plan and carry out a collective effort, to act in this instance at least as a corporate body. The designation of godparents and marriage witnesses also hints at the assignment of leadership roles within a self-conscious social entity. Finally, because of Protestant competition after the American takeover, white Catholics may have seen the desirability of encouraging some degree of recognition or autonomy for black Catholics.²⁴

The transition from a Spanish colony in which Catholicism had the support of the state to an American territory in which Protestant denominations soon had a dominant position presented African Americans with religious choices they that had not had

²⁴ Weber, 329-330; Landers, *Black Society*, 124-129; Gannon, *Cross in the Sand*, 151, 157-158, 164; Cyprian Davis, *The History of Black Catholics in the United States* (New York: Crossroad, 1990), 86-87.

under the Spaniards and which contained the potential for some social leverage. Black Protestant congregations after the American takeover may have been clandestinely practicing that faith under the Spanish, especially blacks who had slaves or free people in the United States or who had Anglo-American masters. The slave Jack Smith, for example, had been exposed to Protestantism before he came to St. Augustine, having had a Protestant master. The fact that Protestant missionaries often encouraged literacy among slaves so they could read the Bible may also have attracted some African Americans in East Florida to Protestantism. In the antebellum South, according to one historian, Protestant missionaries “gave special privileges to those slaves who were literate, encouraged blacks to teach each other, and even surreptitiously taught those slaves who were eager enough to learn.” Jack Smith learned the rudiments of writing from his mistress before coming to St. Augustine, and after he arrived there, a Presbyterian slave, Caleb Simmons, as well as a white elder in his Presbyterian church, E.B. Gould, continued to teach Smith.²⁵ Moreover, Protestant services were in English rather than Latin, and therefore were more intelligible to Anglophone blacks. In addition, black Protestant preachers like Tabb Smith began to appear in St. Augustine after 1821, giving blacks a social and religious leadership they did not have in Catholicism.

Furthermore, blacks who decided to leave the Catholic Church for one of the Protestant denominations may have perceived their decision as an act of individual autonomy and social agency, since Protestant congregations generally required some kind of conversion experience and public profession of faith. The latter requirement

²⁵ “Sitiki”; Cornelius, 128; Kirk, 52-53.

meant among other things, that membership in Protestant congregations was exclusive, which may have given converts a feeling of belonging they did not enjoy in the inclusive Catholic Church. Thus, while some blacks in East Florida decided that one way to preserve the advantages they traditionally enjoyed in the Spanish era was to remain Catholic and cling to what they could of Hispanic identity, others perceived that tying themselves to Protestantism and to an American overlord was the best course of action after 1821. That was what Tony Proctor, a free man of color, did. A model of Ira Berlin's Atlantic Creole--multicultural, multilingual, mobile, energetic, and ambitious-- Proctor decided that under the incoming regime it was to his advantage to abandon Catholicism. In Tallahassee, to which he moved from St. Augustine, he became a 'zealous Baptist.'²⁶ As an entrepreneur he had decided to join a branch of the unofficial state religion of Florida's newest political elite.

The influx of Protestant Americans after 1821 sparked concern among many of St. Augustine's old inhabitants. Protestant newcomers wasted no time expressing distaste for such customs as the pre-Lenten carnival, Sunday markets, and lax attitudes toward the consumption of alcoholic beverages. What most impressed Protestant newcomers was that St. Augustinians kept "spirits and wine upon a sideboard" and no matter how early "a gentleman called," he was "invited to drink, and it was deemed impolite to refuse." The government, moreover, insisted that under the Adams-Onís treaty the United States was entitled to all of the property of the Spanish King, and since that included the real estate owned by the Catholic Church, Washington now owned St. Augustine's Franciscan monastery and Catholic cemetery, and even the Catholic

²⁶ Tallahassee Florida Sentinel, 3 July 1855; Warner, 22-26, 49.

cathedral and mission church north of the town gates. Needless to say, Catholics were disturbed by this claim, as they were by the antics of the Reverend Joshua Nichols Glenn, a Methodist who arrived in town distributing provocative Protestant literature, and silently rebuking a confrontational Catholic priest by extending his hand to the Stars and Stripes fluttering in the breeze. By 1825, Presbyterian and Episcopal congregations had also established themselves in St. Augustine, as had a Temperance Society and an auxiliary of the American Bible Society within a few years.²⁷

Protestant newcomers variously regarded Catholics with derision, disdain, or familiar forms of anti-Catholic bigotry. In 1843, for example, Clarissa Anderson found it odd that the bride in a Catholic wedding would practice so improbable a faith. A year later, a naval officer amused himself by standing in the door of the Catholic church “listening to the music & criticizing the mummery of the priests & their assistants.” Catholics, he thought, were “poor people” living in “woeful ignorance in this enlightened age,” “blinded” as they were by “popery and fanaticism.” When the antebellum period ended with the capture of St. Augustine by Union forces, Judge Joseph L. Smith’s widow upbraided the city’s “weak and foolish” Minorcan “Romanists” for surrendering to the Yankees.²⁸

American anti-Catholicism reached its apex in St. Augustine in 1848, when a Presbyterian divine and self-proclaimed “native-born American,” R.K. Sewall,

²⁷ Buker, 156-159; Douglas, 94.

²⁸ Buker, 156, 161-162; Griffin, “Mullet on the Beach,” 151, 179; Nolan, 151, 179; Graham, 14-15, 18; Patricia C. Griffin, “Ralph Waldo Emerson in St. Augustine,” *El Escribano* 32 (1995): 120-122; Mrs. C.C. Anderson to Mrs. C.L. Fairbanks, Markland Cottage, St. Augustine, 20 February 1843, Anderson Papers; Frances Smith to daughter [?], St. Augustine, 20 May 1862, Edmund Kirby-Smith Papers; Edward C. Anderson, *Florida Territory in 1844*, ed. with a foreword and afterward by W. Stanley Hoole ([Tuscaloosa?]: University of Alabama Press, 1977), 7, 11, 23, 62-64.

undertook to convert Catholic slaves to Protestantism, and published a book in which he excoriated local Minorcans as a people of “servile extraction,” many of whom could “neither speak correctly, nor read, the English language.” He also rebuked Catholics generally, some two-thirds of the people of St. Augustine at the time, for their unscriptural religious festivals and their Sundays spent at “tippling houses, at the gaming table, on the hunting ground, and in the cock-pit.” When a Methodist minister assembled a “large and interesting collection of colored servants” from whom he hoped to “pick up many jewels,” Sewall also wrote, Catholics “secretly put in circulation among the colored people who were in attendance on Protestant meetings” a card depicting the horrors of hell especially reserved for those who followed Protestant heretics.²⁹

After Sewall published these sentiments, someone, presumably offended Catholics, made his life miserable. One Saturday, a “gang of desperados, blackened and disguised as negroes, and armed,” threatened to “fling his body into the sea.” The next morning, a “colored man belonging to a Minorcan family” asked a fellow slave who “if any body came to kill the minister last night!” Sewall “soon found it expedient to leave town.” In 1857, despite Protestant efforts, St. Augustine’s Methodist, Episcopal, and Presbyterian congregations together numbered only 200 members. Moreover, these denominations fought between and among themselves.³⁰

²⁹ Ira M. Leonard and Robert D. Parmet, American Nativism, 1830-1860 (New York: Van Nostrand Reinhold, 1971), 65; R.K. Sewall, Sketches of St. Augustine, With a View of Its History and Advantages as a Resort for Invalids, 2nd ed. (Philadelphia: Martin E. Harmstead, 1849), 6, 40, 66-67, 71-72, 78-79.

³⁰ Sewall, 76-77, 85-86; Kirk, 91-95, 187; Douglas, 90-94; Graham, 18-19, 65, 70-71.

This sectarian rivalry provided African Americans a wedge they used to negotiate with the emerging slave society.

In December 1823, the slave Jack Smith converted to Methodism, and from the mid-1840s until his death after the Civil War, preached to black Methodists in St. Augustine. Raising funds from as far away as Savannah, Georgia, Smith negotiated the donation of land from a white merchant and on it built a house of worship that became known as 'Father Jack's church.' As a preacher, the African-born Smith achieved fame "far and near," and his death saddened "tens of thousands of people all over the North" as well as East Florida, where more than 300 mourners joined his funeral procession. In the words of a lengthy printed obituary, "His life in its beauty and its duty, was one of lofty purpose and sincere reality."³¹

Another man of color who elevated his social status through Protestantism was Davy Anderson, whose legal status is not clear from the historical record, though like Smith, Anderson enjoyed a quasi-free condition. Anderson's name appears in none of the documents listing free blacks in St. Johns County, and a slave named David, valued at \$500, is listed in the inventory of Dr. Andrew Anderson's estate. Another document records the sale of a slave named Davy and his wife Betsey by James R. Anderson. On the other hand, no surviving record of the Episcopal Church, of which he was a member, designates Davy Anderson as a slave, and in one 1853 entry a parenthetical "free" is added to his name. In 1841, city authorities paid David Anderson \$8 for building a coffin for Molly, a free black woman, and transporting her

³¹ "Sitiki"; "A Diary of Joshua Nichols Glenn: St. Augustine in 1823," *Florida Historical Quarterly* 24 (October 1945): 158; "Old Father Jack Dead," Ammidown Scrapbook, 406.62, Jumbo File, Clipping, n.d., SAHS.

corpse to the grave.³² This receipt suggests that its recipient was free, but since many masters permitted slaves to hire themselves out for wages, it might suggest only that Anderson was highly regarded by a patron with patronage connections.

Whatever his legal status, Davy Anderson attained a lofty standing in St. Augustine's Holy Trinity Episcopal Church. He and two of his children were among the church's founding members, only one more of whom was a person of color. Anderson received the sacrament of Confirmation in 1845, and is listed elsewhere as a communicant. During the remainder of the antebellum era, he sponsored 38 blacks for baptism, thus acting as something of a recruiter for the church among blacks. Episcopal burial records note the death of at least 23 African Americans between 1825 and 1862, variously describing the decedents as "free coloured," "servants," or simply as "coloured." For Davy Anderson, however, the record includes no racial or status description, and unlike anyone else whose death is recorded, white or black, the hour of Anderson's death, 8:00 A.M., appears next to the date, 28 January 1856. Even more extraordinarily, two clergymen, one of them a bishop, officiated at his funeral.³³

High standing in a Protestant congregation, earned no doubt through good works and piety, could confer status and respect--and bestow privileges--upon an individual who may legally have been a slave. One of the privileges was the freedom to travel in St. Augustine at night. The Presbyterian church, for instance, obtained a permit in 1844 for Scipio, the bondsman of M.H. Tucker, to travel freely about the city at night to attend to his religious duties, which were to "light up and take care of" the church

³² Estate of Dr. Andrew Anderson, 4 January 1840[?], Inventories, "old" Book 3: 1840-1861," St. Johns County Probate Records, FSA; Rivers, 97; Receipt to David Anderson, 1 February 1841, "Receipts: 1840-1859," City Papers.

³³ ER, SAHS.

sanctuary. Pious persons of color might receive permits to travel at night for other purposes. Thus, on Christmas Eve, also in 1844, Sippya Tucker received permission to hold a nighttime “prear meeting,” and a few days later, blacks were permitted to travel after curfew to attend the wake of Stephen Hernández, a recently deceased bondsman.³⁴

The impact of the respect that some bondspersons earned from whites as a result of their good standing in Protestant churches, as well as the sense of autonomy, identity, and community that these black Protestants attained in the slave society which generally made their personal and family lives insecure, are evident in an incident that occurred in St. Augustine in May 1837. At that time, during the bleakest days of the Second Seminole War, the merchant Emanuel Águiar reported that he overheard a group of slaves plotting insurrection. Another white man, Francis Andreu, who observed several black men armed with “large sticks or clubs” walking through the dark streets, also suspected that the “negros were preparing to rise.”³⁵

Águiar attested that he had heard blacks say that the uprising would coincide with the departure of a steamboat from St. Augustine. He singled out the slave Jimmy Gibbs, alleging that Gibbs, while referring to a white political barbecue, had said, “let [the white people] go on—let them frolic—our time will come. I have got things fixed.” To get to the bottom of Águiar’s charges, the authorities interrogated Gibbs and the bondswoman Betsey, both of whom belonged to the Methodist church. Betsy’s husband Davy was a member of the same church. Joseph Simeon Sánchez, a

³⁴ Pass, W.A. Howard to Scipio, 20 July 1844, Mrs. Keogh to Mr. Gold, 1844, Permission of E.B. Gould, Mayor, 29 December 1844, “Blacks: 1824-1855,” City Papers.

³⁵ Douglas, 118-119, 121-123; Águiar’s Statement, Testimony of Francis Andreu, 2 May 1837, “Blacks: 1824-1855,” City Papers.

Catholic, owned Betsy and Davy, and had granted them permission to practice Protestantism, a decision that seemingly would have incurred the displeasure of Sanchez's parish priest. Betsy claimed that on the night that Aguiar heard her, Gibbs, and two other slaves (apparently also Methodists) conversing, they were discussing "religious matters and the gospel." She also recalled complaining to Gibbs about the ill treatment she received from his wife Venus, to which Gibbs replied that Betsy should have mentioned this problem earlier so that they could have placed the matter before the Methodist congregation to resolve. The good standing of the slaves in the Methodist church evidently convinced the authorities that Betsy's account was plausible, and Emanuel Garrido, a white man, added that Gibbs had a consistently respectful demeanor. Thus, even at a time when whites felt threatened by enemies both outside and inside St. Augustine, Jimmy Gibbs, Betsy, and their companions apparently were exonerated.³⁶

Membership itself in a Protestant congregation bestowed a certain sense of dignity and identity to people of color for whom the moral teachings of the church resonated or for whom its standards of social behavior seemed desirable. In other words, some black no less than some white St. Augustinians found Protestant preachments concerning morality and social purity attractive and living according to those preachments psychologically rewarding. All Protestant churches seem to have imposed meaningful standards of conduct on members. In November 1827, for example, the Presbyterian congregation debated whether an enslaved member whose wife had been moved a long distance away by her master should be permitted to

³⁶ Testimonies of Emanuel Garrido, Betsy, Jim, 2 May 1837, "Blacks: 1824-1855," City Papers.

remarry. When Jack Smith's friend Caleb Simmons was accused in 1833 of abusing his wife and committing adultery with another slave, the congregation discussed the accusations solemnly before voting to suspend Simmons. This suggests that whites as well as blacks took seriously the membership of blacks in the congregation, and goes far to explain why blacks could look upon membership in a white-controlled denomination and congregation as one means of asserting a sense of "somebodiness" and thereby resisting the constrictions of a slave society.³⁷

The Presbyterian Synod of South Carolina and Georgia, which exercised authority over the St. Augustine congregation, "placed great importance upon exterminating all vestiges of Roman Catholicism in the late acquired territory of Florida." There is no evidence that black Presbyterians objected to that policy. What they thought of the effort of the Presbyterian Synod to pay more attention to the religious instruction and "spiritual welfare of slaves" in the aftermath of the Nat Turner insurrection in Virginia in 1831 is more problematic. It should be recalled that it was in this period when the free black preacher Tabb Smith found his mission restricted. Still, African Americans could and did, with white complicity, skirt church and even municipal policy that required whites to be present at black religious services. In 1839, Juliet Axtell, a child of perhaps six years of age, "supervised" one such service with the permission of her minister father, who was scheduled to supervise the meeting but could not do so because of a sudden illness and an unwillingness to cancel the service after black worshippers had assembled.³⁸

³⁷ Kirk, 23-24, 29, 52-54.

³⁸ Ibid., 16-18, 34-35, 95.

