GCHR Gulf Coast Historical Review

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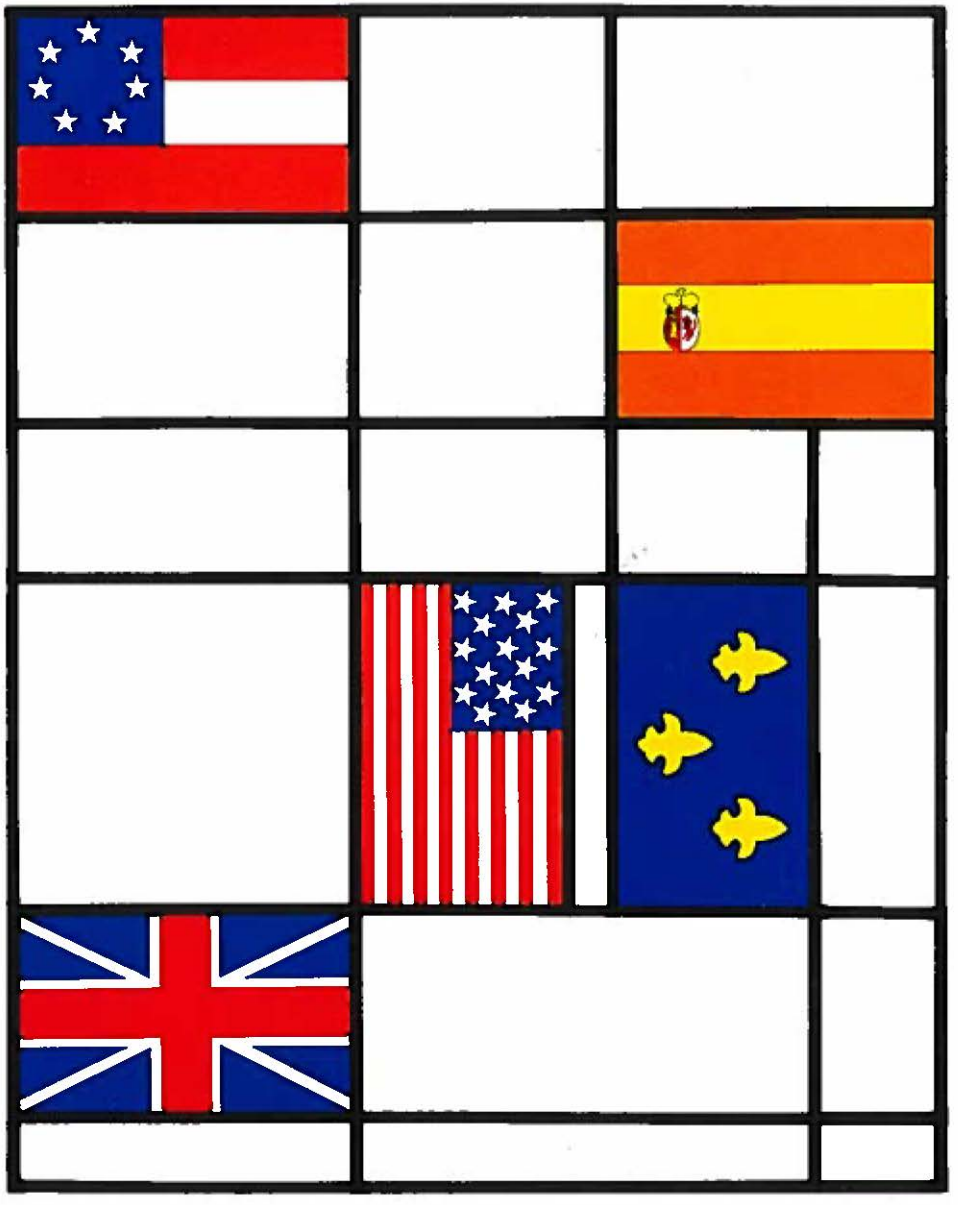

GC HR Gulf Coast Historical Review

Vol. 11 Fall 1995 No. 1

Cover design by
Marilyn Thomason

From the Editors . . .

This issue of the *GCHR* brings you two Florida articles, both on military subjects, though neither deals with World War II! One examines a fairly typical, but now forgotten fort in the Second Seminole War while the other looks at the Civil War blockade of Charlotte Harbor. Our third article concerns the career of an antebellum reformer in Alabama, Benjamin F. Porter. Like Fort Brooke, or the naval actions around Port Charlotte, Porter is virtually forgotten today, but Paul Pruitt's fine article suggests that an examination of his career means rethinking a lot of our assumptions about the antebellum South. All three articles are based on sound and careful research and each yields a story you'll enjoy and provokes thoughtful reflections on the "lessons of history" we all are supposed to learn.

Skipping to the back of the issue, "From the Archives" brings you an account of a young Mobilian's meeting with Tallulah Bankhead on a winter's evening just before World War II. Billy Skipper has a wonderful story to tell and tells it so well that you'll hate to come to the end. Read about Tallulah and learn about Mr. Skipper and the fate of his papers, films, photographs, and audio tapes. It's a bittersweet story at best, but it does have a happy ending, at least so far as his archive of show business memorabilia is concerned.

During the summer everyone who is a *GCHR* subscriber and several hundred people who are not received notice of the fifteenth Gulf Coast History and Humanities Conference, to be held October 6-7 at Pensacola Beach, Florida. Its topic is "The Roaring Twenties on the Gulf Coast," with a special additional session on "1995: An Anniversary Year" celebrating the Sesquicentennial of statehood for Florida and Texas. These GCH&HC meetings have long been a feature of historical life along the Gulf Coast. They have brought people interested in history together for fifteen years and we hope all our readers will join us at this conference which is hosted by Pensacola Junior College. Co-sponsors include the University of West Florida, the Florida Historical Society, and the University of South Alabama.

While helping PJC prepare for the conference a new book crossed your editor's desk. Since it's widely displayed in bookstores across the region and published by a respected firm, Scribner, some comment seems necessary. It's terrible! *The South*, by B. C. Hall and T. C. Wood is a pastiche of misinformation, sloppy research, and ill-formed opinion all masquerading as being "full of revelation,

anecdote, history, and mythology." Why mention it here? Because the contrast between that book, which, for example, calls William Weatherford, leader of the Red Sticks in the War of 1812 "War Eagle" when he was indeed known as "Red Eagle" and the solid work done at the Gulf Coast History and Humanities Conferences is so absolutely overwhelming. For any who don't know, "War Eagle" is the battle cry of Auburn University and owes nothing to Weatherford. It's a shame when sloppy work like *The South* gets published, but we must remember that good efforts are also afoot and support them. So, we hope you save yourself the cost of *The South* and come to Pensacola to really participate in "revelation, anecdote, history, and mythology" that is a product of knowledgeable scholarship and study. The same argument can be made for reading the *GCHR*.

Last but not least, this issue and the next will have more book reviews than usual because there seems to be a deluge of interesting works on our region coming out these days. Again, thanks to our long-suffering book review editor Jim McSwain for such an embarrassment of riches.

We hope you enjoy this issue, and as always appreciate hearing from you and learning what you think about what you see in the *GCHR*.

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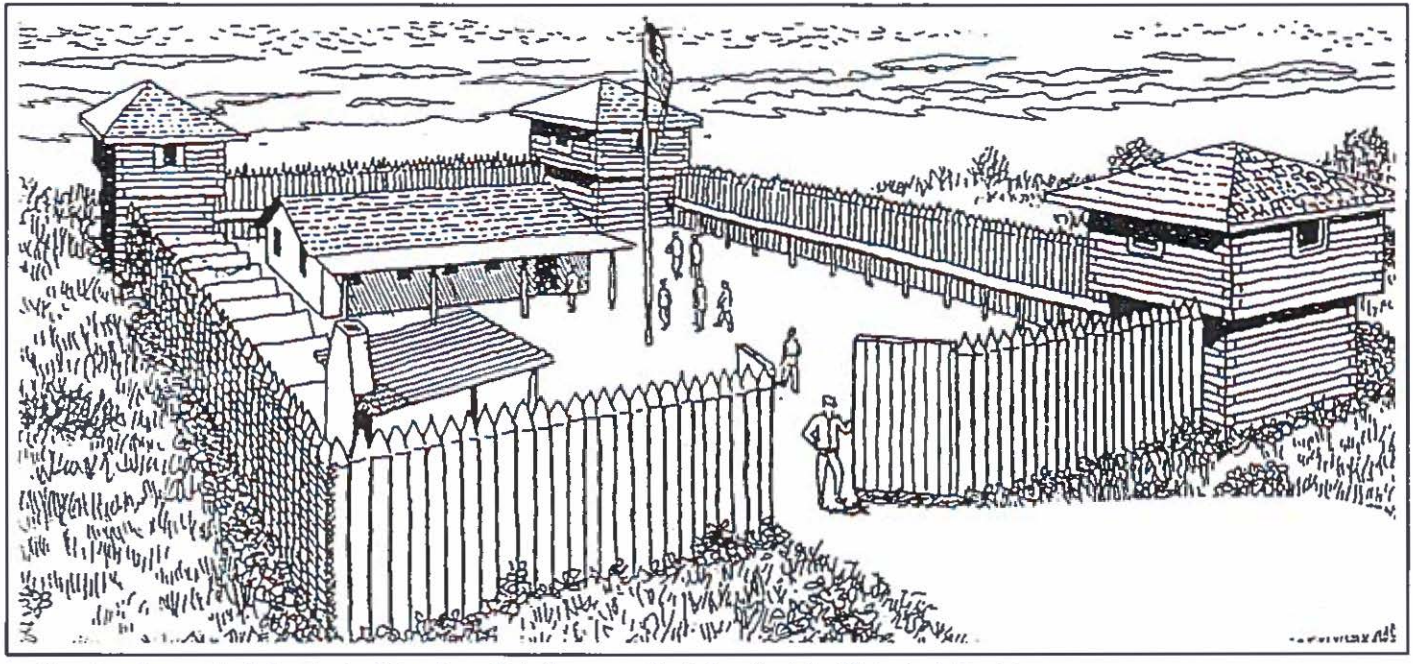


Sketch of a typical Seminole War fort. Bob Lamme, Fort Lauderdale Historical Society.

Fort Frank Brooke and Doctor Richard McSherry in the Second Seminole War

Niles Schuh

A few Florida fort names, such as Fort Pierce and Fort Myers, are familiar to many and at least one, Fort Lauderdale, is nationally known. Most people, however, probably do not think of these widely recognized fort names as having begun as actual military posts. Very few people today can name more than a few of the hundreds of forts that were constructed in the Territory or State of Florida. One of the more obscure of these forts was Fort Frank Brooke, constructed during the Second Seminole War (1835-1842) on the banks of the Steinhatchee River, near the Gulf of Mexico, in modern Taylor County.

During this tragic conflict, the troops stationed at Fort Frank Brooke, which should not be confused with the two other Fort Brooks in Florida, had the distinction of being served by Dr. Richard McSherry. In an 1839 letter, which has recently come to light, young McSherry described this frontier post to his sisters in Virginia. During his career, Dr. McSherry would rise to eminence in the medical profession in the state of Maryland, while Fort Frank Brooke would be abandoned, burned and lost to history. Even today, its exact location is uncertain, its log structures and pickets decayed and lost to the humid climate and hungry insects. McSherry's description foreshadowed the final fate of this isolated outpost: "Conceive of a dismal looking set of pine houses with tarpaulin covers, [word missing] winding river black as midnight, a swamp on the right & bayou on the left, with sand knee high intervening." He further noted that the fort itself was a picket work approximately one hundred yards square and nearly fifteen feet in heighth with a blockhouse at three of the corners. A rough row of sheds protected the men and horses. Such was the fort, now lost, in which Dr. McSherry sought to heal the sick and wounded.[1]

Assigned to the post as "Assistant Surgeon" and asked to perform medical treatment in squalid conditions, Dr. McSherry was not happy with his assignment. Like many educated and informed men of his day, McSherry complained to his sisters about being "entirely in the dark" about the affairs of the world and that there were "no citizens within 50 miles" of the fort.[2] In contrast,

Lieutenant Renfro M. Foote, who would soon join McSherry at Fort Frank Brooke, wrote home from the comfort and relative civility of St. Joseph, Florida, situated west of St. Marks on St. Joseph's Bay, that he was; "pleasantly situated here in a large, comfortable house, on the seashore and we live well–plenty of good oysters, and game in abundance–the weather is warm."[3] Unknown to Lieutenant Foote at the time, he would leave the relatively civilized town of St. Joseph and take "G" Company, Sixth Infantry Regiment to help man the post on the Steinhatchee River.

The confusion over the location of this temporary post has caused many to give conflicting information.[4] Temporary posts, by their very nature, were not designed for a lasting presence. As Woodburne Potter noted in his *The War in Florida*, these posts were quickly built of readily available material. More specifically, Potter described the following method as typical of this short-term construction:

> The pickets are made by splitting pine logs about eighteen feet in length into two parts, and driving them upright and firmly into the ground close together, with the flat side inwards; these are braced together by a strip of board nailed on the inside. The tops are sharpened, and holes are cut seven or eight feet from the ground for the fire arms. A range of benches extends around the work about three feet high, from which the fire is delivered. All our forts in that country are so formed.[5]

This type of fort construction was similar to many other posts built in Florida during the Second and Third Seminole Wars. Frontier conditions precluded any intricate form of fort construction, and the simple rectangular form was suitable for most posts and easily put up by regular troops or militia forces. In his *American Forts, Architecture, Form and Function,* Willard Robinson quotes descriptions of Fort Harlee in Florida and Fort Mitchell in Alabama, as typical of fortifications of the period. Each was simple square construction with a blockhouse in each of two diagonal corners.[6] With the exception of the third blockhouse, Fort Frank Brooke was similar to these two posts. Stuart McIver, who has written extensively on Fort Lauderdale, has also noted that this type of construction was used at each of the three forts constructed along New River and named Fort Lauderdale.[7] The only alterations found in these forts were the dimensions and the numbers and sizes of the blockhouses.[8]

Like most of the fortifications built in Florida during the Seminole wars, Fort Frank Brooke took its name from that of a fallen officer. Lieutenant Francis (Frank) Brooke fell in the Battle of Lake Okeechobee, Christmas Day, 1837. Lieutenant Brooke was born in Virginia and attended West Point, graduating on July 1, 1826. He served first as a second lieutenant in the Seventh Infantry, later transferring to the Sixth Infantry, seeing service in Louisiana and Missouri. He served in the Black Hawk War and fought in the Battle of Bad Axe River on August 2, 1832. After another tour of duty in Louisiana, he came to Florida where he met his untimely end.[9] The honor of having a fortification named for him was shared by three fellow officers who died in the same engagement, Lieutenant Colonel Alexander R. Thompson, Captain J. VanSwearengen and 2d Lieutenant J. P. Center.[10]

Fort Frank Brooke was constructed in November-December 1838 and was abandoned in June 1840. According to its Post Returns, the fort was constantly manned during the entire period. The same source indicates that Dr. Richard McSherry served as the assistant surgeon from September 1839 through March 1840.[11] The most probable reason for the 1840 abandonment of the fort was the movement of the center of hostilities to southern Florida and the existence of other forts in the area which were designated to handle the remaining Indians.

As noted earlier, the exact site of Fort Frank Brooke is unknown. It is variously listed in reference books and maps as having been on Deadman's Bay, at the mouth of the Steinhatchee, or approximately ten miles up the river from its mouth. Even if reliance could be placed on any one of these sources, only a very approximate location would be indicated. Major problems exist with these sources in that Deadman's Bay, for example, is not a well-defined indentation on Florida's Gulf Coast, and any delineation of its ending or beginning and the river's mouth is problematical at best.

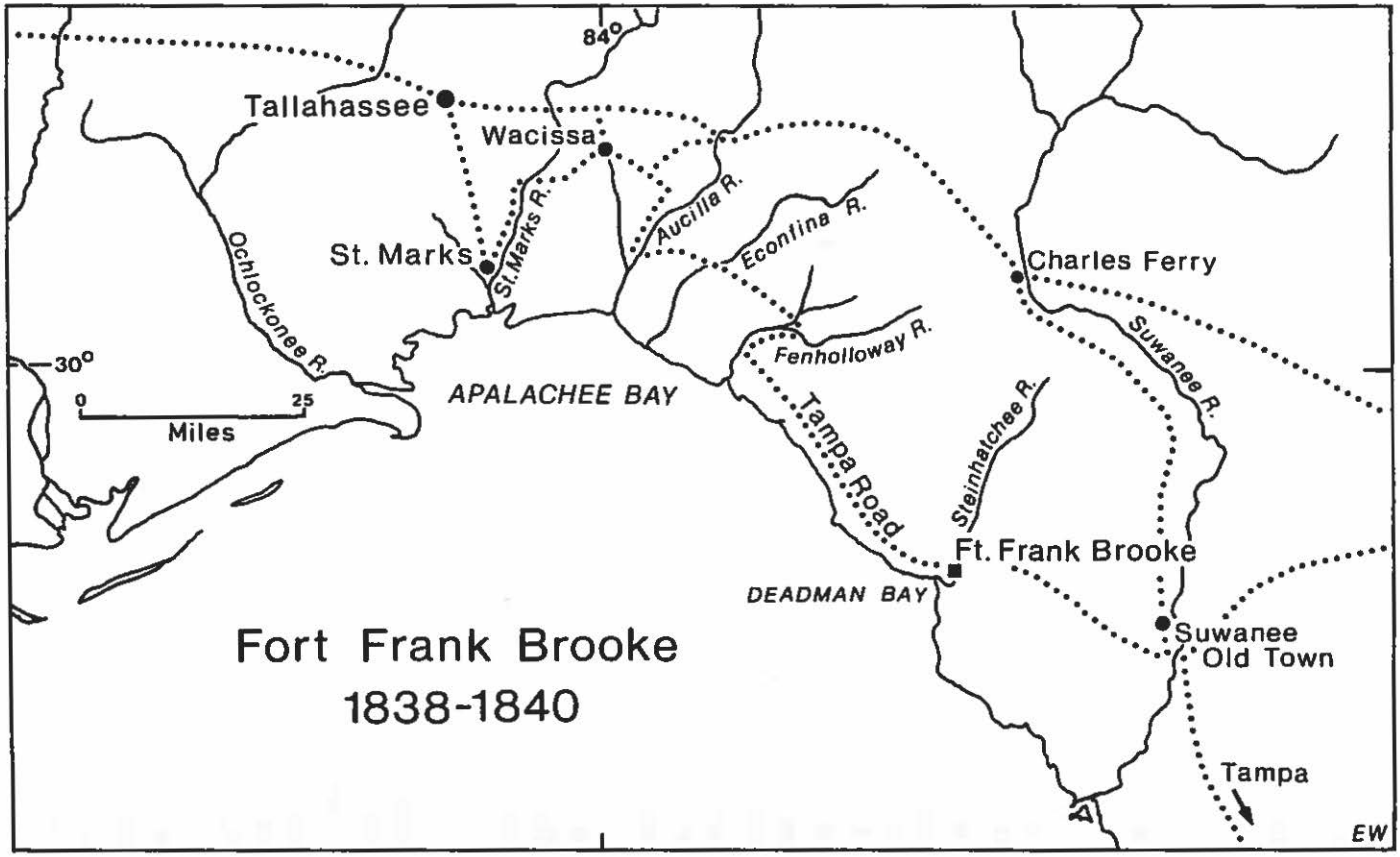
There are, however, better clues to the fort's actual location and these are found in the various military records. John T. Sprague, in his account of the "Florida War", quoted a report that stated, "the Esteen Hatchee, which is navigable for steamboats to Fort Frank Brooke."[12] Sprague also noted that in June 1841, Major Wilson, Third Infantry, explored the Steinhatchee to its source, in boats with three other officers and sixty troops.[13] At the conclusion of this war, it was reported to the United States Senate that the Steinhatchee, "is navigable for considerable vessels, some fifteen miles."[14] Later,

during the Civil War, it was asserted: "In obedience to your direction, in General Order No. 1, I report Acting Master R. B. Smith...has now captured the 'Anna Maria' 7 miles up the Steinhatchee River."[15] Almost a year later, on May 23, 1864, Governor John Milton complained bitterly: "A short time ago two thousand blankets and six thousand pairs of shoes intended to supply the troops...were captured and taken off by a deserter, after having arrived safely in the Steinhatchee."[16] As the falls of the Steinhatchee are approximately ten miles from the mouth of the river, it is safe to assume that the upper limits of steamboat or schooner navigation are at this natural barrier. While these sources show the use of the river to and past the probable site of Fort Frank Brooke, more specific sources are needed to pin down the precise location.

The best evidence for this location is contained in the letters and reports written by army personnel who operated in the area during the Second Seminole War. In letters written as far apart as July 1839 and December 1841, it is recorded that the falls of the Steinhatchee are about six miles above Fort Frank Brooke.[17] This may place the exact location near a bend in the river as it changes direction from south to southwest. From on-site investigation, this appears to be the most likely limit of steamer navigation.

Map evidence seems to support this conclusion. Near the falls of the Steinhatchee, a military road passed connecting the port of St. Marks to Tampa Bay. The road probably crossed the river just above the falls where, even today, the river bank on both sides can be seen to be cut into as if for a wagon road. Many of the maps, but certainly not all, produced during the fifty years following the fort's construction show the fort located within the main bend of the river. The information found on these maps was probably copied from the *Seat of War* map of 1839. This map shows the military road crossing the river five or six miles from the fort site, which would place it above the falls, where the river appears to have been fordable.[18] As no evidence of bridging appears in the literature, this is a natural conclusion.

As if to add confusion to the discovery of information, the spelling of the name Steinhatchee appears differently in many different sources. Brevet General Zachary Taylor, who made Fort Frank Brooke a temporary headquarters for the Army of the South, spelled it "Istenhachee" in December 1838. The dateline of a letter from Captain LaMotte of the First Infantry, written from Camp "D" on the river in January 1840, spelled it "Esteen-E-Hatchee." Maps


84°
Tallahassee
Wacissa
St. Marks
St. Marks R.
Aucilla R.
Econfina R.
Ochlockonee R.
Charles Ferry
Suwanee R.
30°
0
25
Miles
APALACHEE BAY
Fenholloway R.
Tampa Road
Steinhatchee R.
Ft. Frank Brooke
DEADMAN BAY
Suwanee
Old Town
Tampa
Fort Frank Brooke
1838-1840
EW

printed in the 1840s and 1850s used the spelling "Stinhatchee." The present spelling was used on the map produced in 1877 by William Lee Apthorp, a surveyor and officer in the surveyor general's office. Yet, even the "Coe" map of Florida, produced in 1898, continued to use the "Esteinhatchee" spelling, further adding to the confusion for later generations.

General Zachary Taylor ordered Fort Frank Brooke built as part of his plan to subdue the Indians of Florida. As Colonel of the First Infantry Regiment, he had served with several companies of the Sixth Infantry and held this unit in high esteem. After his promotion to general in command of the troops in Florida, Taylor devised a plan of fortifications which was meant to control defined areas or provide convenient depots for troops on the move. In mid-1838, he ordered four companies of the Sixth Infantry to be located, "in the vicinity of Deadman's Bay to open roads, etc., between the Gulf of Mexico and the Federal or Bellamy Road."[19] The "etc." in his orders referred to the construction of fortifications and depots to facilitate the movement of troops and supplies. Because this area of Florida, especially between the Fenholloway River and the Waccasassa River, was still haunted by the frequent raids of the Indian enemy, the necessity of constructing Fort Frank Brooke seemed obvious to the new commander.

As noted earlier, General Taylor visited the post in late 1838 while on an inspection trip up the coast to St. Marks. He reported that Major Noel and four companies of the Sixth Infantry had established the post on the Steinhatchee River and were actively engaged in seeking out the enemy. There must have been some concern for the men because he made special notice of the medical corps on duty. He stated that despite their heavy load, the medical officers performed their duties with "cheerfulness and ability," a fine compliment coming from such a battle-hardened veteran as General Taylor.[20] When Richard McSherry reached the post in September 1839, he would find that fever had visited the garrison frequently and the "cheerfulness" was probably gone from the post.[21]

St. Marks was the nearest permanent establishment to Fort Frank Brooke. Troops, supplies and mail all came through this station to reach the other outposts. The only practical way to travel before the construction of the roads was by water, and even after the roads were cut through the wilderness, it continued to be faster and more efficient to travel by ship. One of the major problems was the construction of bridges to facilitate road travel. The bridges built

were too frequently washed away by the "freshets" that came in the rainy seasons throughout Florida. Thus, many of the early roads were constructed around the headwaters of the rivers and streams which greatly lengthened the travel time by land. It is estimated that the travel time between St. Marks and Fort Frank Brooke was two or three times as long by road as by water. Indeed, to reach the nearest "major" road, the Bellamy Road, at Charles Ferry on the Suwannee River, required travelling a distance of forty miles over land frequently raided by the Indian enemy.

The Post Returns give several clues as to the mode of travel used by troops stationed at Fort Frank Brooke. For example, the report of January 1839, reveals that

> Capt. Cady with Companies A, F, H, K, and C, 2nd Infty, marched from this post 27th Jany 39. Maj. Noel with Company I left per Steamboat Izard 28th Jany 39. Company E marched on the morning of the 23rd Jany for Ft. Pleasant. Company D on the 25th for Fort Wacissa, No. F.[22]

Another indication of travel by water is a remark found in the Post Returns for September 1839, which stated: "Companies B & G 6th Infy left St. Andrews Bay W. F. on the 16th and arrived at Ft. Fk Brooke M. F. on the 20th Sept 1839." Given the short time this trip took it could not have been on the roads of the day; it must have been by ship.

Fort Frank Brooke was typical of the temporary frontier posts in Florida. A reading of the surviving Post Returns indicates that it served as a way station for troops on the move throughout middle Florida and along the coasts, from the Aucilla River almost to Cedar Key. The post was staffed, as noted above, by units of the Sixth Infantry throughout its entire existence. Other units came and went as the demand for forces dictated. From December 1838 to June 1840, when the post was abandoned, many of the officers and staff were on detached duty, furloughed or sick. Most often, the commanding officer held the rank of lieutenant, indicating that the number of troops stationed there was small. Although Fort Frank Brooke suffered no direct attack from the Indian enemy, a few of the men stationed there were listed as killed in action by Indians near the fort. The fort began with a complement of 52 men and officers and reached a peak staffing of 179 in September 1839. By the time its usefulness had ended only 50 soldiers were stationed there.[23]

Fort Frank Brooke's moment in the sun came when General Taylor established his temporary headquarters there toward the end of 1838. The future president and his staff spent several weeks at the fort and corresponded with the other units throughout Florida. This correspondence usually contained the phrase, "Headquarters Army of the South" or some other such indication that this was the commander's current residence. One of the more important pieces of this correspondence was that between General Taylor and Governor Richard Keith Call. Taylor reassured Call that the territory could be made safe with the existing number of federal troops on hand and that there was no need to call out the Florida militia.[24] Taylor, who had little faith in any type of militia, was unusually polite and diplomatic in this correpondence.

Dr. Richard McSherry arrived on the scene at Fort Frank Brooke in September 1839 and served there as assistant surgeon, until March 1840. During this relatively brief time he faced a daily sick call list of between forty and sixty men.[25] John T. Sprague reports that the history of the Sixth Infantry in Florida includes thirty-five men killed in action, ninety-seven died from disease and six by accident. Of this total, which includes the losses at the Battle of Lake Okeechobee, eleven died while on duty at Fort Frank Brooke. Three of these deaths were from "disease unknown" during the tenure of Dr. McSherry.[26] In a revealing letter home, McSherry commented on his work:

> We were fortunate in coming to this post so late in the season, for fever has been universal, I may say, among those who spent the summer here. I prescribe now for upwards to 60 patients daily and had twenty more when the dragoons were with us-many of whom were carried off sick. I do not care to attend to eighty men at a time again, the labour is great, but the necessary confusion among the cases is greater.[27]

As the post did not have a surgeon on staff and only one orderly, one can understand the doctor's concern with confusion.

Dr. Richard McSherry, the son of a physician of the same name, was born in Martinsburg, Virginia (now West Virginia) on November 21, 1817. His mother was the former Ann C. King of Georgetown. Raised a Catholic, he obtained his academic education at Georgetown College and attended the medical lectures at the University of Maryland. However, he did not take a degree in medicine until 1841, and that from the University of Pennsylvania. Without a

medical degree in hand, he was commissioned as an assistant surgeon in the United States Army on August 21, 1838.[28] He obtained this commission in the usual manner of the day, by political introduction to the surgeon general through a mutual acquaintance. On July 2, 1838, he was recommended to the surgeon general as a "candidate for appointment in the Army."[29] Fourteen days later, McSherry acknowledged receipt of an invitation to meet with the Army Board for, it is presumed, his medical examination.[30] By early November 1838 the young assistant surgeon was on his way to Florida at the age of twenty-one.

Like all young men alone on the frontier, his thoughts turned to the young ladies he left behind. In his early letters to his sisters, he often jokingly berates them for not keeping him informed of the events he was missing. In October 1839, for example, we find him writing:

> How many pretty girls you saw & if any "very pretty, very nice, and very accomplished" whether you took care to recommend your humble servant. I can never forgive C. if she saw such, and did not tell her everything witty or clever I ever said–and Mag might have thrown in a little "fuel and fire" for her brothers benefit and hung some "green baize" over his faults.[31]

But life as a soldier on the rugged and unknown Florida frontier would leave little time for many such thoughts, especially with nearly sixty men on sick call each day.

After a twenty-five day voyage from Baltimore, McSherry notified the Surgeon General, Thomas Lawson, of his arrival at Fort Brooke on Tampa Bay. Travel to Florida was not rapid by either sail or steam. McSherry, showing some of the dry humor that characterizes his correspondence, wrote to his sister to remind a friend also headed to Florida, "tell him not to be in too great a hurry–I was nearly three months getting to Florida and got credit for promptitude."[32] The three months must have been telling on the patience of the young assistant surgeon.

The training that McSherry received prior to his entering the service was minimal at best. By the standards of the day, however, he would have been considered ready to take the formal courses in medicine. These normally consisted of one year of attendance in the Great Hall at the University of Maryland (as Davidge Hall was then called) observing the operations in the anatomical hall. The

observations would be from the low, wooden seats which formed the semi-circular amphitheatre. The second year would be a near repeat of the first year with the exception that the "upper classmen" would have better seats. After "graduation" from the school, the young men would either study under an established physician for about a year or head for the centers of Europe to complete their education.[33] It must be remembered that when McSherry entered the army he had not completed even this basic course of study.

With the lack of formal training that surgeons were required to possess, it is somewhat surprising to find him in charge of the medical facilities at an outpost. However, the medical corps was constantly understaffed and overworked in these years and the surgeon general often appeared more interested in the rank of his doctors than in either their quality or pay.[34] Surgeon General Lawson, it will be readily admitted, had the difficult task of pursuading Congress to increase the number of physicians and other personnel in the medical corps in an era when Congress was very apprehensive about the costs of the Florida war. In one area, supplies, Lawson appears to have been more efficient than other branches of the service. Very few complaints are found in the surgeon general's correspondence about the lack of medical supplies in Florida or the West.[35] McSherry, although regreting the lack of diversity in his cases, does not complain about the lack or quality of supplies. He always seemed to have an ample supply of materials for his bleeding, poultices, and opium to relieve pain.[36]

One item that did disturb the young assistant surgeon, as it did all of his peers, was the lack of sufficient pay. This topic was frequently found in the correspondence of many during these years, primarily because the medical corps did not, at this time, have rank within the established military hierarchy. Although the officers of the medical corps were commissioned, they did not have the status of military officers. The pay of assistant surgeons, like McSherry, was equivelent to that of a first lieutenant. This low pay caused McSherry to boldly write to Lawson that he would soon resign his commission because of the "much smaller compensation than is allowed to citizen surgeons."[37]

The heavy losses the army in Florida suffered from disease did not make the waiting for loved ones any easier on those at home. In early 1840, the elder McSherry, who had served in the War of 1812, probably with Surgeon General Lawson, wrote to the surgeon general that his son had been "attacked with dysentery or Southern

diar[r]hea." He requested that his son be "ordered North" for the benefit of his health.[38] Within ten days, however, he wrote to apologize for his haste in requesting his son's reassignment, because, he wrote, he had received word from his son that all was well and the danger passed. As if to prove his point, he included some excerpts from his son's letter.[39]

The elder McSherry's worries were not unfounded. Disease did kill more men than battle, and the medical staff was not immune. Of the ninety surgeons and assistant surgeons that made up the entire medical corps, thirty-four served in Florida and nine of these died.[40] In one of the excerpts included for the surgeon general's erudition by the elder McSherry, the younger officer noted: "As to the danger of spending the intervening time in Florida, the Col. commdg. the district has ordered that all posts should be abandoned in the summer as soon as pronounced sickly by the attending surgeon & that the troops should retire to spots of known salubrity."[41] Luckily for our subject, disease did not take his life and he was on his way home in April 1840. Upon his return, he resigned his commission but offered to remain with the army if the "probable war" with England should occur.[42]

Richard McSherry did not wait long after his resignation to begin his private practice and seek his fortune. However, he soon fell in love with the lovely Catherine Somerville Wilson and, on January 4, 1842, they were married at her grandfather's country estate, Cottage Newington, located between Fulton and Gilmor Streets in Baltimore. Baltimore was to remain his permanent residence for the remainder of his life.[43]

Doctor McSherry may not have made as much money when he started in private pratice as he had anticipated, for in November 1843, he signed a commission with the United States Navy. Upon the outbreak of the Mexican War, he was assigned as surgeon to the marine contingent serving under General Winfield Scott. He was present at the capture of Chapultepec and Mexico City, where he was able to sharpen his considerable skill with the Spanish language. His memoirs of this campaign, *El Puchero or A Mixed Dish from Mexico*, were widely read in their day. After the end of this conflict, he served aboard the *Constitution* (Old Ironsides) and travelled around the world. He used these experiences to enhance his knowledge of diseases and published many articles based upon his findings. On April 17, 1851, he resigned his commission in the navy to devote himself to his family and profession.[44]

His private practice grew steadily, though slowly, in the years preceeding the War Between the States. With the war just beginning, he was appointed as a lecturer of "materia medica" at the University of Maryland and was elevated to the rank of professor of medicine with the departure of Dr. Edward Warren, who went to serve the Southern cause. Soon, Professor Samuel Chew, the long-time chairman of the department, passed away and Dr. McSherry filled his vacancy. In addition to his teaching duties, he served as the physician to four archbishops of Baltimore, including the famous and popular Cardinal Gibbons. He authored more than forty articles and books on medical topics and was frequently sought for his advice.[45] He was the first president of the Baltimore Academy of Medicine and served as president of the Maryland Board of Health. On October 7, 1885, the good doctor passed from this world, a victum of pulmonary tuberculosis.[46]

The young assistant surgeon who attended the sick and dying at the frontier post called Fort Frank Brooke became one of the more celebrated men of his day. His contributions to the field of medicine were many and valuable. From his letters and writings we glean a character of sharp intelligence and warm, gentle humor. His description of his frontier home in the wilds of Florida, give us another dimension of the terrible conflict known as the Second Seminole War. His short time there shows the loneliness of the frontier, the harsh reality of death in a hostile environment and the difficulty of keeping in contact with the world beyond the conflict. Although small in comparison to works of others, McSherry's letters and other surviving documents have allowed us to appreciate the trauma and uniqueness of the longest and costliest of all Indian wars, the Second Seminole War.

Notes

The author wishes to acknowledge the encouragement, suggestions, and help of Dr. Joe Knetsch of Tallahassee, and thank him for his assistance in the preparation of this article.

[1]Richard McSherry to Miss C. H. McSherry, October 27, 1839, postmarked "St. Marks, Florida," in the private collection of the author.

[2]R. McSherry to Miss C. H. McSherry, October 27, 1839.

[3]Renfro Foote to Charles A. Foote, March 31, 1839, postmarked "St. Joseph, Fl. T," in the private collection of the author.

[4]See James M. Gray, *Florida Forts* (privately printed in booklet form, 1972). Page 4 gives the latitude as 29°40' and the longitude at 83°15' (83°22' would be closer) with a notation that it was near the mouth of Deadman's Bay. On page 10, the same source gives the location as 10 miles due east of Deadman's Bay, which is much too far to the east. Carl J. Bordner, in his *Fort Sites of Florida* (privately printed in booklet form, 1974), also gives, the author believes, incorrect information, though he does correctly spell Brooke with an "e" at the end, unlike most other sources. Neither booklet gives information about fort design or construction.

[5]Woodburne Potter, *The War in Florida* (Baltimore, 1836), 98.

[6]Willard B. Robinson, *American Forts, Architectural Form and Function* (Chicago, 1977), 134-35.

[7]Stuart McIver, "The Three Forts of Lauderdale," *Sunshine Magazine, Fort Lauderdale Sun-Sentinel*, March 6, 1988, 18.

[8]Two reconstructions are available to the public today: Fort Foster has been reconstructed near its original location on the Hillsborough River in northern Hillsborough County and Fort Christmas has also been rebuilt near the original site at the place of the same name in eastern Orange County, Florida. For further descriptions of Seminole War forts, see the following: Albert C. Mauncy, "Military Affairs in Territorial Florida," *Florida Historical Quarterly* 25 (October 1946): 205-206; Eloise R. Ott, "Fort King: A Brief History," *Florida Historical Quarterly* 46 (July 1967): 30-36; and Michael G. Schene, "Fort Foster: A Second Seminole War Fort," *Florida Historical Quarterly* 54 (July 1975):321-24.

