

A Problematical Law: The Armed Occupation Act of 1842 and Its Impact on Southeast Florida

by Joe Knetsch and Paul S. George

How do you defend a vast frontier wilderness against an enemy that had only recently engaged the United States government in the costliest of all Indian Wars? How do you exploit and develop enormous new lands and resources quickly and inexpensively? How do you pressure recalcitrant Seminoles into moving west without provoking another long, costly war? For many, the answer to these questions lay with the Armed Occupation Act of 1842.

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As envisioned by the Act's creator, Senator Thomas Hart Benton of Missouri, a force of daring settlers capable of bearing arms would be attracted to the Florida frontier in return for an offer of free land. The conditions for settlement appeared simple and generous: Each settler would receive a quarter section of land (160 acres) provided he lived on it for five consecutive years and built upon it a "fit habitation." Homesteaders were required to be single men 18 years of age or the head of a family and they were responsible for clearing and enclosing five acres of previously undeveloped land. The actual settlement had to take place within one year of the passage of the Act.

Most of the land earmarked for settlement by the law lay south of modern-day Gainesville. This acreage was not surveyed. Once the official government survey was completed, settlers had one year to appear before a tribunal and prove that they had complied with the law.¹

The land tribunal consisted of the register and receiver of the land office, who was located in St. Augustine, a great distance away for settlers in southeast Florida (defined here as the area from the Indian River settlement south to the northern Keys), who sought to take advantage of the terms of the Act. The law also held that a land recipient could not settle in Indian territory, on lands previously granted to others, within two miles of an active military post, or on lands reserved for military purposes. School lands, which comprised the 16th section of each township, were also excluded from settlement under the Act. Recognizing the realities of frontier life, the Act allowed the heirs of a settler who died prior to the end of the five-year period to inherit his patent to the land.² Although the language of the law appeared to have been clear, complications arose, affecting many of its recipients in southeast Florida.

One hundred and forty-four permits were granted in the area of southeast Florida, of which 66 were annulled for failure to comply with the specifications of the law. From the Indian River settlements south through the northern Keys, therefore, 78 patents (deeds) were verified. Within the confines of the current boundary of Dade County, 29 people received patents and 12 more had their permits annulled. Assuming that the average family size for each recipient was five (not counting slaves), 390 people settled the area under the terms of the Armed Occupation Act.

Almost all of the settlers were farmers or traders attempting to raise a variety of crops, including sugar, tobacco, coconuts, plan-

tains, bananas, pumpkins and citrus trees.³ Some of the more enterprising settlers dug ditches and built mills for the production of arrowroot starch (called variously coontie, or comptie).

Following passage of the Armed Occupation Act, U.S. Deputy Surveyors instituted surveys of the area. Upon completion of a survey, the surveyor was responsible for informing the homesteader that the survey had been completed and that he had one year to appear before the register and receiver. The surveyor also informed a settler that his tract of land must conform to a surveyed quarter section of land. The instructions to Deputy Surveyor George McKay stated:

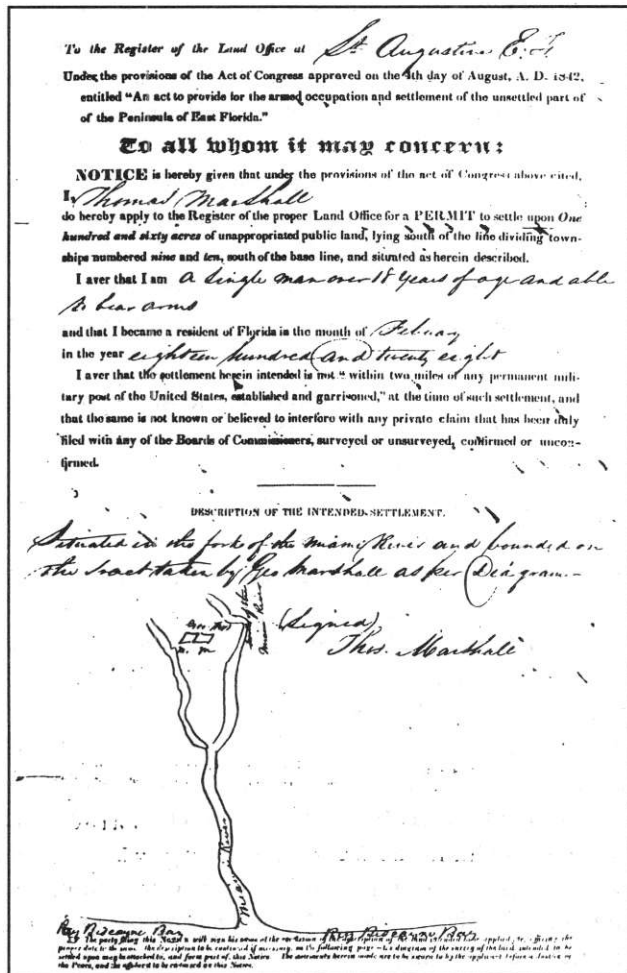
All Permits under the Armed Occupation law must conform to the section lines. In all cases in which settlements have been made under the provisions of that Act upon lands not surveyed before, the issue of the Permits the settler can take continuous or contiguous half quarter sections so as to include his improvements and as much of the land desired by him not exceeding One hundred and sixty acres. And the settlers must designate to you in writing the 1/2 quarter sections for which he wishes a Permit. . . . if he should fail to designate them as directed, you will locate his Permit in connexion with his main improvements.⁴