Because of the institutional nature of Protestantism and the Protestant idea that religion was in the last instance a matter between the individual and his or her Savior unmediated by the church or the priesthood, Protestant churches necessarily played a different role in the social life of blacks than did the Catholic Church. Most Protestant churches, for example, forewent infant baptism and marriage was not a sacrament. Yet there are scattered records of black marriages in Protestant churches in antebellum St. Augustine. Of twelve verifiable marriages, seven were in the Episcopal Church, which most resembled the Catholic Church in ritual and practice, four were in the Presbyterian Church, and the other in the Methodist church. There is also scattered evidence of Protestant ministers marrying black couples without legal marriage licenses. A white Methodist minister, for example, presided at the wedding of Sarah and Adam Fatio, she a bondswoman and he a free black, in rural East Florida. There is even a recorded instance, in 1858, of a Catholic priest obtaining a special dispensation to bless the marriage of a Catholic woman of color and a Protestant man. There are also occasional records of black Protestant marriages attended by the kind of socializing characteristic of Catholic services. Such was the case of the marriage of Lydia Carr and Dick Ferguson, both free black Presbyterians. These actions may have been a Protestant adaptation of the practice during Spanish rule of blacks using formalized marriages to gain status and respectability in the eyes of whites. Similarly, the free black Protestants Hagar Carr, Tyra McQueen, and Felicia Robio, like black Catholics, seemed to have used ties of formal marriage and compadrazgo to establish

the mutual support network that helped them to protect their material resources and to retain possession of their St. Augustine real estate as late as 1861.³⁹

Some extended black families in antebellum East Florida included Catholics and Protestants. The biracial family sired by George J.F. Clarke is a good example of this. Clarke himself was the son of a Protestant English father and an Irish Catholic mother. While the British ruled East Florida between 1763 and 1784, an Anglican minister baptized Clarke, but when London retroceded the province to Spain, Clarke was baptized Catholic. There is no record of a reconversion when the Americans took over East Florida in 1821, but ten years after that date Clarke deeded 500 acres of land to the Episcopal church of St. Augustine. Clarissa Fish, the black woman whose daughters bore many of Clarke's biracial grandchildren, received an Episcopal burial when she died in 1845. Clarke's numerous grandchildren included some Protestants, although for reasons that are not clear in the historical record most of his biracial descendants were Catholics. A major exception was Clarke's daughter, Felicia M. F. Garvin, who, like Tony Proctor, seemed to believe that her best means of prospering under the Americans was to associate with a Protestant church. Accordingly, her white associates and business partners were Presbyterians, and Mrs. Garvin, like her father, apparently donated land to a Protestant church, in this case the Presbyterians.

³⁹ ER, SAHS; St. Johns County Marriage Licenses, Volume A, pp. 6, 8, 12, 16, 53, CCH; William Morris, Soldier's Certificate No. 176,225, David Fleming, Soldier's Certificate No. 237,637, Richard Simmons, Soldier's Certificate No. 535,664, Charles Tyner, Soldier's Certificate No. 391,145, Abraham Lancaster, Soldier's Certificate No. 671,600, James Lang, Soldier's Certificate No. 1,166,518, RG 15; CM, March Floyd and Paula Rogero, 28 August 1858, p. 61; 1840, 1850, and 1860 Censuses, St. Johns County; St. Johns County Tax Rolls, 1845-1861, FSA; Tax Assessments, 1855-1871, City Papers; Minute Book B, pp. 105, 135, 231, City Papers; EX, 21 July 1860; Site 8 SJ 2512, Historical Structures Form, Florida Master Site File, "35 Marine Street," SAHS; St. Johns County Marriage licenses, Volume A, pp. 12, 16, CCH.

In affiliating with a Protestant congregation, Garvin was an exception to the tendency of most antebellum free women of color in the formerly Spanish ports of the Deep South to identify strongly with Catholicism. Her religious choice, however, illustrates that under the Americans, Protestantism provided blacks with an alternative source of identity as well as an alternative strategy to combat the constrictions of a slave society.⁴⁰

⁴⁰ CM; CB, vol. III, vol. IV; Marriage Licenses, 1830-1840, Marriage Bonds, 1823-1833, SAHS; Marriage Licenses, Volume A, CCH; Hill, 203-206; "Descendants of Montague Cummings," Honoria Clarke Biographical File, SAHS; CB, vol. III, pp. 314-315, 318, 323; ER, SAHS; Wills and Letters of Administration, Volume I, p. 162, CCH; Gould, 268-269; Eliza M. Whitwell to Dr. John Peck, Brooklyn, 14 September 1868, "1840-1886 Part I, Legal battle over Alachua land grant (Garvin tract)" Peck Papers; Graham, 70-71; Kirk, 71; Deed Book O, p. 108, Deed Book G, pp. 89-93, CCH.

CHAPTER 7 FAMILY

Citing the advantages of freedom to persons of color in the antebellum South, Michael P. Johnson and James L. Roark pointed to the “ability to found, endow, and defend their families” as the most important. Toward that end, free people of color could make legally binding contracts, including marriage, and the children of free women of color inherited their free status. Yet, because the liberty of free black men was so “eggshell thin,” and its “fragility” the cause of such “constant concern,” Johnson and Roark note, most of them found it “imperative” to “gain a reputation for respectability” among elite whites, thus distancing themselves from the slaves. In the Lower South free blacks commonly “formed small, tightly knit social and cultural clans, linking their fortunes through intermarriage” in order to “protect their property.” Like other nineteenth-century Americans, they looked to homes and families as refuges from a “harsh, unpredictable, and violent world.” For their part, slaves also valued family life, and succeeded “against great odds . . . in forging, beyond the masters’ view, a family life for themselves and their kinfolk.”¹ These observations seem especially true for antebellum East Florida despite the distinctiveness of its black population in so many other respects. This chapter describes how blacks there used family and blood relationships in their struggle to withstand the constrictions of American slavery.

¹ Johnson and Roark, 89, 91; Loren Schwenger, “Prosperous Blacks in the South, 1790-1880,” *American Historical Review* 95 (February 1990): 37; Brenda Stevenson, “Distress and Discord in Virginia Slave Families, 1830-1860,” in Bleser, ed., *In Joy and In Sorrow*, 103; Gould, 119, 284; Franklin and Schwenger, 52; Rivers, 87.

The black community of St. Augustine and its environs was distinguished not only by its small size but also by the blood ties of many of its members to a small number of white patriarchs, who acknowledged those ties and freed many of their biracial descendants. This pattern had its roots in the Spanish system of slavery and race that predominated until some time after the American takeover, and it resulted in a gradual “whitening” of “elite” elements of the free black population. Not only did a handful of white patriarchs have a disproportionate influence among the free black (and slave) population, but that population included a disproportionate number of mulattoes (half-blacks), quadroons (one-quarter blacks), octoroons (one-eighth blacks), and persons of other shadings of racial intermixture. Though none of the white patriarchs of the biracial extended families married the mothers of their biracial children, an occasional one of their light-skinned offspring married whites. More surprisingly, many of their offspring of mixed racial ancestry were slaves for a part or all of their lives, or were emancipated at stages in their lives that ranged from infancy to maturity, and were either married to and/or produced offspring with slaves and were thus related by blood and/or marriage to whites, blacks, slaves, and free persons of color at the same time. These patterns collectively and individually persisted well into the era of American control of East Florida; indeed, some of them persisted in diluted form until the Civil War. A few examples illustrate this.

Miscegenation complicates the task of reconstructing family patterns. According to Jane Landers’ study of that subject in Spanish East Florida between 1784 and 1821, one-fourth of all blacks baptized during the period were of Afro-European descent. Such unions were “common and accepted in Florida,” Landers concluded, “much as

they were on the African coast and in other areas of Latin America.” As in other once-Spanish areas that became part of the American South, many white fathers in East Florida acknowledged their paternity and made some provision for their offspring of color. Among the 88 white fathers appearing in the baptismal registries prior to the United States takeover were men of several nationalities and some of the province’s most prominent citizens, including Francisco Xavier Sanchez, Francis P. Fatio, Jesse Fish, George J.F. Clarke, and Mateo Solana. Other men of stature, like Francisco Gue, Francisco Marin, Andres Papy, and Pablo Sabate came from families with long histories in St. Augustine. The white fathers included planters, military officers, and government officials, as well as soldiers, sailors, merchants, urban craftsmen, small farmers, and physicians, and there is no evidence that any social, economic, or political stigma was attached to their paternity of biracial children. Of the 80 mothers whose white partners admitted their paternity, one-third were themselves of mixed racial ancestry, and slightly more than a third were free. An additional 116 women of color produced children by white men whose paternity is not recorded in Church registries. Only about one in eight of these women were free, and less than one in seven was biracial, which indicates a relationship between the mother’s skin color and /or social status and the willingness of white fathers to acknowledge the sexual relationship.²

Miscegenation, then, was a basic aspect of family relations in East Florida when the Americans took control of the area in 1821. The Spaniards left behind them a

² Ira Berlin, Slaves without Masters, 108-110; Landers, Black Society, 118-119, 150; CB, vol. I, vol. II, vol. III.

legacy of race mixing that stood in sharp contrast with that of Anglo-America, but one that the Americans might have used to advantage by co-opting the considerable biracial population in a territory where Anglo-Americans and other whites comprised only a minority of the populace. Instead, the new American regime undertook to establish American patterns of racial and family relations. Toward that end, the territorial legislature in 1832, prohibited white men from marrying or fornicating with “coloured” women. It was in the aftermath of this act that Zephaniah Kingsley, the white patriarch of a large biracial family, announced his intention to leave Florida, “where the base suspicion of sexual intercourse, renders every person liable to pay a fine of one thousand dollars,” and where “every free colored female no matter how decent or how respectable” found herself in danger. In 1833, eleven other white men joined Kingsley in sending a memorial to Congress, characterizing the new territorial policy as “political quackery” originating “in the illiberal prejudice of a local government totally at variance with the liberal spirit and generous policy” of the United States. The memorialists accused the legislature of calculating “materially to disturb the peace and happiness” of Spanish-era inhabitants whom the treaty of cession protected. Reminding the Congress that in all slave-holding societies, “not a very inconsiderable part” of white men “have without the formalities of Marriage ceremonies, children by colored women,” the petitioners declared that in Hispanic countries, these children “were free and admitted to most of the rights of Spanish subjects.” The territorial legislators’ effort to deny these rights to persons protected by treaty rights was inquisitorial as well as unconstitutional, the product of a “moral or

political fanaticism” that sought to sever “virtuous and sacred ties of domestic life and parental affection.”³

After the American takeover, evidence of interracial relationships in Catholic baptismal records diminished sharply. This might be due to the loss of stature of the Catholic Church, though about two-thirds of the people of St. Augustine were still Catholic at the time of Florida statehood in 1845. Also, Catholic records after 1821 include much less racial and genealogical information than in the Spanish period, and the records themselves cease altogether for periods when no priest was present in the City. Of the Protestants, only Episcopalians kept records of baptisms, confirmations, and funerals, and these entries provide only minimal information. After passage of the anti-miscegenation law in 1832, no father is identified as white in baptismal registries, and no distinction is made between blacks, mulattoes, quadroons, and octoroons, as had theretofore been done. Of the black infants whose baptisms are recorded in Catholic registries between 1821 and 1832, 35% were biracial (compared with 25% between 1784 and 1821); and of the mothers of color who bore the children of white men, more than half (56%) were free and almost two-thirds (64%) of mixed African and European ancestry. The latter figures were much higher than comparable ones for the second Spanish period. In the early years of the American era, therefore, Catholic baptism increasingly reflected the social status of women of color and a parallel erosion of the status of enslaved mothers. Of the approximately 800 infants of color

³ Berlin, *Slaves without Masters*, 112; Rivers, 12; FH, 15 March 1832, 12 July 1832; “Florida—Inhabitants of, Memorial to Congress complaining of certain acts of the Legislative Councils-28 January 1833,” Petitions, Various Subjects, Committee on Territories, HR 22AG23.1, Records of the U.S. House of Representatives, Record Group 233, National Archives, Washington, D.C.

whose baptisms are recorded in Catholic registries between 1821 and 1862, only about 2% had fathers identified as white, compared to 6% in the Second Spanish period.⁴

These figures signal a significant change in racial and family relationships after 1821. One indicator of the change is the fact that the phrase “unknown white” disappears from notations of the paternity of biracial children in Catholic baptismal entries. A blunter indicator was the fact that by the early 1840s politicians in St. Johns County saw advantage in calling an opponent a “race-mixer.” Other signals of the change include the fact that in 1838 United States magistrate Robert R. Reid refused to delegate authority to a commissioner he suspected of being biracial. Reid’s successor as U.S. magistrate, Isaac H. Bronson, only apologetically and with great reluctance accepted the testimony of free blacks in Patriot War claims cases for persons of color. While berating black and mulatto witnesses in 1849, Bronson showered high praise on three white patriarchs of large mixed-race families, Zephaniah Kingsley, Francis Richard, and George J.F. Clarke. Bronson’s protégé, George R. Fairbanks, a well-connected St. Augustine lawyer, historian, and politician, regarded biracial persons as “a class proverbially exhibiting the worst attributes of the white and colored race.” At the same time that he said this, Fairbanks was employed by some of the biracial Clarke family to oversee their property in St. Johns County after they had migrated to Key West because of the growing racial restrictions against them in American East Florida. By the end of the antebellum period, white American attitudes concerning race and miscegenation were dominant among whites in East Florida. Dr. John E. Peck’s account books in the late antebellum years record treatments for “Mrs. [Felicia]

⁴ Gannon, Cross in the Sand, 121, 152; CB, vols. I, II, III, IV.

Garvin” and “Mrs. [Clarissa] Fish,” both women of color who bore biracial children. In one of the medical articles contained in Peck’s papers, however, an authority on the “Intermixture of Races” warned physicians in the 1860s that “[w]hen one race intermingles with another a tendency to degeneration exists.”⁵

Social and sexual practices changed much more slowly than public policy, though the evidence for that is impressionistic and anecdotal. According to the St. Augustine News, in 1841, there were “many walking evidences” of continuing miscegenation in the town’s streets, and “strangers,” visitors from the North, often remarked on the incidence of racially mixed persons they encountered in St. Augustine. William Cullen Bryant, who visited St. Augustine in 1843, was impressed by the “agreeable, open, and gentle physiognomy” of the blacks he observed at Catholic Mass. The “Spanish race,” he concluded from what he saw, “blends more kindly with the African, than does the English, and produces handsomer men and women.”⁶

Surviving records document continuing liaisons between white men and women of color. In 1824, United States Attorney Edgar Macon fathered a daughter by the free mulatto Juana Fernández. Similarly, George Center, a white businessman and political figure, sired children by the free mulatto Charlotte Irwin during the 1840s, and in 1852, Morris Sánchez, a white planter, and Sheriff Rafael B. Canova begot biracial children. United States Senator David Levy, Dr. John Peck, and Joseph B.

⁵ SAN, 25 December 1841; FHSD, 3 December 1841, 17 December 1841, 23 January 1843; Account Nos. 85766-John Fraser, 102005-Manuel Romero, RG 217; Fairbanks, vi, viii, xix, xxxii, lvii-lviii; Miscellaneous Record Book A, p. 35, CCH; In Supreme Court, Florida. February Term, 1860. D.L. Yulee, Appellee, caveator. Ads. Francis Bridier, Executor. Brief of G.R. Fairbanks, Counsel of the Appellee (Jacksonville: Columbus Drew, Book and Job Printer, 1860), p. 20, RG 76; Account Book, Ledger C, and “1860s Peck Medical Papers,” Peck Papers.

⁶ SAN, 25 December 1841; Bryant, 111; Robert Reid to George Burt, St. Augustine, 23 September 1847, George Burt Papers.

