Tequesta

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Beginnings in Dade County[1]

by F. M. HUDSON

SHORTLY AFTER Florida was ceded by Spain to the United States, General Andrew Jackson, acting under the enabling act of Congress, by an ordinance dated July 21, 1821, divided the newly acquired territory into two counties, Escambia, comprising the former Spanish Province of West Florida; and St. Johns, comprising the former East Florida.[2]

In 1823 the Legislative Council of the Territory of Florida created ten counties out of the original two. Among these was the County of Monroe, embracing all of that part of the Territory and adjacent islands

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1. AUTHORITIES

ORIGINAL STATE RECORDS:

Journals of the House, cited as *House Journal*
Journals of the Senate, cited as *Senate Journal*
Journal of the Legislative Council cited as *J.L.C.*

ORIGINAL DADE COUNTY RECORDS, NOW IN THE COURTHOUSE, ALL CITED BY NAME:

County Commissioners Record (the first record book) and County Commissioners' Minute Books (subsequent records), in the office of County Commissioners.

Minutes of the Circuit Court, Miscellaneous Record A and Deed Books, in the office of the Clerk of the Circuit Court.

Register of Wills, in office of County Judge.

PUBLICATIONS:

Acts of the Legislative Council, the General Assembly and the Legislature, cited as *Acts*

Judge Jefferson B. Browne's "Key West, The Old and the New," cited as *Browne*

W. T. Cash's History of Florida, cited as *Cash*

Cowgill's "Journal of the Constitutional Convention," cited as *J.C.C.*

William Watson Davis' "The Civil War and Reconstruction," cited as *Davis*

Florida Historical Quarterly, cited as *F.H.Q.*

Judge James B. Whitfield's Historical Introduction to the Compiled General Laws of Florida 1927, cited as *Whitfield*

Knauss' "Territorial Florida Journalism," cited as *Knauss*

2. Whitfield, 85

lying south of an irregular line which may be described as running from Charlotte Harbor on the Gulf to Lake Macaco, and around its northern boundary to its most eastern limits; thence to the waters of Potomac (Hillsboro) River and down that river to the Atlantic Ocean.[3] Within the new County of Monroe were Key West, Indian Key and Key Biscayne.

When the Legislative Council met January 4, 1836, there was not a quorum present and the body adjourned until the next day. Tuesday, January 5, 1836, the Council met "and Mr. Richard Fitzpatrick, member elect from Monroe County, having appeared, a quorum was formed. . . . On motion of Mr. Blount, Mr. Richard Fitzpatrick was nominated and duly elected President of the Legislative Council."[4]

The appearance of Mr. Fitzpatrick has more than casual interest for us, because among the agenda of the session was a plan for the creation of a new county to be formed from a part of the territory of Monroe. The new county was established and named Dade, with no vote recorded in opposition.[5]

From these facts we may assume that the plan was attributable to Mr. Fitzpatrick, because we know enough of "senatorial courtesy" and of human nature to be convinced that the dismemberment of Monroe would not have been permitted without the approval of her representative. We may, therefore, with a good show of reason, acclaim Richard Fitzpatrick as the Father of Dade County.

The name of of the new county must have come spontaneously to every tongue, for only seven days before the session convened, on December 28, 1835, had occurred the catastrophe known to us as the Dade Massacre. Appropriately the Legislative Council, in creating the new county, made it a memorial to Major Dade. The act was approved by the Governor January 28, 1836.[5]

The portion of Monroe County assigned to the new county was that part lying north of a direct line running from the west end of Bahia Honda Key to Cape Sable and east of a line running directly from Cape Sable to Lake Macaco. The county seat was located temporarily at Indian Key, but there was a provision that the county court should also be held yearly at Cape Florida.

Possibly there were those who charged Mr. Fitzpatrick with a selfish motive because he lived, at least in after years, in the new county. He

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3. Acts, 1823, p. 141
4. J.L.C., 3, 70.
5. Acts, 1836, p. 19, Ch. 937.

had represented Monroe County in the Legislative Council in the earlier sessions of 1831, 1832 and 1835.[6]

Mr. Fitzpatrick was a member of the Constitutional Convention which met December 4, 1838 and framed the Constitution under which Florida was finally admitted into the Union in 1845. In that convention he was quite active. He introduced a resolution to proceed to the formation of a Constitution and his views finally prevailed;[7] but not without opposition.[8] The opponents reflected the sentiment of St. Augustine and Northeast Florida in favor of a division into two territories, leaving St. Augustine as the capitol of East Florida. The opposition was cantinued actively and acrimoniously after the submission of the Constitution and its ratification at an election in May, 1839. Among the assaults then made on the proposed constitution was the charge that the favorable majority of only 119 was obtained by fraud. These contentions undoubtedly contributed to the postponement of statehood until 1845.

On this subject, see an interesting article by Walter Martin in the Florida Historical Quarterly, January, 1942.

As Chairman of the Committee on Relations with the General Government,[9] Mr. Fitzpatrick presented in the convention a resolution urging:

> That a memorial be sent to Florida's Delegate in Congress claiming admission to the Union;
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> That two members be sent to Washington to present the memorial;
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> That the Delegate in Congress be requested to urge admission "at the present session of Congress."

The bone of contention in the Convention was the proposed article with reference to banking.[10] The occasion for that controversy was the fact that Florida was then suffering from the collapse of a boom (not the last, unfortunately), attributed by many to the unscientific conduct of banking under laws which permitted the issuance of bonds of the Territory to guarantee the obligations of banks.[11] The division was mainly on party lines, the Whigs favoring, and the Democrats opposing, the banking interests.

The contest in the Convention was foreshadowed in the session of the Legislative Council at which the act calling the Constitutional Convention

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6. Compiled List in State Library.
7. Knauss, 139.
8. Knauss, 143.
9. Knauss, 164-167.
10. F.H.Q., Oct. 1937, p. 107.
11. 1 Cash, 323 et seq.

was passed, February, 1838. In the *Apalachicola Gazette* of February 19, 1838, appeared the following comment on the selection of a meeting place for the Convention:

"The selection of St. Joseph resulted from a log-rolling compromise between the East and the West. Says Fizzy to Peter, 'scratch my back and I'll tickle your elbow'. The Proposition suited the fancy of both parties. So Peter scratched the Banks, and Fizzy tickled the Town"[12] (St. Joseph).

Fizzy was Richard Fitzpatrick, then a member of the Council, and Peter was Peter W. Gautier, Jr., a leading citizen and editor of St. Joseph, soon to be United States Marshall, and later speaker of the House in the Legislative Council.[13]

When the Convention assembled, the vote for President was a test of strength between the friends and foes of the banks. The latter won by a vote of 27 to 26, Mr. Fitzpatrick with the minority.[14]

January 12, 1839, Mr. Fitzpatrick in a discussion of a "resolution upon banking", "hoped that the resolutions, and article would now be taken up, as he desired to offer a substitute for all the propositions, which he thought would satisfy all the gentlemen, and remove the difficulties which seemed to surround the vexed question."[15]

But the subject was postponed.

The article on banking, among other provisions, forbade the General Assembly to "pledge the faith and credit of the State to raise funds in aid of any corporation whatsoever"; and empowered the General Assembly "to regulate, restrain and control, all associations claiming to exercise corporate privileges".[16] Other restrictions were more drastic.

Toward the end of the Convention, Mr. Fitzpatrick on two occasions protested against the inclusion of the Article on Banking, on the ground that it was adopted in the absence of a quorum.[17]

On the final vote upon the adoption of the Constitution as framed, Mr. Fitzpatrick alone voted "Nay", and his name does not appear among

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12. F.H.Q., July 1937, p. 37.
13. F.H.Q., April 1942, p. 380; Oct. 1938, p. 102.
Gautier was not a member of the Convention. His activities were largely directed to advancing the development of the young town of St. Joseph. It is said that he removed later to Texas. His father, Rev. Peter W. Gautier, who acted as Chaplain of the Convention, was an ancestor of the Gautiers of Miami.
14. F.H.Q., Oct. 1937, pp. 101-102.
15. J.C.C., 113; Knauss, 187, 190.
16. Whitfield, 120; F.H.Q., Oct. 1937, p. 108.
17. J.C.C.

those of the signers of the document.[18] However, an indication that he became reconciled is found in the fact that his county voted unanimously for ratification.[19]

Later Mr. Fitzpatrick appears in another role. In purusuance of an appointment by Governor Call, he proceeded "to the Island of Cuba to purchase bloodhounds for the purpose of employing them against the Seminoles".[20]

He sailed from St. Marks in a chartered sloop November 27, 1839, arrived at Matanzas December 6, remained four days in quarantine, finally landed; but could get no information about bloodhounds. At the suggestion of an acquaintance whom he happened to meet, he went on to "Madruga on the south side of Cuba". There he found dogs, but had great difficulty finding men competent to train and manage them, and who were willing to accompany him to Florida for that purpose. No one knew on what part of the globe Florida was situated. They knew no English, were influenced by the prejudices of religion, were strongly against our government and were terrified by their notions of Indian warfare.

Finally he reached Matanzas and sailed with 33 bloodhounds and five Spaniards (including one named Batista) to serve as valets to the dogs. After weathering heavy gales, with his vessel "very near being wrecked", he was obliged to put in at Cedar Keys for repairs, food and water. He received every attention from the army officers there and arrived at St. Marks January 7, 1840.