[9]George W. Cullum, *Biographical Register of the Officers and Graduates of the U. S. Military Academy* (Boston, 1891), 1:380.

[10]Jacob Rhett Motte, *Journey Into Wilderness*, ed. James F. Sunderman (Gainesville, 1953), 180. Motte's information is reinforced by the appendix found in John T. Sprague's *The Origin, Progress, and Conclusion of the Florida War* (New York, 1848), 542.

[11]Returns from U. S. Military Posts, 1800-1916, Records of the Adjutant General's Office, RG 94, Microfilm Roll No. 1497, National Archives. Hereafter, Post Returns and date.

[12]Sprague, *Florida War*. Sprague was quoting a report issued on January 11, 1842. This report can be found in: Letters Received by the Office of the Adjutant General (Main Series) 1822-1860, RG 94, Roll 260, U-W 46, 1842, Microcopy No. 567, National Archives Hereafter, AG letters and roll number.

[13]Sprague, *Florida War*, 180.

[14]27th Cong., 2d sess., 1843, Senate Document 97, 5.

[15]*Official Records of the Union and Confederate Navies in the War of the Great Rebellion*, Ser. 1 (Washington, 1903), 17:482.

[16]"Letterbook of Governor John Milton," Governor's Office Letterbooks, 1836-1909, Vol. 7, RG 101, Series 32, 72, Florida Department of State, Division of Archives and Records Management, Tallahassee, FL.

[17]Lt. Col. Greene to Col. Wm. Davenport, July 1, 1839, AG Letters, roll 198; and Capt. Wheeler to Lt. Barbour, December 15, 1841, AG Letters, roll 260.

[18]Mackay and Blake, *Map of the Seat of War in Florida* (Washington, 1839).

[19]Sprague, *Florida War*, 222.

[20]Ibid., 223-27.

[21]R. McSherry to Miss C. H. McSherry, October 27, 1839.

[22]Fort Frank Brooke, Florida, January 1839-May 1840, Returns for January 1839, Returns from U. S. Military Posts, 1800-1916, Microcopy 817, National Archives. Hereafter, Post Returns, month and year.

[23]Post Returns, January 1839 through May 1840. It can be speculated safely that the abandonment of Fort Frank Brooke was ordered because it was no longer in the center of Indian activity and that a more centrally located facility, Fort Barker, had been constructed. Fort Barker was located near the headwaters of the Steinhatchee, some twenty miles up river from Fort Frank Brooke and near the main road paralleling the coast.

[24]Taylor to Call, December 18, 1838, AG Letters, Roll 196.

[25]Post Returns, September 1839-March 1840.

[26]Sprague, *Florida War*, 542-43.

[27]R. McSherry to Miss C. H. McSherry, October 27, 1839.

[28]Theodore E. Woodward, "Richard McSherry, 1817-1885," *Bulletin*, University of Maryland Department of Medicine 65 (Winter 1980): 10-14.

[29]Charles Lauck to Surgeon General Thomas Lawson, July 2, 1838, Records of the Office of the Surgeon General (Army), RG 112, National Archives. Hereafter, Surgeon General, communicants and date.

[30]Surgeon General, McSherry to Surgeon General Lawson, July 16, 1838.

[31]R. McSherry to Miss C. H. McSherry, October 27, 1839.

[32]R. McSherry to Miss C. H. McSherry, October 27, 1839.

[33]Woodward, "McSherry," 10.

[34]For a severe criticism of Surgeon General Lawson's tenure, see: George W. Adams, *Doctors in Blue: The Medical History of the Union Army in the Civil War* (New York, 1961), 11-14.

[35]Mary C. Gillett, *The Army Medical Department, 1818-1865* (Washington, 1987), 73-94.

[36]Surgeon General, McSherry to Lawson, January 8, 1840.

[37]Surgeon General, McSherry to Lawson, January 8, 1840. Civilian physicians were often contracted during the Seminole War because of the lack of trained military staff. See, William Strait, "Army Medicine in the Seminole Wars," *Journal of the Florida Medical Association* (August 1978).

[38]Surgeon General, McSherry (Elder) to Lawson, February 18, 1840.

[39]Surgeon General, McSherry (Elder) to Lawson, February 28, 1840.

[40]Sprague, *Florida War*, 548.

[41]Surgeon General, McSherry (Elder) to Lawson, February 28, 1840.

[42]Surgeon General, McSherry to Lawson, April 20, 1840.

[43]Woodward, "McSherry," 11.

[44]Ibid.

[45]Extant in the archives of the University of Maryland Medical School is an 1869 letter from ex-president Franklin Pierce thanking McSherry for sending him one of his publications. Pierce writes that he read and agreed with all of the articles and signed the letter "your friend." They could very well have become acquainted during the Mexican War. General Pierce commanded a brigade there (1846-1848) and was often in need of medical assistance for injuries he suffered.

[46]Woodward, "McSherry," 12-13.

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Contemporary view of the old military road cut in the Steinhatchee river bank above the falls.

Benjamin F. Porter. American Review. *May 19, 1849.*

An Antebellum Law Reformer: Passages In The Life Of Benjamin F. Porter

Paul M. Pruitt, Jr.

By most accounts, antebellum Southern society was permeated by the influence of slavery. Slavery was seen as the opposite of the freedom and honor so cherished by white men. The presence of slaves, in fact, was a continual warning of what could happen to persons who had fallen under the power of men or institutions. Thus it is no surprise that many white Southerners were inclined to distrust all agencies of economic, social, or political power.[1] On the other hand, because the slaves were black–and because white men believed themselves to be superior–slavery served as a type of social safety net for white folk. Fear of slave rebellions furnished another motive for white solidarity.[2] Given such tensions, it was natural for Southerners to react with fury to the rise of national anti-slavery sentiment. Historians have long considered that the antebellum South was an increasingly closed-minded society, devoted to the defense of slavery and cut off from the reform movements of the day.[3]

This standard interpretation has many merits. But it begs the question of educational and humanitarian reforms which were likewise a product of the Old South. No one has fully explained how public schools, insane asylums, schools for the deaf and blind, and penitentiaries could be launched in a society suspicious of reform and hostile to government initiatives.[4] With regard to criminal justice in particular, lawyer-politicians were responsible for substantial improvements long before the outbreak of civil war.[5] The following essay is part of the story of one such reformer, Benjamin Faneuil Porter of Alabama, who pursued both his own advancement and such a variety of benevolent activities that he could never hope to bring them all to fruition. An account of his role in Alabama's penal reform movement challenges the notion of a political system caught in the coils of the peculiar institution.

Porter was born in Charleston, South Carolina, in 1808. His father, born in Bermuda, was a craftsman of Irish descent; his mother's family had lived in South Carolina for a century or more. Apparently, the Porters were not prosperous, and though Benjamin

was a bright boy, his family could not afford to give him a complete education. Instead at age fourteen he was put to work as a clerk in a countinghouse. Porter was far too restless and curious for such Dickensian drudgery, and he was often in poor health. After a year he found a better position working for Dr. Thomas Legare, a physician-druggist. Reading and studying in his spare time, he prepared for a medical career and commenced a life-long process of self-education.[6]

Medical practice, though, could not satisfy certain traits which were basic to young Porter's personality–notably an impulse to take part in dramatic scenes and a need for public recognition. As a medical student he made frequent visits to the courts of law. He was excited by the learned conflicts of lawyers and intrigued by the power and influence so openly displayed. Soon Porter was able to persuade attorney William Crafts to take him on as a clerk. Crafts, who "enjoyed an extensive...celebrity as a poet and orator," was exactly the sort of man young Porter wanted to be.[7]

From his youth Porter was hungry for knowledge. He had studied botany, zoology, pharmacy, and chemistry as a medical student. As a law student he applied himself to his law books and probably to a broad course of reading as well. In 1825 he was admitted to the bar.[8] Forced by the death of his father to support his mother and two sisters, he clerked for about two years in a Charleston law office before deciding to try his fortune in the rural districts. His next move was to Chester Court House, South Carolina, where he formed a partnership and waited for clients to appear, only to find that green country lawyers were not much in demand.[9] Yet the experience was not entirely a loss. While struggling to establish himself, Porter fell in love with Eliza Kidd, a durable and intelligent young woman of good family. When her parents objected to the match, the couple decided to elope. In June 1828 they were married beneath a tree "not far from the paternal residence, and in the presence of the setting sun."[10]

In December 1829, Porter and his wife went west, like so many South Carolinians, to seek fortune in a new country. After a tense passage through Indian territory, they arrived in Monroe County, Alabama, where Porter had relatives. They had dreamed of being entertained in a columned mansion, but their hopes soon evaporated.

For though the area was plantation country, with "Black Belt" soil, Porter's connections lived in a log house; and for a time so would he. The countryside near Claiborne, then a principal town of the area, was desolate and uncivilized, with few schools and churches. Violent crime was common; Porter himself was nearly fired upon by a "squatter" with whom he had had a dispute. In such a wide-open setting, Porter seems to have taken no immediate steps to launch a career. By his own account, he hunted, read such books as he could borrow, wrote poems and essays for a Claiborne newspaper, and spent time with his wife and infant son.[11]

Yet a desire for fame and prominence was never far from the surface of Porter's mind. Such feelings were nourished by an acquaintance with James Dellet, a South Carolinian who was a leader of the local bar and a politician of fiercely anti-Jacksonian leanings. Dellet's manner was dignified and reserved. He was initially brusque with Porter, at a time when the latter was wavering between law and medicine and would surely have appreciated some friendly advice. After Porter was admitted to the state bar (in November 1830), however, Dellet listened to him defend an accused murderer. Buttonholing the younger man, Dellet advised him to "throw your pill boxes to hell" and made him a partner.[12] Porter was anxious to please his patron; soon they were working together in a practice which covered much of South Alabama.[13]

Porter was ambitious once given an opportunity, and with Dellett's backing he soon was county judge and a member of the state House of Representatives. He was proud to be in Tuscaloosa, surrounded by men of influence–though he assured Dellet, with elaborate ennui, that he was "very sick of legislation."[14] In reality there was plenty of excitement.

Porter had assumed his duties during the fall of 1832 when the great controversy between South Carolina and the Jackson administration was a matter of immediate concern. Anxious to prove himself a loyal son of the Palmetto State, he introduced resolutions which placed him at once in the camp of the States Rights faction. The "nullifiers" were a small minority of the state Democratic Party at the time; but by the following year, when Alabama Governor John Gayle challenged federal power over Creek tribal lands, they were the nucleus of a potentially formidable coalition of anti-Jackson men.[15] In

general, James Dellet took the Union side–an unpopular stance in Monroe County, where Porter (momentarily forgetting his junior status) outshouted his mentor during a debate.[16]

Alabama's party system was in an embryonic and confused state in the 1830s, and Porter's political development mirrored the times. He had made his name as a defender of States Rights, and he was always ready to stand up for South Carolina. On the other hand, possibly because of Dellet's influence, he tended to favor the economic policies put forward by Henry Clay. Before long he was defending the Bank of the United States, promoting internal improvements, and resisting efforts to curtail or eliminate state taxes.[17] Like other critics of Jacksonian politics, he denounced Old Hickory's supporters as his "slaves in this state," and worried that "no man will be retained in office who will not cry out Jackson." But though he hated demagoguery, it was obvious that Porter had little fear of the power of government. Rather he saw the state as an agency by which the best people might improve society. In addition, he was an ally of the planters, merchants, and professional men of south Alabama. Why should he worry about rule by an elite?[18]

Youthful and emotional, Porter lacked the ponderous consistency necessary for the pursuit of high office. In letters to Dellet there are sarcasms at the expense of the legislature ("that august body which is to give laws to Rome") which would have done him no good with more conventional politicians.[19] Yet he was safe enough on the bedrock issues of Southern Rights–including slavery, though he indulged in no flourishes on the morality of that institution.[20] On the whole he was a hard-working if mercurial member, and the evidence is that fellow legislators were impressed with his ability. Over the course of a long legislative career Porter would serve on such important committees as Education, Ways and Means, and Judiciary. On occasion he acted as chairman of the Committee of the Whole; he was often trusted to prepare important documents.[21]

Throughout his life Porter continued to practice and study law. He had all the habits and inclinations of a scholar, and perhaps for this reason he was chosen in 1834 to be successor to George Stewart, reporter of the state supreme court. Porter collaborated with Stewart on five volumes of reports (published 1836-1837) and issued nine volumes by himself (1835-1840).[22] He wrestled with the problem of

capturing arguments and decisions faithfully and was critical of his own work; yet "Porter's Reports" are well regarded.[23] His preface to volume six of his reports reveals something of the idealism, grandiloquence, and Whiggery of the man. It was Porter's desire to stand "between the People and the Court–an actor in that noble system, which...dispenses reason and justice to the community: thus regulating every conflicting interest of the social system, by the calm, but powerful test of legal principle." Porter likewise admitted that he wanted to have the good opinion of the public.[24]

In order to pursue his career as court reporter, Porter in 1835 moved his family to Tuscaloosa (thus temporarily relinquishing his seat in the legislature). By this time he had attracted the attention of officials at the University of Alabama, who retained him to untangle certain of their financial affairs. Over the course of two years he produced a five-volume work still known as the "Porter Report."[25] During his early Tuscaloosa years Porter also furthered his reputation as an appellate lawyer. Before the supreme court he dealt with issues and controversies common to an unsettled community–from charges of burglary or murder to civil disputes involving promissory notes, mortgages and insurance, slander, covenants and property, bills of sale, debt collection, legal residence, and partnership. He was also retained to argue disputes over the authority of school commissioners, the relative powers of county and circuit courts, and the right of women to administer estates.[26]

The Porter who practiced before the supreme court in the 1830s and 1840s scarcely resembled the young man who had arrived in Alabama ten years earlier with only "fifty cents in his pocket." Lawyering had made him well-to-do; and though he lost ten thousand dollars in the aftermath of the Panic of 1837, his income was usually adequate.[27] Politically he remained well established. Tuscaloosa was a Whiggish county, and by 1837 Porter was its representative in the legislature. At about the same time, he may also have helped edit a Whig weekly, the *Tuscaloosa Independent Monitor*.[28] As for his personal life, it is clear that Porter reveled in the role of paterfamilias–he and his wife having surrounded themselves with a large family of children and relatives.[29] Though he was profoundly moved by such domestic tragedies as the death of a daughter in 1837, he remained optimistic.[30]

Yet, in another respect Porter continued to resemble his younger self. He remained a voracious reader and student, a person in whom ideas were at least as strong a force as ambition. Throughout his mature career he sought out works of law, history, philosphy, literature, and science, acquiring in the process a sizeable private library.[31] While he was busy compiling reports for judges and legislators he was also beginning to produce essays of his own, filled with historical and literary references and (especially by the 1840s) adorned with quotations.[32] Such erudition may have seemed mere vanity. Yet his scholarship was not just an adornment; rather it was the product of a serious curiosity about the roots of laws and customs.[33]

From both his studies and his association with like-minded lawyers and scholars in Tuscaloosa, Porter absorbed certain political and philosophical ideas.[34] Like many intellectuals of the time he was convinced that republican society was the product of a continuing struggle for freedom and virtue. Yet Porter also trusted in progress and assumed the existence of a divine plan for mankind. Like most Whigs, he was convinced that society could be vastly improved by the disciplined application of reason to humanitarian ends.[35] In short, Porter was unusually well prepared to receive and understand the currents of reform which were sweeping over America in the 1830s. As he fought for his clients in court or battled Democrats on the stump, his mind was partly on larger issues. He loved to act a grand part, believing that legislators owed their first allegiance to law and justice–not to constituents.[36] His personal successes may have convinced him that he could be a leading force for beneficent change.

During the Jacksonian era in the South, law and justice were subjects of considerable debate. Government was too new and too primitive to exert much control over citizens–even assuming that the latter, a rowdy lot of pioneers, would have tolerated it. As a result, respectable planters, professional men, and merchants were constantly horrified by the violence and turbulence around them. Gambling, swindles, free-for-alls, duels, and highway robberies were common enough to be staples of the folklore and literature of the times.[37] Simple homicide was perhaps a worse problem. In Tuscaloosa, capital and university town though it was, men routinely killed each other over debts in trifling quarrels, or in fits of insanity.[38]

Residents of Tuscaloosa used various means to uphold an atmosphere of propriety. When they were in a peaceful mood they established primary and secondary schools, joined temperance societies, sent their children to Sunday schools and supported the work of the American Bible Society.[39] Angered sufficiently, they were capable of forming vigilance committees in an effort to drive undesirables out of town. Porter participated in the whole range of such activities; but like a number of lawyers and other representatives of elite groups, he also devoted himself to the reform of the criminal law itself.[40]

In fact the trend in legal circles nationwide was to challenge traditional criminal codes derived from the common law of England.[41] Punishments under such codes were harsh, and were inflicted in public in order to dramatize the triumph of order and the wages of sin.[42] As late as the mid-1830s, Alabama law prescribed death for convicted murderers, rapists, arsonists, robbers, burglars, forgers, counterfeiters, and slave-stealers, as well as persons convicted of stealing a free person into slavery. Minor crimes were punishable by whipping, humiliation in the pillory, or mutilation. Convicted horse thieves, for instance, could be fined, given thirty-nine lashes, branded (with the letter "T") on on either the face or hand, and imprisoned for up to a year.[43] A law of 1836 revoked the death penalty for white people convicted of various felonies short of murder. Yet executions were still not uncommon, and the parade of lesser public brutalities continued unabated.[44]

By the mid-decade, Porter was one of a number of editors, lawyers, and officials who viewed corporal punishments as a threat to civic order and decorum.[45] Porter had seen ugly scenes of official violence early in life. As a youth in Charleston he had been part of a panicky crowd that witnessed the execution of twenty-two men in the aftermath of Denmark Vesey's famous conspiracy.[46] Like other thoughtful citizens, Porter understood that morbid excitements called forth the worst instincts of spectators. Executions especially stimulated lawbreaking; as a Tuscaloosa editor put it, many crimes were "committed under the very gallows."[47] Conversely, the harsh penalties of the common law sometimes interfered with the punishment of criminals. As Porter and other trial attorneys discovered, juries often convicted guilty men of lesser offenses rather than inflict the death penalty upon them.[48]

The need for reform had long been apparent. Alabama's 1819 constitution commanded the legislature to enact, as soon as possible, a penal code "founded on principles of reformation, and not of vindictive justice."[49] Models for such a system, centered around code reform and the construction of penitentiaries, were readily available by the mid-1820s. Predicated on the importance of environment, the new criminology of the time held that long-term (solitary) confinement, moral education, job training, and disciplined work could reform criminals. As practiced in New York and other Eastern states, the penitentiary held out the possibility of dealing with law-breakers in a constructive manner–or at least of putting them away without degrading tumults.[50] In the hectic "Flush Times" of the 1830s, this system must have looked better and better to the propertied classes of Alabama. It is not hard to imagine that a working consensus on the subject was gradually forged among lawyers and politicians as they came together during the meetings of the circuit courts.[51]

Penitentiary bills were debated early in the decade without result. By the 1833-1834 session Governor John Gayle, prominent legislators, and major newspapers were behind reform. Yet many legislators were still opposed or uncertain, and in the end it was decided to submit the question of a penitentiary to the people.[52] Proponents argued that penal reform would demonstrate Alabama's character as a civilized state–while making punishment more certain and predictable, and hence more feared. Opponents made fewer public comments, but if they followed the reasoning of their counterparts in other Southern states, they feared giving the state more power and disliked the idea of subjecting white men to the virtual slavery of imprisonment.[53] In the event, the referendum (held in August 1834) revealed strong support for the prison initiative in such "urban" areas as Mobile and Huntsville, where legal and professional elites were more influential. Yet the town vote was more than offset by a negative vote from the countryside.[54]

Porter was caught up in his states-rights phase during these early debates.[55] After he began to work in Tuscaloosa, however, both his reading and his perspective broadened. If he had not already done so, he probably read Francis Lieber's 1833 translation of Beaumont and Toqueville's *On the Penitentiary System in the United States and its Application in France*, and most likely emerged a stronger partisan

of the penitentiary system.[56] In addition, Porter's position as court reporter allowed him an often dramatic view of the imperfections of criminal justice. There is good evidence, for example, that his view of the death penalty was affected by an 1835 case–a Mobile tragedy which came before the supreme court a few months after penal reform had been defeated by the voters.

Charles R. S. Boyington was a printer and sometime poet who had come to Mobile to seek his fortune. Like so many young men of the era, he was something of a wastrel–and having used up his resources, was on his way home when he was arrested for the brutal murder of one of his recent friends. Boyington was an New Englander and a religious agnostic; the local newspapers exploited the case for all it was worth.[57] The state's evidence was circumstantial, but the defense was no match for a prosecution assisted by James Dellet. The conviction was appealed on technical grounds, and Boyington set about writing a long and persuasive vindication of his innocence. All to no avail–in February 1835 he was taken to the gallows, allowed to make a lengthy and unrepentant speech, and hanged, dying after horrible struggles.[58] Porter remembered that the scene caused "a thrill of horror" to run throughout Mobile. His distaste for the execution of an intelligent young man must have changed to disgust when the supreme court, in two years, abandoned the reasoning on which it had denied Boyington's appeal.[59]

Observing such scenes made Porter reflect further upon the relationship of law to society. His readings in Blackstone or other commentators may have influenced him; few of the legal philosophes were friends of the death penalty. In any case, Porter was a believer in the social compact as the basis of society. By mid-decade he was ready to accept the argument that "life" was a natural right–and thus beyond the lawful reach of governments.[60] Finally, Porter was a sincere Christian who viewed life and death as mysteries over which God alone should exercise control.[61]

Porter reviewed these and other ideas in an 1836 speech before the Philomathic Society of the University of Alabama. Man, he declared, had been intended for a life of "benevolence and virtue." But as everyone knew, men had descended to violence; and capital punishment was part of that violence.[62] Justifying capital punishment as a long-established practice, he maintained, was merely "the cant of

power." Criminal trials were supposed to preclude private vengeance; yet as he traced the course of a typical capital trial he was able to show that private vengeance, all too often, played a part in the proceedings.[63]

The death penalty, Porter reasoned, was not only an invasion of God's prerogatives and a violation of the logic of social compacts, but a singularly ineffective punishment. It did not deter crime, since robbers often killed to silence witnesses who might send them to the gallows.[64] Moreover, death (which he said was "frequently one of the kindest privileges of the unfortunate") had fewer terrors than prolonged solitary imprisonment.[65] Above all, death was irrevocable. It stole from sinners precious time that might have been used in repentance, penitence, or even reformation.[66]

Despite these appeals to idealism and religion, Porter had little hope that his ideas would win a ready acceptance from either the general public or the legislature. All he hoped to do in 1836 was to persuade future leaders of the barbarism and futility of state-sanctioned killings. Yet as always, Porter was sanguine. He told the students that he looked forward to "the coming age, as one of great refinement in the laws," and he invited them to cast off the shackles of the past and help to make a better world.[67]

Such sentiments were all very well, but in the following years Tuscaloosa was confronted with a regular "outbreak" of murders. Porter recalled that local people, infuriated by the killings, demanded that the death penalty be enforced. The result was evidently a series of repetitions of the Boyington case. "Vague presumptions took the place of proof," Porter wrote, noting that "[i]t was enough to suspect a man to insure his conviction." One of Porter's clients was a man who had been discovered in a dunken stupor with a knife by his side, next to the stabbed body of his brother. To all appearances he was headed straight to the gallows; but Porter secured his release by an appeal based upon a scientific discussion of the wound. Not every innocent man was fortunate enough to be defended by a lawyer who was also a physician![68]

Apart from the excesses of the death penalty and the haphazard nature of the justice system, Porter was constantly aware of the misery of prisoners. Like other benevolent citizens of the time, he made a practice of visiting jails. On one such visit he saw a fifteen-

year old young woman, chained to the floor in an entryway because the jail's two cells were full. To Porter it seemed that "her mind was a blank." She was, he thought, "in the infancy of her guilt, but unconscious of morality." Thinking about her, he may have reflected upon the tremendous challenges that would be thrust upon the keepers of a state penitentiary. Yet the sight of the young woman ("lying upon a miserable pallet,...covered with rags,...an object of most terrible human suffering, disgrace, and wretchedness") must have strengthened his resolve that Alabama should have a penitentiary, and may have contributed to his desire to return to the legislature.[69]

It would be pleasant, at this point, to be able to say that Porter abandoned worldly pursuits to work tirelessly for reform of the criminal law. In fact, his heightened reformist feelings coincided with a busy professional schedule, family crises, and the political and economic turmoil of the Panic of 1837. When the legislature met that fall, Porter was absorbed by the question of the state's credit. As a Whig, he could simply have pointed his finger at what was arguably a Democratic disaster. Instead at the request of colleagues, he spent his time studying the condition of the state banks–a labor which consumed his energy.[70] Late in the session, the senate passed a penal reform bill and asked the house to agree to another popular referendum on the penitentiary. Neither measure was seriously considered in the house; the voters were in no mood to finance new projects, anyway.[71]

The 1838-39 legislature was in a more expansive mood. State banking and finances remained worrisome but for the moment seemed to be on a sounder footing.[72] Porter and other partisans debated federal monetary policy endlessly, but were also willing to consider a variety of social measures, including bills intended to assist common schools and to regulate the sale of liquor.[73] Moved by the human suffering so obvious in those hard times, Porter introduced a bill to ban imprisonment for debt and had the pleasure of seeing his proposal become law.[74] Yet his most significant work during that session was his advocacy of legislation that led to the construction of a state penitentiary and to criminal code reform. For the rest of his life Porter would be proud of what he had accomplished.

Porter was a member of the judiciary committee, a notable body whose membership also included Marmaduke Williams, who had been

a delegate to the founding constitutional convention of 1819, and three future congressmen (Henry W. Hilliard, Felix McConnell, and Benjamin G. Shields). A majority of the committee were professional men, and since our legal system has always been friendly to property, it should not be surprising that legislators from plantation districts (south Alabama's Black Belt and the Tennessee Valley) occupied twelve of the committee's eighteen seats. At least seven members were Whigs.[75]

Propertied, professional, and rather Whiggish–according to a recent study, the men of the judiciary committee were just the type of men likely to support the penitentiary system.[76] Apart from humanitarian motives, there were several reasons why they should have done so in 1838-39. Informed observers, aware of the financial crimes so common before and during the Panic, knew that the state needed a more sophisticated legal machinery. There is also evidence that growing numbers of citizens were anxious to alter a system of punishments which seemed to allow so many "freebooters" to roam at large. Finally, neighboring states had recently built penitentiaries, a fact which influenced lawmakers.[77]

On December 3, Governor Arthur P. Bagby declared himself in favor of criminal justice reform. Shortly thereafter Porter introduced a bill to revise the penal code.[78] On the floor, Porter was the prime mover of the question, perhaps because of his zeal and ability, or perhaps because the Democratic members were willing to give Whigs a leading role in passing a potentially unpopular act. The object of Porter's bill gives the impression that he saw himself in the role of lawgiver. Yet thoughtful members knew that revision of the code and construction of a penitentiary must be carried out together, and perhaps Porter simply wanted to begin with the less expensive end of the process. During the month of December, much of the maneuvering on these issues was conducted behind closed doors.[79]

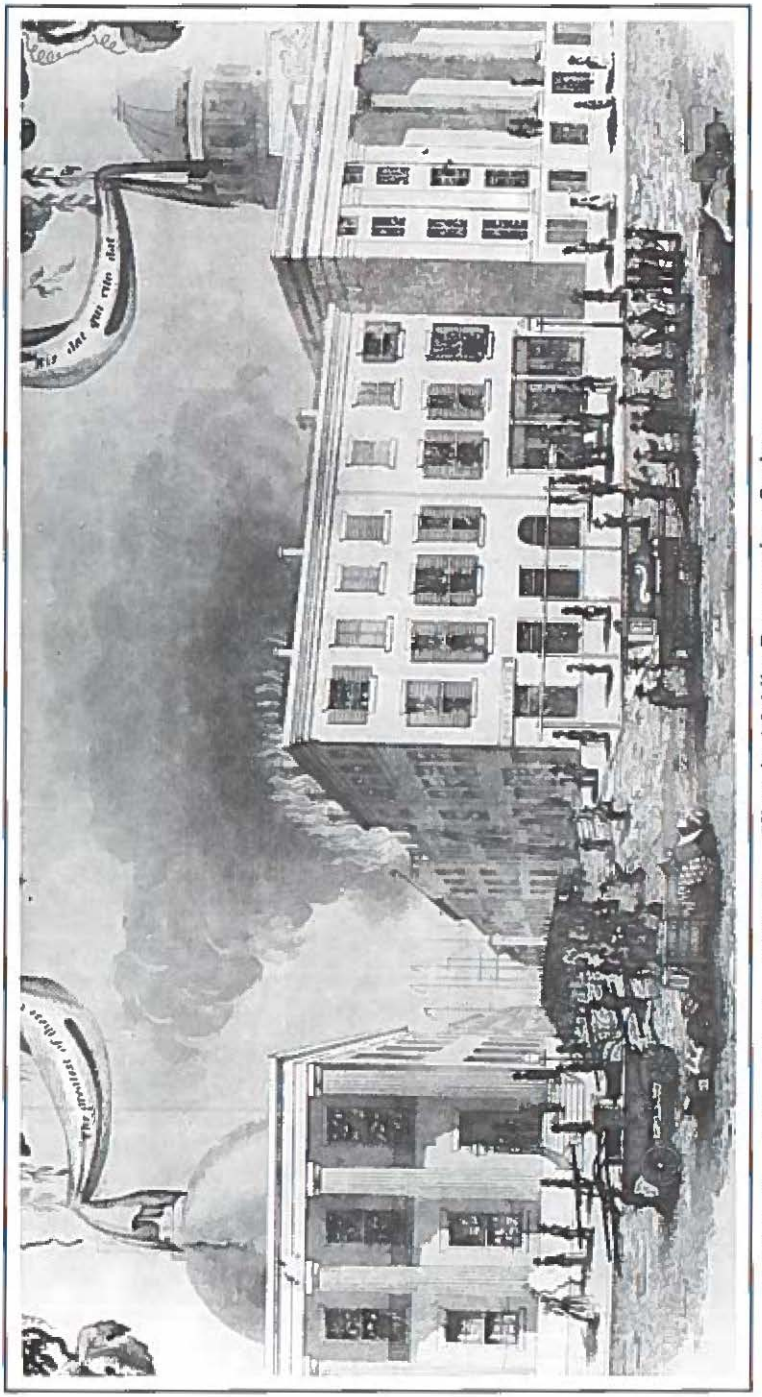
On January 2, 1839, Porter reported on behalf of the judiciary committee a substitute for his own bill. In an apparent reversal of emphasis, the new measure provided for the contruction of a penitentiary; members were at least as interested in construction (and attendant patronage) as in law reform. Under Porter's leadership, the substitute survived efforts to postpone it or to tie it to a popular referendum. The sparce nature of the record makes dull reading out

of what must have been an interesting debate. At any rate, Porter's bill was read the third time on January 18, 1839, and passed by a margin of 48 to 36. The senate acted speedily and favorably, but in the process it cut a number of sections from the bill. Porter was surely annoyed; but the session was in its waning days and he had learned to take what he could get. On January 22, the house accepted the senate amendments. Four days later Governor Bagby signed the act into law.[80]

Thanks to senate pruning, the penitentiary law was short on particulars. It stated that the purpose of constructing a state prison was to punish and reform criminals, noting that the latter should be put to hard labor in solitary confinement. It required the legislature to elect three commissioners to adapt the state's criminal law to the penitentiary system, and three commissioners to oversee construction. With no dissent the house and senate chose supreme court justices (Henry W. Collier, Henry B. Goldthwaite, and John J. Ormond) to revise the code. Without much difficulty the two houses picked building commissioners, and after some maneuvering selected centrally located Wetumpka as the site.[81]

The building commissioners and legislators squabbled endlessly while contractors moved slowly, and the penitentiary was not finished until the fall of 1841. By that time the supreme court justices had also done their work, and the legislature had had two sessions to tinker with it.[82] The penal code which emerged was a humane body of laws, indicative that a working majority of legislators were in fundamental agreement with the principles of penal reform. The code did away with the disfigurement of white criminals, and continued to limit the use of the death penalty against whites. First-degree murderers, traitors against the state, and incitors of slave rebellion could still be hanged, though even in these instances the code gave jurors a choice between execution and life in prison.[83]

Justices Collier, Goldthwaite, and Ormond–experienced and respected men whose connections ranged from Mobile to the Tennessee Valley–deserve credit for their part in this sweeping reform of law. So does Porter, who authored the 1838-1839 bills and presided over debates on "punishments under the penitentiary system" during the 1839-40 legislature. Much credit must also go to Sumter County



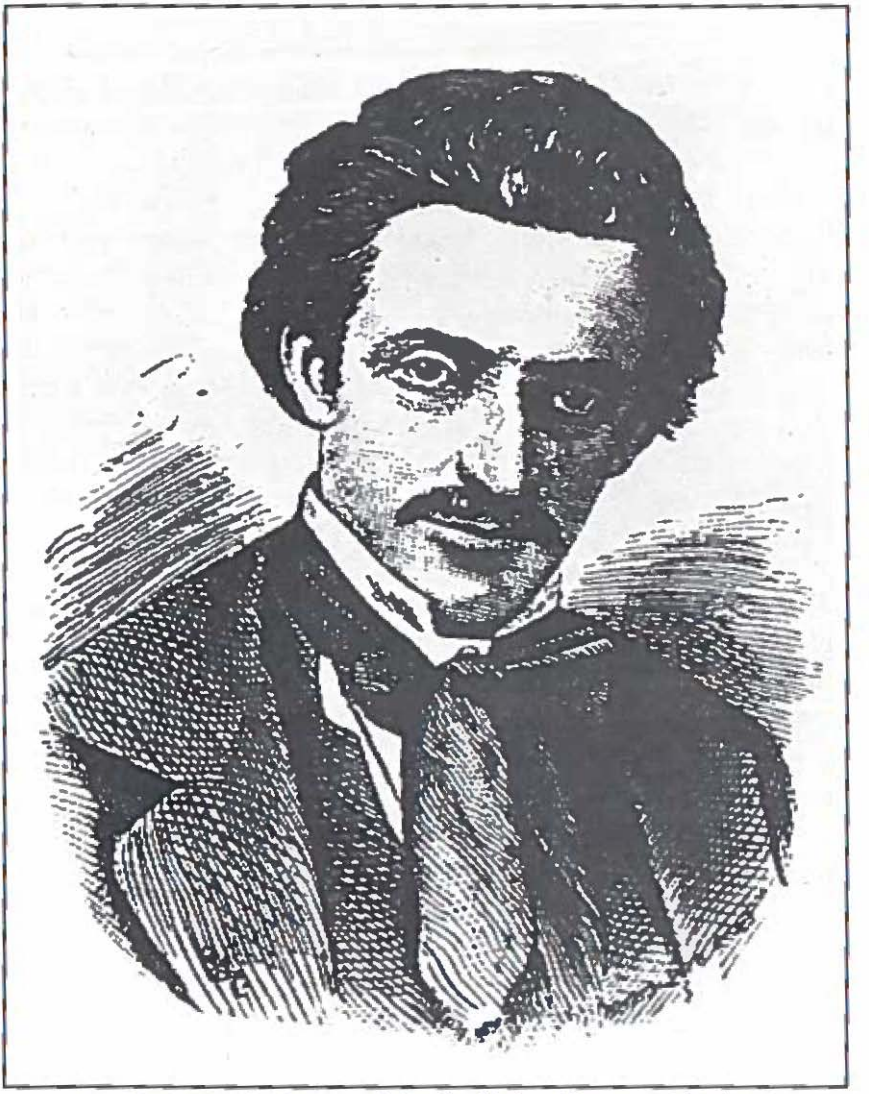
Mobile's Royal Street in the 1839 Fire. Historic Mobile Preservation Society.

representative William M. Inge, a Black Belt humanitarian who worked effectively against the death penalty during the 1840-41 session. In all, the enactment of such a complex project of reform shows that Alabama politicians were capable (at least on occasion) of concerted action despite their doubts about the people's will.[84]

While he was helping the state commence its experiment in reformation, Porter had begun to examine his own career. Reelected to the legislature in 1839, he should have been in fine form. His friend John Phelan was chosen Speaker, and he was appointed to the judiciary, education, and railroads committees.[85] Yet during the session, debates over important issues (the penitentiary, educational affairs, and the banking system) produced no decisive results.[86] Meanwhile, a faction led by Jeremiah Clemens of Madison County undertook a crusade to drive out legislators who had been elected while holding another office. Their targets included Porter, who had been supreme court reporter and agent for the university at the time of his election. He escaped the fate of several members who were forced to relinquish their seats; yet it is hardly surprising that he grew weary of politics.[87]

During the fall of 1839 his thoughts turned often to Mobile, whose residents had recently suffered a yellow fever plague and a series of fires which had destroyed large portions of the town.[88] Early in the session, Porter introduced resolutions designed to secure state financial aid for the Mobile sufferers and to begin a campaign for improved public health.[89] He was fond of the Whiggish port city and was moved by descriptions of the desolation there; but his motives probably went beyond mere good will. At intervals over the years Porter had dreamed of practicing law in Mobile, and of having a summer home in Monroe County near James Dellet and other friends.[90]

At some point during the 1839-40 session, Porter's daydreams collided with the reality of a court crisis in south Alabama. Dockets and jails were utterly overcrowded, at least in Mobile. Probably as a result, there was a movement to create a new "tenth" circuit based on Mobile County. The legislature passed a tenth circuit act late in January, by which time Porter was already a strong candidate for (legislative) election to the post.[91] To be sure, the state's constitution prohibited any legislator from holding a "civil office of profit" created



Judge Benjamin F. Porter. John B. Little, *History of Butler County Alabama from 1815 to 1885* (Cincinnati, 1885).

during his term.[92] But Porter had been careful not to vote when the tenth circuit bill came up for passage. Moreover, he resigned his seat on February 3 just prior to his election by a narrow majority over two other candidates.[93] Seven years earlier, judging a case arising out of similar circumstances, the supreme court had declared itself unwilling to second-guess the legislature.[94]

By March 1840 Porter was in Mobile, where he met with a committee of "highly respectable" citizens, including prominent local politician John Everett. The Mobilians thanked him for his recent services to the city and offered to welcome him with a banquet. Porter, in response, was seized with a fit of legal ethics. He declined, noting that judges must avoid all such "public excitements."[95] Considering that he was an outsider (and that he was arguably ineligible for his position), he might have been more congenial.