Lancaster, “one of Florida’s most distinguished public servants,” may also have fathered biracial offspring in these years.⁷ What such examples, and numerous others like them which never made it into historical records, meant for the substance of black family life is speculative. It must have created tensions that some blacks capitalized on in countering the constrictions of a slave society.

Free blacks in St. Johns County in the late antebellum years were overwhelmingly the products of miscegenation. According to the census of 1850, 79 of the 113 free persons of color in the county (70%) were biracial, as were 49 out of 82 (60%) of the shrinking free black community in 1860. These figures contrasted sharply with those of Florida as a whole, where only around 10% of blacks were designated as biracial in both censuses. Joel L. Williamson, the historian of American mulattoes, posited the flourishing existence in antebellum times of small biracial elites in urban areas of southern Louisiana and coastal South Carolina due to Latin influences from the West Indies. But as the Civil War approached, Williamson believed, white Americans moved to establish a “color-coded, strictly bifurcated social universe” everywhere in the Lower South. This movement influenced East Florida despite its distinctive racial demography. According to historian Daniel L. Schafer, in the northeastern Florida counties of Nassau, Duval, and St. Johns, Spanish-style white patriarchs of biracial families had by the late 1840s “become threats to the general will of their society,”

⁷ CB, vol. III, entry 573, pp. 320-321, 337, 326, vol. IV, p. 1, 33-34; 1850 and 1860 Censuses, St. Johns County; Wills & Letters of Administration I, pp. 422, 436, 438, CCH; Brown, Tampa, 129-130; Gannon, Cross in the Sand, 129; Abraham McQueen, Account No. 85048, RG 217.

which dictated a two-tier system of race relations.⁸ That seems indeed to have been the case.

The biracial extended family of the Clarkes, the most important African American family in St. Johns County, illustrates both how free blacks forged links to whites, other free blacks, and slaves, as well as the impact of rising antebellum racism. Miscegenation tied the white patriarchal brothers George J.F. and Charles W. Clarke to women of color, who, according to the pattern established in Spanish times, they did not marry but instead lived within common-law arrangements. Charles W. Clarke's consort, Beatriz Wiggins, herself the product of miscegenation, exemplified the Spanish-era practice of biracial women forming sexual relationships with white men. Through compadrazgo, Wiggins established fictive kinship ties to the white Solana (or Solano) family, St. Augustine's oldest documented family, with roots in East Florida going back to 1594. These sacramental bonds between the Clarke-Wiggins family and the Solanas, who had amassed considerable wealth in the form of land, slaves, and cattle at the time of the Patriot War, and who stood as godparents for no less than twelve children of color, persisted for at least three generations. Moreover, the white patriarch Mateo Solana himself fathered a quadroon child in 1820 by a slave.⁹

⁸ 1850 and 1860 Censuses, St. Johns County; Joel Williamson, New People: Miscegenation and Mulattoes in the United States (New York: Free Press, 1980), 19-21, 65, 108; Schafer, "From Spanish to American Race Relations," 593, 599-600.

⁹ Karen Harvey, St. Augustine and St. Johns County: A Pictorial History (Norfolk/Virginia Beach: The Donning Company, n.d.), 7; Manuel Solana, Account No. 73340, RG 217; CB, vol. II, entries 539, 748, vol. III, entries 99, 149, 491; CB, vol. II, entries 185, 517, 482, 594, 698, 812, vol. III, entries 452, 519; Lorenzo Solana, Account No. 77118, RG 217.

Through both marriage and baptism, the Clarkes also formed familial relationships with the propertied, mixed-race children of other Anglo patriarchs such as James Darley, Jesse Fish, William Williams, James English, and George Anderson. The white relatives of their mixed-race children who married into the Clarke clan also included the prominent Hispanic St. Johns County residents Gabriel W. Perpall, Joseph M. Hernández, and Venancio Sánchez.¹⁰ These relationships allowed the Clarkes to protect their material resources, form a network of mutual support, and acquire access to white patrons who could intercede for them in business, financial, and legal matters, thus ensuring their survival in the American slave society.

Besides compadrazgo and marriage, the Clarkes took other measures to provide one another with support. While he was alive, until 1836, the white patriarch George J.F. Clarke supported his daughter Felicia, even after she married the white William Garvin in 1813. When Garvin died in 1823, Clarke purchased \$400-\$700 of goods from New York so that his widowed daughter could establish a store at her St. Augustine residence. The patriarch also provided two-thirds of her rent and provisions, supplying mainly beef and fish. He likewise paid Mrs. Garvin's medical

¹⁰ No. 196, William Garvin, Private Land Claims, Florida, Records of the Bureau of Land Management, Record Group 49, National Archives, Washington, D.C. (hereafter cited as RG 49); 1830 Census, St. Johns County, Mosquito County; Kane, 493-494; CCR, file 60, box 169; CB, vol. III, entries 575-578; Deed Book O, pp. 163, 447-448, 474-475, 593-599, Judgment Record A, pp. 16, 20-22, CCH; Deed Book D, pp. 514-515, Deed Book P, pp. 13-14, 286-287, 305, Local and State History Department, Monroe County Public Library; Clarke Will, SAHS; CCR, file 14, box 117; CB, vol. III, entries 540-542; Deed Book F, pp. 160-162, CCH; Marriage Bonds, 1823-1833, p. 8, SAHS; Ianthe Bond Hebel, "The King's Road," Journal of the Halifax Historical Society 2 [n.d.]: 30-31; Will of Don Guillermo Williams, 21 November 1807, Escrituras (Testamentary Proceedings), 1784-1821, EFP, Bundle 310, Quaderno 11, Library of Congress Microfilm Reel 140, SAHS; Dolores English & others v. United States, Patriot War Papers; Clara Talley Kingston, "Sarah Warner Fish," El Escribano 24 (1987): 75; Historical Structures Form, Florida Master Site File, Site 8SJ77, SAHS; Kim Hazouri, "From Jose Mariano Hernandez to Joseph Martin Hernandez," File, SAHS; "Job Wiggins," Testamentary Proceedings, EFP, Document 1797/14[?], microfilm reel 137, PKY; Deed Book P, pp. 101-102, 132-134, CCH; St. Johns County Marriage Licenses, Volume A, p. 4, CCH; Hill, 205.

bills, along with a portion of her clothing expenses. Garvin, for her part, cooked, washed, sewed, and mended for her father, who maintained a separate household. His slave would collect the provisions that the widow prepared.¹¹

Like other antebellum free people of color, the Clarkes expanded “their households by taking in relatives and friends.” Mrs. Garvin also sheltered and cared for her blind, invalid mother, Flora Leslie, from 1824 until the ex-slave’s death in 1832. During this period, Leslie suffered from palsy attacks so severe that she required spoon-feeding. In addition, some of Mrs. Garvin’s brothers resided with her and her four children. When he first married, William R. Clarke and his bride lived with his sister for two or three years before moving into his own home. George J.F. Clarke supported the young couple. Another brother, George P. Clarke, boarded with his sister for nearly thirteen years. Two more siblings, John D. Clarke and Joseph Clarke, stayed with their father. Altogether, Mrs. Garvin was responsible for preparing meals for 13 members of her extended family.¹²

This pattern of mutual assistance continued when the Clarke extended family moved to Key West during the late 1840s and early 1850s. Mrs. Garvin’s son, George Garvin, lived next to his widowed aunt, Phoebe Fish Clarke and her daughters. His cousin Frederick Clarke’s wife, Amelia, also resided in the immediate vicinity in 1850. While her husband was seeking his fortune on the Pacific coast, Amelia Clarke’s household included her son, her sister Catherine, and Petrona Álvarez (possibly an aunt), along with the latter’s two children. One Clarke extended family

¹¹ CCR, file 14, box 117.

¹² Ibid; Horton and Horton, 96.

member, James D. English, Amelia Clarke's neighbor, opened his household to the deceased James F. Clarke's son, James Washington Clarke, and to Leonza Clarke, his niece. These types of arrangements particularly assisted "children separated from their parents." Thus, the spinsters Sophia and Diana Fish sheltered their five orphaned nieces and nephews, the offspring of Sampson Williams and Harriet Fish, their sister. Although her connection to the Clarkes remains obscure, the free black Barbara Allen cared for William and Francis Graceski, the infant children of John D. Clarke's daughter.¹³

A smaller group of Clarkes remained close to St. Johns County, just across the St. Johns River, in the town of Palatka. Here the patterns of mutual support, as well as miscegenation, manifested themselves from the late 1840s until the Civil War. The seamstress Susan Clarke, the daughter of the mulatto James F. Clarke and his white wife María Dulcet, entered into a permanent relationship with the white lumber merchant from Georgia, L.H. Rossignol, around 1847. In the 1850s, she acquired real estate in Palatka, as well as an 87-acre farm outside of town. Her neighbors included her young uncles Philip and Alex Clarke (her grandfather's sons by the slave Hannah Benet), and Amelia Anderson Clarke, her absent brother's wife. In 1860, she shared a household with Rossignol, seven mulatto children, and her uncle Alex. Through her efforts, Alex acquired Palatka real estate. In that year, 30 free blacks resided in the St. Johns River port of Palatka, including Amelia Anderson Clarke, Hannah Benet, and Ramona Fernández, another biracial woman linked to the Clarkes. Susan Clarke

¹³ Horton and Horton, 96; 1850 Census, Monroe County; Deed Record E, Local and State History Department, Monroe County Public Library; CB, vol. III, entry 578; St. Johns County Marriage Licenses, Volume A, p. 65, CCH.

functioned as the matriarch of this small free black community, which had tripled in size since 1850.¹⁴

Susan Clarke's pedigree, her ancestral ties to the Palatka locale, property ownership, and business skills made her a leader. In addition, her alliances with local whites cemented her position. Rossignol, at times described as her "agent" or "guardian," lived with her until at least 1870. Clarke's young uncles boarded for a time in the household of Robert R. Reid, who had governed Florida from 1839-1841. She and Rossignol borrowed funds from Reid and his business partner, Henry R. Teasdale, both of whom were tied by marriage to the Benet family, the former owners of Hannah Benet, by whom Clarke's grandfather had fathered a second mulatto family.¹⁵ As in Spanish days, miscegenation formed a portion of the Clarke family's survival strategy.

To take advantage fully of this strategy of miscegenation in antebellum times, however, the Clarkes had to abandon St. Johns County. By the 1840s, persons of color in the County who "flaunted" their European ancestry met stern rebukes from whites. The marriage of George J.F. Clarke's quadroon granddaughter, Eliza M. Garvin, to a white man reflected the changed circumstance. As mentioned earlier, Garvin's mother had legally married a white man, and her uncle had wed a white woman, both before

¹⁴ Eunice A. Clarke, Widow of Fred A. Clarke, Private, Captain Warbass' Company L, 2 Washington Territory Volunteers, Certificate 7777, Indian Wars Pension Files, RG 15; CCR, file 11, box 150; 1850 and 1860 Censuses, Putnam County, Monroe County; Deed Book P, p. 335, CCH; 1864 Census, SAHS; Record of Interments, January 1882-December 1921, p. 1, St. Johns County Public Library; Revenues for 1855, 1856, 1857, Tax Assessments/Revenue 1855-1871, City Papers; Tax Rolls, 1857-1859, Monroe County, FSA; Deed Record A, pp. 3, 432-433, Deed Record B, pp. 86, 137, 162, 397-398, 484-485, Deed Record E, 662, 665, Clerk of the Court, Putnam County Courthouse, Palatka, Florida; Putnam County Tax Rolls, 1853, 1859-1862, FSA; George W. Rossignol to the Recorder of the General Land Office, Savannah, 4 March 1908, No. 104, George J.F. Clarke, RG 49.

¹⁵ Putnam County Tax Rolls, 1859, FSA; Deed Record B, pp. 398-399, Clerk of the Court, Putnam County Courthouse; Deed Book K-K, pp. 282-286, CCH; Tebeau, 469; 1870 Census, Putnam County.

the American takeover. Even in Spanish society, these marriages caused concern, for whites remembered that the white fiancé of a Clarke drank some of his blood so that she could swear before a priest “she had negro blood in her veins.” Still, these interracial marriages were tolerated in St. Augustine under the Spaniards. Eliza Garvin’s marriage to William H. Whitwell, a white Army hospital steward from Boston stationed at Fort Pierce during the Second Seminole War, was another story. Because of the perceived opposition to their union and to avoid Florida’s ban on interracial marriage, the couple married in Jamaica some time in the early 1840s. When the couple returned to St. Augustine, they encountered so much hostility that they felt it necessary to leave the area. They moved to Philadelphia, where Whitwell practiced medicine. Their ostracism suggests the sharp change of attitudes that occurred around the late 1830s and early 1840s. Zephaniah Kingsley’s mulatto daughters who married white men prior to 1837 had been able to live with their husbands unmolested on Duval County plantations after their shipboard weddings had evaded the Territory’s anti-miscegenation statutes.¹⁶

Until the commencement of Florida statehood, the Clarkes had been able to take advantage of their European ancestry, as well as their status as former Spanish subjects, in order to distance themselves from other blacks, thus blunting the edge of the evolving American slave society. By 1845, this family survival strategy had

¹⁶ Schafer, “From Spanish to American Race Relations,” 593; CCR, file 14, box 117; St. Augustine Tatler, 27 January 1894, SAHS; St. Augustine Record, Clipping, [Spring 1890s?], William Whitwell Dewhurst Papers, SAHS; J.P. Whitwell to J.R. Poinsett, Secretary of war, Boston, 12 January 1840, Letters received by the Adjutant General’s Office, 1822-1860, Microfilm Publication M567, microfilm roll 220, 1840, V221-W193, #0287, #0288, RG 94, National Archives, Washington, D.C.; Registers of Enlistment in the U.S. Army, 1798-1914, Microfilm Publication M233, microfilm roll 20, Volume 41, 1835-1837, p. 231, RG 94, National Archives, Washington, D.C.; Deed Book O, pp. 449, 624, CCH; Schafer, Anna Kingsley, 41-42, 61 (note 54); Thomas, 340-341.

become irrelevant in St. Johns County. When the Clarkes invoked their “treaty status” to evade a discriminatory state levy on free blacks, they met a stunning defeat. The presiding judge first expressed his disdain for the children of informal Spanish-era interracial unions, calling the quadroon George W. Clarke “a Bastard Child born of a Black Woman,’ who “cannot inherit any of the rights, privileges or immunities his reputed Father might have enjoyed under the Spanish government.” When Clarke’s cousin, the quadroon James D. Garvin, countered that his parents had married legally, he exposed the judge’s ruse, for the latter ruled that Garvin, as “a free man of color on his mother’s side,” was “not entitled to the rights, privileges & immunities of a Free White Citizen,” adding that “such a thing” never “would have been admissible at the time of the Treaty with Spain and by the Laws of this Country, and of this State can never be tolerated.” Shortly after this decision, the Clarkes embarked upon a mass exodus from St. Johns County.¹⁷

By 1847, at least nine adult members of the Clarke extended family were living in Key West. Free black families in Pensacola, the former Spanish capital of West Florida, in contrast, did not have to face exodus until a decade later. Their white neighbors regarded them so highly in 1847, that they petitioned Florida’s legislature to eliminate racially based taxes. Perhaps influences emanating from New Orleans had preserved the social standing of Pensacola free blacks. The law that drove the Pensacola creoles of color away was an act in 1856 that strictly enforced a guardianship statute, in effect marking them with the “stigma of slavery.” (As early as

¹⁷ CCR, file 58, box 98, and file 5, box 122; St. Augustine Tatler, 27 January 1894, SAHS; Eliza M. Whitwell to Dr. John Peck, Brooklyn, 30 May 1868, “1840-1886 Part 1, legal battle over Alachua land grant (Garvin tract),” Peck Papers.