His report to Governor Robert Raymond Reid, successor to Governor Call, is full of interesting details, from which the foregoing is abstracted. The report is accompanied by a statement of account showing, inter alia:

Cost of 33 bloodhounds	$2,733.00
Charter of sloop	600.00
Compensation	1,000.00

Another interesting character, less illustrious than Fitzpatrick, but notorious in his own right, was Jacob Houseman. When Dade County was established, Houseman was in possession of Indian Key, claiming to be the owner, by virtue of squatters' rights which he had purchased from two men, Fletcher and Prince, who had located on that Key about 1823 or 1824. Houseman had erected certain improvements and developed a thriving business of its kind.

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18. F.H.Q., April 1938, p. 243.
19. F.H.Q., Oct. 1938, p. 104.
20. J.L.C., p. 8 *et seq.*

An intimation of the nature of Houseman's business appears in connection with an application, in 1838, for the establishment of a Port of Entry at Indian Key.[21] It was shown that there were four families on the Key, including that of the inspector of customs. "The others are the proprietor's and persons in his employ." The total number of white persons was 21 and the total number of blacks 26.

The application was signed

"W. A. WHITEHEAD[22]
In behalf of merchants and others at Key West"

"*New York December 1838*"

But there was a back-fire. Other citizens of Key West protested, and Mr. Whitehead in the spirit of fairness presented the protest in which it was recited:[23] "Dade County has been set off from Monroe, and Indian Key is in the new county of Dade, which does not possess men enough in its entire population to form a grand and petit jury. Mr. Houseman combines in himself the legislative, judicial and executive authority as lord of his insular proprietory." Therefore "Indian Key, by the legislation of our territorial Council, and on the application of Mr. Houseman, has been, for the last three years, and still is, placed beyond the reach and protection of the ordinary operation of law."

As further appeared from the protest, Houseman had been found in admiralty to have been guilty of fraud and embezzlement, fraudulent collection of "salvage," etc. A decree had been entered against him at Tallahassee for $8,600.00 obtained by him as fraudulent salvage by connivance with the Captain of a certain vessel.

The protestants prevailed.

Pertinent to the accusations of Houseman's adversaries, it may be enlightening to insert some figures taken from a report made to the Legislature in 1872,[24] which was based on the records of the Admiralty Court at Key West and covered the years 1848 to 1859.

Total number of vessels partially wrecked	618
Total value	$22,043,327.00
Salvage adjudicated	1,595,101.00
"Total expenses incurred by vessels adjudicated upon"	2,666,388.00

21. Senate Documents, 3rd Session, 25th Congress, p. [26].
22. William A. Whitehead had lived at Key West and engaged in newspaper work. He had distinguished himself as a writer and had served as Collector of the Port and as Mayor. At the time of this incident he had just left Key West and moved to New York. Later in New Jersey he was active in educational, scientific and financial circles. See Browne, 200.
23. Executive Documents, 25th Cong., 3d Session—H.R. Document 41—Dec. 1838.
24. House Journal 1872, pp. 894-895.

The report also states: "The total wrecks south of Cape Canaveral unadjudicated are probably equal to the same amount." Evidently wrecking was big business.

In fairness, however, it should be said that the current estimate of "wrecking" as a wholly nefarious trade must be modified. In the absence of adequate governmental protection, vessels engaged in coast-wise navigation were subject to dangers that are unknown today, and wrecks on the coast of Florida and on the Bahamas were of frequent occurrence. The stranded ships could look to no source of help but the "wreckers," whose vessels, adapted to the purpose, constituted a sort of volunteer coast guard. As their compensation for services rendered to ships in distress, admiralty law allowed salvage, and the claims of the salvors were adjudicated by the courts of the United States, usually by the Court at Key West.

Certainly many of the wreckers were engaged in legitimate business and conducted it in good faith, as is indicated by the fact that in 1847, the Congress of the United States enacted a law, applicable only to the Florida coast, restricting the right to engage in wrecking to vessels and masters licensed by the district court. Among the conditions for the issuance of such licenses, it was required that the vessel must be seaworthy and properly equipped and that the master must be trustworthy and innocent of fraud or misconduct in the conduct of his business.

But the enactment of this law was a recognition of the fact that fraud and misconduct on the part of wreckers were not unknown. The opportunity was too great and the temptation too strong to be always resisted; but usually the most flagrant instances of abuse were partly "inside jobs," by collusion between a crooked wrecker and a crooked master for the purpose of collecting insurance or dividing the salvage of a "rescued" cargo.

In 1835, of twenty vessels listed as employed in wrecking on the Florida reefs, four were from the home port of Indian Key and two from Key Vaccas, presently to be embraced in Dade County.[25]

In a lawsuit of comparatively recent date, the bill of complaint recites that about 1840 the reputed owners of the Mary Ann Davis Grant on the south end of Key Biscayne agreed to colonize the tract. A part of their plan (involving a subtle classification of wreckers) was to get, among others, "*respectable* wreckers, with substantial vessels, to bring

25. Browne, 162, 224.

their goods to the island and make it their homes, and their vessels to hail from the Town of Key Biscayne."

Returning to Indian Key, then the County Seat of Dade County, and to Jacob Houseman, we find a remarkably high estimate placed by some on Houseman's prowess, as witness the following from the proceedings of the Legislative Council, February 17, 1840:[26]

"The Committee on the State of the Territory, to whom was referred the memorial of Jacob Houseman, presented the following preamble and resolution:

". . . And whereas Jacob Houseman, of the Island of Indian Key, in South Florida, has presented his memorial to this Legislative Council, setting forth and proposing, that he will contract to catch or kill all the Indians in said South Florida and in the neighborhood of the Everglades, for the sum of two hundred dollars for each Indian he shall so catch or kill. And whereas in the opinion of this Legislative Council, it offers the most economical and effective mode of ridding the country of these lawless banditti, and is at the same time more calculated to effect the objects of the Government in relation to the Indians:

"Be it therefore Resolved by the Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to urge upon the President of the United States the expediency of contracting with the said Jacob Houseman, in accordance with the proposals offered in his said memorial."

"Which was read."

We know nothing further of Houseman's proposal, but we do know that within four months, on August 7, 1840, the tragedy of Indian Key was enacted. We usually think of that catastrophe chiefly in connection with the death of Doctor Henry Perrine. In the last number of Tequesta is an informative article by T. Ralph Robinson which gives us a very clear picture of Dr. Perrine's work and vividly portrays the slaughter and desolation wrought by the Indians.[27]

Four days after the attack on Indian Key, Lieutenant J. T. McLaughlin made a report from which the following excerpts are taken.[28]

"United States Schooner Flirt
Key Biscayne."

"That the Indians were conducted to this attack by some person or persons acquainted with the localities of the Key, cannot be doubted. Their landing was effected on the outside of the Key, at a point most remote from their approach, yet at a corner of the town uninhabited, whilst every consideration, if ignorant of the fact, would have induced them to have landed at a point directly opposite . . . Again negroes were seen among them, who, with others, were heard to speak English, and these last not in the dialect of the negro . . . Lieutenant Commander Rogers, in the Wave, had left there

26. J.L.C., 1840, p. 117.
27. Tequesta, Aug. 1942, p. 16.
28. U.S.H.R. Committee Report, pp. 8-9 (1848).

but the day before for Cape Roman, carrying with him from Tea Table Key every man, capable of doing service but five. That his departure was communicated to or looked for by the Indians, there can not be a doubt . . . Dr. Perrine, Mr. Motte, his wife and two young children and a lad named Turdy were killed; the latter drowned in a cistern in which he had concealed himself. . . . The widow and family of Dr. Perrine have taken shelter in this vessel, awaiting transportation to the north."

Dr. Perrine was buried on Lower Matecumbe Key; but many years later his remains were removed and interred in the family lot in Palmyra, N.Y. His monument is of granite, representing a cocoanut palm, on which is a tablet with a short narrative of the Indian Key Massacre.[29]

In this connection it would not be fitting to pass over a document bearing the signature of Dr. Perrine.[30] It may have been published heretofore, but, if so, it has not come to the attention of this writer.

To his Excellency the Governor and to the Honorable the Legislative Council of Florida

The Memorial of Henry Perrine, Doctor of Medicine and Counsul of the U.S.A. for Campeachy and adjacent Ports in Mexico

Respectfully Sheweth

That your Petitioner is a native american citizen who has resided several years in the Mexican States of Yucatan and Tabasco which abound in tropical vegetables of great importance to Agriculture, Manufactures and Commerce.

That from the date of the arrival of your Petitioner, in his Consular District his education, profession, and general habits directed his attention to the most celebrated plants of that region; that by the Circular of the Treasury Department of the 6th September 1827 he was officially invoked to aid in introducing into the United States such foreign trees and plants of whatever nature as may give promise, under proper cultivation, of flourishing and becoming useful; and that in obedience to the wishes of the general government thus manifested he has ever since that period dedicated his time, services, and funds to promote the objects therein expressed.