Once the surveys were completed and the report of the improvements accepted, the patent would be issued to the settler and clear title to the land was assured.

One of the first complications arose with the permits granted to several settlers at Key Largo and Boca Chica in the northern Keys.⁵ Since the Florida Keys had been reserved for military purposes by presidential order, those settling this region were technically in violation of the law. This situation led to a protracted correspondence between William Simmons, the St. Augustine Register of Lands, Surveyor General Robert Butler, U.S. Land Commissioner Thomas Blake and Secretary of War James Porter. Two years elapsed before anxious settlers on the Keys learned the fate of their permits. As the "Department (War) has exercised no control over them, and that they are not now required for military purposes . . . ," the commissioner considered the permits valid provided the settlers complied with the law in all other respects.⁶ By 1849, just one settler, William H. Bethel, had lost his permit for non-compliance.⁷

A more serious problem for Armed Occupation Act settlers was the proviso that they appear in front of the tribunal and prove their compliance with the Act within one year of the official survey. For many settlers, life on the frontier was difficult enough without having to incur the expense, time away from work, and risk of traveling through sometimes hostile territory to provide evidence of their settlement. Through the assistance of Florida Senator David Levy, the General Land Office eased its requirements for personal appearances. As Commissioner Blake stated: "There is nothing in the law and instructions quoted incompatible with allowing settlers, to whose claims there is no opposition, to make their own depositions and have their witnesses examined before a local magistrate duly authorized."⁸ This interpretation also meant that a local official would have to examine the witnesses and forward all evidence under his official seal.

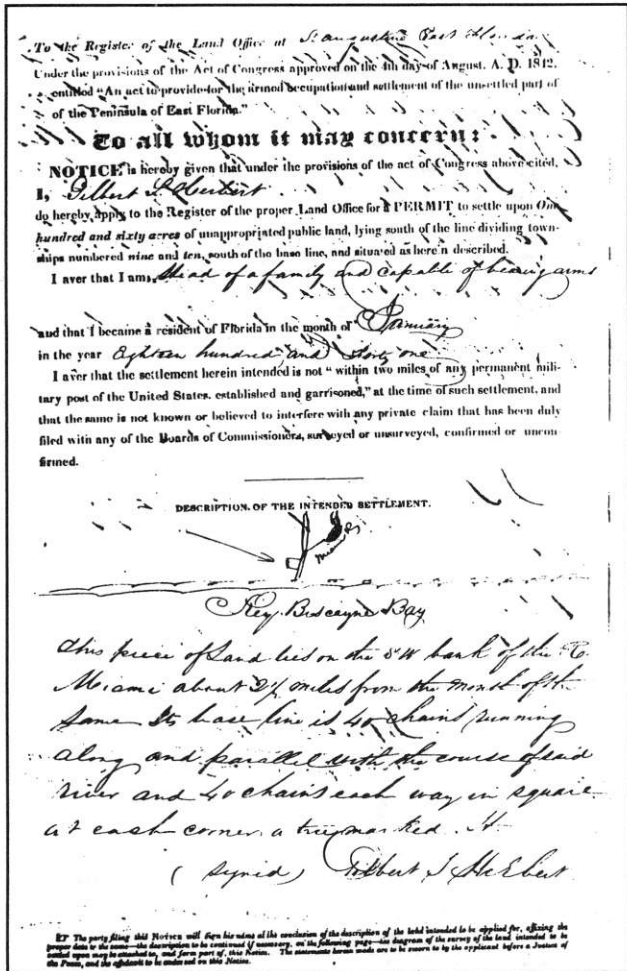
At least one settler ran afoul of the provision against homesteading upon lands already granted to



