

Chapter 20 (11-01-11)

Davis Floyd in La Florida 1823-1831

How did Floyd and his family wind up in the Florida Territory in 1823, where he died in 1831?

How did it happen that Floyd met Alexander Hamilton, Jr. and the son of Joachim Murat, Achill Murat, in the Florida Territory?

Appointment as Land Commissioner

In 1823 Pres. James Monroe appointed Davis Floyd as one of three land commissioners to be assigned to the East Florida Land Commission to settle land disputes in the newly acquired Florida Territory. Floyd arrived in St. Augustine on the Atlantic Ocean on July 18, 1823. His family followed him within a few months. He served in the position of President Judge until the beginning of 1826. He would then join his friend, Gov. William P. DuVal, in Tallahassee, where Floyd served as Treasurer of the Florida Territory from 1826 until 1828, until his death near the end of 1831.

A series of eight large murals hang today in the chambers of the House of Representatives in the Florida state capitol in Tallahassee. All of the murals are relevant to the history of Florida but the mural identified as "A New Capital, Becoming a State, 1821-1845" is significant to the Davis Floyd story. But before beginning this story, let's look at the Europeans' intrusion there and their impact on the American Indians resident in La Florida. The impact would be similar to the impact of the Europeans into the tidewater region of Virginia in 1607.

Early History of La Florida

La Florida's official discovery by the white man occurred in 1513 when Juan Ponce de Leon and his men tried to found a colony on what he believed was another Caribbean island which he named "the flowering land." However, their colonization attempt was thwarted by hostile Indians. Ponce de Leon died when his body was pierced by an Indian arrow and the wound became infected. Hernando de Soto and his men arrived in La Florida in 1539. They were looking for silver and gold such as the Spanish had found in Mexico and Peru. If flowers had been silver and gold they would have been amply rewarded but such riches were non-existent. De Soto wandered around in much of present southeastern United States but died of fever and was buried in a watery grave in the Mississippi River. Eventually, the Spanish learned from the Indians in South America that padded cotton jackets would repel arrow heads and protect wearers against splintering arrow shafts. Their chain mail (body armament) protected them against the sword and the arrowhead but not the disintegrating shafts. In May of 1586 Sir Francis Drake's English ships attacked the Spanish at St. Augustine. It was during this time that the horse was introduced into La Florida. The horse would rapidly change the American Indians' transportation system. Along with the horse, the Spanish introduced smallpox and various contagious diseases which would wipe out large segments of the Indian population. The oldest artifact in the Florida State Archives is an engraved, hand painted, imagined aerial view of Drake's attack on St. Augustine. The Spanish flag, the Cross of Burgundy, is shown waving in the air on several ships while the English flag, the St. George Cross, is seen on intermingled British ships. Drake repeatedly carried off attacks on Spanish galleons. These kinds of attacks were some of the provocations which led the Spanish Armada to ascend on England two years later. Drake was second in command of the British Navy when England was attacked by the Armada.

The Spanish retained control of La Florida until 1763 when it was ceded to England in the culmination of the Seven Years' War which was known as the

French and Indian War in the American continental colonies. Twenty years later (1783) the Spanish regained ownership of La Florida in the Treaty of Paris which concluded the American Revolutionary War. In the meantime France attempted to colonize parts of La Florida. As for the aborigines, Spain, while brutal to them in the beginning, turned to converting them to Catholicism. On the other hand, the British were intent on conquering them while the French tried to win them over through trade.

St. Augustine, Florida Territory

The fort at St. Augustine, St. Marcos, which stands intact today as a National Monument, was built by the Spanish during the period from 1672 until 1695. The old gateway to the city still exists. These would have been sites that Floyd and his family encountered in their new home. No one knows specifically what possessed Floyd to move. The Panic of 1819 had destroyed him financially. Maybe, he figured he needed a fresh start. Maybe, a more favorable climate appealed to him. Indiana had extremes of weather but so did La Florida. Winter temperatures descended occasionally to sub-freezing and a long summer season brought an abundance of hot and humid weather, and insects.