Certainly no one could accuse Porter of neglecting his duties. In the spring of 1840 he cleared literally thousands of cases from the books, working with bursts of energy that few judges could rival. On the whole he displayed "patience in the investigation of tedious and complicated causes" and preserved an air of "urbanity" toward attorneys.[96] Yet Porter also showed that he could be impetuous. Just as he was ready to adjourn court for the fever season, he learned by overhearing a conversation that the Mobile jail was full of unfortunate people. Angrily–he had resolved to leave the jail empty–he summoned the state's attorney. The two men found a "festering" collection of humanity, including sailors jailed to prevent them from deserting and families held as material witnesses. The prisoners included women, one of whom was giving birth, and at least one child sick with fever. Disgusted and touched, Porter decided to take responsibility for letting them all go, though not without sending the sick to a "proper asylum."[97]

Porter did not realize it as he opened the jail doors, but his days of judicial power were numbered. Though his efficiency and humanity were much to his credit, he had caused too much commotion to suit some attorneys, who fretted that he might be removed from office and all his actions nullified.[98] In fact, Attorney General Matthew W. Lindsay–putting on the mantle of righteousness recently worn by Jeremiah Clemens in the legislature–had carried the matter of Porter's eligibility to the supreme court, whose members

now proved quite willing to sit in judgment upon legislative elections. At their June session they reversed their previous ruling and held that Porter was ineligible to hold the tenth-circuit judgeship. On July 1 Porter sent a letter of resignation to Bagby. In public he kept his dignity, though he was outraged by what he would call the "frail and ridiculous" reasoning of the court.[99]

After losing his judgeship, Porter pursued an ambivalent course. For months he continued to think of practicing law in Mobile; yet he remained near Tuscaloosa, his political base.[100] Politics, in fact, would take up much of his energy during the next few years–a tumultuous period of partisan strife. In the presidential election of 1840, the Whigs won a majority in three of the state's five congressional districts; Porter's contribution was a burst of letter-writing and speechifying.[101] Yet excitement turned to fury as Democrats responded with a "general ticket" act intended to keep Whigs from winning congressional elections. Though it was in force for less than a year, the measure was a success. Thrown off balance, the Whigs remained a minority party.[102] The controversy can only have deepened Porter's disgust for the demagogic side of politics. Still he soldiered on as a loyal Whig, carrying out various party duties and serving three more terms in the legislature.[103]

Yet, with his mixed feelings about public life, Porter took every opportunity to achieve recognition away from politics. He returned to his law practice, appearing often before the Alabama Supreme Court.[104] He served (1844-1845) as a University of Alabama trustee and in the winter of 1845-1846 was chosen, apparently at his own suggestion, as that institution's first law professor.[105] He had begun to write treatises of Alabama law, and it seems likely that (taking Blackstone as his model) he intended to write a more general work for his students.[106] But the trustees imposed harsh regulations and fees upon the fledgling law school–the academic politics must have been complex and spiteful–and no students enrolled.[107]

Whatever he may have felt after his brushes with pedagogic bureaucracy, Porter did a great deal of writing in the 1840s. In addition to books of law, he produced legal or historical articles, economic commentaries, reformist appeals and travel pieces, as well as poems and translations. He published in such journals as *DeBow's Review* and *Hunt's Merchants' Magazine,* taking considerable

satisfaction in his literary reputation.[108] He was also pleased to have several of his speeches printed. His political opponents thought that he "had some ulterior aim, probably [that of] writing himself into celebrity."[109]

As Porter paid more attention to scholarship (with less hope of success in politics), he became a more persistent opponent of capital punishment. He had in addition one very practical reason for doing so–namely, that Alabama's criminal code still mandated the execution of slaves for a variety of offenses. Since jurors were all too quick to convict slaves accused of crimes against white people, such executions were not uncommon.[110] Porter, for his part, believed that shedding human blood was always wrong; he was anxious to see justice done regardless of the defendant's color. During these years he would gain considerable attention by his defense of two black men who were charged with the hanging offense of burglary. The evidence was conclusive, and judge and jury were so furious when Porter insisted on a full-blown trial that at one point they turned their backs to him. Even so, by pointing out inconsistencies in the laws concerning burglary by slaves, Porter persuaded the judge to direct an acquittal.[111]

Personal successes aside, Porter was encouraged by the progress of a national anti-capital punishment movement. In many states, as in Alabama, penal reformers had worked to limit the application of the death penalty.[112] By the mid-1840s, opponents of the death penalty in New York, Massachusetts, and Pennsylvania had formed a national organization, the Society for the Abolition of the Punishment of Death. Porter probably knew of this group; but since many of its leaders were prominent abolitionists, their support would have done him no good.[113] Still it seems likely that Porter was familiar with the writings of such crusaders as John L. O'Sullivan, whose *Report in Favor of the Abolition of the Punishment of Death By Law* included Biblical, theological, logical, sociological and historical arguments. Presented to New York's legislature in 1841, O'Sullivan's proposals were defeated without debate, a type of rejection with which Porter was all too familiar.[114]

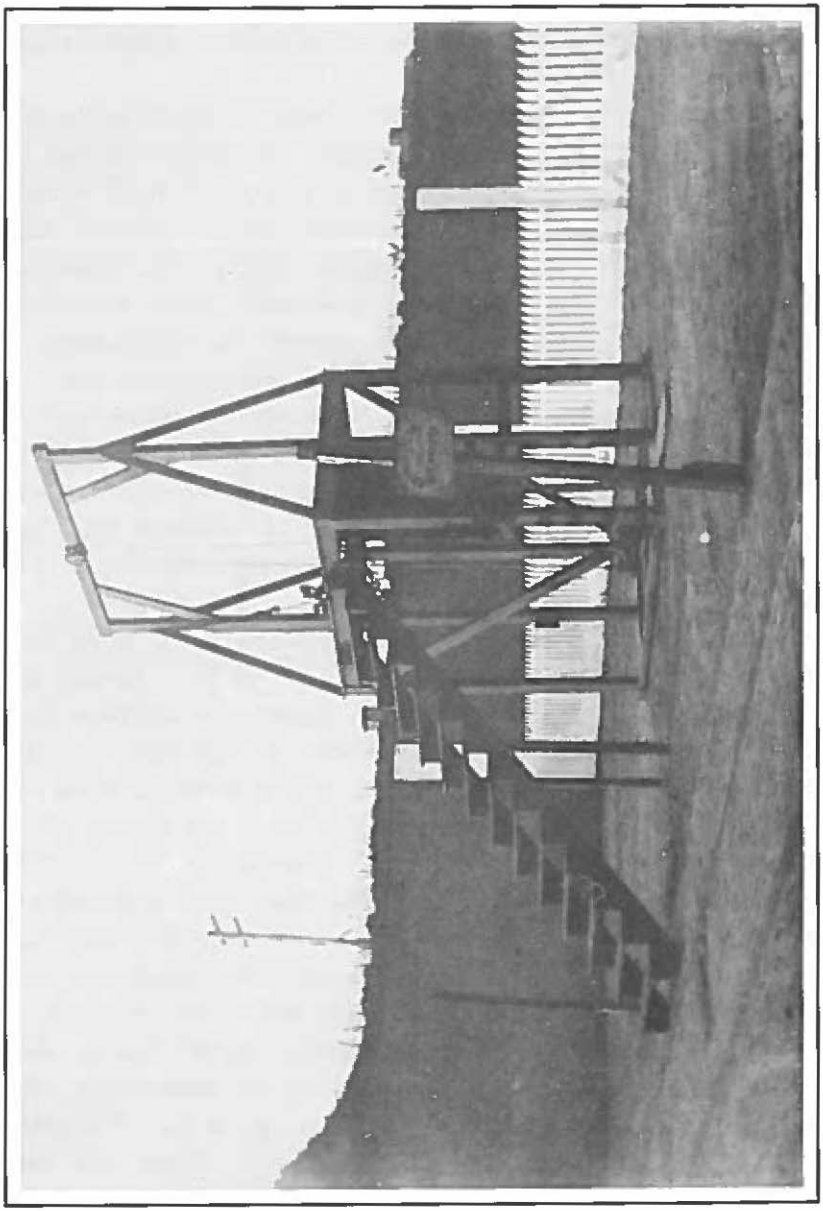
Porter was a member of Alabama's 1842-1843 legislature, which largely concerned itself with probing corruption in the state banks, reducing expenditures, and raising tax revenues.[115] Porter chose to

concentrate his efforts on law reform, sponsoring bills to amend courtroom procedure and facilitate the correction of errors. He also took the opportunity to introduce an anti-capital punishment bill, which was referred to the judiciary committee.[116] Evidently Porter expected that the measure would be debated by the house. Yet on January 30, 1843, the judiciary committee declared that abolition of the death penalty was "inexpedient"; impatient house members voted 55 to 26 to lay the bill on the table. Porter was considerably annoyed. Supported by six other members, he presented a formal "protest."[117]

Barely three pages long, this document was earnest and angry. Porter predicted "that a new era is commencing in criminal justice" which would sweep away "the barbarous and sanguinary enactments of the darker ages"–including the death penalty, which was "the least defensible, because the most cruel" of punishments. Judged by any humane standard of justice, executions were nothing less than an outrage "upon the dearest rights of men." Aware that some persons cited Old Testament scripture in justification of capital punishment, Porter replied that "the Mosaic dispensation was superceded by the milder and more humane schemes of Christ."[118] As a document, the protest is memorable as a resume of reformist arguments, and for the paltry number of legislators who were willing to endorse it. Porter was confident that he could have won more support had he been allowed to make a full-blown speech.[119]

Three years later, when Porter was next a member of the house, penal issues were a significant topic of debate. The penitentiary had proved to be a costly reform, and had become such a political liability that in 1846 legislators took the fateful step of allowing private contractors to lease it.[120] Porter worried that businessmen-operators would neglect the moral reformation of the hundred or more convicts held by the state. He was one of several legislators who worked to make contractors responsible for the humane treatment of inmates; and he voted against the leasing bill in its final form.[121]

During the same session, Porter took the opportunity to introduce another anti-capital punishment bill. He must have been gratified when it was placed on the calendar as a special topic, though the usual crush of affairs postponed its consideration until the latter part



Gallows at the old Mobile jail, c. 1900. Rickarby Collection, USA Archives.

of the 1845-1846 session.[122] Porter was under no illusions about the prospects of his bill. Despite changes in criminal justice, hanging was too deeply entrenched in both the legal culture and the popular mind. What Porter wanted was the chance to testify to his convictions and make a few converts.

The "Argument" he prepared was at least as emotional as his earlier writings. He mentioned, for example, the savage triumph of society "over a poor chained, criminal, powerless, dead human being."[123] As he had done before, Porter argued strongly that executions had a corrupting influence on society. By means of well-chosen examples he demonstrated how public furors had often led to ill-considered verdicts, pointing out that the swift course of capital punishment leaves "no time to correct innocent convictions."[124] Noting, on the other hand, that juries frequently refused to convict in capital cases, he said that "men have more humanity than the society which they establish." He had no doubt that imprisonment was both a severe and an effective punishment. He declared that "the conscience of the prisoner wears away the rough surface of his depraved nature" in a cell.[125]

In the end his bill to abolish the punishment of death was defeated on its third reading by a vote of 63 to 16.[126] Though the measure was not likely to have passed the house, Porter's effort was impressive. On the floor and in the lobbies he had served as the nucleus of a group whose members were willing to take a stand on an unpopular issue, at a time when the legislature was turning away from penal reform. Of Porter's supporters (considering those of 1843 as well as 1846), it should be said that they were independent-minded, sure enough of themselves to vote according to conscience. Their number included Democrats and Whigs, both prominent and obscure men, though they were largely from the wealthy counties of the Black Belt or the Tennessee Valley. Likewise they were well-educated by the standards of the time. Of the twenty men who stood with him, nine or more were lawyers and at least two were physicians. Like earlier coalitions of penal reformers, Porter and most of his allies were members of the state's elite. Together they kept alive a core of support for humanitarian justice.[127]

Porter was elected to the 1847-1848 session of the legislature, where he chaired the committee on internal improvements and

composed a major speech on behalf of a centrally financed public school system.[128] This would be his last term in the house, though he continued to take political stands (he campaigned for Whig presidential candidate Zachary Taylor in 1848).[129] In retrospect it seems clear that life in Tuscaloosa was losing its savor for Porter. By the mid-1840s he was encumbered (not for the first time) with the debts of family members. In the summer of 1845 he lost his kinsman Joseph, a fellow-lawyer; the following year his mother died.[130] Some of the personal problems which beset Porter during these years involved his religious life. Always a sincere believer, he had become a Baptist in 1842; by the end of the decade he found it increasingly difficult to keep the social commandments of that church. The local Baptist congregation expelled him, in fact, for "dancing on board of a steamboat."[131]

All in all, he felt boxed-in, a feeling which was aggravated by the removal of the state capital from Tuscaloosa to Montgomery in 1847. The next year, Porter purchased a summer home at Cave Springs in the mountains of northwest Georgia. During an 1849 trip to Washington, D.C., he was injured and recuperated in the hill country.[132] Late in the summer of that year, in the company of *Charleston Courier* editor Richard Yeadon, he viewed the wonderful Appalachian scenery of north Alabama and was fired with the thought of the mountain country's potential. Yeadon, meanwhile, was urging his restless friend to return to South Carolina. About a year later he succeeded in luring Porter back, and arranged for him to be editor of the *Charleston Evening News*.[133]

Porter's stay in Charleston lasted about a year. He was a good-humored if outspoken editor, advocating (for instance) reforms in women's education. It may have been that he was too much the nationalistic Whig to prosper as a South Carolina journalist. He practiced law, but apparently his legal business did not flourish.[134] By the early 1850s he was again in northeast Alabama. There he lived for several years, editing local newspapers, practicing law, buying land, supporting educational projects, promoting railroads and industry, and running unsuccessfully for the state senate.[135] In his spare moments he started his memoirs and continued a scholarly project, the translation of a classic work of civil law, for which he had diligently taught himself Latin.[136]

These diverse labors brought only moderate prosperity. The summer of 1860 found Porter, his wife and six children living near Guntersville in Marshall County. Census records show that they possessed $2,000 worth of real estate and personal property worth $21,090 (including five slaves).[137] That same year the family moved to Greenville, the county seat of Butler County. There Porter carried on a combination of lawyering, doctoring, and writing. Like many old Whigs, he was preoccupied with the crisis of the Union and the possibility of war. He opposed secession; yet when it came, he was a loyal Confederate. He offered his own services to the Confederacy and watched his sons go off to the army. He was chosen mayor of Greenville, and he and his family supported a military hospital.[138]

In January 1865 Porter was in a state of mingled shock and grief over the collapse of a cause for which he had expended money, effort, and tragically, the life of a son. After much thought he poured his feelings into a broadside which reflected the chaotic state of Confederate society. Criticizing politicians who "have been grasping for years, at mere abstractions in politics" until they have "worn out Liberty, in efforts to catch at its visions," he announced his gubernatorial candidacy. He was utterly against the reconstruction of the Union ("I never can fraternize with the murderers of my child") but hoped for peace by means of a treaty by which some European power would protect the Confederacy in return for the gradual emancipation of the slaves. He was still willing to defend slavery, though he was aware that "the whole civilized world" condemned it. He warned that the war was destroying the "moral foundations" of black obedience, and asked if it was worthwhile "to fight for slave property, till the last man dies, in the last ditch?"[139]

With the coming of peace Porter's hatred of Yankees began to wear off. It had been a natural passion, but Porter was never the man to hold a grudge. During the brief period of "Presidential" Reconstruction, Porter did indeed work with federal officials to relieve the poor and disabled near his home.[140] By 1867 he was pondering his political future in a world utterly dominated by the Republicans. Nearly sixty years old and in poor health, Porter may have felt that he had little to lose; or he may have sensed one last chance to succeed. By the spring of 1868 he had joined the Republican Party and was rewarded with a circuit judgeship. Scalawags were political

and social pariahs in Alabama, as Porter would have found out; but he was never able to stay on the bench for long. In June 1868 he died, leaving projects unfinished and prospects unfulfilled.[141]

The story of Benjamin F. Porter's career goes against many of the stereotypes of Deep-South history. Porter was a self-made lawyer, doctor, and businessman; he was just as much a professional reformer. Though he took the righteousness of slavery for granted, he refused to erect an intellectual wall around himself. An early states-rights man, he became a disciple of Whiggery; a Unionist, he worked diligently for the Confederacy. Though he was a spokesman of planting and mercantile interests, he was likewise a zealous guardian of the welfare of common folk.

It seems likely that such persistent reformism, in tandem with his ardent, restless personality, cost Porter the high offices he might have attained. It should not be forgotten, however, that he was popular enough with the local voters who knew him best, and that he worked successfully with like-minded colleagues to make criminal justice more humane. Viewed in context, his life testifies to the existence of a distinct antebellum reformism, the very existence of which was buried beneath the collapse of the slaveholders' world.

Notes

The author thanks Miss Sarah Walls for access to many documents and for much good information and advice; without her help this article could not have been written. Norwood Kerr, John Quist, Warren Rogers, Hugh Terry, Charles John Torrey III, and Caroline Wells have also provided gracious help and encouragement. This article is dedicated to my parents, Paul and Ruth Pruitt, unfailing sources of encouragement and inspiration.

[1]J. Mills Thornton III, in *Politics and Power in a Slave Society: Alabama, 1800-1860* (Baton Rouge, 1978), observes that "Antebellum Alabama was...a society obsessed with the idea of slavery." See ibid., *xviii-xix* and passim; and see William J. Cooper, Jr., *Liberty and Slavery: Southern Politics to 1860* (New York, 1983), 170-73, 174, 177, 178-81, 219-20, 248-49, and passim.

[2]Cooper, *Liberty and Slavery*, 248-49; Thornton, *Politics and Power*, *xviii*, 312-15; and Clement Eaton, *A History of the Old South*, 2d ed. (New York, 1966), 252-55. See also Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York, 1983), 402-34.

[3]Cooper, *Liberty and Slavery*, 178-81; Eaton, *History of the Old South*, 343-45, 350-55, 421-22, 431-34; and W. J. Cash, *The Mind of the South* (New York, 1941), 90-97. For an exaggerated view of the South as a land in which "honor" justified racist and sexist mechanisms of control, see Wyatt-Brown, *Southern Honor*, *xii*, *xv-xvii*, 369, passim.

[4]Eaton, *History of the Old South*, 417-22, 436-40; Virginius Dabney, *Liberalism in the South* (Chapel Hill, 1932), 144-50. The history of antebellum penal reform has virtually been ignored by the standard histories of the region. Dabney has almost nothing on the subject, nor does Carl N. Degler's *The Other South: Southern Dissenters in the Nineteenth Century* (New York, 1974).

[5]Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South* (New York, 1984), 34-73. See also Thornton, *Politics and Power*, xix-xx, and 165-461.

[6]"Hon. Benjamin F. Porter," *American Review* 9 (May 1849):447-48; John Buckner Little, *The History of Butler County, Alabama, from 1815 to 1885* (Cincinnati, 1885), 114; John Belton O'Neall, *Biographical Sketches of the Bench and Bar of South Carolina* (Charlestown, 1859), 2:549; [Ina Marie Porter Ockenden], "Benjamin Faneuil Porter," ms. in the B. F. Porter Papers, Auburn University Archives (hereafter cited as AU). Ina Marie Porter Ockenden says that Porter was apprenticed to a Dr. Geddings.

[7]"Hon. Benjamin F. Porter," *American Review*, 447-48; Little, *History of Butler County*, 114; O'Neall, *Bench and Bar*, 2:549; Ockenden, "Benjamin Fanueil Porter"; William Garrett, *Reminiscences of Public Men in Alabama for Thirty Years* (Atlanta, 1872), 310-11. See also Eli N. Evans, *Judah P. Benjamin, the Jewish Confederate* (New York, 1988), 4-9.

[8]"Hon. Benjamin F. Porter," *American Review*, 448; Little, *History of Butler County*, 114-15; and O'Neall, *Bench and Bar*, 2:603.

[9]Little, *History of Butler County*, 115; O'Neall, *Bench and Bar*, 12:549-50. See also Joseph Glover Baldwin, *The Flush Times of Alabama and Mississippi: A Series of Sketches* (1853; reprint, Glouster, MA, 1974), 34-35.

[10]"Hon. Benjamin F. Porter," *American Review* 447; O'Neall, *Bench and Bar*, 2:550. The dates of many of Porter's youthful activities are uncertain. It is interesting that Porter's wife and mother were both named Eliza; see invitation to the funeral of Mrs. Eliza Porter, Wednesday, April 8, 1846, in the Porter Papers, AU.

[11]Benjamin F. Porter, *Reminiscences of Men and Things in Alabama*, ed. Sara Walls (Tuscaloosa, 1983), 29-32.

[12]Ibid., 33, 38-39; O'Neall, *Bench and Bar*, 2:550.

[13]Benjamin F. Porter to James Dellet, December 2, 12, 1831, April 23, December 1, 1832, October 11, 1834, December 11 (photocopy), 1834, in the James Dellet Papers, Alabama Department of Archives and History. Hereafter in citing correspondence, Porter will be cited as BFP and the Alabama Department of Archives and History as ADAH.

[14]Garrett, *Reminiscences of Public Men*, 311; see "State of Alabama" certificate, Governor John Gayle to BFP, January 20, 1832 (certifying Porter's election as county judge), Porter Papers, AU. For the quoted passage, see BFP to James Dellet, November 26, 1832; see also BFP to Dellet, December 2, 1831, Dellet Papers, ADAH.

[15]"Hon. Benjamin F. Porter," *American Review*, 449, 451; *Journal of the House of Representatives of the State of Alabama, Begun and Held at the Town of Tuscaloosa, on the Third Monday in November, 1832* (Tuscaloosa, 1833), 41, 84-85, 94 (hereafter cited as *House Journal, 1832-1833;* subsequent legislative journals cited analogously); *House Journal, 1833-1834*, 33, 126, 137, 205-206, 208; BFP to James Dellet, June 5, 1834, Dellet Papers, ADAH; Porter, *Reminiscences of Men and Things*, 41-43. For commentary on Alabama's states-rights crisis of the 1830s, see Albert B. Moore, *History of Alabama* (Tuscaloosa, 1951), 163-71, and Thornton, *Politics and Power*, 27-30.

[16]Porter, *Reminiscences of Men and Things*, 40. During the fall of 1832, Porter was careful not to mention nullification in his letters to Dellet. See BFP to James Dellet, November 26, December 1, 1832, Dellet Papers, ADAH.

[17]*House Journal, 1833-1834*, 34, 120-21, 210; *House Journal, 1834-1835*, 75-76, 81, 90, 99, 110, 116, 190. During these years the elimination of state taxation was debated in the legislature. Porter protested this measure in 1834 by resigning from the Ways and Means Committee. See Porter, *Reminiscences of Men and Things*, 85.

[18]BFP to James Dellet, June 31 [*sic*], December 2, 1834; and Thornton, *Politics and Power*, 50-55, passim. See also Lawrence Frederick Kohl, *The Politics of Individualism: Parties and the American Character in the Jacksonian Era* (New York, 1989), 63-65, 68, 70, 74-75, 79, 83, and Thomas Brown, *Politics and Statesmanship: Essays on the American Whig Party* (New York, 1985), 156-86 and passim.

[19]BFP to James Dellet, August 8, October 16 [10?], 1835, Dellet Papers, ADAH. For an example of Porter's at his most caustic toward politics, see BFP to James Dellet, January 13 (photocopy), 1836, ibid.

[20][Benjamin F. Porter], "The Mission of America," *DeBow's Review* 4 (September 1847), 117-18; see also *House Journal, 1838-1839*, 52, 106.

[21]*House Journal, 1833-1834*, 26-27; *House Journal, 1834-1835*, 13, 22, 45, 99, 170, 177, 181-82; *House Journal, 1838-1839*, 256-58; Porter, *Reminiscences of Men and Things*, 47, 103-104. Porter represented Monroe County in the 1832 (special session), 1832-1833, 1833-1834, and 1834-1835 legislatures; he represented Tuscaloosa County in the 1837 (regular session), 1838-1839, 1839-1840, 1842-1843, 1845-1846, and 1847-1848 legislatures. See Owen, *Dictionary of Alabama Biography*, 2:1035, 1338.

[22]Little, *History of Butler County*, 115; see also Rufus Bealle, "Preface," in Porter, *Reminiscences of Men and Things*, 17, 20.

[23]"Advertisement" (front matter), in Benjamin F. Porter, *Reports of Cases Argued and Adjudged in the Supreme Court of Alabama, Commencing at June Term, 1834* (Tuscaloosa, 1835), [*i*]. This is the first volume of Porter's reports, and will hereafter be cited as 1 Porter. Subsequent volumes (and cases) will be cited similarly, according to "Blue Book" form. See also "To the Bench and Bar," 2 Porter [3]; front matter in 3 Porter [*i*]; and Rufus Bealle, "Preface," in Porter, *Reminiscences of Men and Things*, 17.

[24]"Preface," 6 Porter [*v*]-*vi*.

[25]Rufus Bealle, "Preface," in Porter, *Reminiscences of Men and Things*, 17, 20; "Hon. Benjamin F. Porter," *American Review*, 448; see also Willis G. Clark, *History of Education in Alabama, 1702-1889* (Washington, D.C., 1889), 45-46; and BFP to James Dellet, June 31 [*sic*], December 2, 1834, Dellet Papers, ADAH.

[26]See cases at 3 Porter 112 (1836); 3 Porter 389 (1836); 3 Porter 442 (1836); 5 Porter 54 (1837); 5 Porter 88 (1837); 5 Porter 169 (1837); 5 Porter 213 (1837); 6 Porter 9 (1837); 6 Porter 184 (1837); 6 Porter 352 (1838); 7 Porter 9 (1838); 7 Porter 47 (1838); 7 Porter 187 (1838). For a sample of Porter's legal reasoning see O'Neall, *Bench and Bar*, 2:553-55. See also "Hon. Benjamin F. Porter," *American Review*, 447-48; for Porter's partnership with Dellet, see BFP to James Dellet, October 10 [?], 1835, August 24, 1836, and January 25 (photocopy), 1838 (with enclosure), Dellet Papers, ADAH.

[27]O'Neall, *Bench and Bar*, 2:550-51. See BFP to Dellet, August 8, 1835, June 17 (photocopy), August 24, September 7, 1836, Dellet Papers, ADAH.

[28]BFP to Dellet, January 13 (photocopy), August 15, 1836, June 16, 19, 1837, August 9 (photocopy), 1838, Dellet Papers, ADAH; and Garrett, *Reminiscences of Public Men*, 311. W.W. Screws, in "Alabama Journalism," *Memorial Record of Alabama* (Madison,

Wisconsin, 1893), 2:174, says that Porter was editor, probably in 1837 and 1838. A search of *Independent Monitor* files has produced no evidence to support Screws's claim.

[29]O'Neall, *Bench and Bar*, 2:552-53; "Hon. Benjamin F. Porter," *American Review*, 450; *Tuscaloosa Independent Monitor*, June 11, 1845. See also BFP to James Dellet, April 30, 1845, Dellet Papers, ADAH.

[30]BFP to James Dellet, June 16, 1837, October 14, 1839, Dellet Papers, ADAH.

[31]Little, *History of Butler County*, 120; Garrett, *Reminiscences of Public Men*, 313-14.

[32]See B. F. Porter, *Address Delivered Before the Philomathic Society of the University of Alabama, on the Occasion of Its Fourth Anniversary* (Tuscaloosa, 1836), 17-20. See also Benjamin F. Porter, *Argument of Benjamin F. Porter, in Support of a Bill, Introduced by Him, in the House of Representatives of Alabama, to Abrogate the Punishment of Death* (Tuscaloosa, 1846), 7, 15; and Benjamin Faneuil Porter, *The Past and the Present: A Discourse Delivered Before The Erosophic Society of the University of Alabama* (Tuscaloosa, 1845), 23, 25.

[33]Garrett, *Reminiscences of Public Men*, 313; Little, *History of Butler County*, 120; "Hon. Benjamin F. Porter," *American Review*, 452.

[34]See the *Tuscaloosa Independent Monitor*, December 28, 1842, for the story of a banquet given to William Gilmore Simms by Porter, F.A.P. Barnard, A.B. Meek, and others. See also William Stanley Hoole, "Alabama and W. Gilmore Simms (Part 2)," *Alabama Review* 16 (July 1963): 188-89, and Robert H. McKenzie, "Alexander Beaufort Meek: Pioneer Alabama Lawyer and Literary Figure" (unpublished paper, University of Alabama Center for Law and Service, 1983).

[35]Porter, *Address Delivered Before the Philomathic Society*, 5-8; *Tuscaloosa Independent Monitor*, October 16, 1840 (containing speech by Porter); Porter, *Past and Present*, 5, 18-19.

[36]Porter, *Past and Present*, 33-34. See also *Tuscaloosa Independent Monitor*, February 4, 1846.

[37]See Baldwin, *Flush Times*, passim, and Johnson Jones Hooper, *Some Adventures of Captain Simon Suggs*, ed. Manly Wade Wellman (Chapel Hill, 1969), passim. See also John Gorman Barr, *Rowdy Tales from Early Alabama: The Humor of John Gorman Barr*, ed. G. Ward Hubbs (University, Alabama, 1981), passim.

[38]Porter, *Reminiscences of Men and Things*, 62; see also *Tuscaloosa Independent Monitor*, March 27, 1840.

[39]John Quist, "Reform in the Realm of Slavery: Tuscaloosa County, Alabama, 1825-1860" (unpublished paper, 1992), 2-9; and John W. Quist, "Social and Moral Reform in the Old North and the Old South: Washtenaw County, Michigan, and Tuscaloosa County, Alabama, 1820-1860" (Ph.D. diss., University of Michigan, 1992).

[40]For anti-crime activities see the *Tuscaloosa State Intelligencer and States Rights Expositor*, September 26, 1835; and Porter, *Reminiscences of Men and Things*, 49. For Porter as a founder of schools see the *Tuscaloosa Independent Monitor*, December 11, 1844, September 3, 1845. For his temperance sentiments see Benjamin F. Porter, *Odd Fellowship and Its Purposes: The Substance of a Discourse Delivered Before the Tuscaloosa Lodge No. 7, Independent Order of Odd Fellows, and Other Citizens of Tuscaloosa, August 12, 1845* (Tuscaloosa, 1845), 17-18. See also "Hon. Benjamin F. Porter," *American Review*, 450; and O'Neall, *Bench and Bar*, 2:552, in which Porter speaks of "twenty-five years of total abstinence."

[41]For a connection between the common law and the Alabama criminal code, see John G. Aiken, *A Digest of the Laws of the State of Alabama: Containing All the Statutes*

of a Public and General Nature, in Force at the Close of the Session of the General Assembly, in January 1833 (Philadelphia, 1833), 107 (Sec. 35). Hereafter this work will be cited as Aiken.

[42]Ayers, *Vengeance and Justice*, 42-43; Louis P. Masur, *Rites of Execution: Capital Punishment and the Transformation of American Culture, 1776-1865* (New York, 1987), 3-4, 71-72, passim.

[43]Aiken, 102 (Secs. 3-4, 7-9, 11-12), 103 (Sec. 19), 105 (Sec. 25). See also 102-106 generally, including 102 (Sec. 13); see 103 (Sec. 20) for horsethieving; see 102 (Sec. 5) for a glimpse into the nature of steet-fights of the time.

[44]*Acts Passed at the Annual Session of the General Assembly of the State of Alabama, Begun and Held in the Town of Tuscaloosa, on the Third Monday in November, One Thousand Eight Hundred and Thirty Five* (Tuscaloosa, 1836), 50-51. Other acts will be cited below as *Acts of Alabama*, with dates indicating the year(s) of the session.

[45]See Masur, *Rites of Execution*, 100-102, 108-110, passim, for background.

[46]Porter, *Argument...to Abrogate the Punishment of Death*, 11. See also Evans, *Judah P. Benjamin*, 9.

[47]*Tuscaloosa Alabama State Intelligencer*, June 1, 1833.

[48]Porter, *Argument...to Abrogate the Punishment of Death*, 13-14; Ayers, *Vengeance and Justice*, 43. See also Porter, *Address Delievered Before the Philomathic Society*, 15. For Blackstone's views, see Sir William Blackstone, *Commentaries on the Laws of England: In Four Books with an Analysis of the Work*, ed. W. N. Welsby (London, 1844), 4: Chapter 1, 15-18 (Secs. 16-19). See also Wyatt-Brown, *Southern Honor*, 390-94.

[49]Aiken, 102 (Sec. 1).

[50]G. De Beaumont and A. De Toqueville, *On the Penitentiary System in the United States, and Its Application in France; with an Appendix on Penal Colonies, and Also, Statistical Notes*, trans. Francis Lieber (Philadelphia, 1833), 4-6, 20-27, passim; see also Masur, *Rites of Execution*, 13, 21, 98-100, 106-109, 115; and Ayers, *Vengeance and Justice*, 37-40, 44-45.

[51]For views on the relations of lawyers, see Baldwin, *Flush Times*, 34-45, 163-82. See also Thornton, *Politics and Power*, 65-66, 73. It is worth noting that Alabama's population had more than doubled between the 1820s and 1830s, which must itself have contributed to a perception of a problem. See "Population," in Thomas M. Owen, *History of Alabama and Dictionary of Alabama Biography* (Chicago, 1921), 2:1133-34. See also Wyatt-Brown, *Southern Honor*, 396.

[52]*Tuscaloosa Alabama State Intelligencer*, June 1, 1833; Ayers, *Vengeance and Justice*, 49; see also *House Journal, 1833-1834*, 10-11. See also *Acts of Alabama, 1833-1834*, 26.

[53]*Tuscaloosa Alabama State Intelligencer*, June 1, 1833; *House Journal, 1833-1834*, 10-11. Generally see Ayers, *Vengeance and Justice*, 38-39, 43-48, 53, 57; see also Moore, *History of Alabama*, 814; and Beaumont and Toqueville, *Penitentiary System, xviii, xix, xxii-xxiii.*

[54]*Mobile Commercial Register and Patriot*, August 6, 1834; *House Journal, 1834-1835*, 8-9; Ayers, *Vengeance and Justice*, 49.

[55]Porter was aware of the penitentiary agitation; see BFP to James Dellet, November 30, 1833. He voted for the penitentiary election bill; see *House Journal, 1833-1834*, 190 (but see also 121). During the 1833-1834 session Porter evidently steered to passage a bill to prevent the imprisonment of females for breach of contract. See Porter,

Reminiscences of Men and Things, 46, and *Acts of Alabama, 1833-1834*, 47. Porter's rather liberal stance on women's rights is mentioned below but is not the main subject of this article.

[56]See Beaumont and Toqueville, *On the Penitentiary System*, passim. For information on Lieber, see Dumas Malone, ed., *Dictionary of American Biography* (1933; reprint, New York, 1961), 6:236-37.

[57]See the *Mobile Commercial Register and Patriot*, May 12-17, 1834; and *Mobile Daily Commercial Register and Patriot*, November 22, 1834, February 21, 1835. A good summary of the Boyington case may be found in Erwin Craighead, *From Mobile's Past: Sketches of Memorable People and Events* (Mobile, 1925), 32-37. For the propensity of juries to sentence "outsiders" to death see Masur, *Rites of Execution*, 38-39.

[58]*Mobile Daily Commercial Register and Patriot*, November 22, 29, 1834; Charles R.S. Boyington, *A Statement of the Trial of Charles R. S. Boyington, Who Was Indicted and Executed for the Murder of Nathaniel Frost: To Which Is Added a Number of Fugitive Pieces, in Verse* (Mobile, 1835), passim; and *Boyington v. The State*, 2 Porter 100-144 (1835). For a contemporary account see the *Mobile Daily Commercial Register and Patriot*, February 21, 1835. For mention of James Dillet [*sic*] see the *Mobile Daily Commercial Register and Patriot*, November 22, 1834.