Thomas Marshall permit. (Courtesy of Arva Moore Parks)

tween 1843, when most of the permits were issued, and 1845, when George McKay conducted the first survey of the area, settlers had “staked” their claim to the land they desired. Many made substantial improvements to the land and expected to keep it. However, this would not prove to be the case.

The basic problem here was not the survey itself, but the language of the Act. As noted above, the Act entitled each settler to a quarter section, or 160 acres. This tract was also a quarter section of a larger unit, 640 acres, which appears and is measured in the form of a square. Thus, if a settler’s property fell into an officially designated quarter section, all was well. If, however, a settler’s crude measurements fell into two or more sections, he could expect problems. On this point, the Land Office was uncompromising.¹¹ If a settler had inadvertently homesteaded on two or more partial sections, he would be allowed to choose other public lands which would give him, as close as possible, 160 acres in a complete quarter section.



Gilbert L. Herbert permit. (Courtesy of Arva Moore Parks)

Here, frontier expediency met bureaucratic intransigence.

Two such settlers caught in this bureaucratic nightmare were John L. Knapp and A. F. Woods, neighbors on the Little River, seven miles north of the Miami River. On May 6, 1845, John Knapp wrote to Deputy Surveyor George McKay, attempting to convince the official to intervene on his behalf. Knapp noted that, according to the survey, his land would no longer be bounded by Little River but by nearly eight or nine chains across it.¹² This would deprive his neighbor, Woods, of his house and all of his improvements. Here the illogical nature of the law could ruin his friend. "We have about 20

acres each of hummock land the residue is a poor barren soil not worth two cents the acre," he wrote. Again I pray government not to deprive us of that little boon which she has so graciously tendered and which we are occupying."¹³

Woods also wrote McKay. His letter of May 30, 1845, not only contains a plea for his land, but it also provides a remarkable description of life in southeastern

To the Register of the Land Office at *St Augustine Fla.*

Under the provisions of the Act of Congress approved on the 10th day of August, A. D. 1832, entitled "An act to provide for the armed occupation and settlement of the unsettled part of the Peninsula of East Florida"

To all whom it may concern:

NOTICE is hereby given that under the provisions of the act of Congress above cited,

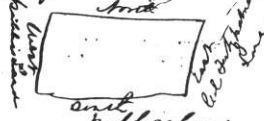
I, *John C. Garey* do hereby apply to the Register of the proper Land Office for a PERMIT to settle upon *One hundred and sixty acres* of unappropriated public land, lying south of the line dividing townships numbered nine and ten, south of the base line, and situated as herein described.

I aver that I am *a single man over 18 years of age* able to bear arms *on a nation* and that I became a resident of Florida in the month of *July 1845*

I aver that the settlement herein intended is not "within two miles of any permanent military post of the United States, established and garrisoned," at the time of such settlement, and that the same is not known or believed to interfere with any private claim that has been duly filed with any of the Boards of Commissioners, surveyed or unsurveyed, confirmed or unconfirmed.

DESCRIPTION OF THE INTENDED SETTLEMENT

Situated on the Miami River bounded on the north by said River, on the south by public lands or the Coast by lands claimed by Col. Fitzpatrick and on the west by public land commencing at the West end of Fitzpatrick's land 40 chains containing 160 acres to be given to John C. Garey



RP: The party filing this Notice will sign his name at the conclusion of the description of the land intended to be applied for, affix the proper title of the same—the description to be contained in necessary, on the following page—the description of the survey of the land intended to be settled upon may be attached to, and form part of, said Notice. The same may be made use of in the same way by the application of the same to the Surveyor of the Land, and be subject to be entered on this Notice.