That the obstacles to enquiry and observation interposed by the character of that country and of its inhabitants are so great and so numerous as to be scarcely credited by the residents of our happy confederation; yet that your Petitioner *without* appropriation from Government, or gains from his office, but *with* his profession was enabled by the gratuitous and politic distribution of his medical services to purchase much valuable intelligence concerning the vegetable productions of that Section of Mexico.

That a reference to the communications from your Petitioner now on file in the Treasury Department of the United States with the dates of January 1st 1829, January 1st 1830 and November 8th 1831 will show the entent of the information thus transmitted and the amount of money sacrificed by him in his endeavors to fulfill the desires of the aforesaid Circular.

That although the labors of your Petitioner have been hitherto productive of comparatively little utility to his country on account of the difficulties and disappointments connected with his repeated transmission of living vegetables, yet he is still firmly

29. Browne, 89.

30. Original document in custody of the Secretary of State.

persuaded that various tropical plants may be successfully domesticated in the United States with great private emolument and still greater public utility.

That your Petitioner believes that the introduction alone of the fibrous species principally belonging to the Genus Agave, will constitute an epoca as memorable in our agricultural and manufacturing annals as the invention of the cotton gin; that the extensive cultivation of merely those varieties of the Agave *Sisalana* whose leaves produce the substance known in commerce by the name of Sisal Hemp, will form a great staple of prosperity to the Planters of the South while it furnishes a new material to the Manufacturers of the North; and that although the benefits of their domestication must be more immediately enjoyed by our Southern States, their value will soon be experienced by the country at large.

That in the opinion of your Petitioner the southern part of the Peninsula of East Florida, in climate, soil, and geographical position affords the highest advantages for the commencement of the great enterprise of introducing and domesticating tropical plants in the United States; and that in his belief he possesses sufficient information on this subject to attract the Capital and Associates necessary to accomplish this most important portion of the views of the aforesaid Treasury Circular.

That he therefore respectfully asks an act of incorporation for himself and his associates to form a Company for the more convenient execution and success of the enterprise to introduce into said Peninsula such tropical vegetables as may be useful to the United States.

That he also respectfully solicits the approbation of the Government of Florida to an application to the General Government for a grant of land to himself and his Associates, to be by themselves selected and appropriated to the objects of their incorporation.

To explain with greater precision the views and the wishes of your Petitioner, he refers to an extract from his letter to the Secretary of the Treasury published in the Washington Globe of the 19th Nov. last—a copy of which is subjoined; and also to the Draft of the Bill or Charter which is hereunto annexed.

New York 17th December 1831. HENRY PERRINE

This memorial was presented to the Territorial Council in January, 1832, and laid on the table;[31] but action was to be taken later.

Manifestly Dr. Perrine had selected Florida as the field of his valuable scientific experiments soon after he began his career of plant development in Mexico. The importance of his work was recognized in 1838, when by an act approved February 8,[32] the Legislative Council incorporated the Tropical Plant Company of Florida with Henry Perrine, James Webb and Charles Howe,[33] as directors. In July, 1838, the Congress of the United

31. From an endorsement on the document.

32. Acts, 1838.

33. Charles Howe was Inspector of the Port and Postmaster at Indian Key and a survivor of the Massacre.
James Webb, a Georgian, was the first Judge of the Superior Court at Key West. In April, 1838, he retired from office, moved to the Republic of Texas and became Secretary of State.
Browne, 65.

States passed an act granting to "Dr. Henry Perrine and his associates * * * a township of land * * * in the southern extremity in the peninsula of East Florida to be located in one body".

The location was tentatively made by Dr. Perrine, but was not officially made until after his death. This tract of land was confirmed to Dr. Perrine's widow and heirs, but their title was not perfected by patent until 1897.[34]

This and a grant to General Lafayette of a township adjacent to Tallahassee are probably the only Florida grants of like extent made in recognition of public services.

By the efforts of Dr. Perrine's son, Henry E. Perrine, who escaped at the time of the massacre, and Charles Howe, 36 families from the Bahamas were induced, about 1848, to establish homes on the Perrine Grant, as it is now called; but for fear of the Indians they soon abandoned the settlement.[34]

In a letter dated "Indian Key, Novr. 8th, 1840", Charles Howe wrote of Captain Houseman in terms that could not be construed as partial or flattering, and says that he "has cleared out for good".[35] But this last statement turned out to be neither good history nor good prophecy.

July 25, 1848, we find a committee of the House of Representatives of the United States reporting upon a claim of Jacob Houseman.[36] The substance of the claim, as set forth in the report, was as follows: Houseman represented that "upon August 7, 1840, he was in possession of an island on the coast of Florida called Indian Key"; that he had "erected upon the island quite a village"; had "cut out in the rock * * * several cisterns of large dimensions, to catch and contain water"; that on August 7, 1840, the Indians "attacked the island, murdered some of the inhabitants and carried away all the property", after burning the buildings and much personal property. He estimated his loss at $144,000.00.

Just why the Government should be held responsible is not made entirely clear, but apparently the claimant tried to make it appear that his business was carried on for the benefit of the army and that the army failed to protect him. Judge Jefferson B. Browne, in his account of the Indian Key Massacre, gives some countenance to this view of the matter.

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34. Many of the data concerning the Perrine Grant are taken from an opinion on the title to the Grant prepared many years ago by the late George M. Robbins of Titusville, Florida, in his day the outstanding lawyer of the East Coast, and who practised in Dade as well as other counties.
35. F.H.Q., Oct. 1941, p. 197.
36. Executive Documents—Report 798 to U.S.H.R., July 25, 1848.

The Committee refused to recognize that contention and held, to the contrary, that Houseman was engaged in a private business largely dependent on the army for support. The Committee also reported adversely on the claim and found, as a fatal defect, that Houseman had no title to the land; that the island was the property of the United States and that Houseman occupied by permission of the Government.

The report takes special notice of "the remarkable fact that some fifteen or sixteen thousand dollars of this claim is for the *burning* of cisterns cut in the *solid rock* of the island, and they filled with water at the time. True that climate has the warmth of a southern sun, but how this was done is not *perfectly plain* to this Committee."

The allegation of those who opposed the establishment of a Port of Entry at Indian Key, to the effect that the new county was not self-sufficient governmentally, finds support in two acts of the Legislative Council passed in 1837 and 1840. The first of these[37] directed the Judge of the Superior Court of the Southern District to hold court at Indian Key on the first Monday in December of each year "until the county seat shall be established"; but the act approved March 2, 1840,[38] evidently passed to facilitate the administration of justice in Dade County, provided that the Superior Courts of Dade and Monroe should have authority to summon, for service in each of those counties, jurors from both of the counties.

By an act of February 25, 1841, the jurisdiction of the Superior Court of Monroe was enlarged to give that court "original and exclusive jurisdiction over all crimes committed in the County of Dade and over all civil causes not coming within the jurisdition of Justices of the Peace and the County Court of said county, from and after the passage of this act until the same shall be repealed".[39]

From the spoliation of Indian Key, the destruction of the County Seat, Dade County's tide was on the ebb. An interesting sketch of conditions is to be found in the following report to the Governor, made by W. C. Maloney, "Acting Clerk" of the County Court of Dade County in 1843:[40]

"The undersigned encloses copies of the Election returns as made to him of the result of the Election held on the 6th November 1843 in Dade County; and assigns as reasons why the law has not been complied with"

"1st That it is inapplicable to Dade County from the fact of the county seat being

37. Acts, 1837, p. 6.
38. Acts, 1840, p. 39.
39. Acts, 1841, p. 23.
40. Document in State Library.

totally deserted since its destruction by the Seminoles on the 9th August, 1840; and further that the nearest settlement is 25 miles from the County Seat, Key Vaccas on the one side and Cape Florida 100 miles on the other."

"2nd That the distance has to be travelled by water. Consequently the Clerk cannot get to persons competent to canvass votes or they to him under 10 or 12 days. Even provided the weather is good."

"3rd That in consequence of the destruction of the County Seat and the total abandonment of the County (until within a few months past) the Clerk has not deemed it safe to reside in that County."

"4th That not more than one in Ten at the nearest settlement is competent to canvass the votes as will be seen by reference to the certificate enclosed. The referees having to X for their names."

"Under these disadvantages (for the truth of which reference is made to Senators English and Smith) copies of the returns made to the Acting Clerk are forwarded to his Excellency the Governor, with the hope that they may reach him in time to elicit such remarks thereon as will convey to the Legislative Council a just idea of the impediments in the way of complying with the Law on Elections of 1843. Especially in Dade County."

"The Clerk for his justification would inform His Excellency that since the destruction of Indian Key (the Co. site) and his residence at Key West he has ordered a Special Election to fill the place vacated by his removal. And also another Election was ordered at the stated time in 1842 for the same office. No candidate appeared, nor was there a vote given for such an officer. And the only reason given for not appointing him a successor was that there was not in the whole county a competent person to fill the office. The Acting Clerk was in possession of the Seal, the only thing left by the Indians whereby to recognize the County Court of Dade, and as a matter of accommodation to the former residents he has at his own costs procurred a Book and recorded such papers as he has been requested to record; and has made all former returns of Elections, simply because no one else would do it—as no Emolument is derived therefrom."

"The undersigned Acting Clerk of Dade County, believing that the past election will be the subject of scrutiny before the House of Representatives as regards the number of votes legally Polled, and the Qualification of the Candidates has made the returns directly to the Governor, as they cannot be returned agreeable to Law to the Secretary of the Territory."