1838, St. Augustine's free blacks had been compelled to select white guardians.) Even though some Pensacola whites offered to "become their guardians merely as a legal formality," the creoles' "pride revolted at even this nominal mark of servitude," causing them to migrate to Tampico, Mexico.¹⁸ Both in St. Augustine and in Pensacola, then, racist legislation uprooted free black families.

The Clarke exodus from St. Johns County notwithstanding, some evidence suggests that as late as 1860, free blacks remaining there used their family connections to whites in order to overcome a slave society's constrictions. John Gue is a shadowy figure whose life seemed to defy the limitations placed upon the County's people of color. Gue had a white father, Francisco Gue, and a mixed-race mother, Harieta Fish, most likely a daughter of the white patriarch Jesse Fish, whose children married into the Clarke family. Like several of the Clarks, it appears that John Gue served briefly in the Second Seminole War. Civil records render Gue's racial status ambiguous, although Catholic registries denote him as a man of color. He owned slaves, in addition to real estate - - assets that he most likely inherited from his white father. In his family life, he followed the Spanish-era pattern of gaining respectability by marrying and baptizing his children within the Catholic Church. His fictive kinship connections through compadrazgo provided his family additional security, with both the Clarks and Minorcans sponsoring his children for baptism between 1848 and 1858. The fact that Minorcans agreed to serve as godparents for Gue's mixed-race

¹⁸ Return Books, 1846, 1848, Tax Rolls, St. Johns County, FSA; Sheriff's Report of Insolvencies on Assessment return of 1847. To Board of Commissioners on the 17th day of September 1847, "Accounts of Jose S. Sanchez as Tax Collector & Papers Relating Thereto 1839-1848," Joseph Simeon Sanchez Papers; Tax Rolls, 1847, Monroe County, FSA; Lisenby, 15; Ruth B. Barr and Modeste Hargis, "The Voluntary Exile of Free Negroes of Pensacola," Florida Historical Quarterly 17 (July 1938): 3,10, 12; Julia Floyd Smith, 118.

children at this late time in the antebellum period indicates the strength of his ties to his white relatives. Gue and his wife María, however, did not perform the same function for other parents, perhaps a design that allowed the couple to cloak themselves in racial ambiguity. During the 1850s, Gue kept a tavern, purchased land from whites, lent money to them, and sold real estate to them at a profit.¹⁹ Family connections resulting from miscegenation apparently permitted John Gue to enjoy an in-between status that enabled him to evade St. Johns County's racially based constrictions. As a quadroon or octoroon, moreover, he bore predominantly European features, which may have masked his African ancestry, especially among his rural white neighbors. Gue's life demonstrated the continuing fluidity of race in the antebellum County due to the persistence of Spanish culture.

Unlike the Clarke extended family or John Gue, slaves could not legally contract marriage, and unless they sired children by free women of color, their offspring inherited their status. Some free men of color, including Clarkes, married slaves, formalizing these unions by a church wedding and/or civil procedures. Such marriages would have made a bondswoman's and her children's prospects for freedom brighter, since a free husband could earn wages with which he might purchase his family's liberty. In other cases, enslaved men married free women, who bore them

¹⁹ CB, vol. III, entries 37, 181, vol. II, entries 3, 193, 258, 556, 645,751; 1840 and 1850 Censuses, St. Johns County, Monroe County; Deed Book G, p. 74, Deed Book H, pp. 201-202, CCH; CCR, file 19, box 116; CSR, microfilm roll 25 (2d Sanchez's Florida Mounted Militia); St. Johns County Tax Rolls, 1829-1835, 1845, FSA; St. Johns County Tax Rolls, 1845-1861, FSA; CB, vol. IV, pp. 3, 8, 23, 66; 1850 Census, St. Johns County; Wills and Letters of Administration, Volume I, p. 215, CCH; Deed Book P, pp. 386-389, Deed Book Q, p. 309, CCH; St. Johns County Tax Rolls, 1845-1861, FSA; Tax Assessments/Revenue, 1855-1871, City Papers.

free children. Under this circumstance, the bondsman's hopes of manumission grew, especially as his offspring were able to earn a living.

No matter how well connected the free spouse was in marriages with slaves, however, the resulting family lived under the threat of separation. Regardless, some free blacks still gambled on the tenderness of white paternalism by taking slaves as their mates. Both Abraham Lancaster and Eulogius (Alex) Clarke, for example, wed bondswomen, although they took care to solemnize their nuptials in the Catholic Church. Lancaster even took the extraordinary step of obtaining a civil license. It is not known whether a lack of eligible, attractive free women accounted for the two men's choices of partners, or simply the power of romantic love. Perhaps Lancaster and Clarke made some type of informal coartación arrangement with their wives' owners. The free quadroon George D. Clarke seems to have made this type of arrangement when he purchased his enslaved wife.²⁰

Censuses indicate that the number of female-headed free black households in St. Johns County ranged from a high of 57% in 1830, to a low of 52% in 1860. These figures, however, do not take into account "invisible" males who may actually have exercised leadership roles in the households that women of color officially headed. The free mulatto Jane Seville's husband, Peter Seville, belonged to the Solana family, so that a census would not list him as a householder, even if, as was common in St. Augustine, his owners permitted him to live with his wife. Phoebe Dupont's children, including her son Julius, are listed as living in her home in the censuses of 1850 and

²⁰ Abraham Lancaster, Soldier's Certificate No. 671,600, RG 15; 1860 Census, St. Johns County; CM, pp. 61, 63; CB vol. IV, p. 75; St. Johns County Marriage Licenses, Volume A, pp. 4, 215, CCH; Clarke Will, SAHS; 1864 Census, SAHS.

1860. Although Civil War pension records confirm that Julius was a St. Augustine resident prior to his enlistment in the U.S. Colored Infantry, he seems to have spent a good deal of time in Putnam County, near Black Creek, probably at the farm of his father, a white man bearing the surname Shemetella, a name that both Julius and his mother had formally adopted by 1862.²¹

Marriages between slaves, even those contracted within the Catholic Church and recognized by community consensus, stood on even shakier ground than marriages between free people of color and slaves, or common-law relationships between free blacks and whites. Peter Johnson and his wife Amanda Canova saw their family life deteriorate as Susan Murphy, Johnson's owner, lingered on her deathbed in 1855-56. Johnson was conveyed in trust to the white George R. Fairbanks as Murphy organized her affairs in preparation for her death. For a time, it seemed that the St. Augustine resident Venancio Sánchez would buy Johnson, but this arrangement never materialized. Instead, U.S. Senator David L. Yulee, one of Mrs. Murphy's legatees, sent Johnson north to Fernandina, away from wife and family. "I was compelled to come," Johnson reminded federal officials in 1893, "I was separated from my wife by my owner." Abraham Lancaster concurred, recalling that the Johnsons "were separated by the white people."²²

²¹ Julius Shemetella, Soldier's Certificate Nos. 522,752 and 174,818, RG 15; 1864 Census, SAHS.

²² "The Susan Murphy Will Case, Testimony at Trial," Eastern Circuit of Florida in the Circuit for St. Johns County, Spring Term, 1858, In the matter of the Contested Will of Susan Murphy decd. Francis Bridier Exct. Propounder ats David L. Yulee Caveator, and In Supreme Court, Florida, February Term, 1860, D.L. Yulee Appellee, caveator. Ads. Francis Bridier, Executor, Brief of G.R. Fairbanks, Counsel of Appellee (Jacksonville, Florida: Columbus Drew, Book and Job Printer, 1860), RG 76; John Mills, Soldier's Certificate No. 490,204, RG 15.

To be sure, slave marriages existed at the whim of whites. The Solana family permitted several of their slaves to solemnize their unions in the Catholic Church, and sponsored multiple free persons of color for baptism. Other Solana slaves, though they had their children baptized, never formally married. After producing a daughter by the slave Ana Solana in 1821, Dick Solana settled down with Felicia Solana, who bore him at least three children from 1823 to 1828. In 1858, “Phillis” and her “husband” Dick, along with their six children, received permission from whites to occupy a residence separate from their owner, a practice which was not unusual in St. Augustine and which served as another protection for slave families. In short, Dick and Felicia’s slave marriage managed to endure for over three decades.²³

Other Solana slaves were not so fortunate. Phyllis Solano, who may or may not be the above-mentioned bondswoman, married Emanuel Papino, Miguel Papy’s bondsman, “according to slave custom.” The couple’s owners allowed them to live together, and they produced a daughter as well as twin boys. After the birth of the twins, however, Papy sold Papino to a Jacksonville man. Phyllis Solano bore at least five more children by two other fathers. The Solanas also split Phyllis’ family by selling her brother to a Fernandina master, but her sister Cecilia remained with her in the Solana family.²⁴

Some St. Johns County masters, such as Abraham Dupont, stated in their wills that slave families should not be separated. Joseph Hammond, a “miller or mill hand” of black complexion, “remained the slave of the Du Pont family until freedom.” His

²³ CB, vol. III, entries 500, 526, 567, 585-587, 495-496; Entry D53, Negro Passes and Permits; CB, vol. IV, pp. 26-27, 48, 74.

²⁴ William Papina, Soldier’s Certificate No. 816,315, RG 15.

father, John Hammond, as well as his mother, Rina Hammond, also belonged to Dupont. On the other hand, Richard Simmons, Tony Baya's slave, a butcher, contracted a "slave marriage" with Dupont's bondswoman, Elsie. When Dupont's daughter moved to Charleston, she took Elsie with her, thus ending her marriage to Simmons, even though they "were considered man and wife as long as Elsie lived [in St. Augustine]."²⁵

Simmons subsequently married Susan Baya, whom an itinerant preacher specializing in slave nuptials had previously joined to the slave Archie Morris with whites' permission. That slaves took such weddings seriously is apparent when years after the Civil War, Morris asserted that he and Baya "were married in slavery it wasn't like we marry now, but they called it lawfully at that time," emphasizing that he was "married to [Susan], but we did not have a license the same as we do these days." Morris maintained that he had been a responsible husband, for with his master's approval, he "went home every Wednesday night and every Saturday, whenever I wanted to." Nevertheless, at the Civil War's outbreak, Morris' master moved him to Middle Florida, where he married Mary Ann, another slave. Baya with her owner's consent then wed Simmons. Decades after the Civil War, Morris and Baya still expressed bitterness over their separation by whites.²⁶

Being the child of a loving white master did not guarantee East Florida slaves a stable family life. Julia Hart's experience in Alachua County demonstrates that even such elite bondspersons faced separation from their loved ones. Joe Holder sired Hart

²⁵ Joseph Hammond, Soldier's Certificate No. 732,991, RG 15; CCR, file 29, box 173; Richard Simmons, Soldier's Certificate No. 535,664, RG 15.

²⁶ Richard Simmons, Soldier's Certificate No. 535,664, RG 15.

by his slave Nellie, and “took mighty good care of her,” never treating her as a slave, although he never freed her either. After Holder’s wife died, he gave Hart to his daughter Susan, who had married Thomas Tillis. Hart’s half-sister and Tillis then “sold the yellow children of old man Joe Holder to Wade Sparkman,” so that Hart now had a master with whom she shared no blood ties. Hart was so ashamed of her slave origins that after the Civil War, she lied to federal pension officials, claiming that she had been born free to married free parents.²⁷

Historians point to East Florida as the region of the state where owners acted most conscientiously to maintain their slaves’ family units, citing the area’s Spanish heritage as a major explanatory factor.²⁸ Nonetheless, an impressionistic examination of approximately 100 Civil war pension files of black East Floridians points to widespread emotional devastation caused by forced separations. Thus, at the most fundamental level of human existence, the vast majority of St. Johns County blacks faced insecure lives in which the bonds of parental, familial, and conjugal love could be shattered in an instant, no matter how much they strove to buttress their domestic lives with the Hispanic institutions left over from the former society with slaves. Still, African Americans did not merely resign themselves to the vagaries of whites.

Blacks’ family ties remained strong, despite their vulnerability to white self-interest disguised as paternalism. Jane Sánchez was the slave of Don Francisco Xavier Sánchez, whose family, like the Solanas, had deep roots in East Florida. Born in 1800, she originally belonged to Sánchez’s white wife, María del Carmen Hill. When

²⁷ William A. Hart, Soldier’s Certificate No. 782,658, RG 15.

²⁸ Rivers, 86, 89-91.

Hill's daughter married Phillip Dewees, Jane Sánchez was given as a house servant to the newly weds. She herself had "legally married" Charles Fatio, another Sanchez slave, with a Justice of the Peace presiding at the ceremony. By Fatio's death in 1858, Sánchez had borne her husband 17 children, 9 of whom were alive.²⁹ This family appears to have been especially large for antebellum St. Johns County, and indicates a stable domestic life.

When Sánchez was 22, in 1822, she delivered a son, Adam, in St. Augustine, with her young mistress, Doña María del Carmen Sánchez y Dewees, assisting at the birth. Adam lived with the Dewees family in St. Augustine, and accompanied it, along with his parents, to Jacksonville. The Dewees protected Adam, never hiring him out "for any length of time" while they owned him. Despite the fact that Adam was a "large and fleshy" man, "very clumsy & not active," with poor eyesight, the Dewees later sold him to a Key West physician in 1849. There were limits to paternalism, even that of an old Spanish family, especially when whites' finances were at stake.³⁰

Adam Fatio clearly missed his family, and strove to maintain his connections to them from afar, a sentiment consistent with the statements issued by married slaves who had been separated by their masters. In Key West, Fatio worked as a common laborer, sometimes shoveling coal in a coal yard, but mostly doing lighter work since he was not very "robust." He was permitted to keep a portion of his wages, for when he heard of his father's passing, he sent his mother \$9, along with three dresses, promising to do all that he could to assist her. Relaying such sums was no small

²⁹ Landers, *Black Society*, 73; Adam Fashion, Soldier's Certificate No. 217,272, RG 15.

³⁰ Adam Fashion, Soldier's Certificate No. 217,272, RG 15.

sacrifice for Fatio, “a Man of good Moral habbitts” who, rather than “go . . . in some frolic,” would tell his friends that “he could not afford to spend his money in that way—as he had an old mother that depended upon him.” He faithfully continued to write to the Dewees family, expressing a strong attachment to all of them, particularly his mother. Fatio always ended his letters with the sentence, “I am glad to say I am well & I hope you all are the same.”³¹

Adam Fatio’s case demonstrated paternalism’s limitations in another way, acting as a reminder that black families in St. Johns County could not depend upon whites’ beneficence. After the Civil War, Frances Dewees insisted that Adam Fatio had furnished cash to his enslaved mother in amounts ranging from \$5-\$15. Jane Sánchez disagreed. Although she acknowledged that her son was “very kind,” she swore that money from him passed into her hands only once—shortly after her husband’s demise. Her former owners characterized her in 1883 as “a good faithful Servant” whom the Dewees continued to support and “esteem . . . highly.” Likewise, a federal official called Sánchez “one of the best old colored women I have ever known.” Her sterling reputation, combined with her public disagreement with the whites that fed and clothed her at a time when she was “old & helpless,” adds weight to her accusations.³² During her enslavement, both Sánchez and her owners experienced financial distress, with the result being the disruption of the black woman’s family life and the worsening of her material circumstances. To be sure, other African Americans in St. Johns County faced similar circumstances.

³¹ Ibid.

³² Ibid.