John E. Garey permit. (Courtesy of Arva Moore Parks)

Florida at that time. The letter began on a note of defiance and anger. Woods declared that he would not alter the lines of his own settlement or abide by McKay's survey. If he were to agree to the government survey he would lose almost everything. Should he move one way he would lose his house, part of the mill, and other improvements. Should he relocate in another direction he would lose most of the arable land. A move in a different direction would put him onto his neighbor's improved claim. Clearly these moves to satisfy the exact letter of the law, as interpreted by the General Land Office, would not do.¹⁴

What was at stake here can be seen from the fact that, according to Woods, he had erected a mill for processing arrowroot (coontie), constructed a framed and boarded house, was cultivating tobacco, citrus crops, plantains, sugar cane, figs and cocoa nuts and had dug a mill race six feet wide, between two and four feet deep, and five hundred yards long. All of this, along with a vegetable garden, would be lost if he agreed to the survey.¹⁵

If the problem of bureaucratic resistance did not frustrate the settlers, the harsh frontier environment sometimes did. This milieu included the omnipresent fear of an Indian uprising. In July 1849, a "mild Indian scare" took place when two men on the Indian River were attacked; one settler lost his life. Two others lost their lives at Payne's Creek near Charlotte Harbor.¹⁶ The loss of human life was tragic enough, but much else was lost, too. The entire frontier from New Smyrna to Fort Dallas on the Miami River was virtually abandoned. The thriving settlements on the Indian River, from Fort Pierce to the St. Lucie River, disappeared.¹⁷ The scattered settlers on the New River fled for Key West.¹⁸ A generation would elapse before the regions around the Indian and New Rivers would again host settlements.

The War Department received information on the Indian scare in a letter dated July 17, 1849, from Brevet Colonel C. F. Smith, commanding the 2d Artillery at Fort Marion.¹⁹ Included with the letter to the Adjutant General, Brevet-Major R. Jones, was correspondence, from General Joseph M. Hernandez, then mayor of St. Augustine, and from Colonel John J. Marshall. Marshall's note recounted the Indian River killing while requesting aid. Smith's reply to Marshall is fairly typical of the expectations some held toward the settlers who came to Florida under the Armed Occupation Act:

But I do not regard the burning of a few houses at Indian River, as indicative of a determination on the part of the Indians for

war, but rather as an act of retaliation for some injury fancied or real—with which they will remain satisfied . . . If it becomes necessary, I can furnish muskets and cartridge. I need scarcely add that the best reliance of the inhabitants ought to be upon their own efforts.²⁰

Smith did not send immediate aid.

Two days later, on July 19, 1849, Florida's U.S. Senator David L. Yulee contacted Secretary of War George W. Crawford and requested that Col. Smith be ordered to establish "a post at Indian River, and one at New Smyrna, which would enable the population to hold their ground, and guard against a similar distress to that which now excites the community."²¹ Yet, even with Yulee's plea, little was done and the settlers decided to leave for St. Augustine. Most did not return to the Indian River and none, as far as is known, took up arms during the Third Seminole War.²²

By July 22, 1849, the alarm had spread to the Miami River. On that day, William F. English, a "settler at the mouth of the Miami River," had contacted Lieutenant D. N. Conch (Couch), the army commander at Key West, requesting protection against a possible Indian attack. Lt. Couch was reluctant to send assistance, but after receiving a second note from the Miamian reporting Indian camp fires five miles from New River, the officer took 20 men with him and proceeded to the Miami and New Rivers.²³

On the same day, George W. Ferguson, another settler on the Miami River, addressed a letter to Secretary Crawford. Ferguson also requested the scattered settlements in the region. Ferguson wrote:

Upon the express reaching New River and Miami the settlers at once united at their respective places and made such preparation for defense as circumstances permitted. I shall leave this place [Key West] in the morning for Miami where I have resided for the past five years and am now somewhat extensively engaged in the manufacture of arrowroot by water power; but the terror created by this report will, I fear, prevent all possibility of pursuing our business without the presence of an armed force sufficient to secure to us the safety which we must otherwise preserve to ourselves to the sacrifice of our usual employment. You will see the necessity of the case; I therefore appeal to you for such assistance and protection as our exposed situation demands and the authority and discretion of your department permits.²⁴

Again, on July 22, Secretary of the Treasury W. M. Meredith, forwarded a letter to Crawford from Stephen E. Mallory, collector of customs at Key West, describing the state of affairs in southeast Florida. According to Mallory, "The people along the coast have all received the news, and have abandoned their fields and banded themselves together at Jupiter, New River, and Cape Florida, for defense . . . In view of the condition of matters here, there being no transportation for the military stationed here, to reach Indian river, all planting operations in the settlements must be suspended until the disposition of the Indians can be ascertained."²⁵

From Mallory and Couch's letters, it appears that the army, after the passage of the Armed Occupation Act, had made no provisions to assist the settlers in southern Florida. Instead, it assumed that the new inhabitants could and would defend themselves.