[59]Porter, *Argument...To Abrogate the Punishment of Death*, 10-11; *The State of Alabama v. Middleton*, 5 Porter 484-97 (1837).

[60]For Blackstone see supra, note 48; on the social compact see Porter, *Address Before the Philomathic Society*, 7, 10-13; see also Ayers, *Vengeance and Justice*, 37, 47, 54.

[61]Porter, *Address Before the Philomathic Society*, 6-8, 10-11, 14-15. In the 1830s, Porter was an Episcopalian; see Vestry Minutes, Christ Episcopal Church, Tuscaloosa, Alabama, June 3, September 4, 1837, February 7, 1838. Subsequently Porter became a Baptist; see below.

[62]Porter, *Address Before the Philomathic Society*, 5, 8-9, 17.

[63]Ibid., 7, 8-9, 12-14.

[64]Ibid., 15.

[65]Ibid., 14-16.

[66]Ibid., 16-17.

[67]Ibid., 5-6, 18-20.

[68]Porter, *Reminiscences of Men and Things*, 62. Porter notes that Representative John D. Phelan of Madison County was his partner in fighting for "humane enactments."

[69]Porter, *Reminiscences of Men and Things*, 62-63.

[70]For Porter's family crises, see above. For Porter in the 1837 legislature, see *House Journal, 1837*, 7-8, 19, 25, 30, 35, 52-53, 83, 106-107, 116-17, 124-25, 157-59. For Porter's Banking report see Porter, *Reminiscences of Men and Things*, 103-104.

[71]*House Journal, 1837*, 135-36.

[72]*House Journal, 1838-1839*, 28, 256-58, 265-67; Porter, *Reminiscences of Men and Things*, 103-104. See William Brantley, *Banking in Alabama, 1816-1860* (Birmingham, 1961), 1: 329-361, 2:passim; see 2:30, 71-72, 108, 377 for references to Porter.

[73]Garrett, *Reminiscences of Public Men*, 71-78; for coverage of these issues see *House Journal, 1838-1839*, 7, 19-20, 25, 46, 55, 74, 95, 115, 178, 192, 198, 201-202, 223, 227. The chief features of the antebellum educational regime were decentralization and mismanagement. Income was largely derived from the income of "sixteenth section" lands, which were deposited in the poorly managed State bank. See Moore, *History of Alabama*, 321-25.

[74]*House Journal, 1838-1839*, 7, 23, 77, 141-42, 189, 252; *Acts of Alabama, 1838-1839*, 80-81. Supposedly outlawed by the constitution of 1819, imprisonment for debt was still a matter of concern to constitution-makers in 1868. See Malcolm C. McMillan, *Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro, and Sectionalism* (Chapel Hill, 1955), 35, 134.

[75]*House Journal, 1838-1839*, 3-4, 18. For biographies see Owen, *Dictionary of Alabama Biography*, 3:171, 174, 4:423, 1095, 1222-23, 1359, 1549, 1555, 1773-74, 1829; Garrett, *Reminiscences of Public Men*, 87-91, 97-99, 185, 199, 302-303. See also Moore, *History of Alabama*, 353-54.

[76]Ayers, *Vengeance and Justice*, 53-54.

[77]Garrett, *Reminiscences of Public Men*, 67-68; and *Tuscaloosa Independent Monitor*, December 1, 1838.

[78]*House Journal, 1838-1839*, 15, 27, 40; see also ibid., 48, 61.

[79]Thornton, *Politics and Power*, 95-96; *House Journal, 1838-1839*, 61. The text of bills is not given in the house and senate journals. The "Bills and Reports" record series of the ADAH does contain original handwritten bills. However, a search of the 1830s and 1840s boxes failed to reveal copies of Porter's 1839 penal reform bills. Nor were there copies of the other measures (discussed below) authored or introduced by Porter.

[80]*House Journal, 1838-1839*, 126, 151, 194-97, 213; *Acts of Alabama, 1838-1839*, 33-34; *Senate Journal, 1838-1839*, 146-47, 156.

[81]*Acts of Alabama, 1838-1839*, 33-34; *House Journal, 1838-1839*, 263-64.

[82]*House Journal, 1839-1840*, 10, 30-31, 54-55, 195, 198, 206, 214, 257-58; *House Journal, 1841-1842*, 14; and *Tuscaloosa Independent Monitor*, December 11, 1840.

[83]*Acts of Alabama, 1840-1841*, 103-92, especially 121-38.

[84]For information on Henry W. Collier (1801-1855), a Democrat, John J. Ormond (1795-1866), a Whig, and Henry B. Goldthwaite (1802-1847), a Democrat, see Owen, *Dictionary of Alabama Biography*, 3:380, 675, 4:1303. For Porter's role see *House Journal, 1839-1840*, 198, 214. William Marshall Inge, who argued so eloquently against the death penalty and in favor of giving juries the option of imposing life sentences in capital cases, is one of the enigmas of Alabama politics. Born in 1802 in North Carolina, he served as a Democratic congressman in Tennessee (1833-1835) before moving to Sumter County in Alabama. Garrett, *Reminiscences of Public Men*, 183-84, says that he was an outspoken Whig. There is some disagreement over the date of his death; but it is clear that he died young, of heart disease. See *Biographical Directory of the United States Congress, 1774-1989* (Washington, D.C., 1989), 1243, and the *Tuscaloosa Independent Monitor*, January 11, 1841. For an article urging the legislators not to submit the penitentiary question to the people, see the *Tuscaloosa Independent Monitor*, December 1, 1838.

[85]*House Journal, 1839-1840*, 4, 28, 37, 41, 52; Porter, *Reminiscences of Men and Things*, 62.

[86]Brantley, *Banking in Alabama*, 2:108; for banking matters see also *House Journal, 1839-1840*, 8, 31, 49, 140-41, 154-55, 174-75, 192-93, 202-203, 210, 225-31, 234-35, 239-42, 248-50, 275-84, 294-95, 375-76; for penitentiary affairs see *House Journal*,

1839-1840, 10, 30-31, 42, 54-55, 91, 97, 133, 195, 198, 206, 214, 257-58, 288; for educational matters see *House Journal, 1839-1840*, 31, 63, 89, 94, 95, 97, 162-63, 254. For Porter on female education, see *House Journal, 1839-1840*, 105, 162, 167-68, 290, and Porter, *Reminiscences of Men and Things*, 86, which says that Porter was "Chairman of Education."

[87]Garrett, *Reminiscences of Public Men*, 109-110; *House Journal, 1839-1840*, 106, 143-48, 179-80, 223-24, 233.

[88]Harriet E. Amos, *Cotton City: Urban Development in Antebellum Mobile* (University, AL, 1985), 124-26; Garrett, *Reminiscences of Public Men*, 107-108.

[89]*House Journal, 1839-1840*, 6-7, 41, 142, 272.

[90]BFP to James Dellet, June 16, 1837, Dellet Papers, ADAH; see also BFP to William Phineas Brown [*sic*], August 29, September 10 [16?], 1840, in the William Phineas Browne Papers, ADAH.

[91]*House Journal, 1839-1840*, 130, 260, 262; *Acts of Alabama, 1839-1840*, 11-12.

[92]Aiken, xxxv (Constitution of Alabama, Art. 3, Sec. 25).

[93]*The State ex rel. the Attorney General v. Porter*, 1 *Alabama Reports* 689 (1840); see also *House Journal, 1839-1840*, 262, 336-37.

[94]*The State ex rel. the Attorney General v. Paul*, 5 Stewart and Porter 40-53 (1833).

[95]*Tuscaloosa Independent Monitor*, March 9, 1840; Garrett, *Reminiscences of Public Men*, 311.

[96]Garrett, *Reminiscences of Public Men*, 311; Porter, *Reminiscences of Men and Things*, 64; *Tuscaloosa Independent Monitor*, August 14, 1840.

[97]Porter, *Reminiscences of Men and Things*, 64-65.

[98]See *Tuscaloosa Independent Monitor*, July 17, August 14, 1840.

[99]*The State ex rel. the Attorney General v. Porter*, 1 *Alabama Reports* 688-708 (1840); Garrett, *Reminiscences of Public Men*, 311-12; Porter, *Reminiscences of Men and Things*, 58.

[100]BFP to William Phineas Brown [*sic*], August 29, September 10 [16?], October 30, 1840, in the Browne Papers, ADAH.

[101]Milo B. Howard, "The General Ticket," *Alabama Review* 19 (July 1966):163-66; and *Tuscaloosa Independent Monitor*, September 11, October 16, 1840.

[102]Howard, "General Ticket," 163-174.

[103]Little, *History of Butler County*, 117. Garrett, *Reminiscences of Public Men*, 317. Porter was occasionally mentioned as a gubernatorial candidate; but he had little taste for "the farce of stumping"; see *Tuscaloosa Independent Monitor*, December 4, 19, 1840, April 5, 1843, May 14, 21, 1845.

[104]*Tuscaloosa Independent Monitor*, October 19, 1842, February 26, March 12, April 9, 1845; an advertisement in ibid., March 26, 1845, lists Porter as attorney for the Bank of Alabama.

[105]*Tuscaloosa Independent Monitor*, April 2, October 22, December 10, 1845; Garrett, *Reminiscences of Public Men*, 317, 792; Little, *History of Butler County*, 115-16. See also the *Tuscaloosa Independent Monitor*, October 1, 1845, quoting the *Selma Free Press*.

[106]See Benjamin F. Porter, *The Office and Duties of Executors and Administrators, Being a Plain and Simple Treatise on the Rights, Responsibilities and Duties of These Officers*...(Tuskaloosa [*sic*], 1842), and B. F. P., "The Law of Debtor and Creditor in Alabama," *Hunt's Merchants' Magazine*, 15 (December 1846):580-82, and 16 (January 1847):57-59; see also Little, *History of Butler County*, 115-16.

[107]Clark, *History of Education*, 60; and James Benson Sellers, *History of the University of Alabama, 1818-1902* (University, Alabama, 1953), 160-61.

[108]See B. F. P., "Indian Mounds," *Hunt's Merchants' Magazine* 15 (November 1846):480-82; [Benjamin F. Porter], "The Mission of America: Influences of the Age, in Law, Religion, Commerce and the Arts," *DeBow's Review* 4 (September 1847):108-22; and Judge B. F. Porter, "A Memoir of Hon. John C. Calhoun," in O'Neall, *Bench and Bar*, 2:289-313, as well as travel writing and poetry by Porter in *Reminiscences of Men and Things*, 69-91.

[109]See, for example, Benjamin F. Porter, *Outlines of the Oration of Judge Porter Before the Republican Society and Other Citizens of Tuskaloosa [sic] County, at Hopewell, July 4, 1845* (Tuskaloosa, 1845), and Porter, *Past and Present*. For the quoted passage see Garrett, *Reminiscences of Public Men*, 313. See also *Tuscaloosa Independent Monitor*, February 26, May 21, July 2, 1845.

[110]In the 1840s, the law prescribed death for slaves convicted of rebellion or conspiracy, murder, attempted murder or voluntary manslaughter of whites, rape of a white female (free blacks were also subject to this punishment), and robbery, assault, burglary, or arson against whites. See C. C. Clay, *A Digest of the Laws of the State of Alabama: Containing All the Statutes of a Public and General Nature, in Force at the Close of the Session of the General Assembly, in February, 1843*...(Tuskaloosa, 1843), 472 (Secs. 1-5); hereafter this work will be cited as Clay. See also James Benson Sellers, *Slavery in Alabama* (University, Alabama, 1950), 244-51; and Ayers, *Vengeance and Justice*, 134-36. The question of slave executions was a complex issue. The legislature of 1841 passed a law requiring that owners be compensated for the full value of executed slaves (rather than the customary half-value). This law, according to governor Benjamin Fitzpatrick, would increase the difficulty of giving slaves a fair trial, since masters no longer had a "pecuniary" incentive for defending their slaves. The legislature of 1842-1843 restored the old system of half-compensation; but they hid their work inside a lengthy tax measure. See *Acts of Alabama, 1840*, 190 (Sec. 19); *House Journal, 1842-1843*, 27-28; and *Acts of Alabama, 1842-1843*, 9 (Sec. 23). Porter voted for this tax bill; see *House Journal, 1842-1843*, 339, 366-67. For further insight, see [An Act] Number 14-Passed, 1843 (February 2), in the Bills and Resolutions Series, 1840s Folder, ADAH.

[111]O'Neall, *Bench and Bar*, 2:553-55; see also Clay, 472 (Sec. 4) and 474 (Sec. 18). The 1845-1846 legislature saw an unsuccessful attempt by Representative B. B. Barker of Lauderdale County to amend the laws "in reference to the crime of burglary by slaves." See *House Journal, 1845-1846*, 135, 293, 364. Barker would vote during this session for Porter's bill to abolish the punishment of death; see below. See also Wyatt-Brown, *Southern Honor*, 387-90.

[112]Porter was pleased that Alabama, like other states, had replaced public hangings with in-prison executions. See *Acts of Alabama, 1840-1841*, 150, and Porter, *Argument...to Abrogate the Punishment of Death*, 9.

[113]Masur, *Rites of Execution*, 14, 50, 52-54, 62-63, 65-70, 73-76, 117-21, and passim. A survey of *The Hangman*, which was in 1845 the chief Massachusetts organ of the anti-capital punishment movement, revealed little about southern affairs.

[114]John L. O'Sullivan, *Report in Favor of the Abolition of the Punishment of Death by Law, Made to the Legislature of the State of New York, April 14, 1841* (New York, 1841), "Preface," [3], and 8-29, 30-38, 53-72, 72-76, 84-88, 89-93, and passim. See also Masur, *Rites of Execution*, 141-45; and Philip English Mackey, *Hanging in the Balance: The Anti-Capital Punishment Movement in New York State, 1776-1861* (New

York, 1982), passim. For many O'Sullivan-like arguments, see Porter, *Argument...to Abrogate the Punishment of Death.*

[115]Garrett, *Reminiscences of Public Men*, 242-60, 278-79.

[116]*House Journal, 1842-1843*, 57, 63, 74, 88; see ibid., 158, for Porter's bill to allow married women to become "free dealers."

[117]Ibid., 306-309; and *Tuscaloosa Independent Monitor*, February 1, 1843. For further discussion of the men who signed the protest with Porter, see below. Of the twenty-five men who voted against tabling Porter's bill, a majority were from the plantation counties of the Black Belt or the Tennessee Valley, or from Mobile; several were from Tuscaloosa and surrounding counties; at least six were Whigs. See *House Journal, 1842-1843*, 3-4, 50; Garrett, *Reminiscences of Public Men*, 167-68, 230-33, 283-85, 292, 294, 296-97, 305-306, 360-61, 558-62; and Owen, *Dictionary of Alabama Biography*, 3:283, 499, 4:1732. Not all of these men supported abolition of the death penalty. Many of them may simply have wanted to see Porter have fair play.

[118]*House Journal, 1842-1843*, 307-309. Of all Porter's writings against the death penalty, this is the only one which addresses Biblical arguments.

[119]*Tuscaloosa Independent Monitor*, February 1, 1843.

[120]*Acts of Alabama, 1845-1846*, 9-13. For a brief history of the early penitentiary see Saffold Berney, *Handbook of Alabama: A Complete Index to the State, with Map*, 2d rev. ed. (Birmingham, 1892), 255. For a hostile view of the prison, see *Tuscaloosa Independent Monitor*, July 16, 1845.

[121]*Acts of Alabama, 1845-1846*, 11-12; *Tuscaloosa Independent Monitor*, January 28, 1846. See *House Journal, 1845-1846*, 25, 66, 207, for Porter's bill to secure part of a convict's earnings to his family. See ibid., 228, 333-34, 337-39, 358, and 397-98, for various maneuvers concerning the leasing bill. See ibid., 455-56, for Porter's answer to the charge that teaching crafts to convicts tended to degrade the status of artisans. This legislature also considered the reform of the public schools and the economic rights of married women. For information on these topics see ibid., 25, 33, 169-75, 207, 257-58, 276, and 416-19; see also *Acts of Alabama, 1845-1846*, 23-24. This was the session which followed votes by the people to remove the capital from Tuscaloosa and to institute biennial sessions of the legislature; see Garrett, *Reminiscences of Public Men*, 413, 416-17.

[122]*House Journal, 1845-1846*, 30, 52, 155, 324; *Tuscaloosa Independent Monitor*, December 10, 17, 1845.

[123]Porter, *Argument...to Abrogate the Punishment of Death*, 8. It is difficult to tell from house records whether Porter did delivered this; most likely he did.

[124]Ibid., 8-13, 15-18.

[125]Ibid., 14, 19.

[126]*House Journal, 1845-1846*, 324.

[127]Porter's fellow protesters in 1843 were Thomas B. Cooper, a Whig lawyer from Cherokee County; Charles Dear, a Whig lawyer-planter from Wilcox County; Josiah Jones from Covington County; John S. Kennedy, a presumably Democratic lawyer from Lauderdale County; Greene P. Rice, a presumably Democratic lawyer-clergyman from Morgan County; and Waddy Tate, probably a physician, from Limestone County. Porter's 1846 supporters were B. B. Barker of Lauderdale County; William Barnett of Russell County; Clement Billingslea, a planter-physician from Montgomery County; Clement Claiborne Clay, a Democratic lawyer of Madison County, a future U.S. senator and the son of former Governor Clement Comer Clay; George W. Gayle,

a States-Rights Democrat from Dallas County, a lawyer and a cousin of former Governor John Gayle; James Guild, a Democratic physician from Tuscaloosa County; Crawford Motley Jackson, a Democratic lawyer of Autauga County; P.W. Kittrell of Greene County; Felix G. Norman, a Franklin County lawyer, school-teacher, and entrepreneur; Woodson Northcutt of Marion County; Greene P. Rice (see above); Joseph C. Smith of Mobile County; John Steele, a Democratic merchant-planter of Autauga County; Milton J. Tarver of Macon County; and Joseph W. Taylor, a Whig lawyer-journalist from Greene County. Full biographical information is not available for several of these men, but for details on the rest, see Owen, *Dictionary of Alabama Biography*, 1: 627; 2: 671, 921, 944, 1027, 1049; 3: 151, 341-42, 398, 475, 646, 711, 888, 965; 4: 1285, 1432, 1617, 1651; Garrett, *Reminiscences of Public Men*, 167-68; 225, 435-37, 484; and Willis Brewer, *Alabama: Her History, Resources, War Record, and Public Men* (1872; reprint, Tuscaloosa, 1964), 110, 190, 219, 267, 357-59, 486. It seems unlikely that there was an actual reform coalition in the house. In the 1845-1846 session, for example, only six of the nineteen men who voted against leasing the penitentiary and its prisoners also voted for Porter's bill to abolish the death penalty; see *House Journal, 1845-1846*, 398.

[128]See Garrett, *Reminiscences of Public Men*, 463, and *House Journal, 1847-1848*, 32, for Porter's committee assignments. See also "For the Preservation of the Sixteenth Section Grants, and to Establish Permanently, in the State of Alabama, a Common School Fund...," in Benjamin F. Porter, *Argument of Benjamin F. Porter, in Support of a Bill Introduced by Him into the House of Representatives*, ([Tuscaloosa], [1848]), passim. The establishment of a centrally-managed public school system in Alabama would wait until the 1850s; see Moore, *History of Alabama*, 331-33. The 1847-1848 legislature was notable for long discussions over the Wilmot Proviso, public education, and the state of Alabama's courts. Penal matters were less prominently featured; but Porter supported an initiative designed to insure the "comfort and health" of prisoners, and called into question the use of corporal punishment at the state prison. See *House Journal, 1847-1848*, 67, 85, 110, 138, 165-66, 218, 248-53, 253-56, 261-26, 280-81, 288-90, 305-308, 358, 374-76, 379-80, 392.

[129]In 1852 Porter supported the Democrat Franklin Pierce for president over the Whig Winfield Scott, probably because he was disgusted with the anti-slavery element which had dominated Zachary Taylor's Whig administration; see Garrett, *Reminiscences of Public Men*, 317.

[130]BFP to James Dellet, March 15, 1844; *Tuscaloosa Independent Monitor*, June 11, 1845; invitation to the funeral of Mrs. Eliza Porter, Wednesday, April 8, 1846, Porter Papers, AU. In 1846 Porter thought of teaching at the "University of Louisiana." See recommendation by George D. Shortridge, October 10, 1846, Porter Papers, AU.

[131]Garrett, *Reminiscences of Public Men*, 318; for Porter's exclusion from membership, see Church Minutes, First Baptist Church, Tuscaloosa, Alabama, April 15 and (for the quoted passage) May 13, 1850; and Basil Manley to B. F. Porter, April 22, 1850, in Manley Diary (Box 2, Diary 2, Vol. 5, 131-33), Hoole Special Collections Library, University of Alabama. For an example of Porter's angry mood during these years see BFP to William Phineas Browne, February 12, 1848, in the Browne Papers, ADAH.

[132][Ockenden], "Benjamin Faneuil Porter," Porter Papers, AU; O'Neall, *Bench and Bar*, 2:551; Little, History of *Butler County*, 118; Garrett, *Reminiscences of Public Men*, 314. Evidently, Porter broke his leg on his way to seek or accept a position from Zachary Taylor. If so, the accident could have taken place early in 1849.

[133]Garrett, *Reminiscences of Public Men*, 314; Porter, *Reminiscences of Men and Things*, 69-84; *Charleston Evening News*, July 29, 1850; "Hon. Benjamin F. Porter," *American Review*, 450-51, notes that Porter had visited Charleston in 1846 and 1848.

[134]Garrett, *Reminiscences of Public Men*, 314-16; O'Neall, *Bench and Bar*, 2:551; Porter contributed to the *Charleston Courier* as well as to the *Evening News*. See Benjamin Faneuil Porter Scrapbook, 1849-1850, South Caroliniana Library, University of South

Carolina. At about this time, according to an undated clipping in the Porter Papers, AU, Porter attempted to start a law school in Charleston (with summer sessions in Rome, Georgia).

[135]*Acts of Alabama, 1851-1852*, 15-20; Porter, *Reminiscences of Men and Things*, 85, 96; Garrett, *Reminiscences of Public Men*, 316-17. As early as the mid-1840s, Porter was a partisan of industrial development; see *Tuscaloosa Independent Monitor*, February 12, June 25, August 27, November 12, December 24, 1845.

[136]Garrett, *Reminiscences of Public Men*, 313, 316; O'Neall, *Bench and Bar*, 2:551-52. For interesting glimpses of Porter as a literary man, see BFP to T. and J. W. Johnson, January 6, 8, 18, July 29, 1856, February 3, March 24, September 29, 1857 in the Simon Gratz Collection of the Historical Society of Pennsylvania. See also W. H. Brantley, Jr., "Our Law Books," *Alabama Lawyer* 3 (October 1942):381-82. For Porter's memoir, see Walls, "Foreword," in Porter, *Reminiscences of Men and Things*, 13-14.

[137]Eighth Census (1860), Free Schedules, Alabama, (Marshall County, Western District; Guntersville), 8:935 [Microcopy No. 653, Roll 16]; and Eighth Census (1860), Slave Schedules, Alabama, (Marshall County, Western Division), 3:417-18 [Microcopy No. 653, Roll 32].

[138]Little, *History of Butler County*, 119-20; Marilyn D. Hahn, *Butler County in the Nineteenth Century* (Birmingham, 1978), 158, 160-61; Bealle, "Preface," in Porter, Reminiscences of Men and Things, 20; BFP to B. F. Perry, May 8, 31, 1860, in the B. F. Perry Papers, ADAH. After the war, Porter helped found an organization to honor Alabama soldiers; see Owen, *Dictionary of Alabama Biography*, 1:694-95, 4: 1375-76; Michael J. Daniel, "The Secession Crisis in Butler County, Alabama, 1860-1861," *Alabama Review* 42 (April 1989):123.

[139]"To the People of Alabama," broadside or clipping dated January 9, 1865, scrapbook, Porter Papers, AU. But for a bloodthirsty earlier quote, see Michael Jackson Daniel, "Red Hills and Piney Woods: A Political History of Butler County in the Nineteenth Century" (Ph.D. diss., University of Alabama, 1985), 165-66.

[140]BFP to J. F. McGogy, September 7, 1866, and BFP to Wager Swayne, December 21, 1866, in RG 105, Records of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1870, Records of the Assistant Commissioner for the State of Alabama, Letters Received, 1866, National Archives and Records Administration.

[141]Garrett, *Reminiscences of Public Men*, 317-18; Little, *History of Butler County*, 119; BFP to T. and J. W. Johnson, May 30, 1868, Gratz Collection, Historical Society of Pennsylvania; and B. F. Porter's obituary clipping, scrapbook, Porter Papers, AU. For the harsh fate of Scalawags in Alabama, see Sarah W. Wiggins, *The Scalawag in Alabama Politics, 1865-1881* (1977; reprint, Tuscaloosa, 1991); and William Warren Rogers, Jr., *Black Belt Scalawag: Charles Hays and the Southern Republicans in the Era of Reconstruction* (Athens, Georgia, 1993).

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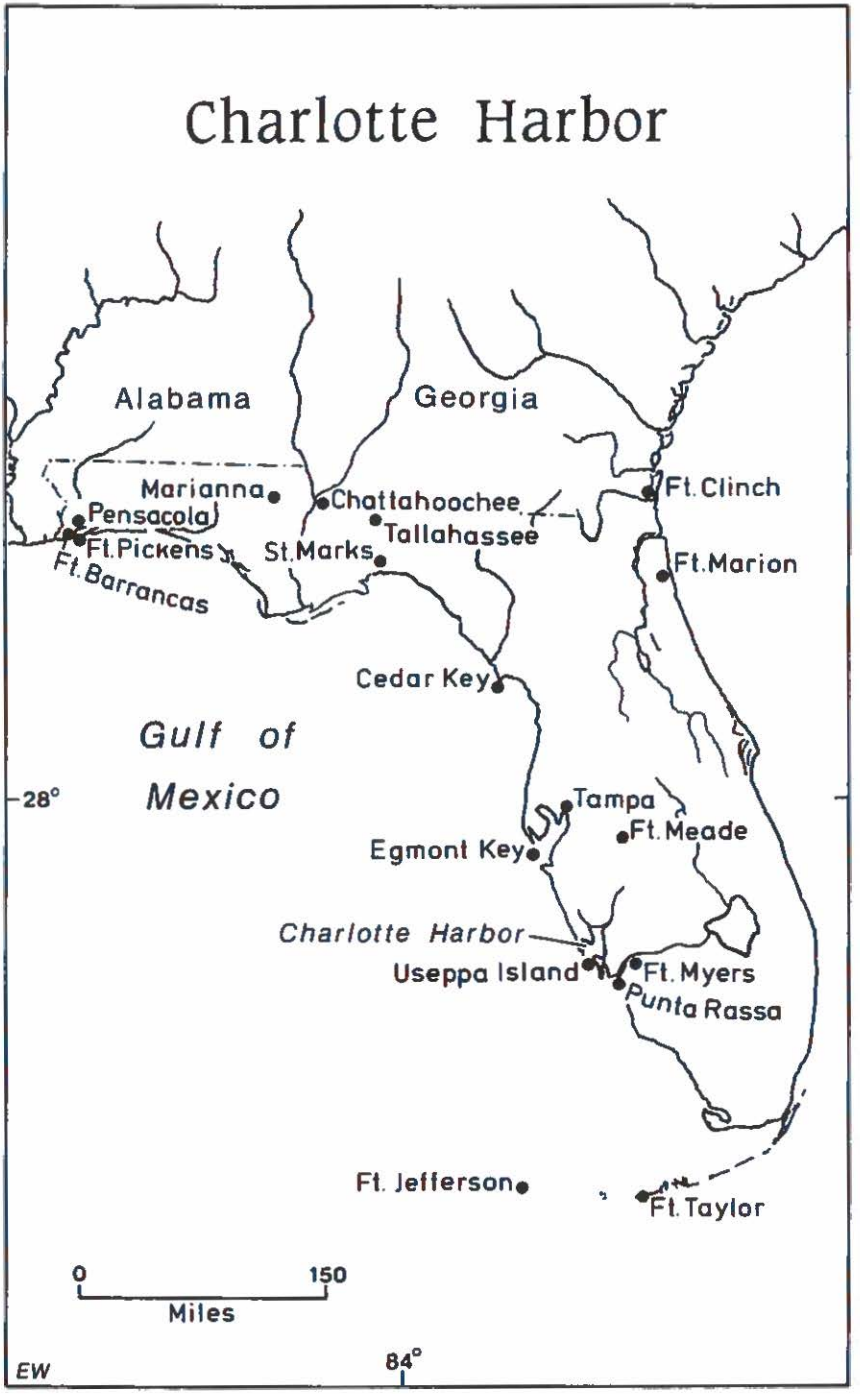
The Peculiar War: Civil War Naval Operations at Charlotte Harbor, Florida, 1861-1865

Irvin D. Solomon and Grace Erhart

On April 19, 1861, seven days after Confederate forces had fired on Fort Sumter, President Abraham Lincoln proclaimed a naval blockade of the Confederate States of America. Lincoln's strategy called for a virtual wall of ships to strangle the Southern states through the capture or destruction of their commercial vessels, commonly called "blockade runners." To effectively seal off over four thousand miles of Confederate coastline, the American fleet was split into the Atlantic and Gulf Squadrons. These two squadrons were later subdivided into the North and South Atlantic Squadrons, and the East and West Gulf Squadrons. Early in the war, the Union navy's strategy proved effective in the East Gulf region, with the notable exception of Charlotte Harbor along the south coast of Florida. Here, the rebel runners proved unusually ingenious in penetrating the Union net, thus causing the Union navy to alter its broad-theater strategy to meet the needs of the "peculiar" situation at Charlotte Harbor.[1]

Early in 1862 the East Gulf Blockading Squadron (EGBS) took station off the south Florida coast. Headquartered in Key West, the squadron eventually consisted of some eighty-four warships and assorted smaller support vessels. Because the forerunner Gulf Squadron had concentrated most of its ships and efforts around Mobile, Alabama, and the Mississippi Sound's Ship Island, the *R. R. Cuyler*'s daring blockade of Tampa, assisted by a handful of smaller vessels in July 1861, became the fleet's most noted achievement in south Florida in the early stages of the war. The Union closing of Tampa Bay, the effective interdiction of the maritime salt-running trade around St. Andrews Bay (near present-day Panama City) in early 1862, and a similar following action in Bayport just north of Tampa left Charlotte Harbor and its nearby waters as the only practical Confederate blockade-running area in south Florida. It was also the only major blockade-running site on the Gulf between Cedar Key and Key West.[2] By 1863, nowhere else on the west coast of Florida were runners' attempts at penetrating the blockade so frequent and the EGBS's counter attempts so concerted and adaptive.


Charlotte Harbor
Alabama
Georgia
Marianna
Pensacola
Ft. Pickens
Ft. Barrancas
Chattahoochee
Tallahassee
St. Marks
Ft. Clinch
Ft. Marion
Cedar Key
Gulf of Mexico
28°
Tampa
Ft. Meade
Egmont Key
Charlotte Harbor
Useppa Island
Ft. Myers
Punta Rassa
Ft. Jefferson
Ft. Taylor
0
150
Miles
EW
84°

Much to the chagrin of the Union command, Charlotte Harbor proved all too well-suited for blockade running. Even though the harbor sounded out at up to sixty feet near the passes, the shallow waters surrounding the banks, tributaries, and numerous islands made the local waters ideal for smaller craft so attractive to would-be runners. Barrier islands provided shelter from storms, while two major rivers, the Myakka and the Peace, connected the coastline with the inland marshlands and prairies. These ranges teemed with cattle herds that eventually supplied the Confederate Army of Tennessee and attracted Union military action. Just south of Charlotte Harbor, the Caloosahatchee River entered the Gulf of Mexico opposite Sanibel Island. This river would also come to play a role in the Union's naval activities, as would nearby Fort Myers and its satellite station at Punta Rassa.[3]

Naval actions accounted for most of the military operations in and around Charlotte Harbor until the reactivation of Fort Myers by Union troops on January 7, 1864. Prior to the recommissioning of Fort Myers, the Union navy represented the only major threat to Confederate blockade runners and sympathizers in the region. Beginning in September 1862, Union naval actions played a large role in neutralizing hostile locals; however, few Union goals would have been accomplished had it not been for the change in 1863 in ships and strategy. The Union command deemed this change necessary to meet the peculiar enemy activities characteristic in the region surrounding Charlotte harbor. During the summer of 1863 the arrival of the sloop *Rosalie* and its ensuing expeditions up the Peace and Myakka Rivers marked the turning point in the East Gulf Blockading Squadron's strategies and tactics.[4]

The unusual nature of the Civil War in southwest Florida not only stimulated changes, but it also made their effects far-reaching. Impressment and the Confederate policy of sending Florida troops north to battle areas outside the state often fostered anti-war and anti-Confederate sentiments in the region. Furthermore, many inhabitants stubbornly insisted on remaining with their families and on continuing their pre-war economic activity, e.g., fishing, raising beef cattle, transporting turpentine, and trading with Cuba and Nassau. In order to avoid Confederate conscription officers and to continue their traditional hardscrabble activities, many of these men turned to the Union blockaders for safety and provisions. From 1863 through 1864, as Confederate patriotism waned in favor of economic reality and family ties, hundreds of deserters and draft evaders either joined

or gravitated to the federal forces (where they often assisted the Union navy as informers, pilots, and scouts). Thus they further exacerbated the growing psychological and emotional divisions between the supporters and opponents of the Southern cause in the lower peninsula.[5]

The pattern of defection to the Union blockaders, combined with the Confederate policy of sending enlisted men north, left the state potentially vulnerable to federal naval disruptions. This was particularly true of the largely unorganized southern Gulf region. Formal Confederate defenses in the area remained limited to the garrisons of Fort Meade near Tampa and the inland post at Fort Brooke, and eventually to efforts of the "Cow Cavalry," a small, mounted "regional" unit of ranchers and cowboys raised in 1864 to protect Confederate herds from Union troops operating out of Fort Myers.[6] Thus, the defense of southwest Florida often fell to local bands of guerrillas operating without formal ties to the Confederate military. At Charlotte Harbor these "regulators," possibly named after a vigilante group operating near Tampa prior to the war, threatened Union sympathizers, turncoats, and Federal forces throughout the conflict.[7] Moreover, these partisans lent a peculiarly personal element to the Civil War in south Florida–a war that involved as much local clandestine activity as official state and Confederate resistance.

While the loyalties of such guerrillas were predictable, those of local "crackers" remained suspect throughout the war. Many of them had fought alongside Union troops during the recent Seminole Wars and manifested no demonstrable support for the Confederacy. The Confederate Enlistment Act of April 16, 1862, and the ensuing repeal of the cattle trade exemption, further alienated these men. The Act required the enlistment of all white males between the ages of eighteen and twenty-five (later amended to forty-five) to serve the Confederacy for a period of up to three years or until the war ended. This measure, coupled with the ensuing Confederate Impressment Act and the forced collection of the Confederate tithe, further escalated the growing friction between local men and Confederate officials.

The numerous men ignoring the act in southwest Florida were summarily branded as deserters and traitors and were subjected to hanging from the nearest tree. One Union commander in the theater reported: "Union men they threaten to hang, and do shoot, as we have lamentable proof."[8] While calculated to result in service and loyalty, these Confederate policies actually had the effect of convincing white males in the Charlotte Harbor region that the only

Military map of Charlotte Harbor, c. 1860. Special Collections, University of South Florida.

way to escape conscript officers and to keep their families intact was to move toward Union spheres of influence. For them the decision was not so much one of national loyalty as it was one of personal survival. Such beliefs forced many to seek refuge at Fort Ogden, just north of Charlotte Harbor. Meanwhile, Confederate sympathizers, especially the few cattlemen exempted from military service, concentrated their forces about forty miles away at Fort Meade.[9] The conflicting loyalties and absence of large numbers of regular troops from either side in the region ensured that factions would split any potentially large bodies of men. South of Tampa the war would, therefore, be characterized by small skirmishes, raids, and local expeditions, as well as by innumerable attempts to penetrate the Union blockade.

It is not surprising, then, that the Union navy focused its attention on Charlotte Harbor in south Florida. Of the eighty-four ships that eventually served in the East Gulf Blockading Squadron, nearly thirty of them operated in south Florida (half of which served at or near Charlotte Harbor). About twenty-five Confederate blockade runners routinely operated along the coast from Charlotte Harbor to Marco Island, one of the largest operations of blockade running in the east Gulf region, where the EGBS had the responsibility of stopping them.[10]

Few deep-draft war vessels could navigate the waters of Charlotte Harbor. But the waterway, with its numerous islands, inlets, and feeder streams, proved too large for individual small boats and tenders to patrol effectively. Local rivers also proved largely unnavigable for both large blockade runners and blockaders.[11] Thus, the geography of the area determined the kinds of ships that would be successful at both running and enforcing the blockade. Even the nature of the ships serving in the region proved different in interesting ways from those in other theaters of the blockade.