"He will also make a communication directly to the Speaker of the House of Representatives and will furnish any further information to the Governor in the meantime that may be deemed necessary."

"W. C. MALONEY
Actg. Clerk Dade Co. Ct."

Mr. Maloney's report followed an election held November 6, 1843; and promptly thereafter, March 6, 1844, the Legislative Council met the situation by passing

"*An Act to Legalize the Acts of the Acting Clerk of Dade County.*"[41]

"Whereas, since the depopulation, or abandonment of Dade County, caused by

41. Acts, 1844, p. 15.

Indians in 1840, the citizens have failed to elect a Clerk for said County, and the then Clerk has acted in said capacity, and performed all the functions of Clerk of the County Court of said County. Therefore.

"Be it enacted by the Governor and Legislative Council of the Territory of Florida, That all proceedings had under, and acts done by, the Acting Clerk of the County Court of Dade, be, and the same are hereby legalized, and declared valid and good, as fully and completely as if the law had been complied with."

Only three days after the approval of the foregoing validating act, there was a sign of rejuvenation. On March 9, 1844, it was enacted. "That the County Site for the County of Dade shall hereafter be at Miami, on the South side of Miami River, where it empties into Bescaino Bay."[42] That act furthermore repealed the act of February 25, 1841, which had subjected Dade County to the jurisdiction of the Superior Court of Monroe. Possibly this legislation was in anticipation of statehood, which was attained in 1845.

But even with Miami as its new Capitol, and with its participation in statehood, the administration of justice seems to have been unsatisfactory, as is indicated by the petition of twenty-four citizens which was submitted to the General Assembly of the New State at a date when the times were out of joint, though the exact time is uncertain.

"*To the Senate & House of Representatives of the General Assembly of Florida*

"The undersigned citizens of Dade County show to your Honorable body that the County of Dade has a very small population scattered over a large section of country. That owing to these causes they have no officers, nor have they a prospect for a long period hence, that there will be a sufficient population to induce persons to hold office. That owing to this want of officers inconvenience has occurred & great inconvenience may yet occur to the citizens of said County from the want of proper tribunals for the administration of Justice & the settlement of estates & other business pertaining to a Court of Ordinary.

"Wherefore your Petitioners pray that the County of Dade may be united to the County of Monroe for all judicial purposes & that they may have the right of resorting to the Circuit Court, the justice Courts & the Probate Court of the County of Monroe, the people of Dade being allowed to vote for all the officers elected by the people, constituting or pertaining to said Courts."[43]

Doubtless that petition was one of the factors which contributed to the passage, December 11, 1850, of an act of the General Assembly by which Dade and Monroe were consolidated as one Court District, with the provision that Court should be held at Key West and should exercise

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42. Acts, 1844, p. 17.

43. Original Document in custody of the Secretary of State.

jurisdiction over both counties, and that the jurisdiction of Justices of the Peace should extend over Dade.[44]

Other provisions of the act were:

Section 2. "All dockets and records and files belonging to the Circuit Court of Dade County shall be transferred to the Clerk of Monroe," who was required to keep a separate book and record all Dade County instruments separately.

Section 5. When "proper officers of Dade shall have duly qualified for the discharge of their respective duties, this act shall cease and be void, so far as relates to civil causes," but not as to criminal causes "and the Clerk of Monroe County shall thereupon transfer to the Clerk of Dade County whatever records and papers he may have, disconnected with the criminal causes of said Dade County."

Thus, as to the administration of justice, Dade was made the ward of Monroe.

Some slight signs of life are found in a resolution of 1848 and a statute of 1850, passed by the Legislative Council. The resolution called on the Senators and Representatives in Congress to have a mail line extended from New Smyrna to Ft. Pierce and Cape Florida.[45] The statute appropriated one thousand dollars for the opening of a road from Miami to Indian River.[46]

For the near-abondonment and continued lethargy of Dade County, the primary cause was the Seminole War. The first six years of the infancy of the County were the years of that conflict.

The Dade Massacre was the Seminoles' declaration of war. The savages of Pearl Harbor had their prototype in the savages of Florida.

When Major Dade entered Florida and began his march that was to end so disastrously, there had been no general hostilities. The troops came supposedly for a sort of police duty, to render aid in carrying out the treaty of removal to the West. It was still contemplated that the removal would be accomplished without resort to arms. These conditions doubtless contributed to the success of the Indians in their attack.

From December 28, 1835, the war was on. On the day before Mr. Fitzpatrick appeared in the Legislative Council, bringing his plan for a new county, the day on which the Council assembled and adjourned for lack of a quorum, the unborn county felt the first stroke of the war. A mother and her three children, with the children's tutor, were murdered by Indians at New River.

Alarmed by this outbreak, the inhabitants between New River and

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44. Acts, 1850, Ch. 400, p. 140.

45. Acas, 1848, p. 127.

46. Acts, 1850, Ch. 334, p. 95.

Cape Florida, about two hundred in number, fled to Key West. The keepers of the Cape Florida light fled from an attack and the light was temporarily abandoned.[47]

In the same year, on the twenty-third of July came the attack on Cape Florida, in which the lighthouse was burned, the keeper was wounded and almost roasted and his negro helper was killed. An account of this tragedy, written by Mr. John W. B. Thompson, the keeper of the light, is published by Mr. J. N. Lummus in his interesting booklet, "The Miracle of Miami Beach", and also in Tracy Hollingsworth's History of Dade County.

A later stroke was the Indian Key Massacre in 1840, followed in October by the capture, dismantling, and attempted burning, of a schooner belonging to Mr. Charles Howe, who had remained at Indian Key, and the slaughter of the vessel's crew, as recounted by Mr. Howe in the letter above mentioned. Mr. Howe also said: "The Indians are lurking all around us", using the boats captured from Indian Key on the night of the attack.[48]

These conditions were certainly not conductive to the development of the new county, and it is not remarkable that Mr. W. C. Maloney in the document quoted above should have felt justified in reporting the county abandoned.

There are some indications that the Indians in the Dade County area were not actively united with those who were conducting the war against the white men in the regions further North, and that hostilities in this territory were due to local causes.

If any significance is to be attached to the reference which appears in Mr. Robinson's article in Tequesta, August, 1942, which designates the band of Indians who attacked Indian Key as "Spanish Indians", there might be cause to suppose that they would not have been dominated by the Seminoles.

There is a tradition that the attack on the Cape Florida lighthouse was provoked by atrocities committed by two white men, men with white skins rather. They came in a boat from Key West and robbed the shacks of absent Indians of all the hides and furs to be found. When the Indians of the New River settlement heard what was going on, one of their chief men went to investigate. He found the marauders and demanded the return of their loot within two weeks. On his return at the end of that

47. Browne, 84-85.

48. F.H.Q., Oct. 1941, p. 197.

time he met a friendly reception from the two thieves and indulged in the "Wyomee" they offered. When the Indian was thoroughly inebriated, his hosts murdered him and burned his body in a log heap. The attack on the lighthouse was to avenge this murder. Unfortunately the guilty escaped and the innocent suffered.

Mr. Lummus gives a side light on the massacre at Indian Key. He says that at Houseman's store the Indians were accustomed to buy "fire water". On one occasion they drank freely and became unruly. Houseman arrested them and detained them in an improvised jail, but, anticipating trouble, fled with his family to Key West. Spoliation and murder were the red men's answer.

However one may regard these two stories, we know that the Indian was not without provocation.

Another tradition is that, by the promptings of certain white men, the Indians were aroused against Dr. Perrine, whom they had come to consider, because of his land grant, as the leader of an organized movement to deprive them of their remaining lands.

From time to time the legislative body in Florida has been designated as follows:

> Prior to statehood, as the Legislative Council;
> From 1845 to 1868, as the General Assembly;
> From 1868 to the present time, as the Legislature.

Prior to 1840, the Legislative Council consisted of one House and the sessions were annual. After 1840 and under all the State constitutions, the legislative body has been bi-cameral. The first constitution of the State provided for annual elections and annual sessions of the General Assembly, but by an amendment effective in 1847, elections and sessions were made bi-ennial. That provision has been retained; but in the earlier days there were many special and adjourned sessions.

From the creation of Dade County until 1869, the evidence of official activity is somewhat meagre. At many sessions of the Legislative Council, and later of the General Assembly, no representative for this county appeared at the opening, but sometimes they straggled in later. Since the journals of the legislative bodies are not indexed and in some of them the pages are not numbered, only a meticulous search, page by page, could be relied on to determine whether Dade was represented or drew a blank.

Such a search has been made for the years of the territorial government by Miss Dorothy Dodd, of the State Library, and the list for those years is complete. Miss Dodd has aided greatly in locating data for this article

and in portions of it the author might properly be said to be ghost-writing for her, but without her consent.