By July 31, 1849, Lt. Couch had completed his reconnaissance of the situation along the Miami and New Rivers. His report is revealing:

Sir: I have the honor to report that I sailed from Key West with 20 men of my command on the 23rd instant for Cape Florida, where I arrived the morning of the 25th. At the extremity of the Cape were found all the settlers, from the Miami river, and part of those from New river, with their families, Negroes, etc., etc. From these people I learned nothing tangible, yet sufficient to convince me that their fears of an outbreak among the Indians were far more imaginary than real 'Indian signs' being reported at New river, I took the 'settlers' on board, and proceeded to that place. I here found three men who had been 'stampeded' like others, but since had scoured the country for twenty miles up the coast and back to the Everglades. No 'Indian signs' were seen, and (I) deemed it useless to go farther; leaving the settlers that were take up, and returned the same day to the Miami.

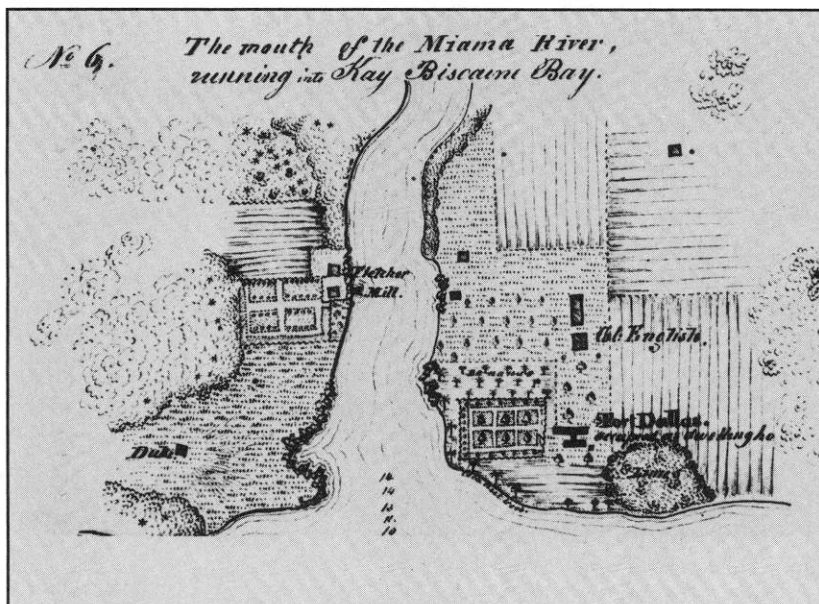
After making some slight reconnaissances, and remaining sufficient time to see the settlers reestablished at their homes, assured as to their safety, I left, safely reaching my post last evening.

The cause of undertaking this expedition was set forth in a letter to your office, from me, dated July 22.

I am sir, very respectfully, your obedient servant,

D. N. Couch

Lieut. Art. Commanding at Key West.²⁶



This February 1849 Coast Survey map shows what is today downtown Miami. The original Fort Dallas is in the foreground. (Historical Association of Southern Florida, X-1089-1)

Couch's letter indicated that the Army did not expect additional Indian hostilities and that the settlers were too easily panicked by rumor. Couch's use of quotation marks around the word settlers apparently underlined his suspicion that the inhabitants of the area were only temporary and quite likely speculators. It may have also reflected the general contempt that the regular army held for citizen soldiers and organized militia.

On August 9, 1849, Brevet-Major R. S. Ripley, who was sent to assist the Indian River settlement, wrote to Col. Smith that the pioneers in the area were leaving their homes with no intent of returning. He reported receiving intelligence information on the lack of additional Indian activity south of his position. In his judgment, there was nothing to justify the fear on the part of the settlers of an imminent Indian uprising—the fear that had prompted many of them to leave their homesteads and await for a time when Florida had been cleared of Indians before returning. Ripley recognized that “it is impossible to assure the people sufficiently to induce them to remain in their homes, without the permanent station of a considerable force