At the outset of the war, the federal navy had concentrated on sealing off the Atlantic coast, not southwest Florida waters. The deep coastal waters of the Atlantic fostered the development of specially designed blockade-running steamers–long, low-hulled ships painted lead-gray to blend with the twilight. Only a few of these specialized ships could navigate in the shallow coastal waters of the Gulf; older, shallow-draft steamers ran to ports such as Mobile (until its capture by the Union navy in 1864), Galveston (after its recapture by Confederates in 1862), and New Orleans (until its capture by the Union navy in 1862).[12] These ports had deeper slips for steamers

and easy access to railroad terminals and were protected by well-fortified Confederate bastions, such as Fort Morgan and Fort Gaines at Mobile Bay. The lack of adequate docking facilities and connecting roads, however, made most of the captains of blockade runners reluctant to risk their ships in a dash to the Florida Gulf waters through Union dragnets.[13]

Yet the low-priority and relatively unglamorous status of the East Gulf Blockading Squadron often resulted in vessels being assigned to it that were poorly suited for the rigors of blockade duty. If the acquired ships had defects, they often received minimal repairs before departing for a station. Sometimes a vessel could make repairs without leaving its assigned area. For example, when lightning destroyed the *Gem of the Sea*'s top-gallant mast in August 1863, it received a replacement from Key West three weeks later and remained on station while it was fitted. The *Gem of the Sea* subsequently saw extensive duty in south Florida.[14]

The evolving strategies of the Union blockaders on the southwest coast of Florida frequently revolved around such realities. The blockaders at Charlotte Harbor tended to be large, refitted ships of questionable seaworthiness. Moreover, the Union commanders' propensity to order second-tier vessels to south Florida encouraged blockade runners to try their luck more often than they might otherwise have. Initially, the threat of guerrillas dissuaded early blockaders from sending their small boats up-river, where they presumably would be the most effective. As a result, early naval strategy involved merely "policing" Charlotte Harbor and preventing large blockade-running steamers from using the port. However, this strategy did little to prevent small, shallow-draft sailing craft from hiding in the rivers before attempting to slip through the Union blockade. What resulted was a lively "cat and mouse" game that remained as much a war of nerves as a war of attrition, at least until the Union navy modified its attack strategies late in the war. As the cat and mouse game continued between Union and Confederate partisans, the size and types of ships deployed in this contest changed accordingly.[15]

Typical of the early ships assigned to Charlotte Harbor was the *Penguin*, a 389-ton steamer that began blockading the area in the fall of 1862. Such large ships were expected to serve as deterrents to would-be Confederate runners and as command centers of naval activity in their assigned area. They were expected to chase and capture runners, to launch small boarding boats, to carry enough food

to feed the crew until supplied from Key West, and to supply prize crews to take any runners they caught to Key West for adjudication.[16]

Both the Union navy and Confederate blockade runners at Charlotte Harbor used a more eclectic mix of steamers and sailing vessels as the conflict wore on. Navy sailing vessels came to include sloops, schooners, and barks. Blockade runners preferred small, single-masted sloops and two-masted schooners, which could easily navigate the shallow local waterways. Blockaders initially relied on large, three-masted deep-draft schooners, or barks such as the 401-ton *James S. Chambers* and the 371-ton *Gem of the Sea.* By the summer of 1863, however, the blockade fleet was also using small sloops and schooners, generally ranging from nineteen to fifty-seven tons. Most of these were former runners which had been captured along the Florida coast. Their Union crews highly valued them for their ability to navigate the shallow waters and island channels.[17]

Early in the conflict, runners boldly experimented with steamers, primarily side-wheelers and screw-steamers in the Charlotte Harbor area. The smallest such powered vessel was the *Scottish Chief.* At 102 tons, it drew nearly five feet of water, certainly too much to allow it to hide in any of the local waterways. In fact, the *Scottish Chief*'s captain, James McKay, Sr., soon abandoned the idea of running the steamer from Charlotte Harbor because his ship's deep draft and slow speed made it vulnerable to the tightening blockade. He subsequently moved north to the Hillsborough River, where Union raiders captured and burned his ship on October 17, 1863.[18] The large size of many of the converted merchant ships also handicapped the blockaders. The *Penguin,* for instance, at 389 tons, drew nearly eleven feet of water. It was far too large to enter the rivers or to patrol the shoals of the local inlets and islands.

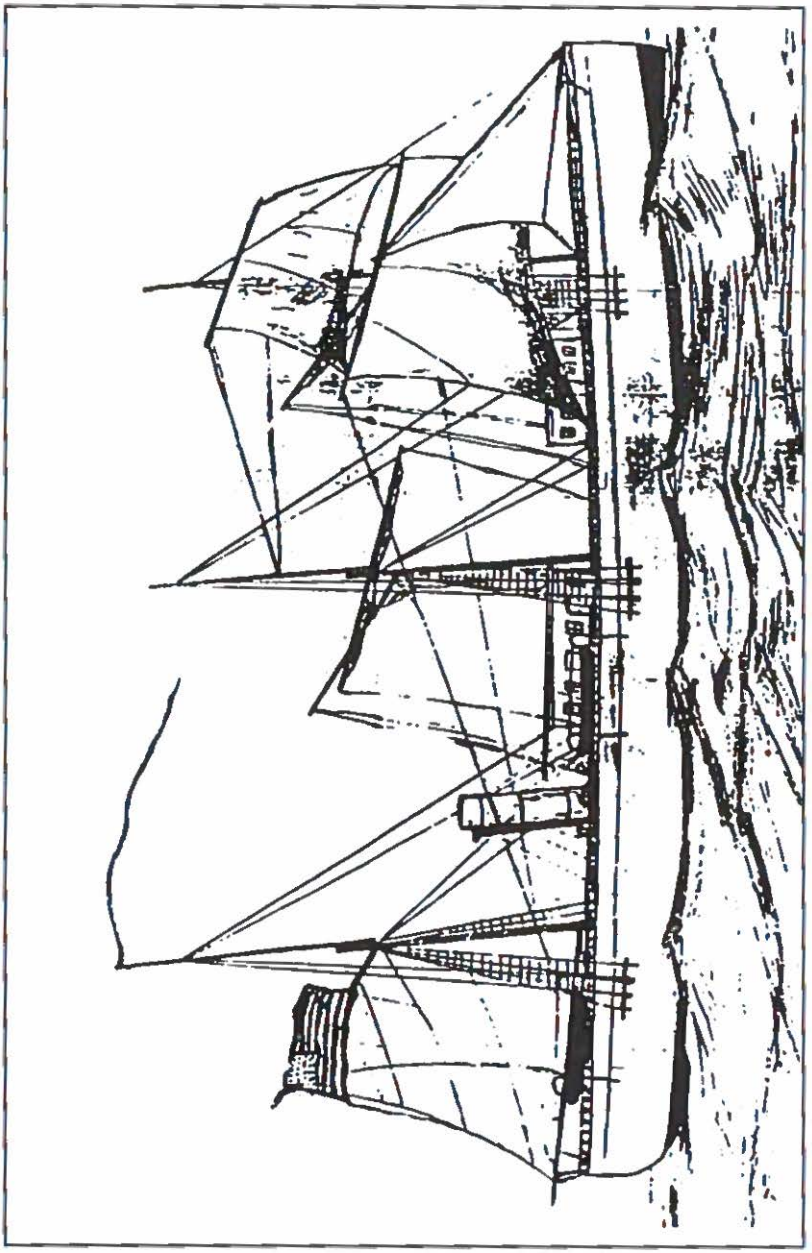
Although the East Gulf Blockading Squadron left the entire coastline south of Charlotte Harbor unguarded until 1863, the Union ships that eventually cruised there encountered early setbacks because of the peculiar nature of the new shallow-waters actions. In early 1863 only one ship, the schooner USS *Beauregard,* patrolled the 120-mile coastline from Charlotte Harbor to Cape Sable, south of present-day Naples, Florida. The results were predictable: few prizes were taken and blockade runners easily continued their daring operations in and near the many inlets and islands that speckled the coastal areas. However, these small vessels were not large enough

to carry much merchandise in the profitable trade with Cuba and Nassau.

The resulting shift in runners and Union tactics further focused attention on the Charlotte Harbor region, since that now stood as the only viable departure point in south Florida for the ambitious cattle and cotton runners who pursued lucrative trade with these foreign ports. Much to their dismay, however, the Union navy rose to the challenge. After 1863 it fundamentally altered its blockade strategy in the east Gulf region, by including new ships, tactics, and ordnance around the rebels' favorite rendezvous of Charlotte Harbor. Prior to July 1863, the blockade at Charlotte Harbor used moderately armed (three to seven guns) deep-draft warships that were incapable of navigating shallow waters surrounding local islands, or of navigating the local rivers. In July 1863, with the arrival of a small, lightly armed (one gun), shallow-draft tender, blockade strategy changed as the craft scoured local islands and accompanied cutting out parties up-river.[19]

These blockade ships became effective in challenging runners in the Charlotte Harbor region. Although most Union ships serving at or near Charlotte Harbor after 1863 carried only a few guns, they proved more than adequate to demolish the runners' small craft, most of which lacked ordnance. The *Gem of the Sea,* the vessel longest on blockade duty at Charlotte Harbor, carried five cannons: four thirty-two-pound smoothbores and one twenty-pound rifle. The maximum number of guns carried by a ship at Charlotte Harbor was seven, the least number of guns was three (discounting tenders that could only carry one gun). Most of the guns ranged in caliber from twelve pounders to thirty-six pounders, and nearly all were smoothbores. The *Restless* carried one twelve-pounder smoothbore, the smallest gun available.[20]

The very fact that the Union ships carried such effective ordnance dissuaded some runners from their trade. Perhaps a greater deterrent was the Union policy of arresting "belligerent" civilian captains, especially those working the inlets, rivers, and bays, as "pirates" under the prevailing "international" laws of naval warfare, or at least under the Union's capricious interpretation of these laws.[21] Thus, runners like Thomas Griffin, a shady Confederate Indian trader who ran a weathered sloop from his camp on the Caloosahatchee, came to rely on dark nights, speedy ships, and knowledge of shallow local waters to elude both the blockade and prison.



SS Salvor. Naval Historical Foundation, Washington, DC.

South Florida runners like Griffin and the notorious Robert Johnson grew particularly nervous about being branded as pirates because they knew Confederate support for their cause remained tenuous at best. Florida's Governor John Milton, for example, did not support blockade running; he believed it encouraged speculation and lowered the value of Confederate securities. Furthermore, most of the cotton shipped through the Florida blockade ended up in New York, which also galled him. Such concerns led Milton to issue stringent regulations confirming Confederate policy, restricting the runners' cargoes and actions, limiting the runners to importing war materials and foodstuffs, and forbidding the export of beef and other supplies. To Milton's chagrin, however, these edicts proved nearly impossible to enforce in the southern peninsula region, long known for its independently minded crackers.[22]

Milton learned that blockade runners at Charlotte Harbor routinely ignored such edicts. But the same lack of Confederate intervention that allowed blockade runners to operate freely also made them more vulnerable to federal blockade vessels and reprisals. Farther north, at Bayport, for instance, the Confederates had erected small coastal batteries and furnished diminutive garrisons. Although federal blockaders maintained a tight cordon outside these harbors, the presence of organized Rebel resistance made the Federals more cautious about invading those areas. Although many successful raids were executed at these ports, they were carried out with much greater risk, and sometimes higher casualties, than were raids at Charlotte Harbor. Blockaders at northern Florida ports probably maintained a tighter watch of harbors there, but if a runner did slip through, his ship was less likely to be captured inside the port than in the broad waters of Charlotte Harbor. Of 103 blockade runners captured in Florida waters north of Tampa, only 42 fell prey in port.[23]

Nevertheless, whether they were in north or south Florida waters, most blockade runners probably did not operate out of Southern patriotism. They expected good profits for the risks of running the blockade, as is reflected in the types of cargoes they carried. Cattle sometimes brought up to $12 in Spanish gold per head and cotton brought over $300 per bale. War materials, sometimes of more value but heavy and difficult to transport, were seldom shipped to or from southwest Florida. One of the few references to military goods brought by runners at Charlotte Harbor involved some "soldier's [*sic*] shoes" captured aboard the *Relampago*, a Spanish sloop commandeered by the USS *James S. Chambers* in March 1863.[24]

The kinds of ships needed to transport these goods also influenced what filled the runners' holds. The experiences of early blockade runner James McKay, Sr. were typical. In 1861 Captain McKay, in partnership with future cattle baron Jacob Summerlin, moved his beef-shipping operation from Tampa Bay to Charlotte Harbor, becoming the first known blockade runner to use the area. The cattle trade had been a viable business before the war, but the large, deep-draft ships it required rendered the business risky for blockade-running attempts. By 1863 the top-class schooners used by lesser runners like Johnson and Griffin cost nearly $5,000. Yet the most expensive vessel captured in Charlotte Harbor brought only $3,475 when both ship and cargo were auctioned in Key West. This suggests that south Florida runners had neither the money nor the incentive to buy the best vessels for blockade running. The scarcity of suitable vessels also suggests that a blockade runner who lost his ship would be quickly driven out of business, as was Thomas Griffin after the loss of his small sloop in 1864.[25]

Beef runners, on the other hand, needed larger vessels such as McKay's *Salvor* (a screw steamer of 450 tons) to carry enough cattle to make a profit. Each steer commanded only the equivalent of $30 in United States currency. A cargo of 300 steers weighed between 180,000 and 210,000 pounds (Florida's lean range cattle weighed 600 to 700 pounds each in live weight), an aggregate weight which proved too great for small craft. Thus, cattlemen relied on large, deep-draft steamers like the *Salvor*. Built in 1856, the *Salvor* had served in New York as the merchant vessel *M. S. Perry* until McKay purchased it in 1860, supposedly to convert it to a wrecker. As a cattle runner, the *Salvor*'s main advantage was its size. But the draft (nineteen feet) severely handicapped it as it could not navigate the shallow inlet waters of Charlotte Harbor.[26]

Even so, between November 1860 and June 1861, the *Salvor* managed to evade Federals and to convey nearly ten thousand head of cattle to Cuba. After the *Salvor*'s capture in 1861, McKay replaced it with the smaller, ill-fated *Scottish Chief*. McKay slipped the *Scottish Chief* through the blockade on six different occasions in runs to Havana. Summerlin generally supplied the "beeves" for these early missions, and both he and McKay joined forces in selling the civilian items smuggled into Florida on the return voyages. After the Union torching of the *Scottish Chief*, McKay eschewed the clandestine trade for a position with the Confederacy.[27]

McKay had been the cattlemen's principal contact in southwest Florida for the trade with Cuba. When he left after the burning of the *Scottish Chief* to become a Confederate purchasing agent, the cattle trade notably diminished. Local cattlemen remained reluctant to commit the bulk of their herds to the Cuban cattle trade until McKay's return in 1865. In the meantime, area ranchers sporadically sold some of their herds to the Confederates for script. Presumably, their prime interest lay in keeping their herds intact until the Cuban cattle trade resumed.[28]

As a result of the cattle interdiction, cotton now became the most profitable cargo shipped from Charlotte Harbor. Far easier to load than cattle, the fluffy white staple sold abroad for $.60 a pound in gold. Since each bale weighed around 500 pounds, a cargo of just six bales could bring $1,800.00 in gold. Prior to its demise, McKay's *Scottish Chief* once carried a load of 156 bales of cotton (sold for $36,400), even though he generally sought profits from beef cattle which he sought to supplement with the sale of cotton.[29]

Robert Johnson, described as a "regular daredevil of a fellow, who feared neither God nor man," represented perhaps the boldest of the cotton freebooters. Acquiring his cotton from overland wagon trains, Johnson loaded it onto his "super annuated" schooner and stealthily crept down the coast from Charlotte Harbor to safe haven at Mound Key east of Sanibel Island. Proving true to his reputation, Johnson threw caution to the wind when he seized a small U.S. mail carrier, the *Laura*, sailing near Sanibel. Apparently Johnson captured the vessel to clear the way for his cotton smuggling venture, yet the act that might have seemed so perfunctory to him also caused the Union command to brand him as a pirate. Dodging Union gunboats along the way, Johnson eventually succeeded in unloading 175 bales of cotton in Havana. Even so, later in 1863 Union gunships caught up with his schooner, *Director*, as it attempted another run through the blockade near Punta Rassa. Union sailors quickly threw the "notorious villain" in chains and shipped him north.[30]

However, cotton was not the only alternative to cattle in and near Charlotte Harbor. Turpentine was another item found aboard runners. Judging from the few times that cargoes of turpentine appeared on capture lists at Charlotte Harbor, it is doubtful that runners valued the trade as much as cotton. One of the few caches of mainland turpentine captured was that of Thomas Griffin. In early 1864 troops of the Forty-Seventh Pennsylvania Regiment foraging out of Fort Myers discovered Griffin's hoard near the Caloosahatchee

River and quickly "converted" it to their own purposes, much to his dismay.[31] Thereafter, few records mention or allude to turpentine cargoes being either observed or captured by Union seamen or soldiers. Apparently, the seizure of Griffin's turpentine cache sent a clear message to local profiteers.

Whatever the cargo, after runners reached Cuba or Nassau they invariably loaded their ships with profitable items for the return trip. Inbound cargoes exhibited more variety than outbound goods (although both consisted of whatever could be sold for hard cash). Local runners brought in liquor, salt, surgical supplies, and medicines, among other valuable cargoes. Rum, for example, sold in south Florida for $25 a gallon; a cargo of coal found aboard the captured steamer *Emma* sold for about $1,500. Runners like Robert Johnson hauled such cargoes ninety-six miles or more overland to lucrative trading areas near Tampa. In fact, so many blockade runners used local wagon teams to haul their merchandise on this route that Confederate officials had difficulty finding draft animals for their own military purposes.[32]

The nature of cargoes and blockade running over the years changed, however, with the increasing effectiveness of the Federal blockade. In early 1863 Acting Master Luther Nickerson, commanding the 401-ton schooner *James S. Chambers*, complained to the commander of the Squadron, "there are numerous small craft trading along this coast in this immediate vicinity, especially about Punta Rassa and up the Sanibel River. There are many islands between this place and Punta Rassa that afford the facilities of [shipping] cargoes unobserved."[33] As the Union tenders and small boats began scouring the islands and bays, runners retreated to the safety of the shallow rivers. Their ships could remain hidden there indefinitely, awaiting their opportunity to slip past the federal blockaders when conditions changed. This new strategy forced federal tenders like the *Rosalie* to replace deep-water patrols with shallow water island and river-oriented strategies and actions. Predictably, the new federal strategy caused potential blockade runners to alter their tactics as well.

The East Gulf Blockading Squadron started using smaller ships in Charlotte Harbor and its nearby waters out of necessity. Luther Nickerson probably triggered the idea for smaller, more mobile vessels in the area when he made the following request of his Union commander on March 7, 1863: "If not presuming too much, I would take the liberty of requesting of you a small craft of light draft, of

sufficient size to carry a howitzer, to cruise among the islands. My boats are too large for such a purpose."[34] The subsequent arrival of the smaller vessels such as the *Rosalie* (a small sloop) and the *Two Sisters* (a small schooner), which quickly undertook active pursuit duties up the local inlets and the Peace (or Peas) River, changed the roles of both the large ships and the reciprocal tactics of the profiteers. From July 6 to 8, 1863, the *Rosalie* and cutters from the U.S. bark *Restless* doggedly pursued a would-be cotton runner up these waterways until they finally seized him a few miles up Horse Creek. Local rebel forces shadowed the two vessels as they sailed downcreek to Charlotte Harbor with their prizes, but the guerrilla bands could not muster up enough nerve or local allies to attack the ships from the banks.

As similar missions followed, the larger vessels remained command centers and reservoirs of men and supplies while the smaller "cutters" and tenders, such as the *Rosalie*, did the actual chasing and capturing of prizes in shallow waters. The tenders, in particular, changed the nature of blockade duty at the harbor by allowing the navy to pursue blockade runners up the local rivers and by encouraging the use of non-aligned locals as informers and pilots. The nefarious James McKay himself noted to a Confederate official that the fear of harassment or capture by mobile Union gunboats led to the destruction of one of his ships and five of his men being taken prisoner. McKay implied in his letter that the new Union tactics had induced him to consider another means of livelihood.[35]

The altered Union strategy convinced most blockade runners that their only successes now would have to come under cover of darkness. The runners' new pragmatic strategies proved effective. Union forces at Charlotte Harbor captured only one runner at night, William Curry of Manatee. However, the necessity of a high tide to ease river navigation also crippled runners. When federal troops discovered Thomas Griffin's blockade-running camp along the Caloosahatchee River, a low tide prevented the removal of Griffin's sloop. Two days later the Federals finally managed to extricate the little vessel during high tide. Such difficulties often led runners to risk a daytime run in spite of the far greater probability of capture.[36]

Blockade runners knew that their contraband cargoes remained most vulnerable on the open seas during daylight hours. Even under these circumstances local runners learned tricks to evade the Federals. In July 1864 three blockade runners from the Peace River that tried unsuccessfully to escape the steam blockader U.S. *Magnolia* practiced

a popular ruse. The runners ran hull-down with only their ships' masts and white sails visible to the federal lookout. Realizing that the pursuit ship must have sighted the white sails, they then furled them and unstepped their masts in an effort to make their ships seem to disappear. Unfortunately for them, the *Magnolia* continued on course and seized their vessels.[37]

Nevertheless, the rivers at Charlotte Harbor became the last lair of local blockade runners. Here they could, and did, hide their ships, exchange inbound for outbound cargoes, and await an opportunity to make a nighttime dash past the blockaders. The ship destined to change most dramatically the nature of blockading tactics in southwest Florida was the USS *Rosalie*. On its arrival at Charlotte Harbor on June 17, 1863, the *Rosalie*, then tender to the bark *Restless*, operated much the same as the larger vessel. But after only a month at Charlotte Harbor, the *Rosalie* began the most successful form of blockading to be conducted at Charlotte Harbor throughout the war, that of conducting cutting-out parties. The armed cutting-out party became the most attack-oriented and feared of all blockading methods. Operating in the shallow inlets and feeder waterways of the region, these cutting-out parties, ascending rivers in search of runners, quickly claimed the initiative. The first recorded cutting-out party assembled on July 6, 1863, to hunt a pair of blockade runners up the Peace River. It consisted of the tender *Rosalie*, armed with a single twelve-pounder smooth-bore cannon, two cutters from the bark *Restless*, thirty-three armed sailors, and two local informers, Milledge Brannen and James Henry Thompson, who also acted as pilots.[38] Runners found that the *Rosalie*'s new blockading strategy neutralized their last sanctuary. The use of tenders and small boats for such expeditions also changed the role of the larger vessels blockading Charlotte Harbor by assuming most of their duties as active pursuit ships.

Although cutting-out parties produced few spectacular successes, their demoralizing effect on runners had an impact far beyond the physical destruction inflicted. The ability to penetrate formerly secure refuges made them the most effective method of meeting the unusual conditions of Charlotte Harbor. Previously, blockade runners like Griffin and Johnson could hide and load their vessels with impunity. The expeditions conducted by the *Rosalie* and its small boats changed that, as local blockade runners no longer remained safe inland. At any time a cutting-out party might arrive and take not only the runners' ships and cargo but destroy their warehouses and living

quarters as well. Such parties captured the runner *Anne* and an unidentified sloop in the same expedition, and later the *Georgie* (or *Georgia*) and the *Richard.* Another party also destroyed four boats up the Peace River, near blockade-runner Robert Johnson's buildings, which were torched. Now the Union navy caused consternation in the local runner population through its unpredictable raids and feared inland presence. Until the close of the war, the Union navy's most successful blockade vessels at Charlotte Harbor would be the swift, shallow-draft sloops and schooners that served as tenders to the larger navy vessels and as versatile command and transportation vessels for these mobile cutting-out parties.[39]

The geography and the peculiar nature of war at Charlotte Harbor thus wrought tactics and countertactics seen in few coastal Gulf waters. Prior to the arrival of the tenders, opportunistic, fortune-hunting blockade runners took advantage of the navy's poor strategy and ship selection to run first cattle, and then cotton and infrequently turpentine from the harbor. After the arrival of the tenders, with their ability to trap would-be runners in their shallow havens, the blockade runners' success declined dramatically. It took the U.S. Navy nearly two and one-half years to implement shallow-water strategies demanded by the unusual nature of Charlotte Harbor, but the results were more than worth the wait. Prior to the arrival of the *Rosalie* and its cutting out parties at Charlotte Harbor, only two blockade runners had been captured in the area. After its arrival, in a space of just fifteen months, nearly two dozen runners were caught. Most of these were small sailing craft (most not over five tons), either sloop or schooner-rigged. One was flat-bottomed, another was a sailboat. One runner, the *Emma*, was a steamer. These ships comprised a capture concentration higher than anywhere else on the Florida coast.[40]

From the time that the *Rosalie* entered the fray in June 1863 until the conclusion of the war in south Florida, the Union naval blockade continued to interdict clandestine trade in the Charlotte Harbor region. The success of the Union strategies depended in large part on the size and maneuverability of its vessels as well as on disruptive shore actions. While the Union blockade and these unusual naval shore actions did not in themselves crush the Confederate efforts in south Florida, they did eventually seal off Charlotte Harbor, the only remaining major Confederate blockade-running waterway in south Florida following the Union victory at Tampa Bay early in 1861.

Notes

[1]United States War Department, *Official Records of the Union and Confederate Navies in the War of the Rebellion* (Washington, D.C., 1894-1922), ser. 1, vol. 17 (hereafter cited as *ORN*) for relevant War Department records on the EGBS; Stanley Itkin, "Operations of the East Gulf Blockading Squadron, 1861-1865" (master's thesis, Florida State University, 1962), 1, 4-5; David D. Porter, *The Naval History of the Civil War* (Secaucus, NJ 1984), 33-38, 453-61; David Coles, "Unpretending Service: The *James L. Davis*, the *Tahoma*, and the East Gulf Blockading Squadron," *Florida Historical Quarterly* 71 (July 1992): 41-43.

[2]Stations of Vessels Composing the Gulf Blockading Squadron, January 23, 1862, *ORN*, ser. 1, 17:71; Welles to McKean, January 20, 1862, *ORN*, ser. 1, 17:56; Welles to Ellison, May 17, 1861, Mervine to Welles, June 12, and June 14, 1861, Ellison to Mervine, August 17, 1861, *ORN*, ser. 1, 16:524-25, 545-46, 542-49, 667-68; Milton to Baker, October 17, 1861, Milton Papers, Florida Historical Society Collection, University of South Florida, Tampa; John E. Johns, *Florida During the Civil War* (Gainesville, 1963), 128-34; Itkin, "Operations," 34-35; Rodney Dillon, Jr., "The Civil War in South Florida" (master's thesis, University of Florida, 1980), 111.

[3]DuPont, Bache, Barnard, and Davis to Welles, September 3, 1861, Second Report of Conference for the Consideration of Measures for Effectually Blockading the Coast Bordering on the Gulf of Mexico, *ORN*, ser. 1, 16:651-55; Rodney Dillon, Jr., "'The Little Affair': The Southwest Florida Campaign, 1863-1864," *Florida Historical Quarterly* 62 (January 1984):316-17.

[4]Woodbury to Stone, December 14, 1863, United States War Department, *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (hereafter *cited as ORA*), ser. 1, 26:855-56; Stations of Vessels Composing the East Gulf Blockading Squadron, *ORN*, ser. 1, 17:306-07, 312-13; Browne to Bailey, July 10, 1863, *ORN*, ser. 1, 17:487-88; Log of the U.S. Steamer *Honduras*, January 6, 1864, Logs of the USS *Honduras*, September 8, 1863-August 5, 1865, Records of the Bureau of Naval Personnel (hereafter cited as RBNP), RG 24, National Archives, Washington, D.C. (hereafter cited as NA); Irvin D. Solomon, "Southern Extremities: The Significance of Fort Myers in the Civil War," *Florida Historical Quarterly* 72 (October 1993): 129-38.

[5]Woodbury to Stone, December 14, 1863, *ORA*, ser. 1, 26:855-56; Baxter to Bailey, August 10, 1863, *ORN*, ser. 1, 17:527-28.

[6]Robert A. Taylor, "Cow Cavalry: Munnerlyn's Battalion in Florida, 1864-1865," *Florida Historical Quarterly* 61 (July 1986): 196-201; Northrup to Seddon, October 13, 1864, *ORA*, ser. 4, 3:730; Marston to Christensen, December 9, 1864, *ORA*, ser. 1, vol. 41, part 4, 808.

[7]Clark to Browne, July 8, 1863, Baxter to Bailey, September 5, 1863 *ORN*, ser. 1, 17:488-89, 547.

[8]Johns, *Florida During the Civil* War, 161; Howell to Wells, September 3, *1862*, *ORN*, ser. 1, 17:309.

[9]Canter Brown, Jr., *Florida's Peace River Frontier* (Orlando,1991), 142, 155-56; Francis C. M. Boggess, *A Veteran of Four Wars: The Autobiography of F. C. M. Boggess* (Arcadia, FL, 1900), 38-39.

[10]Figures partially compiled from Stations of Vessels Composing the Gulf Blockading Squadron, January 23, 1862; *ORN*, ser. 1, 17:71; Lardner to Welles, June 25, 1862, August 15, 1862, and October 2, 1862, Schenk to Welles, October 15, 1862, Bailey to Welles, January 15, 1863, February 1, 1863, February 15, 1863, March 1, 1863,

July 15, 1863, August 15, 1863, and February 1, 1865, *ORN*, ser. 1, 17:268, 353, 297-98, 315, 320-21, 361, 366, 378, 502, 531-32, 805; United States Vessels of War Serving in the East Gulf Blockading Squadron from February 22, 1863 to July 17, 1865, *ORN*, ser. 1, 17: *xviii-xix*.

[11]The shallowest-draft armed Navy vessel to operate at Charlotte Harbor was the *Rosalie*, with a depth of 5 feet and a draft of 3.6 feet. The deepest-depth naval vessel at Charlotte Harbor (the draft is not listed for all the vessels) was the *Gem of the Sea* at 13.5 feet in depth. Statistical Data of Ships, USS *Rosalie* and USS *Gem of the Sea*, *ORN*, ser. 2, 1:91, 195; Logs of the USS *Gem of the Sea*, August 18, and September 5, 1863, RBNP, RG 24, NA.

[12]J. Wilkinson, *The Narrative of a Blockade-Runner* (New York, 1877), 86-87; Porter, *Naval History*, 175-264, 269-70, 565-600.

[13]Stephen R. Wise, *Lifeline of the Confederacy: Blockade Running During the Civil War* (Columbia, SC, 1989), 167-90.

[14]Log of the USS *Gem of the Sea*, RBNP; Itkin, "Operations," 37-38.

[15]United States Vessels of War Serving in the East Gulf Blockading Squadron from February 22, 1862, to July 17, 1865, *ORN*, ser. 1, 17: *xviii-xix*.

[16]Williamson to Bailey, December 29, 1862, *ORN*, ser. 1, 17:338; Itkins, "Operations," 38-39.

[17]United States Vessels of War Serving in the East Gulf Blockading Squadron from February 22, 1862 to July 17, 1865, *ORN*, ser. 1, 17: *xviii-xix*; Bailey to Welles, July 18, 1863, *ORN*, ser. 1, 17:489-90; Itkin, "Operations," 67-68.

[18]Bailey to Welles, October 24, 1863, *ORN*, ser. 1, 17:570-72 (and accompanying reports, 572-79), concerning the destruction of the *Scottish Chief*; Brown, *Florida's Peace River Frontier*, 149-50; Samuel Proctor, ed., *Florida A Hundred Years Ago* (Coral Gables, FL, October 1963), 2.

[19]Bailey to Welles, Stations of Vessels Composing the East Gulf Blockading Squadron, March 16, 1863, *ORN*, ser. 1, 17:385; United States Vessels of War Serving in the East Gulf Blockading Squadron from February 22, 1862, to July 17, 1865; Itkin, "Operations," 64-65.

[20]Compiled from Statistical Data from U.S. Ships, USS *Gem of the Sea* and USS *Restless*, *ORN*, ser. 2, 1:91, 192; United States Vessels Serving in the East Gulf Blockading Squadron from February 22, 1862 to July 17, 1865, *ORN*, ser. 1, 17: *xviii-xix*.

[21]Mark E. Neely, Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York, 1991), 140-59.

[22]Milton to Randolph, June 25, 1862, Griffin to Milton, October 5, 1862, Milton Letterbook, Milton Papers.

[23]Collated from various capture reports, *ORN*, ser. 1, vol. 17; Itkin, "Operations," 202-37.

[24]William J. Schellings, "On Blockade Duty in Florida: Excerpts from a Union Naval Officer's Diary," *Tequesta* 15 (1955): 68; Canter Brown, Jr., "Tampa's James McKay and the Frustration of Confederate Cattle-Supply Operations in South Florida," *Florida Historical Quarterly* 70 (April 1992): 413-14; Thelma Peters, "Blockade Running in the Bahamas During the Civil War," *Tequesta* 5 (1945): 19; Nickerson to Welles, March 7, 1863, *ORN*, ser. 1, 17:379-80.

[25]Hamilton Cochran, *Blockade Runners of the Confederacy* (Indianapolis, 1958), 225; Baxter to Welles, September 3, 1863, *ORN*, ser. 1, 17:545-46; Itkin,"Operations," 223.

[26]*Florida Peninsular*, August 11, 1860; French to Thomas, October 17, 1861, *ORA*, ser. 2, 960-61; Wise, *Lifeline of the Confederacy*, 319.

[27]McKay to White, September 9, 1863, Pleasant Woodson White Papers, Florida Historical Society Collection, University of South Florida, Tampa (hereafter P.W. White Papers); Donald B. McKay, ed., *Pioneer Florida* (Tampa, 1959) 3:25-26; Bailey to Welles, October 16-17, 1863, *ORN*, ser. 1, 17:570-72; Brown, *Florida's Peace River Frontier*, 146-50.

[28]McKay to White, September 27, 1863, January 7, 1864, and September 30, 1863, P.W. White Papers; George E. Buker, *Blockaders, Refugees and Contrabands: Civil War on Florida's Gulf Coast, 1861-1865* (Tuscaloosa, 1993), 37; Brown, "Tampa's James McKay," 411; Robert A. Taylor, "Rebel Beef: Florida Cattle and the Confederate Army, 1862-1864," *Florida Historical Quarterly* 67 (July 1988): 20-25, 29-31.

[29]Caldwell to McKean, January 23, 1862, Browne to Bailey, July 10, 1863, *ORN*, ser. 1, 17:55, 487-88; Itkin, "Operations," 223.

[30]Robert Johnson File, Department of War, M-260, roll #2, NA; F. A. Hendry, "Blockade Running in Days Gone By," *Fort Myers Weekly Press*, February 4, and 11, 1909; Caldwell to McKean, January 23, 1863, *ORN*, ser. 1, 17:55; Baxter to Bailey, September 5, and October 3, 1863, *ORN*, ser. 1, 17:547, 562-63.

[31]Baxter to Bailey, October 22, 1863, Cheeseman to Welles, July 7, 1864, *ORN*, ser. 1, 17:580.

[32]Rockwell to Welles, June 11, 1864, *ORN*, ser. 1, 17:716-17; Finegan to Milton, May 8, 1863, Teasdale to Milton, May 8, 1863, Milton Papers; Hendry, "Blockade Running."

[33]Nickerson to Bailey, March 7, 1863, *ORN*, ser. 1, 17:381.

[34]Ibid.

[35]McKay to White, October 18, 1863, P. W. White Papers.

[36]Browne to Bailey, July 10, 1863, *ORN*, ser. 1, 17:487-88; Baxter to Welles, August 1, and September 3, 1863, *ORN*, ser. 1, 17:525, 545-46; Baxter to Bailey, September 5, 1863, *ORN*, ser. 1, 17:547.

[37]Cheeseman to Welles, July 7, 1864, *ORN*, ser. 1, 17:729.

[38]McKay to White, October 18, 1863, P.W. White Papers; Browne to Bailey, July 10, 1863, *ORN*, ser. 1, 17:487-88.

[39]Bailey to Browne, September 3, 1863, and Baxter to Bailey, September 3, 1863, *ORN*, ser. 1, 17:489, 545-46.

[40]Compiled from capture reports in *ORN*, March 1862-March 1864, and Log, *Gem of the Sea*, January 4, 1864, RBNP; Woodbury to Stone, January 22, 1864, *ORA*, ser. 1, vol. 35, part 1, 460-61; Coffin to Welles, June 11, 1864, and Rockwell to Welles, June 11, 1864, ser. 1, 17:716-17.

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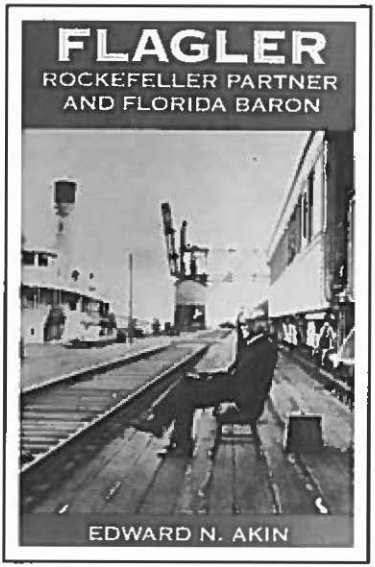
Book Reviews

Edward N. Akin. *Flagler: Rockefeller Partner and Florida Baron.* Gainesville: University Press of Florida, 1992, pp. 305. $16.95. ISBN 0-8130-1108-6



When an historian attempts to encompass the whole of a life in the space of three hundred pages, he has undertaken a formidable task. When the subject is a person of such public visibility as Henry M. Flagler, the mass of primary material can frustrate even the most dedicated researcher. Edward N. Akin has, however, produced a clear, manageable biography of one of Florida's visionary businessmen. While Flagler's Florida years are the chief chronological focus, this work traces his business career from the Ohio salt fields following the Civil War, through the Standard Oil period, to the building of his railroad and luxury hotel system in Florida.