Apparently in those early days the county offices were often vacant. At the legislative session of 1836, three justices of the peace and three auctioneers, and Charles Howe as notary public, were nominated for Dade County and Charles Howard (Howe?) was appointed County Judge.[49]

Among others who are known to have served were:

W. C. Maloney, Clerk,	1839, 1840
Charles Gyles, Sheriff,	1844
R. R. Fletcher, Clerk,	1844 - 46
S. B. Hill, County Judge.	1845
W. H. Hilliard, County Judge,	1850
Charles W. Lee, Clerk,	1851
George P. De Medicis, William McCullough, William H. Mears and Henry Could, County Commissioners,	1850

The lawmakers who are known to have represented Dade in the legislative halls to and including 1868 are:[50]

Richard Fitzpatrick, Representative,	1831, 1832, 1835, 1836, 1837, 1838, 1839 and 1840;
William F. English, Senator,	1840, 1841, 1842, 1843 and 1844;
Temple Pent, Representative,	1841, 1842, 1843, and Senator 1845;[51]
John P. Baldwin, Representative,	1844;
Robert R. Fletcher, Representative,	1846, 1847;
Theodore Bissell, Representative,	1858, 1859, 1860.

Robert R. Fletcher also represented Dade County in the Constitutional Convention of 1865.[52]

Dade was in a senatorial district which embraced other counties, and some of the senators who represented the district came from those counties. No attempt has been made to include them in the foregoing list.

In 1866, there were radical changes in the boundaries of Dade County.[53] Indian Key was left out and the south line was established as

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49. J.L.C., pp. 114, 123.

50 Compiled List in State Library. Senate and House Journals, *passim.*

51. Temple Pent seems to have been the "Old Squire" of the Young County. He appears frequently in the records as a Justice of the Peace. Some of his descendants are still in the County. Among them is his granddaughter, Mrs. C. H. Perry, from whom we learn that he was a native of New York and came to Florida during the days of Spanish occupancy.

52. Whitfield, 163.

53. Acts, 1866, Ch. 1592, p. 62.

it now is. The north line was placed approximately at the St. Lucie River instead of the Hillsboro River, thus including Lake Worth (Palm Beach) and Jupiter.

One noticeable item in the new description is the reference to Lake Okeechobee, which had been referred to in the earlier acts as Lake Macaco. One of the earliest evidences of the adoption of the new name is a frontispiece map, dated "Dec. 1841-Jan. 1842," in Sprague's "Florida War," on which the Lake is designated at Okee-cho-bee. That map shows Miami River, Ft. Dallas, Key Biscayenne and Ft. Lauderdale.

An indication of the confusion of the two names is found on a map of 1838. The cartographer attempted to delineate the boundaries of the new County of Dade, and to do so he must (on paper) locate Lake Macaco. What he actually did was to place Lake Okeechobee approximately in its proper place and make a Lake Macaco all his own, lying a considerable distance south of Okeechobee.

He was not quite so far afield as another confused map maker, who located Dade County on the Gulf coast about where it would take in the scene of the Dade Massacre.

In 1874, there was further legislation which corrected certain very indefinite references in the boundary description of 1866, but made no material changes. These boundaries remained unchanged until 1909, but it is not necessary to consider the creation of three new counties out of the northern part of the Dade of 1874.

So far as this record will show, Dade County's next appearance in the legislative halls was in 1868, when the Senate met, pursuant to adjournment, July 6, "the permanent president Lt. Gov. Wm. H. Gleason in the chair."[54] He was from Dade County. William H. Hunt was senator from 1868 to 1872.[55] Isaiah Hall was representative in 1868 and 1869, but for the latter year drew no pay, a sufficient evidence that he did not attend. Again in 1871, 1872, 1873 and 1874, Mr. Gleason appeared in the House as Dade's representative.[56] E. T. Sturtevant was senator from 1872 to

54. Senate Journal 1868, p. 650.

55. Prior to 1874, the names of legislators can be found by careful examination of the Journals of the Senate and House, sometimes in the record of the proceedings of the first day of the session; but frequently they did not appear until a later day. See House Journals 1871, p. 667; 1872, p. 820. In the House Journals of 1873 and 1874, the pages are not numbered.

Other sources of information are the early Record Books of the County Commissioners and Miscellaneous Record A.

56. In the Acts of 1874 and all subsequent acts, the names of the legislators appear in the prefatory pages of the published volumes.

1876, and in 1875 W. W. Hicks was representative. Dade's member of the House for 1877 was John J. Brown; but in the roster of senators for that year, Dade's district is shown: "21st ——— ———"

Thereafter the following legislators represented Dade County:

Senators, all from Brevard County:

W. H. Sharpe,	1879, 1881, 1883;
H. S. Williams,	1885, 1887;
Gardner S. Hardee,	1889, 1891.

Representatives:

J. W. Ewan of Miami,	1879, 1885;
R. B. Potter of Biscayne,	1881;
John H. Brelsford of Lake Worth,	1883;
James Wood Davidson of Figulus,	1887;
W. D. Albury of Miami,	1889;
E. N. Dimick of Palm Beach,	1891.

In the mean time the County had begun to sense the value of taxes and the necessity of fiscal management. The first record, now to be found, of meetings of County Commissioners is dated September 6, 1869.[57] The commissioners present at this first recorded meeting were Andrew Price, Francis Infinger and John A. Addison. In 1871, the commissioners were George Sears, Samuel Jenkins, A. Price and Michael Ziairs.[58]

At the meeting of October 30, 1874, the Commissioners decided a grave question of constitutional law with perfect aplomb. In revising the poll list of the County, as they were required to do, they struck a number of names, noting in each instance the cause, such as "Dead," "removed from the county," etc. In one instance the name of a prominent citizen, who was neither dead nor removed nor an Ex-Confederate, was followed by the notation: "Renounced his allegiance to the United States."[59] Nevertheless, this man without a country, at an election held three days later, was a candidate for office and received more than a third as many votes as his successful opponent.[60]

It is not practicable to include the names of all County Commissioners, but the records from 1869 to the present time are reasonably complete and contain, in the jury lists and poll lists, an approximately complete enumeration of adult male inhabitants prior to 1890.

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57. County Com. Record, p. 1.
58. *Idem.* p. 5.
59. *Idem.* p. 14.
60. Misc. Record A, p. 31.

Among the other officers who served during that era were:[61]

COUNTY JUDGES

E. T. Sturtevant,*	1872;
William H. Hunt,	1874;
David Brown,	1876-1877;
Tavernier W. Faulkner,	1877,1886;
John Adams,	1880;
A. E. Heyser,	1888, and many years thereafter

CLERK OF THE COURT

E. D. Beasley,	1869;
William H. Gleason,	1870-1874;
Richard B. Potter,	1877-1878;
T. W. Faulkner,	1881-1882, 1885, 1886;
Henry T. Priest,	1888;
A. F. Quimby,	1889.

SHERIFFS

Francis Infinger,	1870;
William J. Smith,	1874, 1876;
John T. Peacock,	1877;
William M. Mettair,	1885, 1886, 1887;
John F. Highsmith,	1890.

COLLECTORS OF REVENUE AND ASSESSORS OF TAXES

Adam C. Richards,	1877;
John T. Peacock,	1882.

COUNTY SURVEYORS

J. W. Ewan,	1882;
E. L. White,	1890.

SUPERINTENDENT OF SCHOOLS

W. H. Benest.

In the legislative sessions from 1868 to 1872, Mr. Gleason of Dade did much to relieve the monotony because of a feud between him and Governor Harrison Reed, both members of the Reconstruction regime, which then had control of the State.

Less than six months after he took office, Governor Reed called the Legislature to meet in Special Session November 3, 1868. On the appointed day the House met, with a quorum present; but the Senate lacked a

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61. Co. Com. Record and Minute Books, *passim.*

*Mr. Sturtevant was the father of Mrs. Julia D. Tuttle and appears to have been her advance agent. His will, not dated, but probably executed about 1870, when he was departing for the wilds of Dade County, carries this solemn preface: "Being about to leave home on a long journey by land and sea, and aware of the liabilities to accident and danger in such cases."

1 Register of Wills, p. 16.

quorum. Exactly half of the senators were present. The House promptly adopted articles of impeachment against the Governor and presented them to the rump senate. The next day, November 7, the Senate adjourned, still without a quorum, and without attempting to act on the impeachment.

Thereupon Lieutenant Governor Gleason, who was admittedly a party to the impeachment proceedings, relying on a provision of the constitution to the effect that an officer under impeachment should be automatically suspended from office, assumed the role of Acting Governor. But Reed still held physical possession.

On November 9, Reed applied to the Supreme Court for an opinion as to his status. Gleason, as "Lieutenant and Acting Governor," also addressed the Court, denying their power to render an opinion on the subject. On the 24th of November, the Court rendered their opinion, holding:

> That there could be no lawful session of the Legislature without a quorum of both houses;
>
> That because there was no quorum of the Senate, the session was abortive;
>
> That articles of impeachment can be effective only after they have been duly presented to the Senate;
>
> That there was no presentation to the Senate because the Senate was not there;
>
> And that consequently there had been no impeachment.[62]

But Reed was not through.[63] On November 19 his Attorney General filed a proceeding to oust Gleason from his office of Lieutenant Governor, on the ground that Gleason had not been, when elected, a citizen of Florida for three years, as required by the constitution.

Gleason correctly attributed this proceeding to Reed and one revealing allegation was that in his candidacy for the office he had had the active support of Reed, who then knew of Gleason's ineligibility.