Recipients of Armed Occupation Act Permits

Dade County	Year of Arrival	Head of Family
Thomas Weightman	1842	single
Isaac Russell	1842	single
S.B. Hill	1843	single
James Kennedy	1843	yes
George Marshall	1828	yes
Thomas Marshall	1828	single
Joseph B. Boyd, Jr.	1839	single
John R. Mitchell	1839	yes
John Knapp	1840	yes
John E. Garey	native	single
Joseph Sanchez	native	single
Santiago Sanchez	native	single
Gilbert Herbert	1841	yes
Diogenes Makay	1840	single
John Lauderdale	1837	single
Antonio Giraldo	native	single
Walter Everston	1839	single
Vento Aquair	native	yes
Frances Mabrity	native	yes
Robert Fletcher	1830	yes
James Johnson	1841	yes
Salisbury Haley	1841	yes
Francis Holden	1837	yes
Ezra Harris	1832	yes
James D. Mason	1843	yes
A.F. Woods	1843	yes
Robert Roberts	1843	single
Samual Williams	native	yes
John Walter	1840	yes
Northern Keys		
Thomas Thompson	no data	yes
John Pucker	1839	yes
William Bethell	1825	yes
John Curry	1837	yes
George Curry	1843	yes
Samuel Kemp	1837	yes
Phillip Barker	1832	yes
John Lowe	1834	yes
William Lowe	1839	yes
Henry Geigor	no data	yes

Annulled Permit Holders

Isadore Bartow	1843	single
Anthony Bartow	1843	yes
C.A.M. Mitchell	1839	single
David Edwards	no data	single
Joseph Delespine	native	single
James Higginbotham	1843	yes
John Everston	1838	yes
Obediah Stoddard	1802	single
Raphael De la Torre	1829	single
Charles Sullivan	1838	yes
Theodore Flotard	native	single
Adele Flotard	1825	yes
Symore Halliday	1841	single

in the neighborhood . . . most of the people who have conversed with me, appear fixed in their determination not to continue their efforts until every Indian is removed from Florida."²⁷

Farther south, Lt. Couch sensed similar sentiments on the part of the settlers. In a letter dated September 3, 1849, Couch noted: "A few days subsequent to my leaving the Cape, the settlers at New River, and those in the vicinity of Cape Florida, left their homes and came to Key West, leaving at the Cape only the lighthouse keeper. I have offered to establish a post at the mouth of Miami River, if the settlers wish to return. But I believe that they all expect to be indemnified by the government for loss of time, etc."²⁸ From this letter, it appeared as if all of southeast Florida had been left to the Seminoles.

The position taken by the federal government on the issue can be divined in a letter to Florida Governor W. D. Moseley, dated August 10, 1849. According to the missive, two Floridians, L. A. Thompson and Benjamin F. Whitner, spoke with Secretary Crawford. They reported that the government would only rely on regular troops and would not accept Florida volunteers. Eight additional companies had been ordered to the state and placed under the command of Brevet-Major-General Daniel E. Twiggs, a seasoned veteran of the Second Seminole War. Moreover, the army would confine its operations to a line of posts around the Indian territory with the intention of keeping whites and Indians apart while attempting to facilitate a negotiated removal of the Indians under the auspices of a contracting

agent. Thompson and Whitner also stated Secretary Crawford's disapproval of the actions of Governor Moseley who mustered in six companies of Florida volunteers. According to Crawford, Florida officials were partially responsible for the murders by extending the laws of the state over "neutral" territory, and because of their failure to keep white settlers out of Indian territory. The federal government favored negotiations and gradual pressure, regardless of the wishes of the white citizens of Florida.²⁹

This view was not shared by most Floridians. One disgruntled correspondent wrote to the Wetumpka (Alabama) *Daily State Guard*: "Upwards of two months have now elapsed since the first murders were committed by the Indians, and yet nothing has been done towards bringing them to account, excepting the emigration turning away from our fertile soil and genial climate, while a band of Indians keep undisturbed possession of a fair portion of our state . . ."³⁰

State and federal authorities apparently agreed that those who settled on the frontier under the Armed Occupation Act did not have the resources to resist an Indian onslaught. Florida Governor Thomas Brown's oft quoted remark appears to have accurately summarized the situation when he said that if as few as 10 Indians remained on the frontier, "they would suffice to break up and scatter the entire line of new settlements although tenfold their number, which, although, composed of occupants under the armed occupancy bill, have neither weapons, nor the disposition to use them, not one in ten appearing with arms of any description . . ."³¹ If the Indian scare of 1849 was any indication of the effectiveness of the Armed Occupation Act at discouraging Indian attacks while stabilizing the frontier, the law fell far short of expectations.