It is clear then, that black families, even under the best conditions, especially if any members were slaves, were in constant danger of breakup. One strategy that slaves employed in order to maintain family bonds in the face of instability was the maintenance of an oral tradition about surnames that recorded patrilineal descent. This maintenance of an oral tradition of surnames, probably largely attributable to Spanish customs, seems to have differed from the common practice in other areas of the South, where slaves recorded their genealogy primarily by first names. Certain slaves in St. Johns County, like Peter Seville, had official surnames distinct from those of their masters. Much more commonly, however, slaves called themselves something different than the names which official documents recorded. In antebellum times, for example, the Union veteran Thomas Richardson (alias Thomas Hernández) was known to whites as Tom Pomar, after his master. When Pomar enlisted in the U.S. Colored Infantry, he did so as Thomas Hernández, in honor of his father. Baptismal records indicate that Joseph M. Hernández's slave, Richard Hernández, fathered children by a Pomar bondswoman. It seems likely that Richard Hernández also sired Thomas Hernández, which would explain the latter's alias, Thomas Richardson. Thus, Hernández (alias Richardson) took great pains to commemorate his father, a man whom Hernández's childhood friend, William Van Dyke (known as William López in antebellum times) never could recall having ever seen. After the Civil War, Joseph Hammond, Abraham Dupont's slave, explained that he "c [ouldn't] tell where [his] father [John Hammond] got his name," but regardless, he "titled after [his] father and [has] never been known by any name except Joseph Hammond." Emanuel Papino, known in slavery as Emanuel Papy, recalled that his mother had given him the

name Papino, presumably in honor of his father, who, according to Abraham Lancaster, was the free black George Papino. Domingo Llambias, on the other hand, entered the Union army as Domingo Pappy. Pappy was the legitimate son of the slaves John Solano and Harriet Llambias, and John Solano seems to have been known amongst his peers as John Pappy. Even Tony Fontane, a slave famous for his loyalty to the Fontane family, and who served in a Confederate military unit during the Civil War, changed his surname to Welters, an Anglicized version of the Spanish surname Huertas, presumably in honor of his father.³³

The naming process could be complex. Felicia Fleming Robio, a slave of Don Francisco Felipe Fatio, bore at least three children to the free man of color, Marcelino Espinosa, who may have been a blood relative of Don Francisco Xavier Sánchez. She eventually gained her liberty and married José de Regla, also called José Robio, who himself had been manumitted in 1830, along with his son Luís. Her free daughter by Espinosa was variously known as Rosa Espinosa, Rosa Fleming, and Rosa Álvarez, after her father, mother, and her husband, Gerónimo Álvarez's black slave, Pablo. When she baptized her three sons, she in turn named them Federico Rafael Álvarez y Espinosa, Eusebio Pablo Álvarez y Fleming, and Marcelino Espinosa y Álvarez,

³³ Edward Ball, *Slaves in the Family* (New York: Ballantine, 1999), 352-353; Thomas Richardson (alias) Hernandez, Soldier's Certificate No. 841,895, William Van Dyke, Soldier's Certificate No. 731,985, Joseph Hammond, Soldier's Certificate No. 732,991, William Papina, Soldier's Certificate No. 816,315, RG 15; CB, vol. III, p. 232, vol. IV, entry #45; Antonio Pappy, Soldier's Certificate No. C-2 562,398, RG 15; CB, vol. III, entry 243; Testimony of Antonio Huertas, 10 February 1893, Letter 162, Segui-Dallum Papers; Minute Book B, Entry for 11 December 1858, p. 158, City Papers; John W. Welters, Soldier's Certificate 675,241, RG 15.

honoring her husband, father, and mother, while preserving the boys' genealogy in writing.³⁴

Rosa Espinosa's middle son lived in Key West in 1860 as a free man, calling himself Pablo Rodgers, a surname that most likely recorded his enslaved father's orally transmitted surname. Espinosa, now bearing the surname Álvarez, lived under Rodgers' roof. Another Rosa Álvarez of color also resided in Key West—Pablo Rodgers' godmother, the wife of the free black man, Abraham Nichols. In order to distinguish the two women, whites referred to the younger of them, Rodgers' mother, as Rosita Álvarez.³⁵

Some surnames, however, did not make sense, even to a slave's immediate family. In antebellum times, Peter Johnson's official name was Peter Murphy, reflecting Susan Murphy's ownership of him. His wife Amanda, a Canova family slave, bore two other first names, Hermana and Manda. In 1845, she produced a son, baptized as Juan de Diós Canova, likely the young man who later would be known variously as "Johnny," John Johnson, John Canovas, and John Mills. When this son enlisted in the Union army, he did so as John Mills, a move that deviated from the pattern of slaves taking their fathers' non-slave, orally transmitted surnames, prompting his mother to ask him, 'how come you enlist under the name of Mills when Peter Johnson is your

³⁴ St. Johns County Tax Rolls, 1830, 1839, 1861, FSA; CB, vol. II, entries 574, 721, vol. III, entries 96, 296, and p. 286 under date 30 April 1826; Marotti, 457; Deed Book P, p. 45, CCH; Landers, Black Society, 85; Account No. 75016, Sebastian Espinosa, RG 217; Wills and Letters of Administration I, pp. 77-79, 424, CCH; Deed Book C, pp. 83-84, CCH; "Liquor: 1825-1836," City Papers; Estimate of Taxes on Stores & Billiard Tables for 1827, Clerks Report of Debts Due the Corporation March 31st 1827, "Finance: 1814, 1821-1829," City Papers; FH, 9 January 1834; CB, vol. III, entries 545, 549, 563, 644, 645; Tax Assessments, 1866, 1867, Tax Assessments/Revenue, 1855-1871, City Papers.

³⁵ 1860 Census, St. Johns County, Monroe County; Pablo Rodgers, Soldier's Certificate No. 826, 153, RG 15; Rosita Alvarez to Sabrina Andreu, Deed, 1869, Stephens Papers; Account No. 85048, Abraham McQueen, RG 217.

daddy.’ One of Mills’ comrades-in-arms, Frank Johnson, surmised that it was because Mills felt that there already were too many Johnsons in his unit.³⁶

This byzantine network of slave surnames later would confuse both federal pension investigators as well as black residents of St. Augustine. Within her immediate family, Sally Growles had called herself Sally Joseph when she was a slave of the Solana family, who would have listed her name as Sally Solana. When she came into A.D. Rogero’s possession, she would have been officially recorded as Sally Rogero. Her husband Handy’s surname, however, was not so clear. A black woman, Antonia Welters, believed that Handy originally belonged to the Fontanes before being conveyed to the Papys. Thus, he would have been known as Handy Fontane, then Handy Papy. Handy’s proper first name, Welters recalled, was Andrew. Sally Joseph, on the other hand, swore that her husband belonged to the Canovas, but lived with the Papys and butchered for them.³⁷ Therefore, he would have been known by whites as Andrew “Handy” Canovas.

After emancipation, however, Handy took the surname Growles. When Charles W. Cannon, a special examiner for the Bureau of Pensions, asked Sally Joseph Growles if her deceased husband ever went by the surname Goud, she answered:

I specks dat what dey called him. I think I hear dat name before. No sir I never knew him to be called dat name but you see some people cant explain de name good. I always hear him called Handy Growers; some people called him Groud (or Groward C.W.C.). Yes sir dey calls him Growles too.

³⁶ John Mills, Soldier’s Certificate No. 490,204, RG 15; CB, vol. III, p. 327.

³⁷ Handy Growles, alias Goud, Soldier’s Certificate No. 469,919, RG 15; CB, vol. IV, pp. 56-57, CM, p. 62.

In his subsequent report to the Commissioner of Pensions in Washington, D.C., an exasperated Cannon lamented:

From ignorant people, people who do not read or write you cannot get the correct name of this soldier. One man will call it Growel, Growl and Growles in a space of ten minutes and it is very hard to say just what he means to call it.

Growles' comrade-in-arms, Cato Baley, added another layer of confusion when he testified that Handy Growles had fought under the name of Handy Woods, along with his son, William Woods, a young man borne by the slave Mary Sánchez, whom Growles had "just caught . . . on the fly" rather than married.³⁸

The methodological problems that historians encounter in determining the family identities of St. Johns County's antebellum African Americans attest to the widespread denial of their blacks' family rights. Still, blacks countered this assault on their humanity with some degree of success by forging family ties that could withstand a racist society. In 1877, Philip Wanton, the quadroon son of the white, old Spanish East Floridian Edward M. Wanton, decided to sell some of the St. Johns County acreage which he had inherited from his white uncle, William Harvey. The man of color stipulated that the buyer must construct a marble-floored brick tomb large enough to accommodate all of the Wanton remains buried on the tract. His solicitude demonstrates the importance of family to the County's antebellum African Americans.³⁹

³⁸ Handy Growles, alias Goud, Soldier's Certificate No. 469, 919, RG 15.

³⁹ Marotti, 476.

CHAPTER 8 LAND

In her study of black East Floridians under Spanish rule, Jane Landers suggested that the relatively widespread ownership of real property by people of color there would not long survive the advent of American control in 1821. The Americans, Landers believed, were bent upon the destruction of the region's "intermediate free black class," and soon successfully "pressured many free blacks into selling what remained of their property at rock-bottom prices." Despite a valiant effort to "retain some of their customary privileges," landowning blacks were swamped by the racist "tide ...against them." This assessment is overly negative, but as Landers and other historians of the African American experience have stressed, land ownership was a barometer of the well being of free blacks in East Florida and everywhere else.¹ The extent to which free people of color in St. Johns County were able to acquire and hold on to their real property, which was considerable in 1821, and pass that property on to their descendants, was an evolving measure of their success in holding onto their freedom and dignity in the face of the racial constraints of American slavery. This chapter tells the story of that success--and of the failures that were a part of the same effort.

Landers documented Spanish land grants totaling 5,940 acres to 33 blacks between 1784 and 1821. After 1821, American officials confirmed titles to 3,695 of these acres in the names of 15 persons of color. They also confirmed substantial acreage to blacks in the names of white fathers or husbands. One of the chief beneficiaries of these

¹ Landers, Black Society, 248, 252; Breen and Innes, 5-6; Berlin, Slaves without Masters, 246-247.

confirmations was Felicia Garvin, who received title to 3,000 acres of land owned by her deceased white spouse at Youngblood Hammock and the Indian River. In other actions, various federal officials validated Spanish grants of 23,000 acres to Garvin's father, George J.F. Clarke, to which she was an heir, and awarded 500 acres to her mother, Flora Leslie, and another 445 acres to the spouses of two of Garvin's cousins. Also, the biracial heirs of Job Wiggins, a white man, who were, like Garvin, members of the extended Clarke family, received title to 1,200 acres at Rollestown.²

At the same time, however, federal officials rejected many of the claims of members of the Clarkes' extended family. Among these was the claim of Elizabeth Wiggins, Job Wiggins' mulatto daughter and Charles W. Clarke's common-law wife, to 300 acres on the eastern shore of Lake George, and the claim of Charles Clarke's son to a 300-acre military service grant. Clarissa Fish's claim to 130 acres she had purchased from Andres Campbell, a free black man, shortly before the exchange of flags was similarly denied, as were claims totaling some 17,500 acres to the biracial heirs of three white men, William Garvin, Charles W. Clarke, and James Darley.³

The white patriarchs of the Clarke family, George J.F. Clarke and Charles W. Clarke, had been among the founders and leading citizens of the settlement of

² Landers, Black Society, 259-260; Spanish Land Grants (hereafter cited as SLG), Confirmed, PKY; SLG Confirmed, microfilm reel 50-I, entry G-4, PKY; The United States, Appellants, v. George J.F. Clarke, 33 U.S. 436 (1834); The United States, Appellants, v. The Heirs of George J.F. Clarke, and the Heirs of George Atkinson, Appellees, 41 U.S. 228 (1842); SLG Confirmed, microfilm reel 51-G, entry W-24, microfilm reel 51-B, entry L-10, microfilm reel 50-C, entry B-58, PKY.

³ SLG Unconfirmed, microfilm reel 52-C, entry W-11, PKY; The United States, Appellants, v. Elizabeth Wiggins, Appellee, 39 U.S. 334 (1840); Spanish Land Grants in Florida: Briefed Translations from the Archives of the Boards of Commissioners for Ascertaining Claims and Titles to Land in the Territory of Florida, Volume I, (Tallahassee: Historical Records Survey, 1940), 48-50; SLG Unconfirmed, microfilm reel 51-K, entries F-7, D-2, D-3, D-4, PKY; The United States, Appellant, v. Joseph Lawton, Executor of Charles Lawton, Martha Pollard, Hannah Maria Kershaw, Wife of James Kershaw, et al., 46 U.S. 10 (1847); CCR, file 54, box 174.

Fernandina on Amelia Island during the boom years prior to the Patriot War, and had relocated their families there in 1808. In 1816, persons of color owned 44 lots in Fernandina, some of whom sold their lots before the American takeover. After the takeover, federal land commissioners rejected the claims of 30 black petitioners to lots in Fernandina on grounds that the petitioners lacked “any evidence of title.” The Spaniards had customarily allowed such lot holders to “keep possession” of their titles, and it is easy to believe that the titles could have been destroyed during the chaotic events of the area in the final decade of Spanish rule. A prominent white man, Joseph Simeon Sánchez, also lost 6 parcels in Fernandina for the same reason. Yet the estate of George J.F. Clarke still held title to 12 lots in Fernandina in 1843, as well as another 100 acres on Amelia Island.⁴

All of these land decisions were the result of legal processes to which claimants of color had the same access as whites. This access represented an important continuity from Spanish times, and was crucial in protecting the interests of successful claimants. Federal authorities followed due process and confirmed the ownership of large areas of real estate by people of color in East Florida. The wording of their claims suggests that the claimants considered themselves citizens of the country and entitled to the use of its administrative and judicial agencies and processes. In his successful petition for title to 210 acres fronting the Hillsborough River, for example, Joseph Sánchez, a free man of color, called himself a “citizen of the United States and resident of East Florida,” as did Felipe Edinborough, a former slave, whose petition was also

⁴ Landers, *Black Society*, 237-242, 244-246; ASP-PL, Vol.VI, 78, 113; Joe Knetsch, “The Development of Amelia Island in the Second Spanish Period: The Impact of George J.F. Clarke,” manuscript of a lecture presented to the Amelia Island Museum of History, 26 March 1999 (courtesy of Dr. Knetsch, Florida Bureau of Survey and Mapping); Deed Book O, pp. 593-595, CCH.

successful. In a petition on behalf of a biracial nephew, however, George J.F. Clarke was more cautious, crossing out “citizen” on the petition form and substituting “native” of “E. Florida” for it. Despite the caution, the claim was unsuccessful. Despite the difficulty of establishing the truth of many of the claims, historian Charlton W. Tebeau concluded that the United States “dealt reasonably with claimants, many of whose documents were fraudulent as to origin, location, and extent.”⁵

In assessing the validity of this judgment for African Americans, one must bear in mind that many blacks who had Spanish land grants opted to migrate to Cuba rather than risk the uncertainties of citizenship under an American regime. In their haste to depart, many of them sold their real estate for what they could get in a buyers’ market. Moreover, the situation in Fernandina, where so many people of color lost property for lack of documentation, did not bode well for the future. Had Washington wished to encourage the development of a free colored urban propertied class, it had no better opportunity to do so than to accommodate the claimants to town lots on Amelia Island. As the racial constrictions of American society grew over the antebellum years, most East Florida blacks who received land titles sold their property rather quickly or lost it through legal chicanery, inability to pay taxes, or impoverishment because of racial restrictions on their employment.