The account of this proceeding abounds in interesting details, but it is enough to say that Gleason was ousted. According to Gleason, Reed was robbing the State, and Reed's version was that he had refused to agree with Gleason on a scheme of joint spoilation and division of the spoils, and had thereby incurred Gleason's enmity.[64]

In 1869 and 1870 there were a second and a third attempt to impeach Governor Reed, but the House refused in each instance to vote impeach-

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62. 12 Florida Reports (of the Supreme Court) pp. 654, 657, 659, 660, 667, 674, 683, 685. 1 Cash, 479 *et seq.*

63. 12 Florida Reports, 190 to 271.

64. 1 Cash, 480.

ment.[65] In 1872, Gleason and his colleagues voted unanimously for a committee of seven to conduct an impeachment of Reed. Three days later the committee reported articles of impeachment, accusing the Governor, in many counts, of the fraudulent issuance of State bonds, misappropriation of funds and substituting depleted securities for cash in the State Treasury. Mr. Gleason moved the adoption of the articles as a whole and the motion prevailed. The articles of impeachment were presented to the senate with due formality, but were finally dismissed by the Senate.[66]

However, during these years Dade's representative was not devoting all of his time to controversy. His hand is often seen in constructive legislation and in the reports from departmental offices. Those reports contain data as to Dade County and some of them are expressly credited to Mr. Gleason. In a report of the Superintendent of Public Instruction, submitted to the Legislature in 1870, appears the following with reference to Dade County:

"*Board of Public Instruction appointed July 21, 1869. Organized December 6, 1869. Octaivius Aimar, Chairman; Wm. H. Benest*",

"By the census returns there are only 27 youths between 4 and 21 years in this County. It was the wish of the principal property holders that a tax of one percent should be levied to build a school house and employ a teacher for the children; but no organization of the board could be had in time.

"The few settlers in this county are determined to establish a good school for their children, and wish it understood that immigrants will have ample school privileges secured."[67]

The session of 1872 reveals two items of interest.

The Committee on Equalization reported to the Legislature as to Dade County:[68]

No. of acres of land	35,375.00
Value per acre	.60
Aggregate value	$21,225.00
Aggregate value of personaly	$7,350.00

(This appraisal was not made by the Miami Realty Board)

In the report of the Commissioner of Lands and Immigration is one of those morsels which are still found palatable, on

65. Davis, 614, 615.

66. House Journal 1872, Feb. 7; Feb. 10 (Vol. not paged). Davis, 631, 632. 1 Cash, 481.

67. House Journal 1870, pp. 575, 588.

68. House Journal 1872, p. 878.

"CLIMATE OF SOUTH FLORIDA"[69]

"Observations taken during Indian War"

	AT FT. DALLAS		AT FT. MEYERS	
MONTH	DEGREES	MINUTES	DEGREES	MINUTES
Jan.	66	4	63	4
Feb.	66	6	68	
Mch.	70	4	72	2
Apr.	75	6	73	8
May	77		80	1
June	80	5	81	2
July	82	1	82	9
Aug.	81	8	83	1
Sept.	79	6	81	7
Oct.	77	9	77	7
Nov.	71	3	71	5
Dec.	66	8	64	6

How tenuous was the County's hold on life during the lean years is indicated by a glance at a few poll lists and election returns, as shown by the following very incomplete table:[70]

YEAR	NUMBER QUALIFIED VOTERS	PRECINCTS	NO. VOTING
1836		Indian Key	50
		Key Vaccas	13
1844		Miami and New River	30
1845	7	Indian Key	6
		Key Vaccas	9
	31	Miami	19
1850			66
1870	12		
1872	36		30
1874			59
1876	75		55
1877			14
1885			66

The pulse shown by the census record is not much stronger.[71]

Year	1840	1850	1860	1870	1880	1885	1890	1895
Population	146	159	83	85	527	333	861	3322

October 30, 1874, the County Commissioners "Ordered that there be

69. House Journal 1872, p. 902.
70. Election Returns in State Library. Election Returns in custody of Secretary of State. County Com. Record, *passim.*
71. Com. of Agriculture's Report of Sixth Census of Florida, p. 10.

three precincts opened in this county on the third day of November One at the House of Michael Sairs on Biscayne Bay, Township 53 Range 42, one at the House of H. D. Pierce, Hypoluxo on Lake Worth . . . and one at Jupiter Light House."[72]

The voters of the Miami area cast their ballots at the "House of Michael Sairs," which was near Biscayne Bay and not far North of the Buena Vista section. This Michael Sairs had more than his share of aliases (not of his making). His name appears in the records as Sairs, Sears, Zairs, Ziairs, Zahrs, etc.; but when he executed his will he signed "Michael Zahr."[73]

The jury list, of forty-one names, selected by the County Commissioners in 1880, was prefaced by: "The following persons, being the largest number possible, are selected to serve as Grand and Petit Jurors."[74]

The conduct of elections was decidedly unconventional. The rules of the game were quite lax. Candidates for office were often election officers. Pluralism was an offense not in their catalogue. Two offices for one man were not considered burdensome. Catch as catch can was the general rule.

Here is an illustration. Two citizens, who may be designated as Alpha and Omicron, were candidates, the one for Senator, the other for Representative, at a regular election, and had opposition. The result of the election, certified by Alpha and two others as Inspectors of Election, and by Omicron as Clerk of Election, showed 14 votes for Alpha, 16 for his opponent; 14 votes for Omicron and 16 for his opponent.

Omicron contested the election alleging in his petition to the "Board of County Canvassers," of whom he was one and Alpha was another, "that great injustice has been done by the Inspectors of Election," of whom he was one and Alpha was another, . . . "the constitution and the laws of Florida having been grossly violated by the Board of Inspectors in their allowing citizens of foreign birth to vote" without presenting their naturalization papers.

The contest was successful. A new certificate was filed, showing 14 votes for Alpha, 12 for his oppenent; 14 votes for Omicron and 12 for his opponent. The officials who signed the new certificate were—guess who! Alpha as County Judge and Omicron, by his deputy, as County Clerk.[75]

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72. Co. Com. Record, p. 14.
73. 1 Register of Wills, p. 1.
74. Co. Com. Record, p. 51.
75. Misc. Record A, pp. 20, 22-30.

Be it said, however, that from the evidence adduced, the conclusion was possibly correct.

The election of 1876 requires special notice. The poll list showed seventy-five registered voters. Of these fifty-five voted for presidential electors, twenty-three for the Democrats and thirty-two for the Republicans. Not so many voted on any other contest. A tabulation of the votes for Representative in the Legislature, for which office the candidates were William H. Gleason, Republican, and John J. Brown, Democrat, shows:

	GLEASON	BROWN	TOTAL
Jupiter Precinct	4		4
Lake Worth	3	4	7
"Sears" Precinct	17	23	40
Total for the County	24	27	51

The election was held November 7. Gleason filed a contest, charging gross irregularities at "Sears" precinct. The contestant alleged as grounds of his contest:

> One vote was cast after sundown and by lamplight; Two persons of foreign birth were permitted to vote without producing naturalization papers; After all ballots were removed from the box, the Democratic ballots and split tickets were returned to the box; but the Republican ballots, left lying on a table, fell, or were knocked, to the floor and were gathered up by many persons, including bystanders, and some false ballots were substituted.

Affidavits of election officers and voters, dated November 14, 15 and 16, were presented in support of the contest. The petition of contest demanded that the Canvassers ascertain the true vote cast, or, if that were impossible that votes from the "Sears" precinct be thrown out.

On the seventeenth of November, the Board of Canvassers for the county prepared their certificate showing that the total vote of the county for presidential electors was fourteen, nine Republican and five Democratic; that the vote of the County for Representative was:

For Gleason	7
For Brown	4
Total	11

The canvassers did not, in their certificate, refer to the contest; but the figures show clearly that the votes from "Sears" precinct were not counted.[76] After all the contest came to naught. At the next session of

76. Misc. Record A, pp. 40, 41, 43, 45, 47-50.

the Legislature, Brown was seated and served as the representative from Dade.

The affidavits filed in the contest reveal the political affiliation of about all the voters. They also show that some of the Democrats, among them J. William Ewan and John Addison, voted for Gleason, their Republican neighbor.

The election of 1876 ended the reign of the Reconstructionists in Florida and Mr. Gleason had made his last appearance in politics.

A glimpse of realities in 1876 is given us by Commodore Ralph M. Munroe.[77]

"Shortly after our arrival at Brickell's there was held on his place a meeting of the Dade County Commissioners and we were invited to attend. As the commissioners and others began arriving on boats and canoes, we noticed that many of them were armed to the teeth, ... At my suggestion, in view of the Key West tales, Demarest and I took seats close by the door. But my partner from the far West after a few minutes' inspection whispered to me 'perfectly harmless, Ralph, perfectly harmless!' and so it proved, notwithstanding the political tension and the fiery reputations.

"There was also a fair proportion of well-balanced, progressive folk, genuine pioneers of civilization, who were trying to get a foothold against great odds. The political troubles alluded to were the result of the reconstruction period following the Civil War, commonly called the Carpet-bag Régime. Plans had evidently been laid to absorb everything possible in the way of lands and offices, and they might have succeeded had it not been for the aforesaid real settlers who proceeded to put a kink in the operations and in the end prevailed."