Who were these settlers? Where did they come from? Seven of the 29 new migrants to Dade County listed themselves as "natives" on their permit applications. Eleven of the new Dade residents came to Florida during the second Seminole War while an equal number were in the territory prior to the outbreak of hostilities. Thus, of the 29 "new" residents, only seven came to Florida after the end of the war, when news of the Act had been disseminated throughout the country. It is highly probable that these migrants hailed from Georgia. James D. Mason, who came to Dade County from Chatham County, Georgia, and James Higginbotham, who came from Richmond County in the same state (and who did not receive a patent), were examples of this trend.³²

The arrival of settlers under the terms of the Armed Occupation Act promoted stories on this topic from the *St. Augustine News* and the *Florida Herald and Southern Democrat*. According to the *News*, General William Washington brought 52 settlers to Florida from Savannah in December 1843. This figure included “a goodly number of the fair sex.” Most of these newcomers hailed from the area around Augusta, Georgia.³³ In its edition for April 10, 1843, the *Florida Herald and Southern Democrat* reported on another large party of Armed Occupation settlers who brought “twenty Negroes” with them.³⁴ Another edition of the *News* noted that St. Augustine “has presented quite a lively appearance within the last week. Almost every day witnesses the arrival of the hardly pioneer, wending his way South, in quest of land.” The excitement of new settlement and the prospect of renewal for war weary Florida was a continual theme of major east Florida newspapers.³⁵

Clearly, the number of settlers who came to Dade County and the northern Florida Keys was significantly greater than the figures given, since 16 of the 29 Armed Occupation applicants for Dade were married heads of families, while all of the applicants for the area below Dade were members of this category.

Adding further to this total were, of course, the number of slave families who were brought to southeast Florida. Unfortunately, no information is available on their numbers.³⁶

Questions remain regarding the settlers of southeast Florida under the Armed Occupation Act. How many Armed Occupation settlers remained in the aftermath of the Indian scare of 1849? Earlier research has indicated that the Indian River and New River settlements disappeared for a time.³⁷ What was the fate of the settlements at Miami and Key Largo? According to the 1850 census, Dade County, though losing nearly 300 inhabitants since the previous census, still claimed 159 residents.³⁸ By 1855, however, this number had declined to 96.³⁹

As mentioned earlier, one of the goals of the Act was to create an armed cordon of settlers to hold the Indians in check. How many, then, of the permit recipients later served in the Third Seminole War as members of Florida’s volunteers? Of the 39 permits that were valid in today’s Dade County and Key Largo, none of the names of the holders of these permits appear on the rolls of the volunteers as recorded in the *Soldiers of Florida in the Seminole Indian, Civil and Spanish American Wars*.⁴⁰

The Armed Occupation Act provided an opportunity for many persons to acquire homesteads in a frontier area. The production of arrowroot starch by some of these homesteaders proved profitable. However, the Act's impact on southeast Florida was short term, since its failure to extend protection to those who settled under its terms caused many to depart, thus preventing the formation of a permanent population. Moreover, the Act failed to contribute a fighting force to expel the Seminoles from Florida. Though an interesting chapter in the history of southeast Florida, the Armed Occupation Act played only a minor role in advancing the state's development.

Endnotes

1. U.S. Congress, Senate Executive Document No. 39, 30th Congress, 1st Session. 7-9. For a concise understanding of the Act, see James W. Covington's, "The Armed Occupation Act of 1842," *Florida Historical Quarterly* 40 (July 1960), 41-53. Michael J. Welsh, "Legislating a Homestead Bill: Thomas Hart Benton and the Second Seminole War," *Florida Historical Quarterly* 57 (Oct. 1978), 157-172, provides a good discussion of Benton's attempts to enact the Armed Occupation Act.

2. *Ibid.*

3. *Ibid.* See also Paul George and Joe Knetsch, "Staking a Claim in Early Miami," *South Florida History Magazine* (Winter 1990), 18-19.

4. File: "George McKay—Contracts and Bonds." Drawer: U.S. Surveyors H-N Land Records and Title Section, Department of Natural Resources, Marjorie Stoneman Douglas Building, Tallahassee. (Hereafter, DNR).