At least 1,920 of the 3,695 acres (52%) awarded by land commissioners in St. Johns County to claimants of color rather than their white relatives eventually ended

⁵ ASP-PL, Vol. IV, 596-597; SLG Confirmed, microfilm reel 50-G, entry E-4, SLG Unconfirmed, microfilm reel 51-J, entry C-11, PKY; Tebeau, 122-123.

up in whites' possession. In actuality, this figure probably was much higher, for it does not include African American real estate that became part of other counties as St. Johns County was divided during the antebellum years. The number of "voluntary" conveyances of real property that blacks in St. Johns County made was about 15 each in the decades of the 1820s and 1830s and rose to 21 in the 1840s, due primarily to the emigration of members of the Clarkes' extended family. By the end of the 1840s, the amount of land belonging to blacks was so small that only two transactions involving black owners appear in the records from 1850 to 1861. All of these sales were ostensibly voluntary, but it is quite likely that economic, political, and social pressures stood behind many if not most of them. The numbers of court-ordered conveyances of land owned by African Americans in St. Johns County between 1820 and 1840 was 5, and involved 3 town lots and 325 acres outside St. Augustine. In the 1850s alone, however, there were 15 court-ordered auctions of 5,441 acres and 7 town lots.⁶ The decision of the Clarke family to liquidate its holdings in St. Johns County in the 1840s was a wise one.

In 1850, the value of the real estate owned by free people of color in all of Florida was only \$36,480, 70% of which was in Escambia County, the home of the former Spanish capital of West Florida, Pensacola, and an additional 13.7% in Monroe County, where the Clarkes had re-located. The St. Johns County portion stood at only \$1,300 or 3.6%. The value of black-owned real estate in Florida grew marginally in the prosperity of the 1850s, but according to the 1860 census, no less than 58% of that

⁶ Based on the SLG, ASP-PL, St. Johns County Deed Books, and United States Bureau of Land Management Records housed at the National Archives, Washington, D.C.

value was accounted for by the holdings of a single individual, Martha Baxter, the mulatto daughter of Zephaniah Kingsley, who lived in Duval County. In St. Johns County that year, African Americans owned a mere \$1,400 worth of real property.⁷ By the end of the antebellum period, in short, free blacks in the county had been reduced to an impoverished vestige of the class that had prospered under the Spanish flag.

Whites acquired blacks' land in a number of ways. One way was for white fathers to make no or inadequate provisions for their biracial offspring to inherit their property. One such father was Jesse Fish, Jr., who lived with his black common-law wife Clarissa and their seven children on the 10,000 acres he owned on Anastasia Island, across Matanzas Bay from St. Augustine. Fish's property included an "ancient and venerable" manor house as well as "El Vergel," an expansive citrus plantation that his father had cultivated as early as 1763. One visitor who passed a night in the manor house recounted that he was 'very politely entertained by two handsome young ladies (mulattoes).' In 1812, however, Fish was struck by lightning and died intestate. Therefore, Clarissa and her children did not inherit the estate, which passed instead to Fish's nearest legally recognized relative, a white niece⁸

Joseph Sánchez, the biracial son of Don Francisco Xavier Sánchez, did however inherit a share of his wealthy father's estate. A carpenter by trade and a landowner in his own right, in the early 1820s the younger Sánchez owned a bay-front townhouse in St. Augustine's Barracks Ward, a plantation three miles north of town that he had

⁷ Garvin, 12; 1850 and 1860 Censuses, St. Johns County, Monroe County; Schafer, Anna Kingsley, 41-42.

⁸ Kingston, 64, 74-82.

purchased from his white half-brother, Joseph Simeon Sánchez, and a 210-acre tract in what is now Volusia County. In his will, dated 19 April 1826, Joseph Sánchez bequeathed all of his holdings to his black common-law wife Susan, with a provision that upon her death they go to the legitimate heirs of his half-brother. When Susan Sánchez died on 1 September 1854, that provision was implemented, and the property was inherited by Joseph Sánchez's his white nieces and nephews.⁹

White creditors also acquired land owned by African Americans. Before George J.F. Clarke died in 1836, he had devided nearly all of his extensive land holdings among his eight mulatto children by Flora Leslie. From the outset, however, white creditors pressed claims against the estate to John M. Fontane, executor of Clarke's will. In addition, the title to some of the holdings listed in Clarke's will was evidently clouded, and Clarke's heirs sometimes sued each other over individual parts of the estate. To finance her move to Philadelphia in the early 1840s, for example, Felicia Garvin, one of the heirs, won a foreclosure decree on one of the lots in the estate, which she then sold at public auction for the "small sum of \$235," though its alleged value was \$600. As a consequence of the dispute over this lot between the heirs, three of the Clarke sons surrendered all of the rights to the property they received from their father's will to Pedro Benet, a Minorcan, for \$150 each, making Benet, in effect, a devisee of the will.¹⁰

⁹ Landers, Black Society, 151-152; Book or Register of City Lots, SAHS; Deed Book A, pp. 12-16, 68, 76-81, Deed Book AA, pp. 118-120, Deed Book H, p. 34, Deed Book Q, pp. 214-216, Order Book A, pp. 85-89, CCH; CCR, file 51, box 158, file 28, box 166; Account No. 74969, Francis X. Sanchez, RG 217; Jose Sanchez, Claim No. 351, RG 49.

¹⁰ CCR, file 14, box 117; Deed Book G, pp. 87-93, Deed Book P, p. 32, CCH.

The Clarke family's frequent disputes with their physicians regarding medical bills exemplify some of the financial pressures that caused the real estate of blacks to be transferred to whites. Both Patty Wiggins and John D. Clarke were involved in lawsuits over disputed medical bills. The shifting racial climate of St. Johns County is perhaps reflected in the outcomes of the cases of Wiggins and Clarke. In 1825, Wiggins won her case due to a legal technicality whereas two decades later, Clarke lost his original case as well as an appeal that both his cousin and his nephew supported financially. In the mid-1840s, two other physicians sued the estate of George J.F. Clarke for unpaid accounts. The Clarkes frequently sought medical assistance, a fact that the account books of Dr. Seth Peck and his son John illustrate, for the books contain numerous entries for free blacks, especially members of the Clarke clan. When judges ruled against the Clarkes in their disputes with physicians, the physicians either sought land as compensation, or the Clarkes sold land in order to pay the judgments against them.¹¹

The Clarkes' long and bitter dispute with Dr. John Peck over land they owned in what is now Alachua County appears to have originated in an arrangement to pay a medical bill. The Spanish had granted 1,000 acres of land at Youngblood Hammock to William Garvin, a white man, as a reward for his services during the Patriot War. The United States confirmed this grant in 1828, and Garvin's widow, Felicia Garvin, seems to have deeded 200 acres of the tract to the Presbyterian Church, and used the

¹¹ CCR, file 51, box 174; Judgment Record A, p. 104, CCH; Account Book, Ledger B, Dr. Seth S. Peck, 10 May 1837-15 May 1841, Account Book, Ledger C, Dr. Seth Peck, c. June, 1839-21 July 1841, and Dr. John E. Peck, 1844-1859, Peck Papers; CCR, file 9, box 122, file 14, box 117, file 66, box 98; Circuit Court Minutes, Volume A, pp. 11, 36, CCH; CCR, file 53, box 160, file 5, box 122, file 58, box 98.

remaining 800 acres to obtain credit for merchandise and the purchase of a home in St. Augustine during the 1830s. The financial arrangements regarding the home were complicated and appear to have involved unwritten understandings with Mrs. Garvin's white attorney, Peter Sken Smith, as well as with Dr. Andrew Anderson and the Pecks, all members of the town's Presbyterian congregation. On the eve of her migration from Florida in 1842, however, Garvin evidently still held title to 400 acres in Youngblood Hammock¹²

The widow Garvin left St. Augustine under a cloud of debt; she was involved in at least seven lawsuits between 1833 and 1846. Due to her absence from Florida, she designated her son, James D. Garvin, as her agent, instructing Attorney Smith that Smith was to secure her son's approval before selling any of her real estate. Mrs. Garvin also insisted that none of her land be sold for under \$1.25 per acre. Contrary to her instructions, however, Smith sold Garvin's 400 acres in Youngblood Hammock to the Peck family for \$1.00 per acre. "Generall Smithes sails," Mrs. Garvin's daughter, Mrs. Eliza Whitwell later complained, "was only a money making affair." "No sail by G. Smith," Whitwell contended, "Can Stand for he had no power to sell."¹³

Mrs. Garvin and her family trusted neither their white agents nor the whites who purchased her property. According to her daughter Mrs. Whitwell, "on account of the [dis?]advantages which surroudeded us in those days [Peter Sken Smith] did not

¹² CCR, file 53, box 160, file 5, box 122, file 58, box 98; SLG Confirmed, microfilm reel 50-I, entry G-4, PKY; CCR, file 50, box 160; Deed Book M, pp. 289-292, Deed Book N, pp. 542-543, Deed Book O, pp. 108, 138-139, CCH; No. 196, William Garvin, RG 49; Mrs. C.C. Anderson to Miss C.L. Fairbanks, St. Augustine, 11 October 1842, "Correspondence: 1841," Anderson to Fairbanks, St. Augustine, 11 March 1842, "Correspondence: 1842," Anderson Papers.

¹³ CCR, file 31, box 144, file 17, box 95, file 10, box 127, file 53, box 98, file 50, box 160; Whitwell to Peck, 30 May 1868; Deed Book O, pp. 449, 624, Deed Book R, p. 173, CCH.

consider it worth his notice & those persons who bought of him considered [consulting the Garvins] unnecessary.” When James Garvin found out about Smith’s unsanctioned sale of the Youngblood Hammock acreage, he successfully pressed the Pecks for \$100 more, so that the purchase price would be \$1.25 per acre. Dr. Seth Peck’s account books indicate that the Youngblood Hammock sale was linked to Smith’s private arrangements for the payment of Mrs. Garvin’s medical bills, as well as her son James’ efforts to settle his own accounts with the Pecks. Developments after the Civil War, however, suggest that during the late 1830s and early 1840s, the various white parties to the acquisition of the Youngblood Hammock acreage had employed some type of chicanery to obtain the land, for in 1907 the United States issued a patent for the entire 1,000 acres in Youngblood Hammock to the Garvins, despite the protests of the Pecks, who claimed that they had held clear title to 600 acres of the tract since 1840.¹⁴

The negligence or dishonesty of whites also resulted in Mrs. Garvin losing the St. Augustine home that she had purchased from Dr. Andrew Anderson. According to her daughter Eliza Whitwell, Garvin made a down payment of \$1,000 on the home when she was about to migrate from Florida, and instructed her attorney Peter Sken Smith to pay the balance that she owed out of a \$4,000 Patriot War settlement that she expected to reach St. Augustine momentarily. Eight days after Garvin’s departure in 1842, this Patriot War settlement money arrived, and from a distance, she felt assured that her home at been secured. Several years later, however, the attorney O.M. Dorman

¹⁴Whitwell to Peck, 30 May 1868; Account Book, Ledger C, Dr. Seth Peck, p. 148, and Dr. John Peck, p. 7, W.W. Dewhurst to W. Wade Hampton, [St. Augustine?], 31 May 1907, Peck Papers.

informed Mrs. Garvin that Smith never had paid the balance to the Anderson family. To make matters worse, besides losing the St. Augustine home, Mrs. Garvin lost her down payment, for Dr. Anderson's widow apparently kept the \$1,000 sum.¹⁵

The dishonesty of whites also is indicated by the controversy surrounding the Garvins' claim to their grandfather George J.F. Clarke's 8,000 acres at White Springs, now Green Cove Springs, in Clay County. Clarke apparently mortgaged this land to General Duncan L. Clinch and when the mortgage was repaid, deeded it back to Clarke. After Clarke's death, however, his biracial heirs were not able to assert their ownership of the White Springs acreage, and Clinch's white heirs took possession. As in the case of the disputed Youngblood Hammock tract, the federal government recognized that some injustice against the Clarkes had been committed in antebellum times, and in 1902 the Garvins received a patent for 8,000 acres at White Springs.¹⁶

The Garvins certainly were aware that unscrupulous whites often took advantage of the restrictions that a slave society placed upon persons of color, in order to take away their land. In 1842, Felicia Garvin accused the executor of her father's estate, John M. Fontane, of treating her "more like a slave than a adopted Daughter." Eliza Whitwell blamed "bad management" by the "two Grand Villains" Fontane and Peter Sken Smith for allowing others rather than the Garvins to benefit from the George J. F. Clarke estate. Whitwell accused Fontane of using the estate's money "as he thought proper" rather than for what was in the best interest of the Clarke family, and charged Smith and Mrs. Clarissa Anderson with defrauding her mother. George W. Rossignol, the

¹⁵ Whitwell to Peck, 30 May 1868, Peck Papers.

¹⁶ No. 72, Thomas Clarke, No. 66, George J.F. Clarke, RG 49.

son of Susan Clarke and the white L.H. Rossignol, alleged that the United States in 1848 had confiscated 100 acres of Clarke land on Amelia Island without the Clarkes ever having “received a cent of it.” Records of the United States General Land Office lend credence to the Clarke accusations, for after the Civil War, this agency issued 21 patents for land totaling 25,679.96 acres to the Clarkes, of which at least 898.63 acres were located in St. Johns County.¹⁷ Until these patents were issued, whites were in possession of much of this land.

Rossignol’s complaints underscored the fact that antebellum local and territorial/state governments placed financial pressures on the Clarkes through discriminatory taxation policies, and like family physicians, either directly or indirectly stripped the Clarkes of real estate. Recognizing this threat to their wealth, the Clarkes repeatedly took legal action to counter these discriminatory taxes, for the courts could confiscate their land in order to settle tax judgments against the family. In 1824, James F. Clarke successfully challenged a head tax of \$5 that authorities levied on free blacks intended ostensibly to compensate the local government for the inability of blacks to bear the burden of citizenship. Around 1830, however, the Clarkes lost their challenge of a discriminatory territorial tax, and two years later Florida raised the tax and expanded it to include free women of color as well as free

¹⁷ Felicia M.F. Garvin to John M. Fontane, St. Augustine, 17 February 1842, “Correspondence 1842 Appraisements, business, etc.,” Joseph Simeon Sanchez Papers; Whitwell to Peck, 30 May 1868, Peck Papers; No. 104, George J.F. Clarke, Nos. 190, 196, William Garvin, Nos. 65-66, 70, 80, 104, George J.F. Clarke, No. 74, Clarke & Atkinson, No. 72, Thomas Clarke, RG 49.

men of color. The Clarkes also lost their challenge to a discriminatory state levy in the mid-1840s.¹⁸

The deleterious effects of taxation upon Clarke real estate in St. Johns County can be seen clearly. In May 1850, William R. Clarke advertised for a buyer for the 461 acres his deceased mother had owned near the Picolata Road, ten miles west of St. Augustine. Five months later, the tax collector advertised this tract for sale, and in early 1851 sold it to the well-connected George R. Fairbanks, a white man, for \$18.75, less than 4¢ an acre. In this and other forced sales Fairbanks was a major beneficiary of the transfer of land from blacks to whites. Over the years, he purchased a slave, a town lot, and 1,732 acres outside St. Augustine for a combined total of \$357.50. Except for the slave, he bought all of this property at tax auctions. His plunder included 1,694 acres of Clarke land, for which he paid 12¢ an acre. The land records of St. Johns County include a number of similar instances of forced sales of Clarke land for next to nothing. In one of those instances, Judge Isaac H. Bronson paid \$580 for 3,700 acres, which he divided with former sheriff John Beard and George R. Fairbanks.¹⁹ In this and other instances, leading whites in the county benefited from the pillaging of the Clarke estate.

¹⁸ EFH, 29 November 1824; CCR, file 25, box 98, file 33, box 100, file 5, box 122, file 58, box 98; Tax Rolls, St. Johns County, 1829-1832, FSA; FH, 14 June 1832, 27 November 1833; Deed Book O, pp. 153-156, 162, 184, CCH; See for example, CCR, file 7, box 131.