Mr. Gleason's continued activities in the County were not confined to politics. His landed interests were extensive. At one time he claimed to own 640 acres of land bounded on the South by the Sweetwater (Miami) River and on the East by Bay Biscayne. This tract of land, embracing all of the business section of the present City of Miami, was known as the James Hagan Donation. Briefly, the history of this Donation is as follows:

In 1808, the Spanish Government made a grant of land "situated on the Sweetwater River on Biscayne Bay" to John Egan (pronounced Agan by him and Hagan by the Conchs).

After the cession of Florida to the United States, James Egan, son of John, secured the allowance of the claim, which was confirmed by an act of Congress, but in the proceedings, the name of James Egan was officially transmuted into James Hagan. No patent was issued. This opened the way for the heirs of one who rightfully possessed the name James F. Hagan to lay a false claim to the land. William H. Gleason procured

77. The Commodore's Story, 99-100.

from those heirs quitclaim deeds conveying their alleged interests to his wife, and then procured from Washington the issuance of a patent to James F. Hagan, which gave Mrs. Gleason the ostensible title.

Later the depositions of witnesses who knew the facts established the validity of the Egan claim and the fatal weakness of Mrs. Gleason's title. She conveyed her interest for a consideration.

Another tract of land, 620 acres, embracing Brickell Hammock, has a similar history.

In 1831 and 1833, these two tracts of land were conveyed to Richard Fitzpatrick.[78] He made extensive clearings in the hammock, planted tropical fruit trees and cultivated cotton and sugar cane with slave labor until 1837, when he was forced by the exigencies of war to abandon the enterprise. Fort Dallas had been established on his land and many of his plantings were rendered valueless by occupation of the Army. After many years his heirs recovered from the United States an award of $12,000.00 for damage done to his property by the military occupation.[79]

On August 7, 1843, Fitzpatrick conveyed his holdings to William F. English,[80] who in turn undertook the cultivation of the fields, then known as the English plantation. An Englishman visiting Miami in 1874, wrote regarding the Hagan tract:

"The estate formerly belonged to a gentleman who had employed some two hundred slaves in raising sugar, cotton and fruit . . . Traces of this remain in the ruined houses, the groves of cocoa palms, which he planted on the left bank of the Miami River, and the wilderness of fruit trees fast becoming jungle."[81]

That there was some exaggeration as to the number of slaves may be inferred from Dade's census figures, which, at the time referred to, showed a total population of less than two hundred.

Thus two men prominent in the earlier history of Dade County are shown to have been proprietors of the greater part of the City of Miami.

Fitzpatrick was a South Carolinian. His holdings around Miami were mortgaged to Mrs. Harriet English of Columbia, South Carolina.[82] She was his sister and was the mother of William F. English. Fitzpatrick, while living in Key West prior to 1832, was engaged on a large scale in the operation of salt works. A street in Key West was named for him.

William F. English also is said to have moved from Key West to

78. Deed Book E, 510. Deed Book B, 216.
79. 2 Cash, 783.
80. Deed Book 0, 194.
81. 1 Cash, 485.
82. Deed Book A, 269.

Miami, though he may have first moved from Key West to Indian Key. The article on Henry Perrine by T. Ralph Robinson, in the August, 1942, number of Tequesta, contains on page 20 a "Ground plan of Indian Key In 1840"; and that sketch shows "State Senator English's house and kitchen."

The first deed in Deed Book "A," the oldest deed record now in Dade County, is from William F. English. It was executed August 8, 1844, and conveyed a "piece of land" 160 feet square on the North side of Miami River.

April 5, 1845, he executed two deeds conveying Lots 97 and 98 in the "Town of Miami," and in January, 1846 he executed a contract to convey in "Village of Miami," Lots 93, 94, 95 and 96; also a tract of 10 acres on the Miami River, designated Lot 2 (which was more particularly described by metes and bounds, showing this tract to have been South of Miami River).[83] Evidently he had platted a town, but the plat has never been found of record. Indications are that the platted town was on the south side of Miami River.

Senator English left Florida for California in 1851 or 1852, sailing on the "Commodore Stockton," evidently a belated "forty-niner." On that voyage he declared his intention "to make a million in the mines . . . then go back to Biscayne Bay and build up a city on his land there." But his dream was not to come true. About 1855 or 1856, he accidently shot himself, while dismounting from his horse, and died at Grass Valley, California. He had never married and died intestate. His mother and a brother inherited his holdings in Dade County.[84]

Other claimants disputed the title derived through the English family. One of these claimants was Dr. Jeptha V. Harris, who resided on the land from 1870 to 1873, claiming also in opposition to Gleason. Finally he and Gleason sold out to a group who organized a business corporation, probably the first in Dade County, the Biscayne Bay Company, and conveyed their title to it. The president of that company was Joseph H. Day, of Augusta, Georgia, whose name was familiar to Miamians of a later day. His widow lived until recent years.

The Biscayne Bay Company brought to Miami agents who, in suc-

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83. Deed Book A, 57, 58.

84. For the foregoing data as to the James Hagan Donation, we are indebted to an analysis of Mrs. Julia D. Tuttle's title, made by Robbins, Graham and Chillingworth. It is based on documents of record in Dade County and on independent investigation.
See also 2 Cash, 485, 783.

cession, held possession of the disputed lands for many years. These agents became residents of the county and had their part in its affairs. Two of them, W. W. Hicks and J. W. Ewan, represented the County in the Legislature. The others were J. N. Whitner and J. C. Lovelace. Mr. Ewan was the last. His agency ended in 1891, when he surrendered possession of the James Hagan Donation to Mrs. Julia D. Tuttle, the interests of all contenders for lands on both sides of Miami River having been acquired by Mrs. Tuttle and Mrs. Mary Brickell, from whom so many Miamians of the present have derived title to their lands.

Another body of land with an interesting title history is the Mary Ann Davis Grant, about 175 acres on the south end of Key Biscayne. This claim, based on a Spanish grant, was recognized by the Board of Land Commissioners, and by an Act of Congress, March 3, 1823, was confirmed to Mary Ann Davis, wife of William G. Davis, a deputy United States Marshal at St. Augustine.[85]

In 1827, Mr. and Mrs. Davis conveyed to the United States three acres of land, on which the lighthouse stood. Evidently they had ambitious plans of development. In 1839, they conveyed to "Lt. Col. W. S. Harney of United States Army" two lots in the "Town of Key Biscayne, Cape Florida," which were described as bounded by Washington and Jefferson Streets (running East and West) and Jackson Street (running North and South).[86] No map of this town has been found of record.

A later pioneer, whose name appears in the public records, was Andrew Barr, who acquired from the United States, in 1882, a tract of land on the Miami River which embraced all of the present Grove Park. Another was W. H. Benest, an early owner of the tract later developed as Miramar.

The private ownership of lands in the Miami Beach area goes back to 1870. The pioneers in that portion of the County were Henry B. and Charles H. Lum, Ezra A. Osborn, Elnathan T. Field and, later, John S. Collins. Their activities are described in Mr. Lummus' excellent booklet.

Among Nature's benefactions to Dade County, the coontie (commonly called "cumptie") plant deserves a high rank. It grew wild and was poisonous in its natural state, but properly processed it yields arrow root, an edible starch which was once greatly in demand. The production of arrow root, which found a ready market through Key West, was among the more important industries of the young county.

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85. Patent was issued by the United States, but not until 1896. See Records of General Land Office (Washington), Vol. 19, pp. 589, 593.
86. Deed Book C, 237.

For a close-up of life in the early days, probably no illustration is more to the point than that to be found in a deed, executed in 1851, from George W. Ferguson "of Dade County, Florida" to Thomas J. Ferguson.[87] It conveyed:

"All that certain arrow root mill and premises now occupied by the said party of the first part . . . at the head of Miami River . . ., consisting of mill and water power Drying house work shop and Kitchen and one small dwelling house with all other improvements, Machinery and Utensils . . . one small mare formerly owned by R. R. Fletcher . . . entire stock of hogs—about 60 now running about aforesaid premises . . . a flat bottom sail boat . . . all arrow root now on hand . . . and appurtenances thereunto belonging." Among the all-inclusive "appurtenances" was the smell, as is well known by all who were in the county early enough to have personal acquaintance with an arrow root mill.

The relative importance of arrow root as a product of the county was undiminished as late as 1886, as appears from the following, quoted by Mr. Cash from a Florida directory of that year:

"Addison, John A., starch mfr.
Albury, W. D., county commissioner.
Axer, M., starch mfr.[88]
Brickell, Miss A. A., postmistress.
Brickell, W. B., gen. mdse.
Clark, D., starch mfr.
Ewan, J. W., notary public.
Faulkner, T. W., Co. clerk and agt., Florida Land and Mortgage Co.
Filer, H., county commissioner.
Frow, J. W., starch mfr. and county commissioner.
Fuzzard, William, prop. the Biscayne Starch Factory and gen. mdse.
Lickwallier, A., naturalist.
Peacock, C., justice of the peace and collector of revenue.
Sanders, John, starch mfr.
Wagner, Wm., starch mfr. and county commissioner.
White, E. L., county surveyor.
Zairs, N., starch mfr."

In this listing, six persons appear in official capacity only. Ten are shown as engaged in business, and of those ten, seven are "in starch."

The store of William B. Brickell was the emporium of the community. There he conducted a thriving local business with Indians and Whites and dealt with outside markets, particularly Key West.