5. *Ibid.* 24-25: These settlers were Henry Geigor, Philip P. Barker, William Lowe, John Lowe, William H. Bethel, Samuel Kemp, George Curry, John Curry and John Puke. A list of these people is found in Senate Executive Document No. 39, 30th Congress, 1st Session. The actual permits for most of these men are on file at DNR.

6. *Ibid.*: Letters from Registers and Receivers; Vol. 1: 1827-1856, 71-72. DNR.

7. Senate Executive Doc. No. 39. 167.

8. File Box USLO: 1826-1882. Letter of May 27, 1846, Thomas Black to Register and Receiver, Newnansville and St. Augustine (DNR).

9. Commissioners Letters—St. Augustine 1835-49. (Available at P. K. Yonge Library of Florida History, University of Florida, Gainesville, Florida. Hereafter P. K. Yonge.)

10. U.S. Congress, House of Representatives Document No. 70, 28th Congress, 1st Session. 48.

11. P. K. Yonge, Commissioners Letters. Letter of June 26, 1844.

12. Standard Surveyor's measure, one chain equals 66 feet.

13. File: "Land Office Notices, Refusals, Acceptances and Sunday Letters Regarding Land Claims and Permits, Surveys." Drawer: Armed Occupation: Land Permits M-Z. (DNR).

14. *Ibid.* (File documents are unnumbered)

15. *Ibid.*

16. James W. Covington, "The Indian Scare of 1849," *Tequesta* XXI (1961), 53-63.

17. Joseph D. Cushman, Jr., "The Indian River Settlement, 1842-1849," *Florida Historical Quarterly* 43 (1964), 21-35.

18. Joe Knetsch, "A Second Ending: Broward in the Indian Scare of 1849," *Broward Legacy* 11 (Fall 1988), 22-24.

19. U.S. Congress, Senate Executive Document No. 49, 31st Congress, 1st Session. 25.

20. *Ibid.* 27.

21. *Ibid.* 28-29.

22. A comparison of permits of these settlers is at Indian River and the Muster Rolls of Florida Volunteers is found in F. L. Robertson, compiler, *Soldiers of Florida in the Seminole Indian, Civil and Spanish American Wars* (Tallahassee: Board of State Institutions, 1903), 9-31.

23. Sen. Exec. Doc. No. 49. 31-33.

24. *Ibid.* 34.

25. *Ibid.* 38.

26. *Ibid.* 41.

27. *Ibid.* 57-58.

28. *Ibid.* 61.

29. Papers of Richard Keith Call, No. 172-1849, Florida Historical Society Library. University of South Florida. Tampa, Florida.

30. Wetumpka (Alabama) *Daily State Guard*. October 19, 1849.

31. Sen. Exec. Doc. No. 49. 72.

32. This information is derived from the actual copies of the individual permits. In the cases cited, James D. Mason held permit No. 176 and James Higginbotham held No. 358, both from St. Augustine Land Office. Copies are on file at The Florida State Archives, 550 South Bronough St., Tallahassee, FL. or the Florida Department of Natural Resources, Land Records and Title Section, 3900 Commonwealth Blvd., Tallahassee, FL. 32399.

33. "Southern Settlers," *St. Augustine News*, December 12, 1843.

34. "Southern Settlers," *Florida Herald and Southern Democrat*, April 10, 1843, 2.

35. "Emigrants Southward Bound," *St. Augustine News*, July 15, 1843.

36. U.S. Congress, Senate Executive Document No. 39 30th Congress 1st Session. 7-9. For a concise understanding of the Act, see James W. Covington, "The Armed Occupation Act of 1842," *Florida Historical Quarterly* 40 (July 1960), 41-53. Michael J. Welsh, "Legislating a Homestead Bill: Thomas Hart Benton and the Second Seminole War," *Florida Historical Quarterly* 57 (Oct. 1978), 157-172, provides a good discussion of Benton's attempts to enact the Armed Occupation Act.

37. Cushman, "Indian River Settlement," 21-35; Knetsch, "A Second Ending," 22-24.

38. *Statistical View of the United States—Compendium of the Seventh Census* (Washington, D.C.: J. D. B. DeBow, 1854), 206.

39. *Journal of the Proceedings of the House of Representatives of the General Assembly of the State of Florida at an Adjourned Session* (Tallahassee: 1855), 24.

40. *Soldiers of Florida in the Seminole Indian, Civil and Spanish American Wars* (Tallahassee: State Library Board, 1903), 11-33.