The reader need not have expertise in the history of Standard Oil, Rockefeller, and Flagler in order to gain a quick analysis of other works on the subject. The author provides an exhaustive summary, including Ida M. Tarbell's *History of the Standard Oil Company* and Allan Nevin's *John D. Rockefeller: The Heroic Age of American Enterprise.* Without denigrating any of the efforts, Akin notes the shortcomings of each due to the lack of access to particular bodies of research material. While the critique is early in the biography, Akin continues to contrast these older works with his new findings and interpretations throughout the narrative. Fortunately, one still finds the work highly readable.

The author convincingly argues that a fresh examination is needed of Flagler's contributions in the rise of Standard Oil in the 1870s and his role in the development of the east coast of Florida. Extensive use of new source materials such as the letter books of the partnership among John D. Rockefeller, Flagler, and Samuel Andrews lends credence to the notion that Standard Oil was more the result

of a cooperative effort of several talented entrepreneurs than the empire of one individual. This ability to attract competent business associates aided Flagler in his success in Florida. *Flagler* is the first scholarly work to make extensive use of personal materials from the Henry Morrison Flagler Museum archives at Palm Beach, Florida.

With this wealth of new information, Akin's analysis of Flagler's Florida years tears at the simplistic image of Flagler as robber baron and produces, instead, the perception of a complex man driven by his desire to leave something of lasting significance as a memorial to himself. Referring to Florida as "my domain," Flagler believed that the state had vast potential which he could unleash with a railroad running along its eastern seaboard. While the hope of financial return undoubtedly influenced his decisions, it cannot explain why Flagler would spend twenty million dollars, nearly forty percent of his entire Florida investment, near the end of his life to extend his railroad to Key West. In fact, his investments in Florida were largely unprofitable during his lifetime. Flagler needed a grand project that would bear the stamp of his personality and vision. By the time it was completed in 1912, the Key West extension was hailed as the "eighth wonder of the world." His ability to dream of Florida's future affected his business judgment, however, forcing him to look to outside sources of credit for his final projects.

Flagler's motivations receive repeated and detailed attention from the author. Akin has resisted the temptation merely to describe the course and impact of Flagler's life and has chosen instead to address the readers' initial and persistent questions concerning the man's reasons for his actions. If historical research is to move the reader from description of events to the examination of their meaning, then the motivations of significant individuals need to be understood. Akin weaves throughout this work his analysis of Flagler's motives and the various events that molded them. The railroad magnate's early business experiences, steadfast involvement in the Presbyterian church, three marriages, estrangement from his son, Harry, and divorce all receive generous treatment.

While Flagler's economic impact on Florida is clearly noted, the author does not stop there. Flagler resisted selling parts of his land grants to speculators and instead tried to promote settlement by establishing experimental farms and encouraging the development of communities of small farmers. On the negative side, politicians were bribed to gain favorable treatment, deplorable working conditions were routinely allowed, and newspapers were purchased in order to

influence public opinion. Flagler's paternalistic attitudes became evident as he tried to control the number of churches and the use of alcohol in many of the new settlements.

Overall, reading Edward Akin's biography has proved enjoyable, although the amount of detail might discourage some readers. Students of American economic or Florida history will find it worth the effort. While several photographs were included, more visuals of the various hotels and a detailed map would have provided a more complete appreciation of Flagler's efforts. Reading *Flagler* should be high on the list for anyone wanting to understand the beginnings of the migration of Americans to Florida during the twentieth century.

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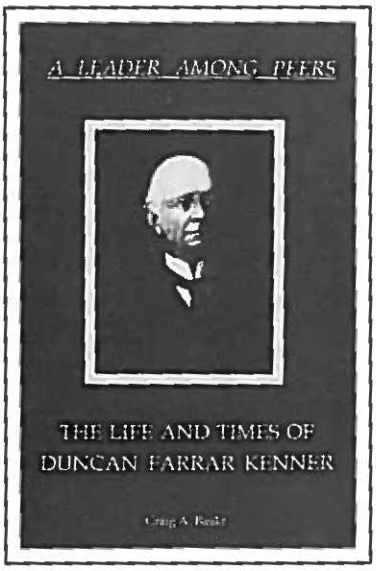
Craig A. Bauer. *A Leader among Peers: The Life and Times of Duncan Farrar Kenner.* Lafayette, LA: Center for Louisiana Studies, 1993, pp. 359. ISBN 0-940984-83-0



During the antebellum period, many notable Louisiana politicians, including John Slidell, Pierre Soulé, and Judah Benjamin, rose to positions of national prominence and subsequent historical significance. Bauer's work attempts to highlight yet another Louisianan whose influence was felt not only in his home state but also throughout the country. However, other than his last-ditch and unsuccessful mission in early 1865 to gain European allies for the Confederate cause, Duncan Farrar Kenner is a relatively obscure figure whom the author believes has previously been overlooked and whose life deserves a full-length biography.

Bauer's work is admirable, especially considering that records concerning Kenner's life are scant and housed in numerous repositories. The author has, nonetheless, acquired considerable

information on Kenner, and he has pieced together a useful narrative, instructive not only in political history but also in many aspects of Louisiana social history.

Kenner owned several sugar plantations in southern Louisiana that provided him considerable wealth and sufficient leisure to enter state politics. The first four chapters, covering the genealogy of the Kenner family, Kenner's early years, and the construction of the family estate, Ashland, are the least useful. One wishes that more records from Ashland had been available to the author, for he may have been able to present more details and fewer generalizations on slavery there. The author attempts to describe the workings of Kenner's sugar plantation, but the records for Ashland are insufficient and pertain mostly to 1852. Bauer conjectures that Kenner did not overemploy harsh punishments for his slaves and that he must have taken relatively good care of them. Kenner was a businessman, Bauer states, and he would not have damaged the most vital aspect of his sugar operation: the slaves. Perhaps the author is correct. But then again, one wonders how a man who lost upwards of twenty thousand dollars on a regular basis at gambling halls in New Orleans could have been overly concerned about the physical welfare of slaves whose individual worth was usually less than fifteen hundred dollars.

Kenner was a political chameleon who changed party affiliations and compromised personal ideology to satisfy personal ambition. Such a politician was, of course, not altogether uncommon during the antebellum period. But Kenner, who began political life as a Whig, then shifted to the Democrats, then enlisted with the short-lived Know-Nothing Party, and finally rejoined the Democrats, too often adhered to the most popular political movements. In the final analysis, Kenner held few state offices of real significance, and his influence and legislative record was, notwithstanding reform measures he proposed to improve public education, less than stellar.

Covering Kenner's experiences during the turbulent 1850s, his role in enacting Louisiana's secession ordinance, his influence and record as a Confederate congressman, and his mission to Europe in early 1865, chapters seven through ten are the most interesting. Perhaps Kenner was not the first Confederate politician to believe that slavery was the principle obstacle preventing England from recognizing the Confederacy, but he was the first to openly and courageously admit it. As early as 1862, Kenner began discussing the necessity for immediate and wholesale emancipation with his close

friend (and Confederate Secretary of State) Judah Benjamin. Considering that he was one of the largest and most prosperous slaveholders in the South, Kenner's willingness to abandon slavery exemplified his devotion to Southern independence. Of course, other than Kenner, few Southerners were willing to go to such extreme lengths as emancipation until late in the war.

In early 1865, as Lee's haggard army lay all but trapped at Petersburg, and as Sherman's forces ravaged the South, Kenner and Benjamin finally convinced Jefferson Davis that the Confederacy's fate hinged on European recognition, and that this diplomatic hurdle would not be traversed without emancipation. Kenner was thus dispatched to Europe in late January to inform the Palmerston government in London that the South was willing to abandon slavery in return for recognition and a military alliance. But Kenner's mission was too late to effect any positive outcome for the Confederacy. Bauer correctly states that Kenner was misguided in assuming slavery to be the only obstacle to diplomatic recognition. The British government was unwilling to recognize the Confederacy primarily from its fears of becoming involved in a war with the United States.

The final three chapters bring Kenner from 1865 until his death in 1887. Upon his return to Louisiana in August 1865, he was elected to the state legislature where he attempted to reassert his pre-war political influence. Kenner was instrumental in preparing Louisiana's Black Code designed to return former slaves to the sugar fields and to reduce them to peonage status. Largely because of these laws, he and many other Louisiana politicians were forced out of the political arena during Congressional Reconstruction. Over the next several years, Kenner worked diligently to rebuild his once-vast fortune, and he also labored to oust the Reconstruction government which he thoroughly deplored. Kenner and many pre-war politicians regained power in 1877, and they at once set out to reverse much of the legislative agenda enacted during Republican rule.

The Life and Times of Duncan Farrar Kenner is an interesting book, weakened perhaps from the author's occasional over reliance on secondary sources in the early chapters. Nonetheless, the work should be considered the definitive study of an important figure in Louisiana history.

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Kathryn E. Holland Braund. *Deerskins and Duffles: The Creek Indian Trade, 1685-1815.* Lincoln & London: University of Nebraska Press, 1993, *xvi,* pp. 306. $37.50. ISBN 0-8032-1226-7

Deerskins turned out to be the predominant "cash crop" of the Creek Indians. They exchanged them for blankets to dress their wives and children and for guns, powder, and bullets to better "harvest" the deer as well as for tools, household utensils and, well, rum! The West Indian liquor proved so irresistible to some warriors that they were apt to give up not only their deerskins but also their weapons to get it. On one occasion, an observer noted a party of forty warriors finishing off some one hundred gallons of rum.

This book developed from a Florida State University Ph.D. thesis, and it is here published as part of the "Indians in the Southeast" series. The study is based on written sources, yet very few of these Creek Indians were literate. Dr. Holland Braund confines herself to documents in English. French, Spanish and German sources were apparently not consulted. The Spanish and the French had dealings with the Creeks, so their accounts might have been valuable too. Many travelers who were not directly involved in commerce, politics or administration left reports. Quite a few of these were published by German writers. Apart from a series of sketches, some of which are nicely reproduced, only written sources of surviving evidence have been used. The study is written in a narrative form.

Characterizing the trade between the Creeks and the English colonists, the series editors note that "the ritual significance of gift exchange remained, but the desire for profits and goods soon began to determine the trade." This statement has to be read carefully since it applies differently to the two trading partners. The significance of the study lies in showing how a subsistence economy responds when faced with a market economy. In addition, it points to some of the foundations of the peculiar economic development of the American South.

In principle, two parties trade according to the principle of comparative advantage in order to profit from the division of labor. On this principle, and as long as deer were plentiful, it might have been sensible to engage in the trade. When the herds declined, however, and when the prices likewise declined, the response of a profit-oriented economy would have been to look for a different cash crop. This is what Thomas Jefferson intended. The Indians, at the instigation of Jefferson and his administration, slowly shifted from hunting to commercial agriculture. The cotton they had their black slaves plant and pick by 1798 seemed to herald a new era: "The growing emphasis on commercial farming assured the continuance of black slavery in the Indian country." A subsistence-oriented economy, on the other hand, in the presence of dwindling opportunities for trading deerskin might have emphasized the traditional small scale economic activities and cut off trade. The goods for which the Indians traded had substitutes that they could produce themselves. The duffle blanket is a prime example. Yet, the Creek Indians neglected their subsistence skills and developed a dependence on imported goods, while failing to develop economically relevant skills of their own. The goods they offered for exchange, slaves and deer, were not harvested. Rather, they were hunted or caught. The Creek Indians, when confronted with opportunities for exchange, failed to transform their own economy into a market-oriented one. At the same time, they neglected the further development of their traditional economic style.

While the traders in the Creek territories acted for profit, the Creek engaged in exchange for subsistence. The traders advanced credit, the means of production in the form of guns, powder and shots, necessities (household items) and small rations of amenities (rum), and the Indians were expected to repay in the form of skins. When the hunt brought unsatisfactory results, the credit would be rolled over in hopes of better times. Here, we already have all the defining elements of the sharecropping system that gained preeminent importance after the Civil War in the production of cotton. The owner advanced the means of production (land, tools, a draught animal) and the furnish, and the tenant was expected to pay back in cotton. As the analogy shows, what is superficially described as "trade" actually is a credit relationship in order to organize the production of a particular cash crop (deerskins or cotton).

The Indians were generally unaware of the nature of the exchange. They approached it in terms of their basic conceptions

involving the exchange of gifts and the assistance offered by the stronger to the weaker partner. That the accumulating debt eventually would have to be repaid in land was inconceivable to the Indians, and when the land cessions occurred, they shook the very foundations of the social edifice. The resulting confrontation between "fundamentalists" and "reformers" erupted into a civil war among the Creek Indians, which prompted the military expedition under General Andrew Jackson, the defeat of the Indians at Horseshoe Bend, and the dictated Treaty of Fort Jackson in 1814.

Juergen Backhaus The University of Limburg/Maastricht

Robert M. Browning, Jr. *From Cape Charles to Cape Fear: The North Atlantic Blockading Squadron During the Civil War.* Tuscaloosa: The University of Alabama Press, 1993, pp. 453. $44.95. ISBN 0-8173-0679-X

One expects a solid piece of maritime history from Robert Browning, as he is the Chief Historian of the U.S. Coast Guard. Rest assured, the serious reader of this volume will not be disappointed. The text, backed by 120 pages of scholarly notes, constitutes the definitive work on the Union blockade squadron off North Carolina and Virginia during the Civil War. Due to the complex nature of the study, it is confined narrowly to those two coastal states while including political and military actions in other areas which directly impact on North Carolina and Virginia. However, the study transcends the coastal area under discussion because of the author's fine grasp of grand strategy, local strategy, and tactics. Consequently, the reader comes away with a firm understanding of the role of the North Atlantic blockade in the entire Union war effort. The author also does an excellent job of

explaining the complex interrelationships involved in the various combined army and naval campaigns.

Certain sections, such as that on the blockade runners, make excellent reading while pages describing raids up and down winding, turbid rivers flow as slowly as the coastal rivers themselves. A large portion of the book examines the important role of Wilmington, North Carolina, and the numerous attempts to plug that large leak in the North Atlantic blockade. The section is very complex and tedious and I finally ended up begging for the fall of Wilmington.

While this is not one of the most exciting books available on the Civil War, it is one of the more important. The book contains a great deal of information that until now has been unavailable to serious students of the war. At the outbreak of hostilities the Union navy consisted of just ninety vessels with forty propelled by steam and the rest by sail. While Britain described Lincoln's naval blockade as "totally ineffective," enough European nations recognized it to end all legal commerce with the Confederacy. Thus, even without a navy to enforce the blockade, the Union made substantial progress early through foreign recognition. However, the Confederate capture of Norfolk, Virginia was a major setback for the North as it was the nation's largest naval facility and shipyard. Not only were eleven warships left behind, including the steam frigate *Merrimack* but also the capture of three thousand pieces of artillery enabled the Confederacy to arm the abandoned federal coastal fortifications heavily. This loss was followed by the first Union victory of the war–the capture of two forts protecting North Carolina's Hatteras Inlet. The victory provided the Union with a potential base for continued operations along the stormy coastline, while depriving the South of a popular rendezvous point for its privateers. This first victory pointed the way to the most successful method for capturing the numerous remaining Confederate coastal fortifications–coordinated naval bombardments and amphibious assaults.

Browning provides new information about several well-known campaigns as well as numerous lesser-known naval operations such as the capture of Roanoke Island. Its fall provided the Union navy with access to the great sounds of North Carolina, Albemarle and Pamlico, and enabled the Union army to threaten Norfolk from the rear. With the fall of Norfolk, the rebels were forced to withdraw from two and a half million acres of fertile land that produced five million bushels of corn annually.

Some of the more interesting parts of the book include a fine analysis of ironclads and valuable sketches of various admirals and generals. Ben Butler's reputation is not enhanced, and Admiral Louis Goldsboro, who commanded the North Atlantic Squadron for a time, is described by a subordinate aboard the *Monitor* as "monstrous in size, a huge mass of inert animal matter" who was "course, rough, vulgar & profane in his speech, fawning & obsequious to his superiors–supercilious, tyrannical, & brutal to his inferiors."

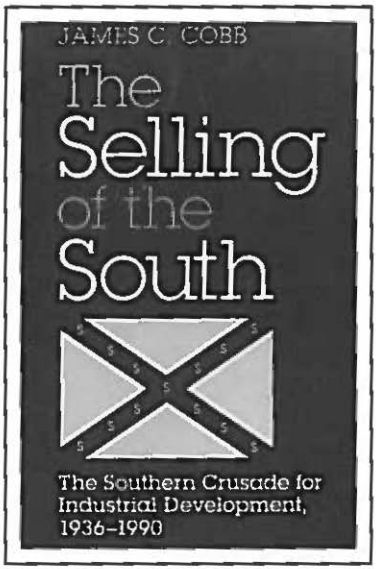
My only major criticism concerns the confusing nature of the maps which are a vital part of the book. In view of the fact that only the coastal areas of North Carolina and Virginia are involved, a simple solution would have been the placement of good state coastal maps inside the front and back covers. The reader could then have easily utilized these general maps to locate the area of the numerous and excellent local maps of specific areas. There is a general map of North Carolina on page eighty-four, but it is aggravating to search over and over again for this map. A map on page sixty-eight covers almost the entire coast of Virginia, but again the problem is finding it. More serious is the fact that these two state coastal maps lack sufficient detail to enable the reader to relate most of the local maps to them.

Because the Civil War period is a time of rapid change in ship design, the North Atlantic Squadron included a puzzling array of vessels. In some cases the author does an excellent job of describing them. In other cases the design of the ship is left to the reader's imagination. By failing to include any sketches or illustrations the author missed an opportunity to add an additional dimension and to enliven the book. What do an iron surfboat, or a double-ender ferryboat, or gunboats used as floating batteries look like? I still wonder.

In conclusion, this is a "must-have" book for serious students of the maritime history of the Civil War.

T. J. Barragy Texas A & M University, Kingsville

James C. Cobb. *The Selling of the South: The Southern Crusade for Industrial Development, 1936-1990.* Second Edition. Urbana: University of Illinois Press, 1993, *iii,* pp. 309. Cloth, $32.50. ISBN 0-252-06162-4 / Paper, $13.95. ISBN 0-252-06162-4



Has the Southern pursuit of business and industry altered that section's overall social and economic profile? That is the primary question posed by James C. Cobb's current edition of *The Selling of the South.* Cobb revises his 1982 volume and brings the Southern quest for economic and industrial expansion into the current decade. His central theme is the interaction of industrial development and change. More specifically, Cobb considers two principal questions. First, has business and industrial development brought about Southern social changes? And second, has industrial development brought about fundamental economic change in the South, or have Southern industrial leaders simply been distant cousins of the antebellum planter class?

The study begins in 1936 with Mississippi's "Balance Agriculture With Industry" program. The BAWI is analyzed because it was the first major example of government involvement in a Southern state's economy. That association manifested itself in the form of subsidies and municipal bonds to finance industrial plant construction.

Cobb points out the evident historical paradoxes in this Southern effort to recruit business. BAWI took the South into broad areas of state and local activism, a nascent form of corporatism where local groups and leaders worked together to recruit industry, to finance plant construction, and to establish labor-training facilities. All this came from a section known for its conservative political philosophy. When the Mississippi Supreme Court ruled favorably on BAWI in 1937, one judicial dissenter said that the court had driven a "steam shovel through our constitution." Yet, Cobb insists that Southern states and communities were perfectly willing to accept governmental aid and intervention as long as their region benefitted.

Local and state boosterism in the South to capture industry has continued since the 1930s. Recruiting practices in the 1950s and 1960s were greatly affected by Southern civil rights problems, however. Cobb tries to determine whether the active recruiting of industry forced social change. He concludes that business leaders did indeed become "reluctant advocates" of desegregation. Chamber of Commerce and community leaders who were trying to bring industry to the South were embarrassed by the Little Rock situation and other racial difficulties. Cobb states that economic stability was the goal of Southern business developers, and moderation became their preferred policy since they found segregation embarrassing. Northern investors were also needed, and as one Machiavellian Southern executive stated, "One lynching and we've wasted two hundred thousand dollars in magazine advertising." The fruits of this business-led prudence came during the 1970s as the booming Sunbelt South emerged. By then Southern leaders realized what it took to recruit industry and to develop local economies. The South was also fortunate enough to benefit from several other advantages. First, thousands were leaving the North because of declining employment prospects there. Finding jobs in Dixie, these new consumers gave Southern markets a boost. The Southern birth rate also increased. For the first time, the South was gaining population and with that, consumer spending power.

Cobb also attempts to determine exactly why industries relocated to the South. Specifically, did the numerous tax breaks and subsidies offered by the states actually work? Examining several studies completed over the past three decades he concludes that there is only a limited consensus. Subsidies and tax breaks help only when all other economic details are comparable. Cobb speculates that there are three primary reasons that business and industry went South: the population increase, the expansion of the consumer market, and an abundant supply of cheap, nonunion labor.

But even with the Southern financial picture improving in the past two decades, problems remain. Despite its extraordinary efforts to attract business and industry and despite all the financial inducements used, the South continues to attract the same kind of low-wage, slow-growth industries that have led to poverty and numerous other economic deficiencies for years.

But why do these same economic problems remain? Cobb explains that even with all its economic advances, the South has changed very little. He blames these structural problems on the

"survival of the planter influence." The difficulties that afflicted the South after the Civil War led political leaders to formulate policies which sought to suppress social and economic disorder. Southern leaders, therefore, cultivated an abundant, pliable labor supply, kept taxes low, and suppressed any political challenges from labor unions. Cobb speculates that by the 1930s Southern growth strategies were completely "intertwined with so-called planter traditions."

Cobb places himself in the company of other historians who have discovered connections between the modern and antebellum South. Wilbur Cash, and more recently Jonathan Wiener and Dwight Billings established those economic and social relationships. Vicki Johnson's recent book on the Southern commercial conventions concludes that agrarian attitudes survived the war and continued to flourish in the postbellum South.

The Southern economy will continue to be an absorbing topic because many of the problems that have troubled that section are now common to the entire nation. Cobb cites a "southernization" of the nation's economy and describes how global competition is forcing industry into "self-interested and cost-conscious" positions. Current worldwide economic strife makes this study even more critical and leads us to realize that the problems the South has experienced over the years have not all been induced by the region's leaders or its cultural norms. Each economic entity works from its strengths and weaknesses, and the South has been no exception. Perhaps Gavin Wright is correct when he asserts that Southern hostility toward labor unions is a sign of recent economic difficulty, not antebellum attitudes.

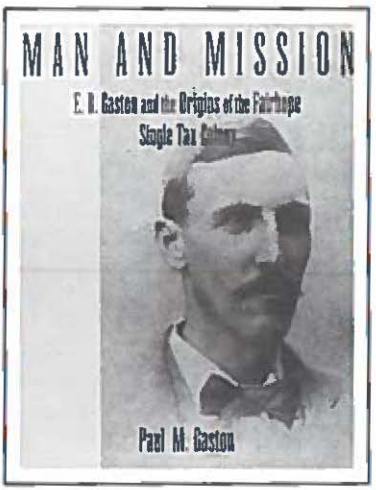
Cobb has written an important work which sets the stage for further studies on Southern business development and additional community and municipal examinations. This volume is well-written and supported by an extensive assortment of manuscripts, government documents, primary, and secondary source materials. We can only hope that Cobb continues to update *The Selling of the South.*

David E. Woodard University of Minnesota

Paul M. Gaston. *Man and Mission: E. B. Gaston and the Origins of the Fairhope Single Tax Colony.* Montgomery: The Black Belt Press, 1993, *xiv*, pp. 161. ISBN 1-881320-10-3

This is not the book most of us have been waiting for Paul Gaston to write, namely a definitive history of Fairhope, Alabama. Yet it is an important step in that direction, detailing the intellectual journey of E. B. Gaston, the author's grandfather and the founder of Fairhope. *Man and Mission* explores how E. B. Gaston and his colleagues "hoped to engage the difficult social and economic issues of their age by creating a model community." The book ends as Fairhope begins.

Spectacularly situated on the Eastern Shore of Mobile Bay, today's Fairhope is one of the most beautiful towns in America. The population approaches ten thousand, mostly retirees and commuters who work in nearby Mobile. The downtown features brick sidewalks, flower baskets, and gift shops. There is an excellent public library, a well-stocked book store, and a large colony of writers and artists. Visitors are surprised at the pleasant surroundings and intellectual ferment, not to be expected in a small Alabama town. The explanation of course is that Fairhope is not a typical Alabama town, but rather a utopian experiment founded by Midwesterners a century ago. If, as Paul Gaston contends, "Fairhope as a town can no longer be defined by the utopian ideals of its pioneer settlers almost a century ago," those ideals nevertheless have profoundly influenced the tone of the community.



Unlike most American towns, Fairhope did not come into being because of traditional geographic or economic advantages. It was an idea before it was a place. Understanding the development of that idea is Gaston's task in this volume.

For those living it, the reality of late nineteenth-century America was far from the Victorian "good old days" later generations came to believe in. "Even the most casual inquiries," writes Gaston, "turned up gruesome tales of deepening poverty, wrenching class conflict,

with violent confrontations between industrial workers and factory owners." Among those disturbed by these things was Ernest Berry Gaston, a preacher's son born in Illinois in 1861 and nurtured "in the midwestern villages and towns where his father's preaching took the family." Most of E. B. Gaston's schooling took place in Des Moines, Iowa. After graduation he ran a livery stable and worked in real estate, before denouncing "speculative building," and looking for a more fulfilling way of life.

In 1889 Gaston began work as a journalist for a small paper and kept company with reform-minded individuals. His thinking was influenced by three works of social criticism, Edward Bellamy's *Looking Backward,* Henry George's *Progress and Poverty,* and Laurence Grounlund's *The Cooperative Commonwealth.* Of these works, Henry George's was the most influential for Gaston. George pondered the "association of poverty with progress," calling it "the great enigma of our times." "Poverty deepens as wealth increases," he wrote, "and wages are forced down while productive power grows, because of land, which is the source of all wealth and the field of all labor, is monopolized." To abolish poverty and to make wages just, "we must make land common property," he wrote.

Gaston did not immediately take George's ideas and found a community, but rather threw himself into midwestern Populist Party politics. Poor results here pushed him into more direst action. Gaston believed that "individualist must be fostered within a framework of cooperation and cooperation must emerge from the self-interest in the hearts and wills of free individuals." He called this "cooperative individualism," his own original contribution to "the lexicon of social reconstruction."

So it was that the Fairhope Industrial Association was formed in 1894 to put these diverse ideals into action. The name Fairhope came from its members' belief in a "fair hope of success." Community ownership of land was central to the ideal, because land's value was created by the community. The community would "confiscate the full rental value of land through taxation, in order to give to the community that which it had created and to leave to individuals that which they had created." Members of the community would lease their land, and pay an annual rental into the common treasury, hence the "single tax."

The site selection committee visited locations throughout the South, and reported most favorably on the Eastern Shore of Mobile Bay. In the fall of 1894 twenty-eight men, women, and children

made the long journey from Des Moines to the undeveloped pine bluffs where they would carve out their utopian ideal. One hundred years later, the Fairhope Single Tax Colony lives, though in a more limited fashion.

Fairhope is fortunate in that the grandson of the founder is an historian at the University of Virginia. Paul Gaston tells us that though he has used his insider's knowledge in writing this book, he has also attempted to maintain "the distance and discipline of a professional historian." Though he has succeeded, this reviewer would have enjoyed a more personal touch. *Man and Mission* is well-crafted, however, and an important contribution to the literature of social reform

Lastly, the local history community may rejoice in the entry of Black Belt Press onto the publishing stage. Based in Montgomery, this small press is expanding into the local history field and doing excellent work. Prospective authors would do well to consider this new publisher.

John Sledge Mobile Historic Development Commission

Dewey W. Grantham. *The Life and Death of the Solid South: A Political History.* Lexington: The University Press of Kentucky, 1992, *xiv*, pp. 257. $16.00 ISBN 0-8131-0813-6

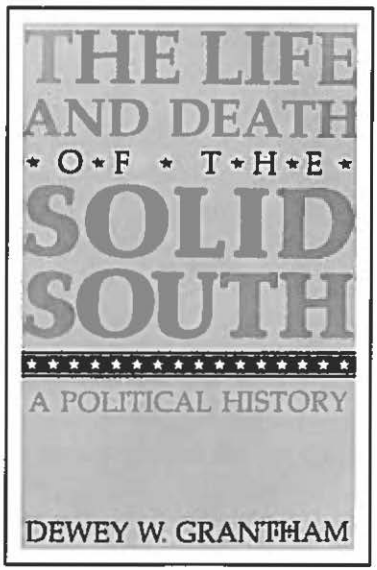
Michael O'Brien. *Rethinking the South: Essays in Intellectual History.* Athens and London: University of Georgia Press, 1988, *xii*, pp. 271. $19.95. ISBN 0-8203-1525-7

There is seemingly no end to the number of books published on various aspects of Southern history each year, and many of these volumes deserve (and receive) scant attention as they address minuscule audiences of specialists. Fortunately for both the reader and the reviewer, this pair of outstanding works by two of the foremost students of Southern history does not fall into this category. All lovers of Southern history, and certainly all serious students of the subject, should read these works, if for no other reason than to observe two masters of the medium at their peak. There are, however, many reasons other than mere appreciation of craftsmanship for investigating these works. While very different in both approach and

subject matter, Grantham and O'Brien's books provide new perspectives on the mind and actions of Southerners in the nineteenth and twentieth centuries.

Dewey Grantham's *The Life and Death of the Solid South* is the more comprehensive of the two works. This political history of the twentieth-century South is intended as an introduction to the topic, and it would serve as an outstanding undergraduate text for a survey course in the New South. In it, Grantham has synthesized much of the secondary literature on Southern politics. Thus, *The Life and Death of the Solid South* should become the standard work on the subject.

The author paints a picture of a South continually rocked by racial conflict, economic change, and shifting national attitudes. There is little new about this portrait. Other historians such as C. Vann Woodward have argued for years that there never was a monolithic South that blithely ignored the currents of change in the surrounding world. Grantham, while concurring in this notion of a South and a nation in constant flux, sees an element of remarkable continuity amidst the change–the sectional nature of Southern politics. For generations, Southerners fought among themselves with reckless abandon. Yet, when facing the nation as a whole, they displayed a solidarity that gave rise to the notion of a "Solid South." This phenomenon of sectional unity at the national level profoundly affected both the politics of the South and the politics of the entire country.



As his title indicates, Grantham presents the Solid South as an organic entity with distinct periods of growth, maturity, and decline. The growth phase occurred in the four decades following the Civil War. It was during this period that institutions and attitudes that fostered the Solid South were born. Grantham carefully notes that the new political system that was emerging during this period was influenced not only by racial concerns, but also by class conflict and national political

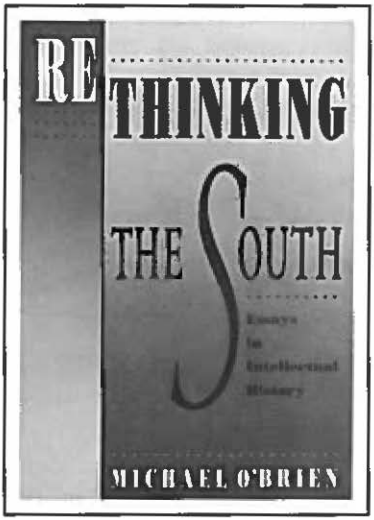
developments. As the rest of the country turned to the Republican party, making it the dominant factor in national politics, the South was left controlling the Democratic party, a party that became "the instrument for the conduct of the 'foreign relations' of the South with the rest of the nation."

The full maturity of the Solid South occurred between the turn of the century and the Dixiecrat revolt of 1948. Through the restriction of the electorate and malapportioned legislatures, Democrats cemented their hold on political power in the region. This did not mean that Southern politicians were unresponsive to change. Despite the undemocratic nature of Southern politics, the introduction of innovations such as the direct primary and interest group politics opened the Southern scene to middle-class reformers such as Bibb Graves and Richard Manning. On the national level the Democratic party became the instrument chosen by Southerners to protect their culture from "unwanted intrusion from the outside." The resulting national solidarity of Southern Democrats, particularly in Congress where the seniority system gave great power to long-serving Southerners, insured that the Solid South would be a potent factor not only in the Southern states, but also in the nation as a whole.

It is ironic that the fierce Southern devotion to the Democratic Party, a devotion that gave the South great power in the nation's capital, bore the seeds of its own destruction. As the national Democratic party shook off the weight of Southern domination, the Solid South slowly collapsed. As Grantham demonstrates, the emergence of a two-party South in the years following World War II was not an overnight occurrence. Rather, it was marked by halting forays into third parties, attempts to re-establish control the national Democratic Party, and gradual experimentation with Republicanism at the national and state level. Grantham points out that the two-party system is not universal throughout the South at all levels. The region is still in a process of change, and the shadow of the Solid South continues to fall over many aspects of contemporary Southern politics.

For those familiar with Grantham's previous works, it will come as no surprise that the best section of the book concerns the first half of the twentieth century. The author's mastery of this period of Southern politics is the product of a lifetime's study, and his treatment of his subject in chapters 2, 3, and 4 is concise and superb. If this reviewer were to find any serious flaws in *The Life and Death of the Solid South,* it would be with the final section on

the post-civil rights South. Here, the analysis is not as sharp, and certain topics like the emergence of Southern state Republican parties are treated only briefly. However, it seems unfair to criticize Professor Grantham for what is essentially a failure of the entire profession. Historians have, for numerous reasons, been slow to investigate recent Southern politics, leaving this work to political scientists and sociologists. One hopes that we will see more works on the topic.



Michael O'Brien's *Rethinking the South: Essays in Intellectual History* bears little resemblance to Grantham's work on Southern politics. While Grantham's book will probably be widely read by non-specialists in Southern politics, the daunting subject of intellectual history is apt to scare away all but the most dedicated from O'Brien's work. This is unfortunate, as he writes with such verve and wit that even the potentially dullest topic is a delight to read. Whether describing Jonathan Wiener's application of European theory to the Alabama Black Belt ("It is clothing with the label ripped out, picked up at a garage sale.") or C. Vann Woodward's intellectual relationship with his opponents ("He knows that there are taxidermists who would nab him for the display cases of historiography, and so he has taken to hovering near his critics, close enough to encourage the chase, far enough to evade capture."), O'Brien displays his trademark linguistic skill that is too rarely seen in the historical profession.

Rethinking the South is a collection of ten essays, all or portions of which were previously published in various journals. The first five concern topics dealing with the antebellum South, and the last five are on the New South. Drawing on such diverse disciplines as art history, literary criticism, and philosophy, O'Brien persuasively argues that the South possesses a vibrant, important intellectual heritage that must be considered when discussing the development of Southern culture. Too many have uncritically accepted the judgement of Wilbur J. Cash that the South had no mind, only passion. Even

a quick perusal of O'Brien's work should convince the reader that this proposition is, to be charitable, an overgeneralization.

The first section of the book will give readers the most difficulty. In the first four densely packed essays (which not even O'Brien's literary skill renders entirely enjoyable), the author attempts to demonstrate the impact of Romanticism on the development of the Southern mind. It was this Romanticism, O'Brien argues in Chapter 2, that provided the framework for the self-conscious creation of a distinctly Southern culture. In his discussions on Hugh Legare and Italy and the Southern Romantics, O'Brien continues his analysis of the impact of Romanticism on the antebellum South.

Chapter 5, "Modernization and the Nineteenth-Century South," provides a refreshing change in subject matter from the first four chapters. Here O'Brien surveys various trends in Southern historiography, and gives a rather detailed analysis of several major works on the period, including Mills Thornton's *Power and Politics in a Slave Society*, Jonathan Wiener's *Social Origins of the New South*, and Dwight Billing's *Planters and the Making of a "New South"*. For professional historians, this chapter may prove to be the most influential, and probably the most controversial of the entire collection.

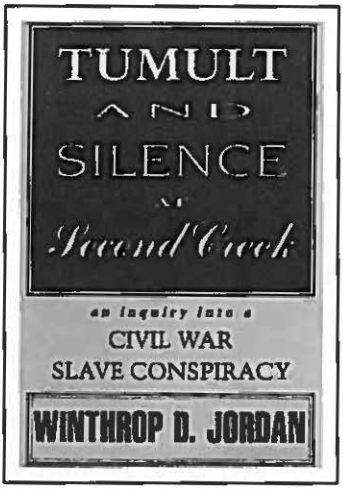
The New South essays of O'Brien's work are an eclectic discussion of some of the most influential Southern writers of the twentieth century, such as Edwin Mims (the forgotten intellectual of the "middle period"), Wilbur Cash, C. Vann Woodward, and the writer of the Southern Renaissance. Despite their variety, each of the essays reinforces O'Brien's central thesis of the importance of the intellectual in the shaping of Southern identity. His essay on Cash, written specifically for this collection, will be of particular interest to those seeking to understand this tortured but brilliant individual.