¹⁹ AC, 4 May 1850, 26 October 1850, 2 November 1850, 16 November 1850; Deed Book P, pp. 230-232, 266-267, 286-287, Deed Book Q, p. 174, CCH; St. Johns County, County Judge, Probate Records, 1784-1933, "old" Book 3, Inventories, pp. 204-205, 208, FSA; Tax Rolls, St. Johns County, 1850, 1852, FSA; Miscellaneous Record A, pp. 35, 118, CCH; CCR, file 31, box 11; Joseph Lawton to George R. Fairbanks, Charleston, 25 January 1844, "Fairbanks, G.R. Letters to: 1836-1858 #1," Miscellaneous Manuscripts Collection, PKY; Judgment Record A, p. 7, CCH.

This story is grim enough, but such victimization was not the entire story of black landholding. Some African Americans held on to their land, and some of them did so because they had the help of white patrons. And, some actually expanded their holdings. In the case of the Clarkes, they were even able to acquire land outside of St. Johns County under the American flag before the Civil War. In November 1830, George J.F. Clarke “sold” adjoining tracts of 7-8 acres located just beyond St. Augustine’s gates to eight of his children. The Clarke family patriarch had himself purchased this real estate, upon which Minorcans in Spanish times had cultivated vegetable farms for the local market, specifically for his children, and it is doubtful that any exchange of money took place between Clarke and his offspring. Around 1840, the Clarke children sold these tracts. William R. Clarke, for example, obtained \$500 for his acreage. During the same year, William and his brothers George P. and John D. Clarke were willed six acres in Hector, Tompkins County, New York, as well as “Hector Hill,” a 50-acre tract in the same town. Jeremiah Henry Brown, a white soldier about to be transferred from St. Augustine, bequeathed this land to his “kind and beloved friends,” along with “all sum or sums of money in the hands of Horatio Palmer of the Town of Ovid in Seneca County,” and appointed William Clarke as his “sole executor.” Eleven years later, Gad Humphreys, St. Johns County’s Judge of Probate, granted Clarke letters of administration for Brown’s estate. In 1843, the Clarke children received shares of their father’s land amounting to approximately 2000 acres each, most of which appears to have been located outside of St. Johns County. They also obtained undivided shares of the patriarch’s Amelia Island land.²⁰

²⁰ Deed Book I&J, pp. 26-28, 30-31, 33-34, 39-42, CCH; 1830 Tax Rolls, St. Johns County, FSA; Deed 233

The Clarkes were not the only free people of color to acquire land in antebellum times. Between 1823 and 1843, 15 free persons of color purchased approximately 20 St. Augustine lots from whites, and Hannah Sánchez as late as 1852 purchased a house on Charlotte Street. In 1833, George P. Clarke bought 3,000 acres from Thomas Douglas, a white man, for \$3000. Statistical evidence indicates that during the 1830s, free people of color had more opportunity and means to acquire real estate than in any other decade of the antebellum period. In that decade, they acquired 22 lots in St. Augustine, 15 of which had belonged to non-family members, and 8,025 acres outside the town, 3,000 of which they bought from non-relatives and for which they paid a total of \$8,829. During the next decade, they purchased or inherited 19 town lots, only 4 of them from non-relatives, and 18,075 acres outside the town, only 25 of them from non-relatives and for which they paid \$1,095. Thus, through inheritance and purchase, the number of town lots and rural acreage grew gradually from the American takeover until Florida statehood in 1845. The success of that effort against spreading racial constrictions is certainly a part of the story of black land ownership.²¹

Several examples illustrate how blacks in antebellum St. Johns County succeeded in acquiring and holding property. It should be recalled that in 1812 in the biracial family of Jesse Fish, Jr. lost his estate because he died intestate and without having married his black common-law wife Clarissa. In the aftermath of that incident, Fish's

Book O, pp. 153-156, 162-163, CCH; "Last Will and Testament of Jeremiah Henry Brown," 10 February 1840, Wills and Letters of Administration I, p. 209, 288, CCH; CCR, file 14, box 117; Clarke Will, SAHS; Deed Book O, pp. 593-599, CCH; SAN, 24 February 1844.

²¹ Deed Book P, pp. 264-265, Deed Book H, pp. 33, 146, Deed Book E, pp. 202-203, Deed Book F, pp. 160-161, Deed Book I&J, pp. 42-43, 120-121, 128-131, 139-141, 250-251, 456-457, 459-461, Deed Book K, 104-106, Deed Book B&L, pp. 63, 117-118, Deed Book M, pp. 270-272, 417-418, 444-446, Deed Book O, pp. 108, 117, 187, 569-570, CCH; Aggregate statistics are derived from the antebellum deed books in the St. Johns County Courthouse.

mother, Sarah Warner Fish, in 1823, deeded 500 acres her son had owned on the Matanzas River to a “certain black woman named Clarissa now free, formerly servant to my son Jesse Fish and commonly called Clarissa Fish,” and to Clarissa’s “seven coloured children.” In 1825, one of Sarah Fish’s relatives, Gabriel W. Perpall, sold to Clarissa Fish and her children a house on St. Francis Street for \$500, and she in turn sold her Matanzas tract to John Perpall for \$1,000. In 1830, Clarissa Fish headed a St. Augustine household consisting herself and eight other free blacks and one slave.²²

Angelica Williams was, like Clarissa Fish, a free woman of color, a member of the Clarke family, and the mother of the biracial children of a white man. A mulatto, Angelica Williams was the mother of at least three children of the white planter William Williams, who, when he died in 1807, owned an estate appraised at \$10,557 which included 39 slaves and two outlying holdings totaling 400 acres. Williams’ will instructed his executor to emancipate Angelica Williams and her children, who were also to receive 3 slave families, 5 cows and calves, household goods, and the usufruct of one of his outlying holdings. In 1830, Angelica Williams lived in southern St. Johns County along with her children and 7 slaves. Six years later, she purchased a home on Hospital Street, evidently with the financial assistance of a white man, Venancio Sánchez. In any case, when Angelica Williams died around 1840, leaving debts of more than \$800, her son Sampson Williams, the executor of her will, conveyed the home she had purchased to Sánchez for a payment of \$590. Evidently,

²² Deed Book F, pp. 160-163, Deed Book H, pp. 80-81, 201-202, CCH; 1830 Census, St. Johns County.

through loans from and repayments to Sánchez, Williams was able to hold onto his mother's property.²³

Sampson Williams' own real estate dealings illustrate how connections to a well-placed white man, in this case, Joseph M. Hernández, could help a man of color in real estate dealings. Some time around 1835, after his marriage to Harriet Fish, Williams moved to St. Augustine from the Matanzas area and purchased a house on Marine Street recently owned by Hernández, who was related to him by marriage. The fact that he paid the same price for the house that Hernández had recently sold it for suggests that Hernández had a hand in the transaction. Also, Hernández had never recorded the sale of the house, which meant that Hernández had to quit-claim the property in order to finalize the deed of conveyance. A couple of weeks later, Williams mortgaged the property to Venancio Sánchez, another relative of Hernández by marriage. When Williams died in the late 1840s, Sánchez was executor of his will, and in 1852 Sánchez's wife bought one of Williams' real estate holdings at public auction for \$195.²⁴

James Darley was another white man whose legacy enabled his heirs of color to acquire real property. In early 1829, Darley emancipated his slave Maria and her children, and shortly thereafter made a will bequeathing most of his estate to Maria

²³ Will of Don Guillermo Williams, 26 November 1807, Records of Testamentary Proceedings, 1756-1821, EFP, microfilm reel 140, PKY; 1830 Census, St. Johns County; 1830 Census, Mosquito County; CCR, file 60, box 169; CB, vol. III, entries 575-578, and pp. 313-314, 317; Deed Book B&L, pp. 117-118, Deed Book M, pp. 71-72,80-82, 270-272, Deed Book O, pp. 118-120, Deed Book P, pp. 253, 317-318, Deed Book R, p. 759, CCH; St. Johns County Court, Minute Book, 1827-1845, pp. 151, 156, SAHS; Wills and Letters of Administration I, p. 162, CCH; Site 8SJ77, Historical Structures Form, Florida Master Site File, SAHS.

²⁴ Deed Book B&L, pp. 117-118, Deed Book M, pp. 71-72,80-82, 270-272, Deed Book O, pp. 118-120, Deed Book P, pp. 253, 317-318, Deed Book R, p. 759, CCH; St. Johns County Court, Minute Book, 1827-1845, pp. 151, 156, SAHS; Wills and Letters of Administration I, p. 162, CCH; Site 8SJ77, Historical Structures Form, Florida Master Site File, SAHS.

and her children. His estate included 15 slaves, who were to be hired out to support Maria and their mulatto offspring. The legatees were also to have the use of Darley's Tomoka estate as they cared to cultivate. Within six months of his death, Darley's executors were to construct a comfortable dwelling for Maria and her children inside the fence surrounding his existing home. Darley's sister in England was to inherit the remainder of his estate, a portion he reduced in 1831 to provide for his and Maria's newborn daughter. When Darley died in 1832, the white trustee of his estate purchased a home on Charlotte Street in St. Augustine for \$475 for Maria and her children.²⁵

Free persons of color in St. Augustine might themselves benefit from the forced sale of real estate for non-payment of taxes or other reasons. In 1835, Jack Forrester and his wife Fanny paid \$600 for two lots, one on Charlotte Street and another on Marine Street. They soon mortgaged the properties to Venancio Sánchez for \$250, and after repaying the loan within a year, sold the Marine Street parcel. Jack Forrester died in the mid-1840s, and in 1852, the County probate court ordered Venancio Sánchez, the administrator of his will, to auction the Charlotte Street home for the payment of debts. The property sold for \$201, but was in turn sold for \$210 to Hannah Sánchez, a free black. Hannah Sánchez's speedy acquisition of the property for such a price indicates prior understanding with Don Venancio.²⁶

²⁵ Deed Book H, p. 288, Deed Book M, pp.270-272, 444-446, Deed Book B&L, pp. 117-118, CCH; 1830 Census, Mosquito County; CCR, file 54, box 174, file 11, box 105; The United States, Appellant, v. Joseph Lawton, Executor of Charles Lawton, Martha Pollard, Hannah Maria Kershaw, Wife of James Kershaw, et al., 46 U.S. 10 (1847).

²⁶ Deed Book G, pp. 220-221, Deed Book B&L, p. 63, Deed Book M, pp. 176-177, 314-317, Deed Book D, pp. 11-14, Deed Book P, pp. 264-265, CCH; Ledger B, Account Book, Dr. Seth Peck, 10 May 1837-15 May 1841, p. 80, Ledger C, Account Book, Dr. Seth Peck, c. June, 1839-21 July 1841, p. 62,

According to the tax rolls, the wealthiest free person of color in St. Augustine in 1861 was Hagar Carr, who owned real estate assessed at \$500. Carr was likely the “Haga” that a Tomoka planter, Frances Kerr, had manumitted in her will in 1820. Hagar’s mother, “Old Lidy,” had also received her freedom at that time, but her sister, Chapa, remained enslaved. Years later, “Old Lidy” married Dick Ferguson, a free black who owned a bay front home that she inherited upon his death and eventually bequeathed to Hagar Carr. The house had been passed from one owner of color to another from Spanish times to the end of the antebellum era, and Carr’s formerly enslaved sister, Chaper McCray, inherited it long after the Civil War. It still stands at 35 Marine Street.²⁷

Tyra McQueen and Felicia Robio, two other females of color, also owned real estate in St. Augustine on the eve of the Civil War, valued at \$100 and \$300 respectively. McQueen may have had an extended liaison with the prominent jurist and politician Joseph B. Lancaster. In any case, she inherited her home on Charlotte Street from her mother Emilia, who died around 1856 at the age of 91. Emilia had purchased the property in 1843 from John M. Fontane, the executor of the Clarke estate, for \$450, a sum likely taken from the payment of her Patriot War claim in

Peck Papers; St. Johns County Tax Rolls, 1845-1861, FSA; Wills and Letters of Administration I, pp. 158, 436-437, CCH; CB, vol. III, p. 316; SLG Confirmed, microfilm reel 50-G, entry E-10, PKY; CCR, file 14, box 117, file 9, box 122, file 58, box 352, file 14, box 353; Passes-1838, “Blacks: 1824-1855,” City Papers; Order Book A, p. 5, CCH.

²⁷ St. Johns County Tax Rolls, 1861, FSA; Tax Assessments, 1856-1859, 1861, Tax Assessments/Revenue, 1855-1871, City Papers; “Last Will and Testament of Mrs. Frances Kerr Translated from the Spanish by Margaret Booth,” File, SAHS; Deed Book I&J, p. 5, Order Book A, p. 1, CCH; Marriage Licenses, 1830-1840, p. 8, SAHS; 1864 Census, SAHS; CM, entry 54; St. Johns County Marriage Licenses, Volume A, p. 16, CCH; Site 8 SJ2512, Historical Structures Form, Florida Master Site File, SAHS; CB, vol. III, p. 286; 1830, 1840, 1850, 1860 Censuses, St. Johns County; Wills and Letters of Administration I, pp. 167, 235, CCH; Tax Receipts for Haager Kerr, 1857, 1858, File, SAHS; David Nolan, *The Houses of St. Augustine* (Sarasota: Pineapple Press, 1995), 14; Deed Book G, CCH.

1842. Felicia Robio was the wife of José de Regla, a free black tavern operator, who after nearly losing his home in a tax sale, willed it to Felicia Robio and his son José Luís Robio. The son in turn latter sold his portion of the property for \$200 prior to leaving St. Augustine, but Felicia Robio held onto her share, which at her death around 1860, passed to her daughter, Rosita Álvarez, who lived in Key West.²⁸

The descendants of two Spanish-era biracial families clung to at least part of their landholdings in rural St. Johns County for much of the antebellum period. As late as 1850, Zephaniah Kingsley's heirs still owned at least 1,600 acres in the county, though two years later no Kingsley land appeared on the assessment rolls. Some of the lost acreage was sold for non-payment of taxes. The remainder may have been sold at the direction of George R. Fairbanks, Master in Chancery of the United States District Court, as a result of a lawsuit by one group of Kingsley legatees against another. The heirs of color of Edward M. Wanton's estate fared somewhat better than those of Kingsley's, maintaining control of 970 acres in St. Johns County at the end of the antebellum era. In 1861, Wanton's quadroon son, Philip Wanton, owned taxable property assessed at \$571, of which \$435 was in land, and was the county's second wealthiest person of color. His holdings constituted 18% of the county's free black wealth. After Philip Wanton's death in 1880, the probate court ordered 347 of his land

²⁸ CB, vol. III, entries 545,549, 563, 644, 645; Tax Assessments, 1866, 1867, City Papers; Wills and Letters of Administration I, p. 424, CCH; 1860 Census St. Johns County and Monroe County; Pablo Rodgers, Soldier's Certificate No. 826,153, RG 15; Rosita Alvarez to Sabrina Andreu, Deed, 1869, Stephens Papers; Account No. 85048, Abraham McQueen, RG 217.

acres to be sold to pay the debts of his estate, but his daughter Nancy Ann Wanton retained the rest.²⁹

The wealthiest African American in the county at the end of the antebellum era was another Wanton heir, David Fleming, also known as John Gray. The tax collector assessed Fleming's estate at \$1,014, which amounted to almost a third of the county's assessed black wealth. Between 1824 and 1829, Fleming had paid \$500 to free his wife and children. The details of Fleming's life are obscure, but as they relate to landholding it is known that in 1844, the heirs of Edward M. Wanton, the white father of Philip Wanton, sold Fleming a 25-acre tract of land in the northwest corner of the county for \$150. By 1850, Fleming's real estate was valued at \$200 and his household consisted of six people beside himself. A decade later, Fleming was farming 25 acres, and in addition to the requisite farm equipment owned 5 horses, and more than 100 head of other livestock. In 1861, the assessment of his taxable property rose by \$450 because of improvements.³⁰

David Fleming, then, like Philip Wanton, acquired, maintained, and even augmented his real property in rural St. Johns County while the increasing constrictions of the American slave society were crippling the free black community there. In outlying areas, then, it might have been easier for African Americans to acquire and hold property in the racially charged 1850s and early 1860s. To be sure, Fleming was a hard-working man of extraordinary energy linked to the quadroon Wantons and the white Fatiös. Rural isolation, hard work, and the favor of influential

²⁹ Tax Assessments, 1850, 1852, 1861, City Papers; Mortgage Record A, pp. 80, 105-106, 389-391, Deed Book P, pp. 250, 265-266, CCH; Marotti, 476-477.