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87. Deed Book A, 612.
88. This name should have been Oxer. Nearly all of the names in this list are familiar to older present-day residents of Miami.

Two momentoes of the Indian Wars are Fort Dallas and Fort Lauderdale. As to these we have the following information, procured by the Honorable W. T. Cash, State Librarian, from the National Archives:

"The exact date of the establishment of Fort Dallas, Florida, is not indicated. The earliest reference to Fort Dallas is that it was occupied on February 5, 1839, by Company B, 3rd U.S. Artillery, under the command of Captain John R. Vinton. These troops were withdrawn shortly afterward and the fort was not reoccupied until October 22, 1839, when Company I, 3rd U.S. Artillery, commanded by Captain Martin Burke, was ordered to duty there. In the post return prepared by Captain Burke for October 1839 is this notation: 'Capt. Mayo, U.S.N., had a party of men previous to Capt. Burke's arrival at this post but the name having *previously* existed in orders the same was adopted by Capt. Burke.' The post was continuously occupied until February 1, 1842, when by Special Orders No. 16, Army of Florida, the 'troops were withdrawn from Ft. Dallas and that Post together with Key Biscayne delivered over to the Naval force under Capt. McLaughlin.' The fort was again occupied from October 20, 1849, through December 1850. It was reoccupied January 3, 1855, and was finally abandoned on May 28, 1858, by Special Orders No. 37, Department of Florida.

"We have been unable to determine the exact date of the establishment of Fort Lauderdale, Florida, from the records of the War Department in The National Archives. However, the records indicate that the post was established sometime prior to March 16, 1838. In Orders No. 74, Army of the South, March 16, 1838, it is stated that 'The new Post lately established on New River by the Tennessee Battalion of volunteers and Co. D, 3rd Artillery will be called Fort Lauderdale.' The post apparently was abandoned shortly after its establishment, but was reoccupied on February 14, 1839, by Company K, 3rd U.S. Artillery, under the command of Captain William B. Davidson. From September 1839 to February 1840, a detachment of sailors under the command of Lieutenant J. A. Davis, U.S. Navy, was associated with the garrison at the post. On February 1, 1842, in accordance with Special Orders No. 16, Army of Florida, Fort Lauderdale was abandoned."

During the years of obscurity, Miami suffered not only from anemia and general debility, but even amnesia. She appears to have forgot her name. In the official legislative records of 1868, Miami is given as the address of Lt. Gov. Gleason and the Senator from Dade; but in 1874 the address given for both the senator and representative is Key Biscayne. In 1875, the same senator's address is Biscayne Bay. In 1877, the representative uses Miami as his address, but as late as 1881, the representative hails from Biscayne. A writer in 1871, referring to Dade County, says, "Biscayne formerly called Miami, is the County Seat."[89]

This author gives us a glimpse of Miami, as he calls it this time, mentioning, among objects of interest, the "Punch Bowl; the falls of Miami River; Biscayne Key; Lighthouse; Arch Creek" and "Wagner's Coontie mill." He expresses the opinion that the region is "the healthiest

89. F.H.Q., Oct. 1939, pp. 106, 112.

portion of the United States." He concludes with: "Nothing is too great to be predicted of this country."

Dr. Alfred J. Hanna in his excellent "Flight Into Oblivion," describing an incident in the flight of General Breckinridge, in 1865, reveals Ft. Dallas as a rendezvous of "deserters from the army and navy of both sides," of whom one of the General's companions wrote: "A more motley and villainous-looking crew never trod the deck of one of Captain Kidd's ships." The author gives, in the language of a participant, an account of a battle of wits and some gun fire between the desperadoes and the fleeing Confederates, which resulted in a truce and an exchange of gold for supplies, supplies which saved the fugitives from semi-starvation.

Another article apropos to our subject is "The Tekesta Indians of Southern Florida" by John Mann Goggin.[90]

After long years of waiting for release from the domination of Monroe County which was ordained by the Act of 1850, the residents of Dade arrived in 1886 (and not until then, we may tentatively assume) at the time prescribed by that statute, when "the proper officers of Dade shall have duly qualified for the discharge of their respective duties," upon which the statute was to "cease and be void." For the inference that the time had not arrived before 1886, confirmation is found in the first entry which appears in the oldest Minute Book of the Circuit Court now in the Clerk's office at Miami.[91] That entry is:

"*In the name of the State of Florida. In the 7th Judicial Circuit, State of Florida.*

It appearing to the satisfaction of the Court that a court should be held in Dade County: It is hereby ordered that a Special Term of Court for the County of Dade . . . be held at the Court House at Miami . . . on the first Monday in May, 1886 . . .

Done and ordered in Chambers this 27th day of March A. D. 1886.

ELEAZER K. FOSTER
Judge 7th Judicial Circuit
State of Florida"

When the Court convened on the day named, no jury was called, "owing to the failure of the County Commissioners to revise the list of jurors and there being no regularly commissioned sheriff."

Since that time the record of the Circuit Court is continuous although several terms were adjourned by the Clerk because of the Judge's inability to attend. On two of those occasions, 1887 and 1888, the attendance of the Judge was prevented by quarantine against yellow fever established by Key West, which was on the only available route to Miami. In

90. F.H.Q., April 1940, p. 274.
91. Circuit Court Minute Book 1, p. 1.

December 1890, the Court was adjourned for one day because the steamboat with Judge Broome and members of the Bar aboard had run aground and could not reach Jupiter on the appointed day.

Why Jupiter? Thereby hangs a tale. A memorandum entered of record by County Judge A. E. Heyser tells the story.[92]

"Change of County Seat
From Miami to Juno"

"On the 19th of February 1888[93] an Election was held in Dade County for a change of County site which resulted in a considerable majority in favor of Juno, which is situated at the extreme North end of Lake Worth and which was the point at which all passengers and freight from Jupiter and points North was changed for points on Lake Worth. At this time the 'Jupiter and Lake Worth Rail Road' was graded from Jupiter but no track was laid and all traffic was handled by hacks and wagons, connecting at Jupiter with the fine Steamboats of 'Indian River Steamboat Company' and at Juno with the Steamer 'Lake Worth' and numerous sailboats which distribute this traffic to Lake Worth landings. Juno was thus the terminus of the most Southern Railroad in the United States, and the most accessible place in the County for the majority of its citizens. It was the distributing point of Lake Worth and promised soon to become a place of importance.

"Henry T. Priest was at this time Clerk of the Court. Patrick Lennon was authorized by the County Commissioners to remove the County Records from Miami which had been the County seat from the earliest existence of Dade County. These records were removed from their time honored home sometime in the month of March, 1888,[93] by the Everglades route in an Indian Canoe and deposited at the building provided at Juno without particular incident."

"A. E. HEYSER, *County Judge*"

"Recorded December 24, 1890"

The record also contains a memorandum headed "The Ceremony of Laying the Corner Stone of the First Court House in Dade County." This took place at Juno April 19, 1890, and is pictured as a general jollification.

Then, by way of final precaution, an inquest was held and the corpse (Miami) was pronounced dead. This took the form of a legislative act passed in 1891.

"Whereas some doubts have been raised as to the legality of an election held February 19, 1889, to select a county seat in Dade County, Florida . . .

"BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. That the county seat of Dade County having been located at Juno . . .

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92. Misc. Record A, 153.

93. Error. The election was in 1889, Co. Com. Minute Book A, p. 28.

by an election held February 19, 1889, at which there was a full and fair vote by the voters of Dade County, it is hereby declared to be in all respects legally located."[94]

* * *

Though it goes beyond the purview of this article, it seems appropriate, rather than leave Dade's capital at Juno, to record the fact that the glories of Juno soon departed. As soon as permitted by the statute of Florida, which forbids the holding of county seat elections more frequently than ten years apart, another election was held and the county seat was restored to Miami. The completion of the Florida East Coast Railway destroyed the patronage of the Indian River steamers, the railroad from Jupiter to Juno, the Celestial Railroad, as it was sometimes called, was abandoned and the budding towns on its line, Venus, Neptune and Mars, as well as metropolitan Juno, became a dim memory. Jupiter is the only one of the planets that now remains, and it is no longer in Dade County.

It is not within the scope of this article to treat of Dade County in her modern dress. That subject has been covered by more extended publications.[95] Many latter day pioneers who helped to lay the foundations for the great development of which the Dade County of today is the best evidence, and who might appropriately be mentioned, have been omitted because their activities and achievements place them more fittingly among the moderns.

Interesting stories of the twilight zone are to be found in "The Commodore's Story" by Commodore Ralph Middleton Munroe; and the publication of the diary and letters of the late Kirk Munroe would add greatly to our knowledge of those years.

The terminus of this article should be on the dividing line between the ancient and the modern in Dade County. We have reached that line, which, to the mind of this writer, was marked when the title to the James Hagan Donation was acquired by Mrs. Julia D. Tuttle, the forerunner of Ingraham and Flagler, and the one who, above all others, should be proclaimed the *Founder of Miami.*

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94. Acts 1891, Ch. 4063, 102.

95. E. V. Blackman's "Miami and Dade County, Florida."
Isidor Cohen's "Historical Sketches and Side Lights of Miami, Florida."
John Sewell's "Memoirs and History of Miami, Florida."