Although different in their style and approach, these two volumes provide a wealth of information and "food for thought" for readers interested in the American South. The University Press of Kentucky and University of Georgia Press should be thanked for bringing these works out in paperback format, thus making them more accessible to Southern historians and the general public alike.

James L. Sledge III Auburn University

Winthrop D. Jordan. *Tumult and Silence at Second Creek: An Inquiry into a Civil War Slave Conspiracy.* Baton Rouge: Louisiana State University Press, 1992, *xvii*, pp. 531. $24.95. ISBN 0-8071-1762-5

Winthrop Jordan has once again produced a probing, well-written, work on a topic of importance in the history of American slavery. Simultaneously, he has given us an almost poetic piece, evocative of a time and *milieu* irretrievably past.



The book is an extended exegesis on a little-known incident which occurred near Natchez in May 1861, an incident scarcely mentioned at the time and seldom recalled later. Jordan presents the affair as an aborted armed uprising of slaves from plantations around Second Creek in Adams County. Several slaves were killed after being questioned, not by proper authorities in a proper court, but by a "committee" of local whites. They were examined concerning their alleged roles and aims in the conspiracy, and purported confessions were written down. The confessions were not officially recorded but were kept as private papers by a member of the "committee." Most of what Jordan asserts about the planning of the revolt was reconstructed through an elaborate analysis of those confessions. The author does the reader an uncommon service by publishing in full his principle primary sources as appendices to the narrative.

Because this work had already been widely reviewed and just as widely praised in several venues before it reached the present reader, it should be acceptable to file a minority report, offering an alternative interpretation of the events concerned.

It is not at all evident that the confessions on which Jordan's narrative is based are anything more than a self-righteous attempt to justify extremely high-handed behavior by a bloody-minded gang of vigilantes. There is no record of the questions to which the conspirators respond and no record of the torments to which the accused were subjected. The author concedes that the accused were

no doubt roughly handled by their inquisitors but shrinks from saying that they were tortured. He admits whipping. He makes much of the great silence that attended the event, both at the time and since. He does not adequately consider that the accused and their friends and families were silenced by death and terror, and that members of the "committee," their neighbors, and their descendants were quite possibly silenced by horror and shame in the aftermath of a monstrous injustice.

Jordan also makes much of the fact that several details of the various "confessions" corroborate each other. Exploration of confessions evinced by skilled inquisitors while "questioning" persons accused of witchcraft and heresy provide far more impressive corroborative detail for proof of guilt than do these confessions. And they "proved" such unlikely things as flying on broomsticks, suckling devils, raising storms, and copulating with succubi! Anyone who ever saw a performance of *The Mikado* ought to be less susceptible to the uses villains might make of "corroborative detail, intended to give artistic verisimilitude to an otherwise bald and unconvincing narrative."

Considering all the evidence given, it seems entirely possible that no genuine slave conspiracy ever existed along Second Creek. There was probably some bold talk among a few slaves. There may have been a gun or two in the possession of slaves. There was always cause for slave discontent. In May 1861 there was ample motivation for some white men of the area to be searching for reasons why they were needed at home rather than off at war.

In fifteenth and sixteenth century Europe, as Hussites, Lollards, Lutherans, Calvinists, and Papists hurled their figurative thunderbolts about, warring in a battle for dominion over the souls and bodies of humanity, the common folk trembled in terror and uncertainty on the lip of a devoutly-believed-in pit of burning sulfur where, if they or their masters chose wrongly, they would each spend an eternity of unimaginable agony. Part of the response was an intense campaign to root out the witches who personalized their perils. Handbooks for witch-hunters were devised detailing what the actions and attributes of those witches would be. Suspects were tormented until they gave the required responses–their only means to end their present intolerable torture. Tens of thousands died–having confessed in minute detail and with elaborate corroboration to deeds generally reflecting the psycho-sexual fears and fantasies of their tormentors.

In the United States of the 1850s and early 1860s pro-slavery zealots demonized their anti-slavery counterparts and persuaded themselves (with the help of John Brown and associates) that abolitionist fiends were corrupting their happy and loving human livestock and thereby threatening to bring down upon their communities the ultimate horror of the master class in a slave society–an armed uprising of the slaves. Even without the aid of an American *Malleus Maleficarium* to serve as a guide to the confessions that must be elicited, they devised along more or less predictable lines their fantasies of what rebellious slaves might do. Of course rape and other sexual outrages would be presumed a common motive and characteristic behavior, and therefore would be a common theme of coerced confessions. If the accused confessed quickly and full (with corroborating detail), he might have a relatively easy death. One is haunted by reflecting upon the horrors that must have been endured by John O. Fenall, an accused slave known as Obey, before he made his "confession"–here quoted in full: "Obey, Obey, Obey, John O. Fenall, Obey, Obey, Obey, Obey, Obey, Obey, Obey, Obey."

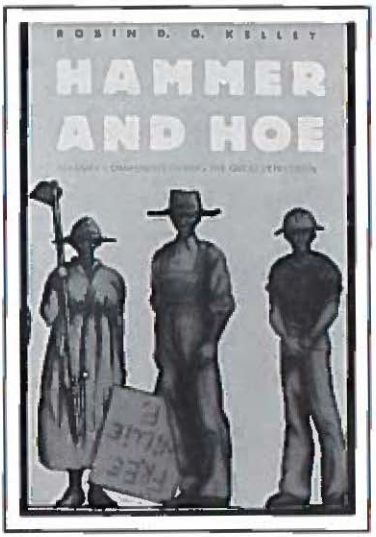
Perhaps the most important thing Jordan failed to bring to this study is a sufficient wariness of the boundless capacity of human beings to deceive themselves, to rationalize their actions, and to justify even their most perverse behavior. It worked for witch-hunters for centuries. It is entirely possible that similar techniques of self-exculpation by Mississippi vigilantes were responsible for the inadequate documentation of the "confessions." We can be sure that something dreadful happened: that people were tormented into admissions of making terrible plans, and then they were killed. Is there anything approaching adequate evidence that the plans were real? It is wholly upon the credibility of those confessions that Jordan's interpretations of the events at Second Creek depends. While it is possible–perhaps even probable–that his version is correct, it would not stand up before any magistrate who understood and respected the rules of evidence.

It is a fascinating and troubling problem.

Paul C. Palmer Texas A&M University, Kingsville

Robin D. G. Kelley. *Hammer and Hoe: Alabama Communists During the Great Depression.* Chapel Hill: The University of North Carolina Press, 1990, *xxiii*, pp. 369. Cloth, $34.95. ISBN 0-8078-4288-5 / Paper, $12.95. ISBN 0-8078-4288-5

The number of Communists in the South was never large, nor was the Communist party ever a significant force in the economic, social, or political life of the region. During the turmoil of the 1930s, however, communism, as well as other expressions of discontent, attracted a handful of adherents and sympathizers drawn from the ranks of the South's romantics, malcontents, intellectuals, and disadvantaged. Professor Robin Kelley's volume is an effort to provide a coherent account of the Communist party's attempt to build a base of support among Alabama's disinherited black masses during the Depression era.



Kelley describes a Communist party which, though inexperienced in dealing with Southerners in general and African Americans in particular, proved somewhat more flexible and adaptable than is often believed. As the Depression deepened and the Roosevelt administration struggled to develop relief and recovery policies, Communist party workers attempted to mobilize the unemployed black proletariat in and around Birmingham, to secure a more equitable share of New Deal relief and employment programs. As the labor movement gained momentum, the party concentrated on organizing workers and championing the cause of black Alabamians within union ranks. While focusing much of its energy on unskilled laborers in the vicinity of Birmingham, the party had to confront the fact that Alabama was a largely agricultural state. Therefore, to have any significant impact it had to address the problems of the rural poor. Its chief vehicle for doing so was the Sharecroppers Union organized in 1931. Most successful in and around Tallapoosa County, the SCU attempted to organize landless farmers to enable them to secure just arrangements with landlords and a fair share of New Deal agricultural

payments. In addition to its efforts on behalf of economic justice, the party challenged head-on the volatile issues of racism and interracial sex. The Communist-sponsored International Labor Defense played an active role in the Scottsboro case and in the defense of the accused in other alleged instances of the rape of white women by black men. Alabama's white establishment reacted predictably to signs of burgeoning racial and political heterodoxy. Authorities and citizenry of all classes responded to party endeavors with a combination of public condemnation, legal opposition, and violent repression.

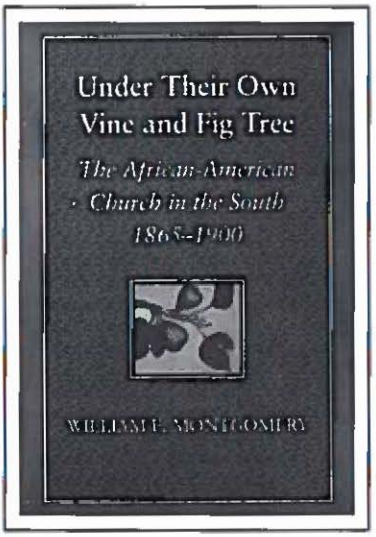
While Kelley acknowledges that Communism in Alabama was not an entirely black affair and was not wholly free of racial dissension, he argues that, at least until the era of the Popular Front, the party concentrated its efforts on, and had its greatest appeal among the state's disinherited black masses. He contends that Communist activists tapped into a long-standing "culture of opposition" indigenous among the black populace and used it as the basis for formulating a philosophy of economic and political dissent. Kelley recognizes that black Alabamians interpreted communism in terms consistent with their heritage and experience and were generally anything but Marxist ideologues. Unlike many contemporary observers and some later scholars, however, he does not consider them to have been mere unwitting pawns moved about at will by political extremists bent on undermining capitalism and subverting democracy. Rather, he believes that those African Americans attracted to communism acted responsibly and rationally. They either joined or cooperated with the party because they thought that in it they had, for the first time, an agency by means of which they could express both their frustrations and aspirations. This, he seems to believe, was the party's greatest contribution to the lives of those whom it reached.

This volume is of value to readers seeking a coherent account of Communist party activities in Depression-era Alabama. It weaves into an accessible narrative fragmentary information gathered by other scholars and new material gleaned by the author from a variety of personal and documentary sources. The book is, however, deficient in several respects. It would be a more colorful and illuminating study had Kelley probed more deeply into the personalities, character, and motives of black and white party workers and those to whom they successfully appealed for support. The author limits the significance of his work by doing too little to set radical political activities in Alabama in the context of similar efforts in other parts

of the South and nation. Furthermore, while he argues plausibly that communism's greatest appeal in Alabama was to the voiceless and powerless black masses, he does not adequately explain why relatively few African Americans in the state were drawn to the party. Aside from class considerations within the black community, what other economic, social, cultural, or geographic variables encouraged or discouraged interest in or affiliation with the party? Finally, while Kelley's work adds detail and texture to our knowledge of Communist activities in the South, it unfortunately offers relatively little new insight.

Robert F. Martin University of Northern Iowa

William E. Montgomery. *Under Their Own Vine and Fig Tree: The African-American Church in the South, 1865-1900.* Baton Rouge: Louisiana State University Press, 1993, pp. 358. $29.95. ISBN 0-8071-1745-5



The period from the close of the Civil War to the end of the nineteenth century ushered in a new and exciting era for most Americans. For black Americans, freedmen and freeborn alike, it was an unprecedented time of jubilation, expectation, and frustration. In his book, *Under Their Own Vine and Fig Tree*, William Montgomery chronicles the struggles of the African-American church in the post-war South. This study is a compelling story of struggle and human existence.

Montgomery contends that despite the attention that the church has received, few scholars have focused their efforts on the role it played during the period from Emancipation to the mass migration to northern cities during the early twentieth century. During these decisive years the church served as a cornerstone of a new,

burgeoning African-American society. "So vitally important was the church, in fact," declares Montgomery, "that it is difficult to imagine how the black community in the post-Civil War South could have developed as well as it did without it."

Employing a variety of primary and secondary sources, the author uses a chronological approach in telling his story of the church. After a summary of the history of the African-American church from the colonial period to the Civil War, the four subsequent chapters cover the growth and development of the church from Emancipation to the end of the nineteenth century. In chapters six and seven Montgomery examines the topics of the spirit of worship and preachers. It is in these two chapters that he best displays his talent. He weaves together history and sociological theory to offer insight into understanding the diversity of black culture, the church, and the characters of his story.

He also explains and illustrates the jubilation, expectation, and frustration of church members. He carefully guides the reader through the deep, human emotions of his characters and presents their story with sensitivity. He pilots with such skill that one can clearly glimpse the prospect of accomplishment and the bitter disappointment suffered by black church members.

Emancipation brought great jubilation to the freedmen, and many exercised their new-found freedom by joining black denominations of the North or by forming their own independent churches, free of white control. Despite numerous obstacles and hardships, the black church grew prodigiously. With such growth came diversity. Montgomery contends that two distinct, and often conflicting groups emerged: the elite, made up of light-skinned mulattoes and other free-born blacks, and freedmen or black folk. The two were divided on many issues, but despite such division they had great expectations that reached well beyond the four walls of any church.

African Americans believed that real freedom would only be attained when they gained political and legal rights, such as the right to vote and to hold public office. Montgomery contends that the church played an indispensable role in helping to accomplish these goals. During the period following Emancipation, the church became politicized with the preachers leading the way. These minister-politicians were conservative and middle-class or members of the black aristocracy. Montgomery argues that, "Their class interests had led them to espouse bourgeois ideology that regarded hard work,

frugality, and the slow but steady accumulation of wealth as the stones that paved the road to advancement."

African Americans were excited by the unprecedented opportunities that they enjoyed, and their expectations caused them to believe that this was only the beginning. But their hopes were dashed with the end of Reconstruction and the return of whites to power in 1877.

The problems of racism and segregation following Reconstruction sparked a heated debate within the church concerning emigration. Some church leaders believed that leaving America was the proper solution to the problem. Others vehemently disagreed. As Montgomery points out, a series of editorials in the *Christian Recorder* serve as an excellent example of just how divisive the issue was. Two prominent church leaders, Benjamin Tanner and Henry M. Turner, debated the issue. Turner argued for emigration, and Tanner voiced the opposing viewpoint. The debate did not settle the issue. What did occur according to Montgomery was, "a new wedge was driven between the upper-class northern wing of the church and its southern working-class counterpoint with Turner at the helm."

With the diverse personalities and opinions, there was also a wide range of church edifices and styles of worship. Montgomery notes that these "indicate much more than merely differences in social and economic conditions among members of an otherwise homogenous society. It suggests the continued existence of a culturally segmented black society." The diversity expressed in the different structures clearly indicates that there is no monolithic African-American church.

There were other striking differences within the African-American church. Perhaps the most glaring was the difference between the elite and the freedmen. Montgomery argues that the elite culture derived from white society was "materialistic and Victorian," whereas black folk culture had much continuity with West Africa.

From the divergent groups came two types of preachers: the educated and progressive, and the "old time" and conservative. Montgomery contends that after Emancipation all preachers were held in high esteem, and they enjoyed a high status in the black community. However, by the end of the nineteenth century the status of preachers had declined significantly. Montgomery suggests that the reason was that congregations demanded an educated clergy. The division of the church into two factions (progressive and conservative), criticism of the past, demand for change, and struggle for respectability are all symptoms of the African-American church's

struggle with modernity. Like the Pentecostals in the twentieth century, the African-American church was suffering from growing pangs and attempting to find its place in society.

Montgomery's *Under Their Own Vine and Fig Tree* is a well-written study of the African-American church in the South following the Civil War. However, the book contains no bibliography, and footnotes do not always help because they do not contain all necessary information. The inclusion of a good bibliographic essay would have solved this dilemma. Despite this frustration, *Under Their Own Vine and Fig Tree* is a valuable work and essential for those who are interested in African-American culture, religion, and church.

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Douglas T. Peck. *Ponce de León and the Discovery of Florida: The Man, the Myth, the Truth.* St. Paul, MN: Pogo Press, 1993, *xiv*, pp. 87. $13.95. ISBN 1-880654-02-1

"The time has come to cleanse our history books of this gross error and restore the significant voyage of Juan Ponce de León to its legitimate and true place in the history of early Spanish exploration." So bemoans Colonel Douglas T. Peck. The "gross error" is the misconception about Ponce de León's goal in exploration: finding the Fountain of Youth.

Peck's book, *Ponce de León and the Discovery of Florida: The Man, the Myth, the Truth,* is an entertaining piece of popular history. In this small volume, the author faithfully attempts to disprove the theory that Ponce de León searched for the Fountain of Youth in two very different ways. Mostly through translated and secondary works, he retraces the goals and aspirations of the great explorer. The author finds that indeed Ponce

de León made no mention of the purported fountain, nor did his contract with the King of Spain. Instead, he sought the island of Beniny (known also as Bemeini, Bimeini, and Bimini). This fabled island purportedly held great wealth. Ponce de León failed to locate this island, but instead became the founder of La Florida.

The second methodology utilized by the author is intriguing. Relying on Samuel Eliot Morrison's *The European Discovery of America: The Southern Voyages* and a translation of Antonio de Herrera's *Historia General de los Hechos de los Castellanos en las Islas i Tierra Firme del Mar Oceano* found in T. Frederick Davis's "History of Ponce de León's Voyages to Florida: Source Records," *The Florida Historical Quarterly,* Peck decided to follow Morrison's suggestion which called for an "historically-minded yachtsman who...will follow Ponce de León's route from San Juan on the 1514 voyage, and study the shores of Florida to ascertain exactly where he called." With great care, the author and his yacht "Gooney Bird" retraced the route of Ponce de León utilizing Herrera's log books. This was not an easy task. Variations in magnetic poles and alignments of celestial bodies, as well as the Seville compass employed by Ponce de León's ships, also had to be calculated.

Other factors influenced the author's plotting of Ponce de León's voyage as well. Previously contrived routes did not take into account the influence that the Gulf Stream would have on yachts like "Gooney Bird," which pushed the ship further north than expected. Therefore, the Gulf Stream would have altered the Spaniard's course north as well, thus modifying Ponce de León's Florida landfall. Peck's practical knowledge and experience gave him new insights not obvious to the landlubbing historian.

His account offers a much to the historian as to the avid sailor. The narrative is entertaining and informative. He carefully organizes the five chapters to trace the myths surrounding Ponce de León, including his search for Beniny, his trips to La Florida, experiences with the Calusa Indians, and his death.

The absence of footnotes can frustrate the reader. Although the author states that his previously published technical papers on the subject contained in his footnotes, in this volume he seems to come to conclusions that are unsupported. For example, he argues that because an unmarried woman was on board Ponce de León's ship, she must have been his mistress. No supporting evidence is found in the text. For the reader interested in pursuing that situation, no help is afforded. Peck must be complimented, however, for his willingness

to postulate hypotheses that can be tested by other historians intrigued by his work.

Well read in the literature on the discovery of the New World, the author creatively illustrates the travels of Ponce de León. He alternates between nautical essay and delightful, although periodically disjointed, commentary and narrative. His extensive use of maps and illustrations greatly enhances his story of the life and truth of Juan Ponce de León.

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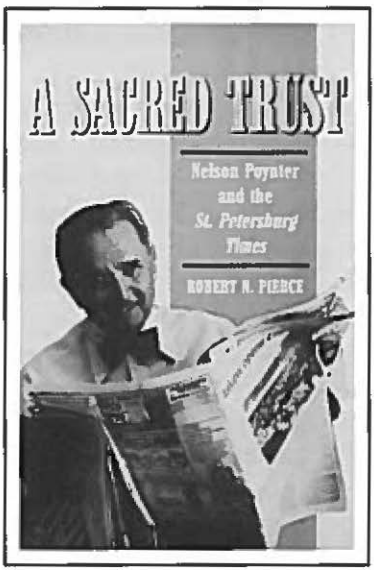
Robert N. Pierce. *A Sacred Trust, Nelson Poynter and the St. Petersburg Times.* Gainesville: University Presses of Florida, 1993, pp. 409. $34.95. ISBN 0-8130-1234-1



Nelson Poynter led in making the *St. Petersburg Times* a pacesetter, not only among newspapers of the Gulf Coast area, but in other parts of the world as well. This book by Robert N. Pierce is an absorbing, meticulously documented history of the distinguished southern daily and its publisher's related journalism activities. Copiously illustrated, it reports events chronologically, but uses occasional flashbacks. *A Sacred Trust* is already proving useful to journalists and historians, and interesting to laypersons.

Forerunners of the *St. Petersburg Times* included the *Clear Water Times*, founded in 1873 and the *West Hillsborough Times*, whose first issue was dated July 15, 1884. The *St. Petersburg Times* appeared on July 25, 1884, and was printed on a Washington hand-operated press. Several colorful men, including flamboyant W. L. Straub, a North Dakota transplant, bought the paper and set out a policy. They agreed to stress independence from nearby Tampa, beautification of St. Petersburg, promotion of the town's

situation on the Gulf of Mexico, and respectability in their city government.

Both St. Petersburg and the *Times* expanded their services and gained prominence steadily during the twentieth century. Local residents outgrew their early enthusiasm for alligator hunting, and worked toward developing a city whose amenities, social climate, and intellectual atmosphere would appeal to enlightened citizens. Correspondingly, the *Times* changed from printing folksy editorializing on outmoded machinery to exemplary reporting using up-to-date electronic equipment housed in modernized new buildings.

Nelson Poynter's father Paul, who had a strong background in newspaper publishing and direction, bought fifty-one percent of the *St. Petersburg Times* stock shortly after the paper had become a daily in 1912. Previously, as owner of the *Sullivan Times* in Indiana, he turned that paper into a daily. He eventually founded ten newspapers in Indiana, North Carolina, and Florida. At St. Petersburg he tightened the *Times'* editing, made physical and organizational improvements, and moved the paper toward national recognition.

Complementing his father's experience, Nelson possessed a strong background of reporting, editing, and business management. After studying journalism at Indiana University in Bloomington, he became a reporter for the Scripps-Howard Washington, D. C., *News*. Later, on a trip across most of the world by tramp freighter and ocean liner, he picked up work as an editor/contributor to several United States papers. He earned a master's degree at Yale University before going to work for the *St. Petersburg Times*. However, not until 1948 did he assume control of the paper.

In a surprise wedding he married Sara Catherine Fergusson of a prominent St. Petersburg family. He refinanced the struggling *Clear Water Sun*, sold it, and bought the Kokomo, Indiana *Dispatch*. After selling this publication he, like his father, played the field geographically. He held responsible newspaper positions in Cleveland, Washington, Columbus, and Minneapolis before returning once more to the *St. Petersburg Times*.

At the *Times*, he barred the staff from accepting gifts for freeloading, set the paper on a course of "practicing what it preached" in its editorials, and led in setting goals for the city of St. Petersburg. Subsequently, he aided staff members by establishing pension and profit-sharing plans. He hired more women staff members and brought in numerous distinguished news-editorial and business workers. In addition to citing positive achievements the author

recounts bad times as well, including the divorce of Nelson and Sara, rivalries within the Poynter family, and frenzied money-raising efforts in the Florida land boom and subsequent Depression.

Nelson Poynter engaged in several efforts with national publications and with the federal government. He and his second wife, the intellectual cosmopolite, Henrietta Malkiel, founded a publication which they later turned into the *Congressional Quarterly.* This medium provided information and interpretive material from Washington and other sources. Working with the Roosevelt administration, Poynter collaborated with Nelson Rockefeller to counteract the influence of Nazi Germany in Latin America. Later, he served the federal government's liaison with the motion picture industry in Hollywood. A brief venture in radio, as director of station WTSP, led to disappointment and financial losses, largely because he gave away so much air time to worthy causes.

Before his death in 1978, Poynter achieved one more milestone with the *Times.* He led in establishing the Modern Media Institute, which offers seminars for professional news personnel in broadcast and print media. Under a guideline of fifteen students and five instructors per class, MMA has significantly improved journalism.

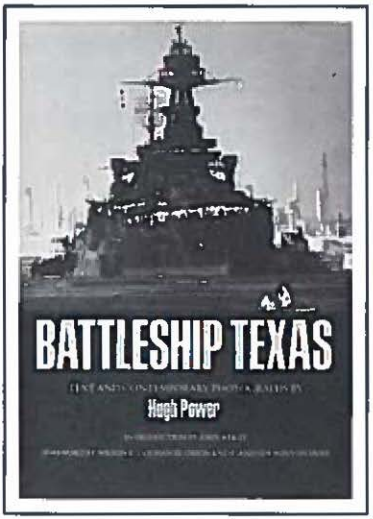
Pierce invested eight years in researching and writing *A Sacred Trust.* The result is one of the finer journalism history books in the United States.

Bruce Underwood Brownsville, Texas

Hugh Power. *Battleship Texas.* Introduction by John Reilly. College Station: Texas A&M University Press, 1993, pp. 141. Cloth, $29.50. ISBN 0-89096-519-6 / Paper, $9.95. ISBN 0-89096-519-6

Warfare has always been an important force pushing technology, perhaps since the rise of humanity but certainly in the modern era. One of the truly impressive technological developments of the twentieth century has been the development of large, heavily armored, and powerfully armed battleships. They are also, more importantly, representative of the triumph of technological competence over reason in international affairs. This book surveys the history of a

single U.S. Navy dreadnought-class battleship and its place in the technologically-based warfare of the first half of this century.



Battleship Texas is a useful, large-format, illustrated history chronicling the origin and development, use, and restoration of the USS *Texas*. The author describes in a short narrative and seventy-nine illustrations, many of them modern photographs of the restored vessel, the story of USS *Texas*. Commissioned in 1914, the "Mighty T," as *Texas* has been popularly called, saw action in both World Wars I and II and plied both the Atlantic and Pacific as an executor of the United States' global power status. During its service life, the *Texas* had a varied career. It was the first American battleship to carry radar and the first to launch aircraft. More important, it was the only U. S. battleship to survive both world wars intact, and the nation's first memorial battleship. It is, significantly, the only surviving battleship of the first generation of dreadnoughts.

A Foreword by members of the Texas Parks and Wildlife Department describes the history of the battleship from the time of its decommissioning on April 21, 1948, through the spring of 1993. It was saved from the scrap-pile by a campaign just after World War II started by Texas schoolchildren and brought to the state for display, anchored adjacent to the San Jacinto battlefield memorial near Houston, Texas. For the next forty years it was a favorite stop for tourists and school field trips. The Foreword also describes the deteriorization of the battleship as it sat in the mud at its tourist site. Finally in 1988 the Texas Parks and Wildlife Department oversaw its restoration at the Todd Shipyards' drydock in Galveston. It was reopened for display in 1990.

There is much of interest in *Battleship Texas,* and for many readers the book's chatty style, anecdotes, and brief discussions of major activities will be sufficient. The photographs are excellent and contribute an important record of the historical evolution of the vessel and its recent restoration. Both Power and the authors of the foreword have done a creditable job of providing a general description of the

history of this particular battleship. They have also provided a thoughtful description of the *Texas* as a war memorial.

While there is much positive that can be said for the book, *Battleship Texas* lacks the analysis and interpretive structure that makes the best history. The book's author might have described the role of technology in American life in the twentieth century, and how it has changed the sets of priorities, assumptions, and values present in larger society as a response to emerging concepts. Dreadnought battleships were the "doomsday" weapons of their era, as the atomic bomb was of a later time. Yet, they never achieved anything approaching the dominance in battle that their designers had claimed for them. And only in the World War I battle of Jutland did battleships fight as had been intended. The search for these types of "ultimate" weapons could have provided a powerful backdrop against which to describe the history of the *Texas*.

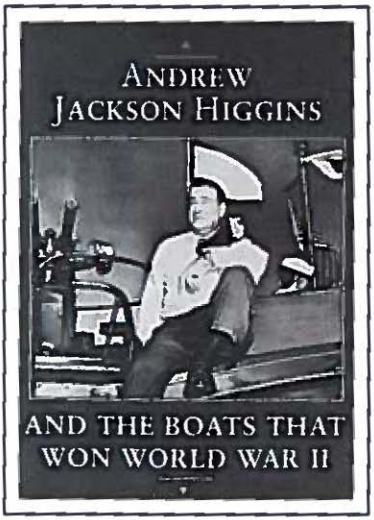
Even so, this book is one building block that can help in the process of understanding the twentieth-century U. S. Navy, the technology of naval warfare, and the place of the Gulf states region in the larger history of modern war. As such it is a useful contribution.

Roger D. Launius NASA Chief Historian

Jerry E. Strahan. *Andrew Jackson Higgins and the Boats that Won World War II.* Baton Rouge: Louisiana State University Press, 1994, pp. 382. $29.95. ISBN 0-8071-1903-2

Andrew Jackson Higgins is the story of a remarkable industrialist who designed and constructed most of the naval vessels used by the U.S. Armed Forces in World War II. Despite the persistent opposition of the Bureau of Ships, Higgins produced thousands of LCVPs (Landing Craft Vehicle, Personnel), LCMs (Landing Craft, Mechanical), PT (Patrol Torpedo) boats, and other craft based on the superior design of his "Eureka" boats of the 1930s. Unfortunately, Higgins's triumph was complicated by troubled relations with labor unions as the war drew to a close. With considerable effort, he managed to revive his enterprise before his death in 1952, but his heirs sold off Higgins Industries several years later. Although now nearly forgotten, the story of Higgins and his boats is definitely

worth recounting. Strahan's study is of significance to historians of American business, World War II, technology, labor relations, and the economic impact of World War II on the New Orleans area.



Even as a boy Higgins exhibited an unusual flair for business enterprise and also developed a lifelong interest in designing and building boats. Higgins (1886-1952) was born and raised in Nebraska. He moved to Mobile County, Alabama to establish a timber business, and by 1910 was based in New Orleans. By 1916 he had established the Andrew Jackson Higgins Lumber and Export Company, and in the 1920s Higgins started building barges and push boats which ultimately led to the invention of the Eureka boat.

Strahan clearly analyzes the technological breakthrough represented by Higgins's "spoonbill-bow" boat design. Eureka boats could travel in very shallow water and over submerged obstacles undamaged. They had remarkable beaching and retreating abilities, and they were almost unsinkable on rough seas. By 1937 Higgins had demonstrated the superiority of his boats to the Navy in sea trials. He met the entrenched opposition of northeastern shipyard owners and their allies in the Bureau of Ships. After considerable lobbying, Higgins won his first contract to build LCMs for the armed forces in 1940. In order to expand his workforce rapidly, Higgins signed a contract with the AFL.

As Higgins Industries expanded to meet wartime production goals, it became a major economic force in New Orleans. At the height of wartime production, Higgins's contracts were worth $60,000,000. This was greater than either the entire Louisiana sugar or rice crop. Ultimately, his workforce numbered over twenty thousand. To solve the housing shortage, Higgins build a workers' community known as Ourtown which supplied inexpensive lodging and provided social benefits for workers and their families. Strahan's analysis of Higgins' success in meeting wartime production demands is excellent: Higgins set new production records and he inspired his workers to heroic efforts. He paid high wages and was genuinely

liked by his employees. Yet, as the war drew to a close he ran afoul of union demands and jurisdictional politics.

Although Strahan covers the reasons for the Higgins-AFL quarrel, this is the least satisfactory part of the book. The AFL's actions against Higgins in 1944-47 appear to the reader as unmerited and grossly unfair. Strahan does not adequately explain the reasons for the union's actions. Strahan suggests that Higgins' opposition to union demands, his pride, and anti-union attitude helped precipitate the crippling strikes against his enterprise, but without more information and analysis, the AFL's actions seem to be motivated by greed, ego, or just plain perversity. While Strahan does consult such sources as *Decisions and Orders of the National Labor Relations Board,* a more balanced analysis would probably emerge from actual AFL documents. Even if many records are inaccessible, surely there were additional pro-labor sources that could have been consulted by Strahan. Perhaps some of the surviving Higgins workers could have been interviewed for insights into the motives for striking against such a praiseworthy employer.

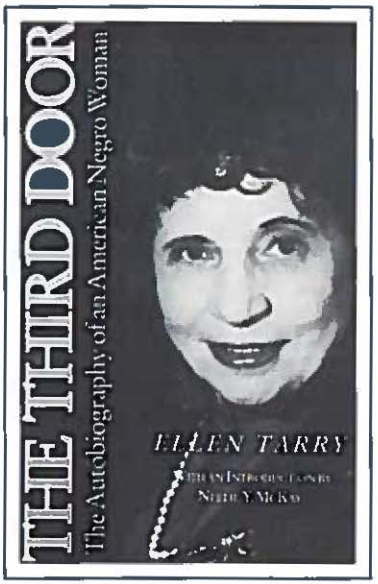
The author uses a wide variety of primary and secondary sources. He had unusual access to Higgins's papers which he acquired in the process of researching his M.A. thesis in the 1970s. One is not surprised that Higgins's perspective is very well presented. Most of those interviewed were either family members or management-level employees. More primary sources from the shop-worker level, either from the AFL or via interview, would have been helpful for analyzing the conflicts that nearly destroyed Higgins.

Although the analysis of Higgins's labor difficulties could be strengthened, Strahan is to be commended for producing an excellent history on a major contributor to the Allied victory in World War II. Without Higgins's superior boat design (and his hard-won success at lobbying the Bureau of Ships) and his incredible production records, it is very likely the United States and its allies would have had a much more difficult time winning the war. Strahan's style of writing is very accessible, and he succeeds in maintaining the reader's interest throughout the book. The primary audience for this book is scholars of business and military history and the history of technology. Persons interested in the history of New Orleans area will also find *Andrew Jackson Higgins* to be of some interest, but the primary focus is on Higgins, his boats, and their relation to World War II. Thanks to Strahan's deft analysis and strong writing, this book should

also appeal to the general reader including military history buffs and veterans of the Second World War.

Timothy Dodge Auburn University

Ellen Tarry. *The Third Door: The Autobiography of an American Negro Woman.* Introduction by Nellie Y. McKay. Tuscaloosa: The University of Alabama Press, 1992, pp. 352. $15.95. ISBN 0-8173-0579-3



Should the modern reader care about Ellen Tarry or her sojourn through our culture from 1906 to 1965? I think so. There are familiar landscapes in her life to remind us of our shared humanity. There is also the unfamiliar of New York City's Harlem and Tarry's conversion to the Catholic faith, reminiscent of Thomas Merton's *Seven Story Mountain.* While the recounting of racial prejudice and injustice in the Birmingham, Alabama of Tarry's childhood during the early decades of this century is familiar territory, *The Third Door* often surprises with new tones of reconciliation and renewal of hope. Tarry's moderate voice insinuates, at least, a love for the South and lacks the shrill anger and bitterness of a Richard Wright, for example.

Tarry's solid family life, which largely escaped the extreme poverty and educational deprivation which embittered such writers as Wright, and her strong Catholic faith help to infuse the expanding literary genre of Afro-American autobiographies with a gentle, healing voice. ("My oft-sung hymn of hope for tomorrow is now a mixture of a whisper and a prayer," she concludes, still searching for the light from that "candle of understanding" to finish her journey.) A black woman from the Deep South who could have passed for white, Tarry nonetheless chose to embrace her black heritage through

positive contributions to teaching, writing, and social work in New York's Harlem and Chicago. Unlike Booker T. Washington, whose mixed racial heritage, conciliatory voice free of bitterness, and understanding of the South's white supremacy were remarkably similar to Tarry's but used to greater advantage, Ellen Tarry would, unfortunately, choose to leave the larger field of battle and to live in New York where being black (or "passing" white) was less painful. "Alabama is my Africa" (for missionary work) was an early commitment which Tarry failed to keep, except for a brief period of teaching in Birmingham.

From a lost commitment ensues a troubling turmoil in Tarry's frequent job changes and physical moves–from New York to Alabama or Chicago, from teaching to writing or social work. Readers may question how she got so side-tracked by the social scene in Harlem from her stated goal of studying journalism, in spite of her rationalization of the 1929 depression, which hardly lasted forever. While Tarry's ultimate achievements were noteworthy in several areas, the greater stuff of autobiography would have been enlarged by more assertiveness toward personal goals which eluded her, either because of Harlem's nightlife distractions or economic difficulties. Human frailties and inconsistencies, however, are as much the stuff of autobiography as is the nobility of the human spirit, which was also evidenced in Tarry's struggled for survival as a black working woman and single mother in the repressive racist atmosphere prior to the 1960s.

The "third door" theme about which Tarry wrote so poignantly in the original version of this book some three or four decades ago may appear, on the surface, to have little relevance for readers in the 1990s. Separate "black" and "white" doors, water fountains, rest rooms, the back seat of a bus, and Jim Crow train cars have been legally abolished, but Tarry's advocacy for a "third" door of human understanding among races and creeds still commands attention. Lest we forget, Tarry forces us to share her pain in Knoxville when she was stranded with her small sick daughter at the airport and told there was no hotel in Knoxville for "colored" people.