³⁰ St. Johns County Tax Rolls, 1854, 1860, 1861, FSA; Marotti, 458, 460; Deed Book K, pp. 341-344, Deed Book P, p. 45, CCH; 1860 Census St. Johns County.

whites may account for Fleming's success where others failed, but his success preserved a trace of the economic mobility some blacks had enjoyed in Spanish times.

CHAPTER 9 EPILOGUE

On 13 March 1862, Union troops occupied St. Augustine, bringing an end to the slave society there. As federal gunboats patrolled the St. Johns River, African Americans “hailed the vessels and embarked on journeys to liberty.” By December 1862, men of color from St. Augustine were flocking to the ranks of the U.S. Colored Troops in a poignant protest against the slave society that the Americans had imposed on East Florida. These black troops compiled what one scholar has termed an “impressive” military record.¹ In amassing this impressive record, men of color from St. Johns County followed a martial tradition that stretched back to the earliest days of Spanish rule, through the Patriot War, and later to the Second Seminole War. After the Seminole War, blacks had continued to fight the American slave society through trickstering and other forms of resistance, including violence, so that on the eve of the Civil War, that slave society showed signs of breaking down.

The Freedman’s Society of St. Augustine celebrated the collapse of the slave society by organizing a ‘grand barbeque on the plaza’ on New Year’s Day, 1864. This celebration, as well as the numerous enlistments of St. Johns County blacks in the Union forces during the Civil War, starkly contradicted the statements by whites and some blacks that St. Augustine was an antebellum paradise for people of color. “I have never,” the journalist C.F. Woolson wrote in 1875, “been able to make [St. Augustine blacks] confess that they were more comfortable in [slavery] days, no

¹ Thomas Graham, “The Home Front,” and Daniel L. Schafer, “Freedom was as Close as the River: The Blacks of Northeast Florida and the Civil War,” both in Fretwell, ed. Civil War Times, 19, 26, 41-43, 96; Schafer, “Freedom was as Close as the River,” Colburn and Landers, eds., The African American Heritage of Florida, 157, 175.

matter how poor and destitute they [now] may be.”² To be sure, although African Americans had exerted decades of pressure in a variety of ways to ease the constrictions of the slave society, the resulting “heaven” was, in the eyes of blacks, no substitute for freedom.

That the policies of the American slave society squandered the human resources of East Florida is apparent from the achievements of the descendants of those it sought to marginalize. A recent publication, for example, selected Nelson Francis de Sales English, a St. Augustine native born in 1847 and a son of James D. English and Mary Fish (who it should be recalled migrated from St. Johns County because of racial oppression), as one of Key West’s “36 Most Influential People.” One of Nelson English’s sons went on to earn a doctorate in mathematics from the University of Chicago, and another obtained his medical degree from Northwestern University, while a daughter graduated from the Boston Conservatory of Music. In 1934, Key West dedicated its “new colored park” to the memory of Nelson English. His granddaughter, Jeanne English, a retired librarian living in California, writes African American history and is active in the Catholic Church.³

Felicia M.F. Garvin’s descendant, Edward Orval Gourdin, graduated from Harvard University (where he participated in track, basketball, and baseball as a varsity athlete)

² Graham, “Home Front,” 19, 26, 41-43; C.F. Woolson, “The Ancient City,” Part 2, Harper’s New Monthly Magazine, Vol. 50, no. 296 (January 1875): 178.

³ Sharon Wells, Forgotten Legacy: Blacks in Nineteenth Century Key West (Key West: Historic Key West Preservation Board, n.d.), 20; Key West Historic Memorial Sculpture Garden: Key West’s 36 Most Influential People & Their Times (Key West: Friends of Mallory Square, n.d.), 20; Jeanne E. English, English Family Research, 1 (February 1991): 1-5; N.F. English to George W. Allen, Collector of the Customs, Key West, 30 March 1898, Nelson English Biographical File, Local and State History Department, Monroe County Public Library, Key West, Florida; Key West Citizen, 16 August 1934; Key West Coral Trader, 21 March 1958; Jeanne E. English to author, Santa Clara, California, 16 May 2003; Telephone interview with Jeanne E. English, 2 September 2002.

with undergraduate and law degrees. Gourdin won a silver medal in the 1924 Olympic games, rose to the rank of brigadier general in the Massachusetts National Guard, and served as a judge for the Superior Court of Massachusetts. Another Clarke descendant, Dr. Robert E. Smith, was the first African American to earn a pharmacy degree from the University of Pennsylvania. Smith later returned to St. Augustine, where he established a practice in Lincolnville, the city's leading African American neighborhood. Today, many Clarke descendants are professionals working in the fields of medicine, law, engineering, and higher education. Elsewhere, what was Florida's loss turned out to become the Bahamas' gain, for the numerous members of Nassau's Heastie family are also black descendants of George J.F. Clarke.⁴

The descendants of other persons of color who migrated from St. Augustine in antebellum times also experienced success in their lives. Maria Cohen moved from St. Augustine to Savannah, Georgia, where at the time of her death she bequeathed her daughter Hannah a male slave butcher and a female slave. In 1860, Hannah, a seamstress, owned real estate assessed at \$1000. Adeline Papena, who migrated to Charleston, South Carolina, in 1853, had served as a godmother in St. Augustine's Trinity Episcopal Church, where she was confirmed, and was one of only a handful of black communicants. Sally Baya, a founding member of the Episcopal congregation in St. Augustine, also left town at the same time.⁵ Perhaps Papena, Baya, and their

⁴ Rayford W. Logan and Michael R. Winston, Dictionary of American Negro Biography (New York: W.W. Norton, 1982), 264-265; Telephone interviews with Dr. Yvonne Daniel, 6 April 2000, Attorney Kirby Payne, 17 September 2000, and Mrs. Orville Payne, 17 September 2000; Elva Heastie Gamble to author, Detroit, Michigan, 5 September 1998.

⁵ Whittington B. Johnson, 15, 73-74, 82; Will of Maria Cohen, Savannah, 21 June 1855, Richard Dennis Arnold Papers, Georgia Historical Society, Savannah; ER, SAHS.

descendants, like those of the extended Clarke family, rose to prominence in their new homes.

The fact that Jacksonville, Florida, produced or cultivated African American luminaries such as James Weldon Johnson, A. Philip Randolph, Paul Laurence Dunbar, Zora Neale Hurston, and Mary McLeod Bethune, further attests to East Florida's black talent pool, a talent pool that can be traced to the region's traditions passed down from its Spanish-era Atlantic Creole charter generation. Blacks and whites vividly recalled this Afro-Hispanic cultural legacy in the 1890s. The attorney and educator Joseph Burritt Sevelli-Capponi wrote in 1895 that he possessed "one eighth Spanish blood, two-eighths Indian blood and five-eighths Negro blood." When Alexander Clarke, the son of George J.F. Clarke and the slave Hannah Benet, died in December 1891, his death certificate filed in Duval County described him as a mulatto of "Spanish" descent. In a similar vein, an article written in St. Augustine in 1894 identified Eliza Whitwell as a quadroon descendant of George J.F. Clarke, the Spanish "Lieutenant Governor" of East Florida, and noted that Whitwell still owned a portrait of Clarke dressed in his military finery. Some blacks in St. Augustine spoke Spanish as late as the 1920s. African Americans, in fact, retained memories of a Hispanic past into the last decade of the twentieth century. One black informant, for instance, in an interview for an oral history project conducted in the late 1980s, reported, "We are some of the old Spanish people." Historians also point to the survival of a black

“separate Catholic parish” in St. Augustine, an occurrence “uncommon in this part of the South,” as further evidence of a living Afro-Latin heritage.⁶

One aspect of this Spanish legacy, miscegenation, is a prominent part of the oral history commonly recounted in St. Johns County, and it involves one of St. Augustine’s leading citizens, Dr. Andrew Anderson II. Around 1846, the previously mentioned slave Sally Joseph, who would marry Handy Growles, bore a son, Michael, to a white man, Frank Forward. Michael Forward’s son Arthur, born around 1882, married Mabel Johnson, who, according to undocumented local tradition, was the daughter of the black woman Lena Johnson, and the physician, businessman, and civic leader, Anderson. Circumstantial evidence seems to add credence to this oral tradition, for Anderson did not marry until he was in his 40s and he directed much of his philanthropy toward St. Augustine’s African American community. He was the driving force behind the establishment of the Buckingham Smith House, an institution that continues to care for the indigent black elderly.⁷

Arthur Forward, presumably with Dr. Anderson’s support, became the proprietor of The Iceberg, a popular soda parlor that whites patronized, and which still is fondly spoken of by older St. Augustinians. Forward is respectfully referred to in oral

⁶ Russ Rymer, American Beach: A Saga of Race, Wealth, and Memory (New York: HarperCollins, 1998), 114-115; Joseph Burritt Sevell-Capponi, Ham and Dixie: A Just, Simple, and Original Discussion of the Southern Problem [St. Augustine: 1895], 21-22; Alexander Clarke, Soldier’s Certificate No. 359,456, RG 15; St. Augustine Tatler, 27 January 1894; Jean Parker Waterbury, ed., The East Florida Gazette, 11 (February 1990): 6; Taylor Branch, Pillar of Fire: America in the King Years, 1963-65 (New York: Simon & Schuster, 1998), 350.

⁷ Handy Growles, Soldier’s Certificate No. 401,165, RG 15; St. Johns County Inhabitants Schedule, p. 18, Schedule of the Florida State Census of 1885, Microform Publication M845, microfilm roll 11, target 5, RG 29, National Archives, Washington, D.C.; Interview with Charles Tingley, St. Augustine, Florida, 9 January 2003; Interview with David Nolan, St. Augustine, November 11, 1998; Interview with Dr. Thomas Graham, Flagler College, St. Augustine, 9 January 2003; Graham, Awakening of St. Augustine, passim.

accounts, and is described as a very light-skinned man of color with two daughters who always were impeccably dressed. A full-page advertisement in the city directory for St. Augustine in 1940 extolled The Iceberg as a “Store of Cleanliness and Courtesy” which sold medicine, sundry items, candy, cigars, and ice cream.⁸

Stories such as these have led to what one historian has described as “smugness” regarding St. Augustine’s “unique heritage” and the notion that “blacks had been well treated.” Although the same historian characterized St. Augustine as a “historic community” whose inhabitants are “influenced by the traditions of the past,” local historians have lamented that documentation that would verify the long residence of many of the city’s African American families “has been hard to come by.”⁹ This dissertation demonstrates that ample documentation exists to sketch the lives of antebellum blacks in St. Johns County in some detail. By offering a view of race relations that emphasizes black agency, this study paints a picture of an era when people of color relentlessly and often successfully expanded the boundaries of their freedom in a constrictive slave society, thus crafting in large degree for themselves a bit of “heaven” within an oppressive antebellum social milieu.

The determination of African Americans in antebellum St. Johns County to maintain their dignity despite the constrictions of a slave society can be gleaned by the post-Civil war attitudes of the Clarke descendants. Mrs. Orville Payne, George J.F. Clarke’s great-great granddaughter, recalled that during her childhood and adolescence in St. Augustine and Jacksonville between 1916 and 1939, her extended

⁸ Polk’s St. Augustine City Directory: 1940 (Jacksonville: R. L. Polk, 1940), 64, 89, and back inside cover.

⁹ Colburn, Racial Change and Community Crisis, 21-24, 207, 217-221; Waterbury, East Florida Gazette, 11.

family inculcated its young people with a healthy self-esteem, never allowing them to feel inferior to whites. George Lofton, Mrs. Payne's grandfather, preached at "breakfast, dinner, and supper," that she should leave Florida, go North, acquire an education, find a job, and buy real estate. "When you owned property," she asserted, "you had respect." Her family owned so much real estate, Payne recollected, that they hardly could pay the taxes on it. Indeed, land ownership was deemed so important to maintaining the family's self-respect under Jim Crow, the oppressive segregation system that replaced the slave society, that the tax bills on the land were settled before the children's school bills. When Payne's father, the pharmacist Robert E. Smith, died in 1975, he left his heirs a number of lots in St. Johns County.¹⁰

Mrs. Payne's great aunt, Eliza Whitwell, had fought hard to retain the family land. In her struggles, Mrs. Whitwell confronted men like the railroad and hotel magnate Henry M. Flagler. At the time of her death, Whitwell was remembered as a woman "constantly going to the post office, never without a large bag of papers, which would confirm her titles to numerous landed estates in and about St. Augustine, this property having belonged to her grandfather Clarke." The fact that the Garvin family was able to obtain federal patents for over 25,000 acres of land during the worst days of Jim Crow is remarkable, for although many black families preserved oral accounts of land which whites had taken from them, few "dared to challenge Whites," who saw black land ownership as "tools to build wealth" that "threatened the reign of White supremacy." In the value that they placed on landholding, the Clarke descendants preserved two traditions passed down from the Spanish society with slaves: the

¹⁰ Telephone interview with Mrs. Orville Payne, 12 October 2000.

acquisition of land by people of color to bequeath to heirs, and the use of the courts to defend black rights to the land. T.H. Breen and Stephen Innes described this Atlantic Creole tradition within the context of seventeenth-century Virginia, and concluded that when African Americans “recorded wills, accumulated property, and educated their offspring,” they were expressing their belief that “their families would continue to play a significant role [in the future].” According to Breen and Innes, this black “optimism was a source of strength.” “Without the right to achieve the necessary conditions of liberty,” the two historians argued, “to know one’s ‘owne ground,’ freedom becomes a hollow concept, no less so in the twentieth century than it was in the seventeenth.” It is of little wonder, then, that Eliza Whitwell dedicated her life to recovering “that property that was got under the good old Flag of Spain by our Fathers.”¹¹

¹¹ CCR, file 6, box 173; Deed Book O, pp. 593-595, Deed Book P, pp. 46-47, Deed Book K-K, pp. 191-198, 282-286, CCH; Telephone interviews with Dr. Yvonne Daniel, 6 August 2000, Attorney Kirby Payne, 17 September 2000, and Mrs. Orville Payne, 12 October 2000; St. Augustine Tatler, 27 January 1894; Undated clipping from the St. Augustine Record, [Spring 1890s?], William Whitwell Dewhurst Papers, SAHS; Nos. 190, 196, William Garvin, Nos. 65-66, 70, 80, 104, George J.F. Clarke, No. 74, Clarke & Atkinson, No. 72, Thomas Clarke, RG 49; See Todd Lewan and Dolores Barclay, “Your land is my land, Blacks often told,” 9 December 2001, A20-A21, “Blacks’ land often led to lynchings,” 16 December 2001, A22-A23, “Developers, lawyers maneuver to strip Blacks of land,” 23 December 2001, A6 (parts 1-3 of a series of nationally syndicated articles entitled “Torn From the Land”), in the Phoenix Arizona Republic; Breen and Innes, 6, 112; Whitwell to Dr. John Peck, Brooklyn, New York, 30 May 1868, “1840-1886 Part 1, legal battles over Alachua land grant (Garvin tract),” Peck Papers.

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