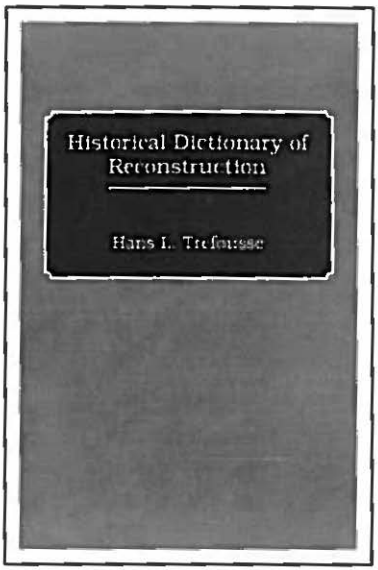
Embracing her Southerness and mulatto heritage–albeit more through words than deeds, Tarry provides the reader with many landscapes. We see Birmingham through the eyes of a respected black family at the beginning of this century in their daily existence, with attending triumphs and tragedies. Other places such as New Orleans, Mobile, and Anniston, Alabama, where Tarry worked with U.S.

during World War II, position us comfortably in familiar settings. Northern readers and literary buffs can appreciate Tarry's rendering of life in Harlem. Of particular interest are her portraits of such Harlem writers as Claude McKay, James Weldon Johnson, and other established personalities. Of general historical interest are such tidbits as Tarry's revelations about Claude McKay, the man, and the visit to New York of George Washington Carver, the famous Tuskegee scientist, when he was denied his reserved hotel room on arrival, having to wait all day in a smoke-filled room for later accommodations. Of less interest to us all, perhaps, are the various Catholic dignitaries who claim too much of the author's attention and lose the reader in a labyrinth of clerical titles. Tarry has vividly recorded the rich diversity of her unique and interesting sojourn in *The Third Door.* The book merits our attention because of Tarry's crisp, diary-like writing style. Her historical perspective on America's continuing racial and social dilemmas, and her staunch advocacy for the repeal of hate and a renewal of hope through greater racial understanding, acceptance, and cooperation. The chief problem confronting Tarry, which she fails to master here, is one inherent in all autobiographical writing: How much to tell and how much to hide?

The main flaw of *The Third Door* may lie, consequently, in Tarry's selection process. For example, the author gives too many details of her early childhood and connections with the Catholic church, but she obscures more interesting territory, hiding the human Tarry behind closed doors, whether real or imagined. Autobiographers should never forget, when they dare to enter this most personal of all literary genres, that the universal theme of love and personal relationships will, for most readers, generally take precedence over more weighty themes which expose, as Tarry does superbly, the inhumanity of racism and the dilemma of being an "American Negro Woman" in any place or period. From our intimately human connections, after all–regardless of sex or creed or color, come the attitudes that early define and ultimately determine our larger world.

Virginia Denton Brooklyn, Mississippi

Hans L. Trefousse. *The Historical Dictionary of Reconstruction.* Westport, CT: Greenwood Press, 1991, pp. 284. $65.00. ISBN 0-311-25862-7



In the aftermath of the Civil War the former Confederate states were economically devastated and in political confusion and turmoil. The federal government, unsure of the legal status of the Southern states, created a set of guidelines with which the defeated South had to comply in order to be returned to the good graces of the United States government. This became known as Reconstruction which lasted from the spring of 1865 to the spring of 1877 when the last of the federal troops were removed from the region. During that twelve year period the U.S. government forced the Southern states to adhere to various requirements, which changed over the course of time, in order for those states to be readmitted to the Union. U.S. military forces remained in the South in the post-war period to ensure compliance and to protect the Freedmen.

The Southern states' actions justified the presence of military forces as they often did not cooperate with the wishes of the federal government. This conduct led to changes in the requirements for readmission and even the refusal of the Congress to seat the elected representatives of those states. The architects of Reconstruction employed numerous measures designed either to facilitate the speedy readmission of the states, in the case of Presidential Reconstruction, or to punish those responsible for the war by reshaping the power base in the South, as was the case with Congressional Reconstruction. Reconstruction, much like the Civil Rights movement in the 1960s, inevitably brought change to the American social, political, and economic landscape. Also like the Civil Rights movement, Reconstruction left scars on the psyche of the American people, especially Southerners.

Perhaps, due to the underlying wounds left by Reconstruction, this period has failed to generate the torrent of publications that the

war itself has. The Ku Klux Klan, race riots, political corruption, stolen elections, voter intimidation, race baiting, and lynching do not offer the romantic and noble images that the "Lost Cause" and the "brother against brother" battles of the Civil War do. Few people seek their "Reconstruction Ancestors," yet Reconstruction shaped our nation and the results of this failed revolution remained until the Civil Rights Movement of the 1960s returned to African-Americans rights that had been taken away almost a century earlier.

A work that highlights the important events in this critical time of our nation's history is long overdue. As Dr. Trefousse explains in his preface, *The Historical Dictionary of Reconstruction* is " an attempt to present these findings in a convenient form. It contains entries dealing with the major personalities of Reconstruction, the principal issues during that period, and the ideas current at the time." This work should help bring the history of Reconstruction to a more general audience. For, of all the historical periods in our nation's history, few are as misunderstood by the public at large as Reconstruction. Several fine studies on the period have been done recently, most notably Eric Foner's comprehensive *Reconstruction: America's Unfinished Revolution, 1863-1877.* Yet, Foner's work is not for the casual reader. Hans Trefousse has crafted a publication that both scholars and avocational readers will find interesting.

This volume includes a very useful chronology that immediately puts the Reconstruction era into perspective. This four page time-line traces the most important events from Charles Sumner's 1862 resolutions declaring that the Confederate states had committed suicide by leaving the Union to the landmark 1896 *Plessy* v. *Ferguson* decision that legitimized segregation. The chronology is separated by years and gives the month and date of each relevant event.

The body of work is arranged alphabetically and examines most of the major topics and people involved in the Reconstruction era, especially those highlighted in the chronology. The body of the text is cross referenced to allow for a greater understanding of the subject at hand. The cross-referenced subjects are marked with (q.v.) following the word or phrase, indicating that there is a separate article on that particular subject. The articles within the dictionary include prominent people, events, legislation, and other terms that are essential to the understanding of Reconstruction. Each entry is well written and is followed by a brief bibliographical reference to aid the reader interested in additional research.

The entries in the Dictionary include pertinent biographical information of a given individual and background information on events or legislation. This format places each entry into a broader context, allowing the reader to better understand material presented. This is the strength of the book.

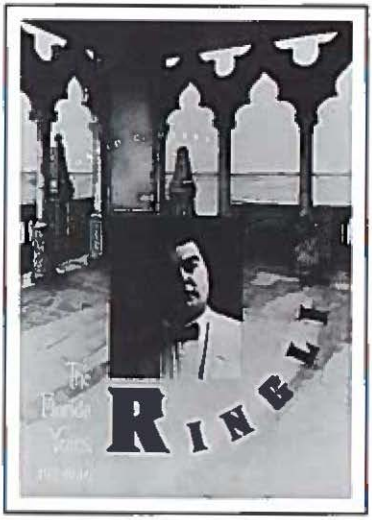
The Historical Dictionary of Reconstruction deserves credit for what it accomplished. Yet, this slim volume, less than three hundred pages, is too narrow in scope. Reconstruction in the strictest definition lasted twelve years. The recently released *Encyclopedia of the Confederacy* is four volumes and over nineteen hundred pages, for a subject spanning only four years, but sustained by the mystique of the Civil War. Reconstruction merits more work. Maps and illustrations would have greatly enhanced this book. Also wider participation by regional historians could have added important articles pertaining to their states. For instance, Robert Patton and Lewis Parsons, both governors of the state of Alabama during Presidential Reconstruction, are omitted, as is the "Pig Iron" Kelley Riot that occurred in Mobile in May 1867. However, Trefousse's work is an important first step and, one hopes, will trigger a much larger work of a similar nature.

Joseph E. Brent Kentucky Heritage Council

David C. Weeks. *Ringling: The Florida Years, 1911-1936.* Gainesville: University Press of Florida, 1993, pp. 367. Cloth, $49.95. ISBN 0-8130-1242-2 / Paper, $24.95. ISBN 0-8130-1243-0

David Weeks has undertaken the difficult task of constructing a biography of John Ringling. He must follow a subject alternating between different worlds and construct contexts for each that provide the reader with understanding of the opportunities and challenges that faced Ringling. He must unravel financial maneuverings of a showman and promoter who ran his business affairs haphazardly at best. He must follow his small-town midwesterner into the arcane and mysterious world of art collecting. And, above all, he can never forget that his subject was a master of the art of illusion; it was his business.

Weeks succeeds in providing a good record of Ringling and he delineates the growth and challenges of the circus business.



Especially complete is the description of the Sarasota arena where Ringling consciously created a center for his life and constructed his home and museum. Weeks also writes effectively of the art neophyte's jump into significant collecting and the physical heritage of the museum. There is also valuable material on the confused aftermath of Ringling's life as heirs, corporations, and the Internal Revenue Service sought to unravel the bankrupt estate.

But the book is rather thin in its attempt to provide a complete biography of a compelling human being. We never really see, or hear, or get to know John Ringling: no person or personality emerges. Just as serious, there is no significant treatment of Ringling's finances, despite his move into big business and subsequent financial failure.

The real challenge here is not in comprehending or judging Ringling, but is finding source material. Almost no personal papers were available for the work. The Ringlings who founded the circus were a large family, and while some few collections were available for the book, no significant body of John Ringling papers emerged. At least one significant corpus of materials is missing: John Ringling's personal papers which were seized by the Bureau of Internal Revenue and taken to Miami. They have not appeared again. Other personal materials supposedly disappeared from the Alpine home.

The major body of documents survives, appropriately, at the John and Mabel Ringling Museum of Art. Only its size is significant for Weeks's project and the twenty cubic feet of material is without significant biographical relevance. It is, in the words of a student familiar with it, a "winter home collection."

Writing biography without personal documentation is challenging. Authors in such cases must rely heavily on contextual material, oral history, documentary collection of colleagues and contemporaries and–especially relevant for John Ringling in Florida–local history sources. Weeks does not appear to have been aggressive in these directions.

The author gives his readers notice of these deficiencies: he subtitles the work "the Florida years." The subtitle by itself, however, is not sufficient, for it was in those years (1911-1936) that Ringling reached his zenith, and to miss activities outside Florida in a full and complete treatment is to miss the man.

Even in the Florida context there are weaknesses. Some are factual. The author does not ever delineate the devastating effect of the 1926 hurricane on the Florida psyche and the Florida economy, and there is no Florida governor's cabinet. Others are a result of the research design. There are many persons living in Sarasota today who were old enough to have lived through this period, and yet the reader is struck by the very few personal communications and oral history references in the work (none is listed in the bibliography). Lacking personal papers and firsthand oral history, Weeks is forced to rely on the often superficial and rarely confirmed reportage of the local newspaper.

In the end the reader is left with a narrative that has usefulness in drawing together a good collection of previously printed material, but is not the biography that Ringling deserves. One is left to ask, should such an ambitious work have been undertaken with so little primary material available?

Lee H. Warner Sarasota, Florida

Lewis N. Wynne, ed. *Florida at War.* St. Leo, FL: St. Leo College Press, 1993, pp. 178. $15.95. ISBN 0-945759-05-3

The Florida experience in World War II was unique, for no other state was so ill-prepared to meet the demands of a great national crisis. When struck with the massive influx of service men and hastened industrial expansion, Florida was still frozen in the Great Depression, its uncertain economy sustained by the seasonal surge of tourism and citrus production. These two vulnerable industries supported a small population and a power structure which had developed in the post-Reconstruction years of the late nineteenth century. Except for coastal cities and their tourist glamour, Florida was home to a largely rural society, unaccustomed to change or to the presence and influence of strangers. Each resort city and county

held a certain small elite and its own quota of rich northerners who fled with the onset of warmer weather each spring.

In 1942 the tourist space was preempted by marching-singing Air Corps trainees on the streets of Miami Beach. Inland, German prisoners of war added a new, alien dimension to the traditional social tensions ("With the Wehrmacht in Florida"). These men were the enemy. Yet, they were white, northern Europeans, thus possessing a claim to higher status than American minorities. Prisoners who embraced the Nazi creed were separated from their countrymen who rejected it to prevent fights. At Camp Blanding and its satellites, the POWs were kept far from the public gaze.

This collection of retrospective essays offers eight images of wartime Florida, a format that permits the authors to draw more vivid, focused pictures than could be achieved in a single narrative. Each contributor addresses one issue, in most instances drawn from the experience of one location.

Florida, first site in the nation to have a permanent white settlement, was the last to develop the posture of a modern state. With fewer than two million population in 1940, and only twenty cities with more than ten thousand persons, the state was largely vacant. Yet, at the end of the decade, nearly one million new residents were counted. Much of that initial wave can be attributed to changes induced by the war. While Florida rejoiced at the sudden torrent of federal money, social problems that accompany overcrowding and abrasive racial tensions quickly intensified.

"Blitzkrieg of Joy" (an unfortunate phrase coined by Miami press agents) recounts the bizarre experience of Florida's resorts in their response to wartime conditions. Fearing the loss of tourist dollars, hotel owners doubled their publicity efforts to lure civilians by describing tourism as essential so civilian morale. However, a massive military takeover (eighty-five percent of Miami Beach hotels) to provide housing for servicemen in training ameliorated fears of empty

resorts. Later in the war, wounded soldiers were temporarily placed in hotels. Still, advertising supported by the Roosevelt Administration made Florida vacations seem patriotic until national scorn focused on the non-essential travel and consumption of fuel. In the winter of 1943-44 there was both irony and humor in the plight of tourists who were unable to find train space to return to northern cities. Even so, in that year, civilian tourism rebounded strongly and there was competition for the rooms the military occupied.

There were later benefits. The choice of south Florida resorts as training sites allowed thousands of servicemen to see and to enjoy the splendid coast and its pleasant climate. Not for the first time, many veterans chose to return and to fill the growing suburbs in tract houses similar to Long Island's Levittown. After 1865 and again after 1898, Florida's charm had proven compelling to many military who later returned as settlers. The difference, of course, after 1945 was in the vastly greater numbers. Another new factor, the GI Bill, filled the universities and created a growing population of college-educated young men and women who found places in the expanding economy.

On a more sober note, the essay "Preserving the Homefront: Blacks in Florida During World War II" offers a perspective that corrects the imbalance of conventional history's emphasis on economic and demographic changes. Following Reconstruction, political activity in Florida was structured to avoid black participation. The Democratic party controlled the state, and blacks were firmly excluded–barred from party membership and primary voting. However, by 1939, white supremacy began to crack. Soon, new employment opportunities, the thrust of northern attitudes that came with the new population, and of course, black awareness of injustice, all contributed to a growing demand that found forceful expression later in the drive for civil rights throughout the South. Some progress appeared in the 1940s–black empowerment started with judicial decisions forbidding exclusion of black jurors in certain cases. In 1944 all-white primaries were invalidated, but repressive violence and threats replaced the repealed legal barriers. Urban tension and occasional violence could not be avoided when inequalities in housing (worst in Jacksonville and Tampa), deplorable schools, and exclusion from recreation areas were challenged by young, impatient blacks. Though lynchings continued in Florida, the old order was slowly losing ground, unable to halt or to reverse the forces that demanded progress toward equal rights from a nation that was being defended by black as well as white soldiers.

The sum of these and other experiences irrevocably altered the direction of Florida's social, economic, and political development. First set in motion by wartime conditions, some dramatic changes continued in the peace that followed. In consequence the Florida of 1939 disappeared. One objective cited by *Florida at War*'s editor was to recreate for the two post-1945 generations, an image of the wartime whirlwind of change that surged through the state. Those changes would reorient Florida away from the patterns it had followed since Reconstruction and begin the phenomenal growth that would characterize the second half of the twentieth century in the sunshine state.

Historians have had fifty years to analyze the events of the war years. These essays relate what happened in Florida, and as such they serve a useful purpose. Still unanswered is a fundamental question: how much of the mammoth federal program (172 military installations) was directed to Florida, not solely for its clear skies, but as the state most in need–a state placed by nature among the rich, sophisticated states of the East Coast, yet one that had remained outside, almost untouched by opportunity before 1941.

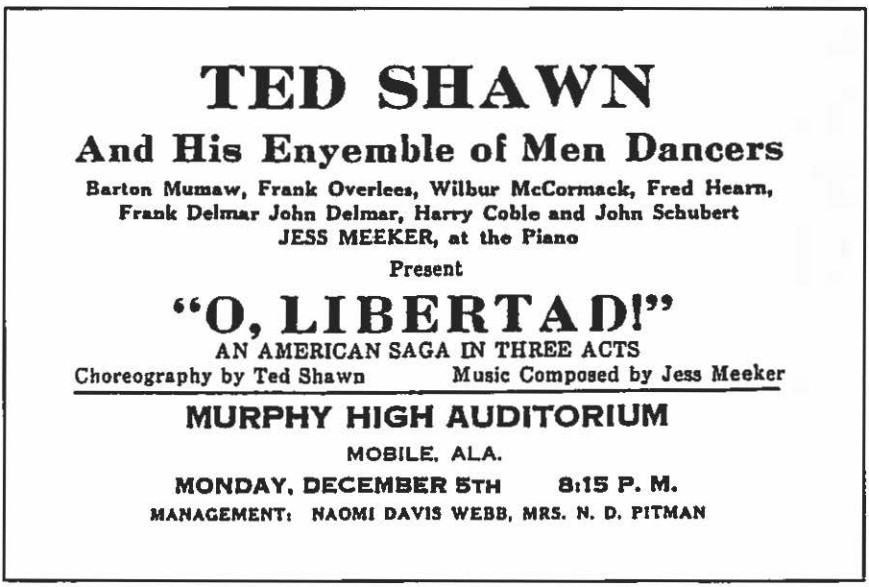
David C. Weeks Bradenton, Florida

From the Archives . . . Billy Skipper Meets Tallulah

George Widney

When William N. "Billy" Skipper was a student at Murphy High School in Mobile in the 1930s, dancing already had become a major part of his life. He studied with Mary Pollman and Marion Bancroft, who in turn had been students of Naomi Davis Webb, an understudy for the famous Ruth St. Denis at Carnegie Hall. Marion had appeared on Broadway in "The Great Waltz." Billy described Mary as "an excellent dancer and teacher." Classic ballet, tap, and Denishawn techniques comprised the routine in which he was drilled by his dance teachers. In addition to studying the customary courses at Murphy, Billy was active as a cheerleader, acted in productions of the Four Arts Drama Club, ran track, and sang in the Glee Club.

The year of his graduation, 1939, was also the year that the Ted Shawn All Men Dance Troupe came to perform in Mobile at the Murphy High Auditorium, which then was a popular place for concerts, performances, lectures, etc. Undoubtedly, Billy was the Mobilian most excited about this, because the famous Ted Shawn had agreed to give him an audition after Naomi Webb had seen Pollman and Bancroft's recital which featured Billy in two dances. Webb was


TED SHAWN

And His Enyemble of Men Dancers

Barton Mumaw, Frank Overlees, Wilbur McCormack, Fred Hearn, Frank Delmar John Delmar, Harry Coble and John Schubert
JESS MEEKER, at the Piano

Present

"O, LIBERTAD!"

AN AMERICAN SAGA IN THREE ACTS

Choreography by Ted Shawn Music Composed by Jess Meeker

MURPHY HIGH AUDITORIUM

MOBILE, ALA.

MONDAY, DECEMBER 5TH 8:15 P. M.

MANAGEMENT: NAOMI DAVIS WEBB, MRS. N. D. PITMAN

Billy Skipper, c. 1940.

particularly impressed when he had performed the difficult *entrechat* (repeated crossing of the legs) and phoned Shawn right afterwards to arrange the audition.

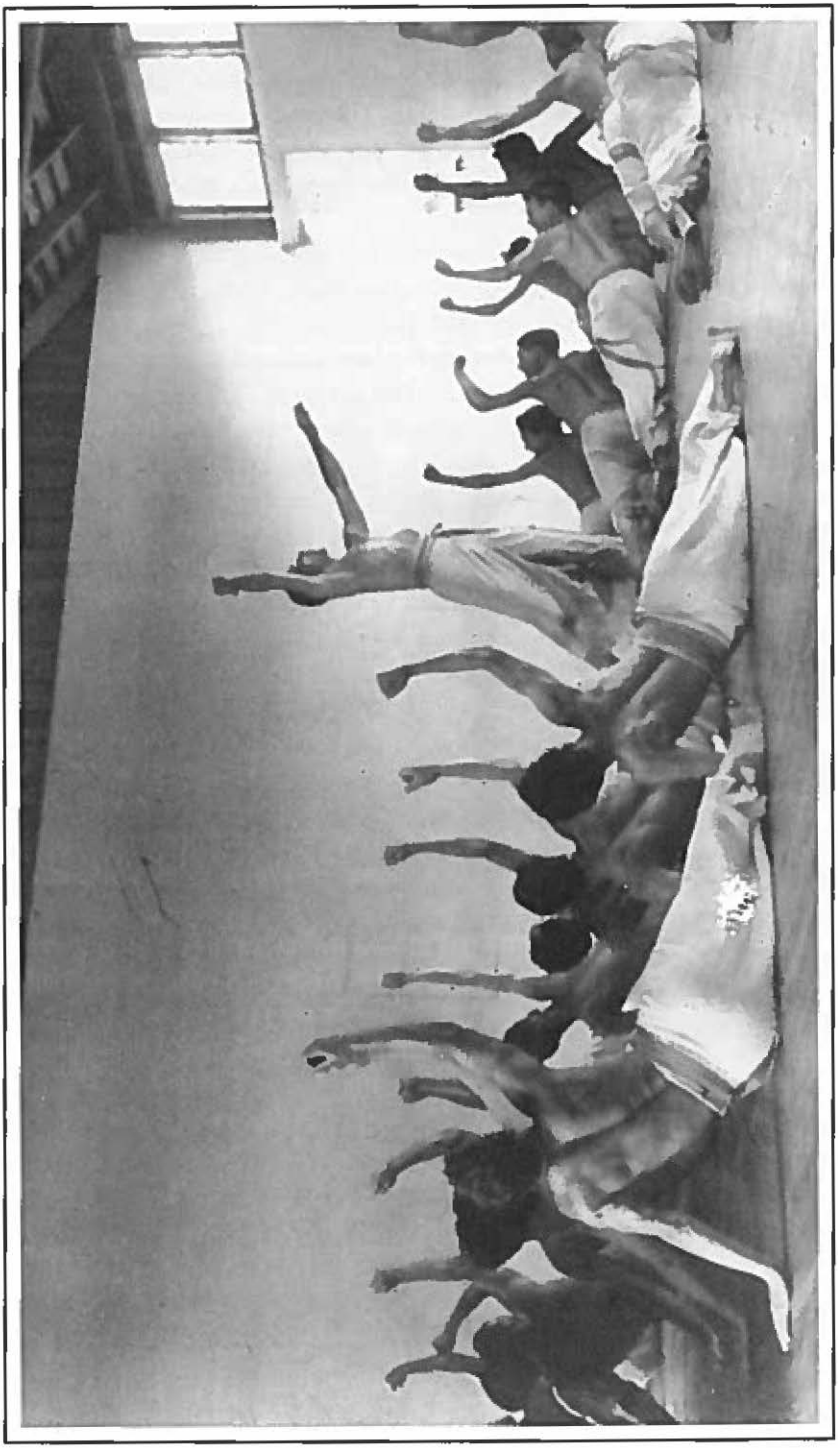
At graduation, Billy's mind must have been filled with exciting thoughts–the memory of the recent audition for Ted Shawn, the possibility that he might win a scholarship to study under him and his wife Ruth St. Denis at Jacob's Pillow in the Berkshires north of New York City, and the whole future that lay ahead. He was all of seventeen years old and ready to take on the world–or at least its dance capital, Broadway.

Skipper got the scholarship immediately after graduation to Shawn's dance school, but to make ends meet in the first year away from home he also had to take a "day job," making deliveries for the Blechman Photographic Studio. It was in the course of doing this work that he met Tallulah Bankhead as he describes in the marvelous account which follows this introduction.

Skipper went on to enjoy a successful career as a young dancer both on Broadway and in Hollywood, became a choreographer for stage, film, and television productions, and a life-long friend of many celebrities, including Ruth St. Denis, Mae West, and Tallulah. He was an accomplished writer and cinematographer of the dance as well.

After his untimely death in Mobile in 1987, Skipper's papers, films, and audio tapes were given to the University of South Alabama Archives. The Archives' staff evaluated the collection and determined that the proper home for this valuable material was in a dance/theater archives. The collection was offered to and enthusiastically accepted by the New York Public Library for the Performing Arts. Some materials with a strong Mobile or Alabama focus, having nothing to do with the world of theater and the dance will be retained at the University Archives. However, the overwhelming majority of the results of Skipper's life-long passion for recording his world will soon be shipped to New York City. It was, after all, the city where he first met Tallulah Bankhead some fifty-five years ago on a cold winter's evening delivering photographs.... The following account of that meeting was a chapter in a book he was writing at the time of his death.

Billy Skipper at Jacob's Pillow, 1939.



Ted Shawn dancers performing Angelos Sekilianos's Greek dance drama at Jacob's Pillow, 1939.

Tallulah Bankhead: What a darling, what a "camp"

It was December 1939, and the snow was knee-deep in Manhattan. I was eighteen years old–only seven months out of my home town of Mobile, Alabama, and employed by Marcus Blechman, famous portrait photographer of stage stars and other luminaries, delivering for him.

I'll never forget that second or third morning that I arrived for work at the Blechman studio. Mr. Blechman seemed very nervous about something and I worried that maybe already my services were no longer needed. It turned out that all deliveries which I would begin that day had to be made via the servants' entrances of hotels and apartment houses. (Later, when I asked Mr. Blechman why he didn't come right out with the warning against using the main entrances of such establishments he explained that he already had tangled with a "blue-blooded" Alabamian–in fact he had just finished photographing her, and didn't want to rub another one the wrong way. My first delivery in Manhattan was to be to Tallulah Bankhead. I put Mr. Blechman at ease when I told him that I didn't mind at all going to the servants' entrance, and that my blood was blue only from this, my first New York winter.

The boss, in his delightful stutter, gave me directions as to how to get to Miss Bankhead, and, I realize now, could hardly wait for the report of this mission of one Alabamian to another. I must explain here that I had just finished my first season with the Ted Shawn Dancers at Lee, Massachusetts, and although stage-struck, I had never seen a Broadway show. The name Bankhead in Alabama, and to me, meant not Broadway but politicians, hotels, and highways. The world of the dance filled my thoughts and my dreams. In later years, this love created a great bond between Tallulah and me.

It was about 5 o'clock in the evening when I slushed up to the Elysee Hotel, dutifully looking for the servants' entrance. But in that snowstorm, I could barely see the main door, so feeling my new "blue blood" I just pushed through the revolving door at the main entrance and barged through the lobby to the front desk.

I squared my shivering shoulders and with my then "Stepin Fetchit" accent announced to the desk clerk that I had brought photographs for Miss Bankhead from Mr. Blechman. He didn't raise an eyebrow, picked up the phone, and called her suite. Somehow I felt a link with this first delivery client, yet I was scared. First of

Tallulah Bankhead and her dogs.

all, here I was in the main lobby against Mr. Blechman's orders, and although the name Tallulah meant nothing to me (imagine!), I was reverting to my Alabama image of the name Bankhead–the Speaker of the House of Representatives, congressman, senator, and all those hotels, highways, avenues and even talk of a planned tunnel under the Mobile River that was to be named Bankhead. I was scared. I thought, "Oh, my God."

The desk clerk put the phone down and said "Go right up to 406." All I wanted was a bus ticket back to Alabama, but determined to face my first recipient, Bankhead or not, I went to the elevator and drawled "fo'-0-six." The elevator pilot was a nice black lady who replied, "I'll take you to fo', then you'll have to turn right down the hall for '0-six.'"

By now it was approaching 5:30. Like most people in the theater, Miss Bankhead was having an early dinner (it was just as well that I didn't know this). The desk clerk's phone call had been answered by Dola Cavendish, a well-to-do Canadian who was working for Tallulah Bankhead and paying her for the privilege, being social secretary, maid, butler, and her own charming self and having the opportunity of meeting "show people."

The elevator could have been headed for the moon, it seemed to take so much time. When it finally came to a halt, I remember leaning out in the direction of 406 before getting out. As I headed down the hall to the right, I did a complete turn to thank the elevator operator. She was leaning out just as I had done with a smile on her face three feet wide.

At the door of 406 I brushed off melted snow from my shoulders, tried to straighten out my rumpled clothes, took a tremendous breath, and raised my hand to knock. Before I could do so, the door opened and I nearly hit Dola Cavendish right in the face. She and Miss Bankhead were as anxious to see the results of Tallulah's latest sitting by Blechman as I was to get the photographs off my hands.

In a loud porkloin accent, I announced that I was bearing proofs from Mr. Blechman. I don't think Dola said one word. But I was acutely aware of that foghorn voice of Tallulah Bankhead ordering: "Dola, send that boy in here. He's from somewhere in Alabama." I wondered, "How in the world did she know that? Not only am I about to meet a Bankhead, but this one is some kind of a mind reader."

My feet were now in space shoes and despite the static pull of the wool rug, I took two of the slowest giant steps ever taken in space. I felt like a tortured Christian headed for the lions as the door closed behind me. Dola Cavendish made a sweeping gesture directing me to the end of the hall. That hall seemed ten miles long. In front of me was Tallulah Bankhead, sitting at a room service cart on wheels, just finishing her dinner. To her left was a small monkey with reddish fur nervously scratching herself. Across from Tallulah sat two men, one a theatrical agent and the other a business manager, I think.

Seeing me, Miss Bankhead gulped a mouthful and, croaking like a frog, motioned for the men to leave. When her sounding board was clear, she told them, "Darlings, you'll have to leave now. I've got to look at these pictures and find out what part of Alabama this child is from." She directed an eagle stare straight into my eyes, leaned towards me and ordered, "Say something, darling." As the two men left, I found myself speechless, and although I was still eight feet from her, stretched my arm full length with the envelope clutched in my fingers. When there still remained a full yard separating our hands, she broke up laughing. In a split second she realized how embarrassed I was, and not wanting to hurt my feelings, quit laughing. Here was the first time that I felt Tallulah's great warm sensitivity which, in later years, I was to appreciate as real compassion. I learned to love and adore her despite all the fantastic and wild carryings-on she was always up to.

When I finally uttered a noise that sounded like a muffled belch she said, "Oh, you poor thing, you must be freezing from being out in that weather–and from Alabama, too. You ARE from Alabama, aren't you, darling?" With our continued reaching out towards each other, she was able to take the envelope with her proofs and exclaimed, "Oh, my God, my pictures." Then: "have a drink, darling." I was able now to answer her question as to where I came from and replied, "Yes ma'am, I am."

"Yes ma'am, I am what, darling? You do drink, don't you?" As she looked at her proofs, remarking what a great photographer Marcus Blechman was, I tried again: "Yes ma'am, I am from Alabama, but I don't drink." She didn't hear a word I said and screamed for Dola to bring me a drink. Dola realized I needed warming up as well as tranquilizing and double-timed it back to the bar.

Here I was, my first winter in New York, on my first job, making my first delivery, meeting Tallulah Bankhead for the first time, and having my first Old Grandad and ginger ale highball. I thought if the rest of my chores for Blechman were anything like this one I'd never see Spring.

Tallulah looked at the last of the twenty-four pictures and put them on the table. She noticed me sitting like a person in an old tintype, not moving a muscle and not touching the drink. Up went her glass in a toasting gesture with "Welcome to New York, darling. What's your name and what part of Alabama are you from?" Then, like lightning, she bellowed: "NO, don't tell me, for God's sake make me guess." I wondered what she would guess–my name or the part of Alabama I'm from–and downed a big slug of the highball hoping the elixir would do something. It did. She again asked my name, and straightening up I answered "Billy Skipper, Junior." She invited me to sit down and asked how long I'd been in New York. I told her all about my scholarship the past summer with Ted Shawn and his dancers up at Lee, Massachusetts. Her following remarks about how many times she had seen Ted Shawn and Ruth St. Denis perform and that her first dance solo, an American Indian dance, had been created by Leonide Massine, revealed that she loved dancing.

Tallulah was listening intently to every word I said, trying to guess what city I was from in Alabama and delighting in our conversation. I hit the bottom of my highball, and before I could take the glass from my mouth, she called out Dola to bring me another one. Now this Old Grandad was one hundred proof, and by now I had no more stage fright than if I had finished school with this Bankhead girl. So I crossed my legs and started on the second drink. She plowed away with new questions. "Skipper–may I call you Skipper, darling? I'm going to guess where you're from if I have to miss the show tonight." Once Tallulah tackled an issue, all hell could freeze over before she'd give up. She continued: "Is it Greenville? Evergreen?" I thought, "Hot damn, she's getting close." But now she turned cadgy: "Do you like horseback riding, hunting, fishing, swimming...? Which do you like best?" Man, now with my second drink I was really sitting in high cotton, and Miss Tallulah Bankhead, star of Broadway's biggest hit (which I hadn't seen) was trying to guess what city I was from.

I never had said which of the activities she mentioned I liked the best. Instead, I blurted out that I had been swimming and

fishing all my life. As the words left my lips she sprang to her feet, nearly knocking over the table, and screamed "Mobile! Mobile!"

I'm almost forgetting to mention that the monkey had been asleep during most of this dialog, but when she boomed out "Mobile," the animal shrieked a note six octaves higher than hers and climbed up on a valance. Dola came rushing back into the room as I jumped to my feet and Tallulah slumped back into her chair absolutely convulsed with laughter. That divine laugh will remain forever in the memory of those of us who have heard it.

Dola thought Tallulah may have stabbed the monkey, but when she saw it hanging on a valance, me standing rigid at attention, and Tallulah clasping herself around the stomach, she remarked, "Oh, Jesus, now let's ALL of us have a drink. As Dola went to the bar again and I saw my third Old Grandad underway, the phone rang. Back at the Blechman Studio, the boss had become a little worried about Billy Skipper, Jr., trudging through all that snow and taking over an hour to make a round trip which should have taken thirty minutes at the most.

Still laughing, Tallulah answered the phone. "Oh, Marcus. Yes darling, he got here, and I love the photographs. No, he's still here and we're having a marvelous time talking about Alabama. I guessed where Skipper was born and I got hysterical over something that happened. I'll let him tell you. Alright, darling, I'll mark them and send him along. He's just finishing a little drink."

Dola handed me my third 'little drink'. I don't know how many she and Tallulah had before I got there, and brother, I didn't care, either. My fellow Alabamian was telling stories of times when she was a young girl and her father would take her to Mobile and she'd get sick on the old paddle-wheel pleasure boat, the *Bay Queen*, that steamed back and forth from Mobile to Fairhope; how she knew Mobile had Mardi Gras years and years before New Orleans; that Mobile had oysters Rockefeller first because it was a French settlement as well as Spanish-English-Confederate-American; and that she liked to think of an "Indian flag," because Indians gave the state its name Alabama when the first Indian chief threw his spear into the air and it landed sticking straight up, which meant they should settle at that spot, and he said "Alabama" (meaning, "Here We Rest"). Then: "Oh, darling, so many things went on down there before they did anywhere else," to which I untruthfully replied "Yes ma'am, I know."

During nearly two hours with Tallulah Bankhead, Dola Cavendish, a red-headed squealing, hysterical monkey, and three highballs I realized that not in my twelve years of school had I learned as much about my hometown and state.

Dola's part in the conversation had been practically nil; the poor thing had found it difficult to get a word in edgewise. When Tallulah was holding the floor, she held it, come hell or high water.

Now it was a few minutes before 7 o'clock, and Tallulah had mentioned once that she almost always got to the theater by 6:30, or 7 at the latest, for makeup. She had already pointed out that they always took a cab and now insisted on dropping me off at the Blechman Studio. She announced that she would get her coat and for me to finish my drink. I thanked Providence for those deep dish beef pies that I had eaten that morning at the Automat (they cost fifteen cents back in 1939).

I downed that third drink and walked pretty straight to the elevator. The same black lady was in the elevator, only this time her smile wrapped around all the way to the back of her head. Puzzled, Tallulah asked the reason for her smile. The operator replied, "I brought him up." Tallulah replied, "Yes, darling, come to think of it he sounds like it."

I floated through the lobby with Tallulah and Dola, revolving through the front door. The doorman was already holding a cab door open. To me, Tallulah said, "Give me your arm, darling, this sidewalk is a bitch on wheels." I was secretly glad to be holding on to something.

Blechman's studio was about ten blocks north at 44 West 56th, between Fifth and Sixth Avenues, so it was a short ride. Tallulah told Dola to order some champagne and other liquor, because guests such as Alfred Lunt and Lynn Fontaine were coming backstage after the show. (I wondered if these people were in Vaudeville!)

It was still snowing heavily as the cab turned east on 56th. Tallulah asked me where I lived and what else I did in New York other than work for Blechman. Getting out of the cab, I replied that I was staying at the 34th Street YMCA, that every Sunday I went to hear Dr. Norman Vincent Peale, and that twice a week I posed in the nude at the Art Students League. Tallulah screamed, "Oh my God, darling, you're absolutely marvelous; I'm going to start art classes there next week!" This time, I howled as loud as she had, got out,

Times Square, c. 1939. Skipper photo.

shut the door, thanked Dola, and leaned into the cab to kiss Tallulah on the cheek.

She said, "Now Skipper darling, keep in touch. Us Alabama kissin' cousins got to stick together." I replied, "Gosh, Miss B., I sure will."

I don't think I've ever been so glad to make a new friend.

Tallulah Bankhead reading a script.

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