An article entitled "Six Weeks in Florida (1870)," years after Floyd died in La Florida, described St. Augustine probably as Floyd encountered it:

The architecture of this city is altogether unlike that of any upon this continent. The streets are very narrow, while the houses have wide balconies in the second story, which come very near to each other. The material used in their construction is very beautiful, and is called the "coquina" stone. It is formed of a concrete which has a pleasant yellow-gray tone when seen at a distance, and, when examined in detail, presents an exquisite collection of various and delicately formed shells. Although most of the habitable buildings built in the way described are of modern construction, yet, except in their pitched roofs, they probably resemble those built hundreds of years ago, and whose ruins are met with at every turn. Here you see the stained

walls of a blacksmith shop, constructed by the hands of the soldiers of the Spanish governor and cut-throat, Menendez d'Avileis, in 1570. Out from graceful groves of orange-trees will rise jagged walls whose ruins came by the hand of Governor Oglethorpe, of Georgia, in 1732. Side by side with trim villas, the residences of those seeking health from the North, stand the crumbling chimneys of houses destroyed by one or another of the many conquerors who these centuries past have made this oldest of cities on this continent north of the Gulf of Mexico their battle-ground. But perhaps the most picturesque of all its ruins are the gates which stand at the northern end of the city. The pillars of the gates are Moorish in their form of construction, and are square, surmounted by a carved pomegranate. Attached to the pillars on either side are portions of the old wall which formerly surrounded the town to the east and south, while they connected with the Fort San Marco, which stands by the river a few hundred yards to the west. Proceeding from the gates outward are the remains of the causeway, crossing a deep ditch which followed the line of the wall.

This noble example of military architecture was a delightful surprise to me; for in all my journeying in the Old World I had never seen such a complete instance of the high state of the art of defense of two centuries ago. This fort was begun by Menendez himself, and in one and another form had resisted attacks, sometimes successfully. But in the time of Queen Elizabeth that brave old sailor, Admiral Drake, returning from one of his expeditions to South America, saw a lookout on the island of Anastasia, which is just opposite the fort. So Drake landed, and the Spaniards deserted the place, which he occupied. He captured £2000 of money, which was in an old chest, and several brass cannon. Then he hoisted sail and steered away to report his adventures to the maiden queen. But our fort at that time was called San Juan de Pinas.

Oppel, Frank, "Six Weeks in Florida (1870)," *Tales of Old Florida*, Castle, a division of Book Sales, Inc. Secaucus, New Jersey, 1987, p. 97.

Acquisition of La Florida by the United States

The Spanish-controlled La Florida was ceded to the United States in 1819. The year before Gen. Andrew Jackson had led a military expedition into La Florida where he put down a Seminole Indian rebellion and captured several Spanish forts. The America flag was finally raised over the new Territory in 1821. There was a political battle over where the capitol for the Territory was to be located.

Some wanted it in Pensacola and others in St. Augustine. A commission was appointed and it selected a mid-way point between the two towns and named it Tallahassee. The Territory's first governor, William P. DuVal, issued a proclamation in 1824 officially proclaiming Tallahassee the seat of the new Territory. A log cabin building was erected to serve as the meeting place of the first Legislative Council. The organization of the government in the Florida Territory was comparable to the organization of the government in the second stage thereof in the Indiana Territory. Floyd would have felt at home.

East Florida Land Commission

On April 3rd, 1823 Davis Floyd, William W. Blair, and Alexander Hamilton, Jr. were appointed by Pres. James Monroe as land commissioners of the East Florida District. The appointments were made pursuant to an Act of Congress passed on February 3rd, 1823. This Act amended and supplemented an act "for ascertaining claims and titles to land in the territory of Florida and to provide for the survey and disposal of public lands in Florida." They were to collect an annual salary of \$2,000.00, considerably more than the \$700.00 salary which Floyd collected annually for his judgeship in Indiana. The amended Act contained two major changes. First, it was no longer required to present actual proof of title and, second, the land commissioners were to validate ownership of land in favor of "actual settlers" who occupied the land when the Florida Territory was ceded to the United States. The appointment document from the President confirmed that he had "special Trust and Confidence in the Integrity, Ability and Diligence" of each of them. This document recited that their terms would expire at the end of the next session of the U. S. Senate. A footnote to the commissioning document noted that "Floyd had been involved in the Burr Conspiracy;" that "he had also been a presiding justice of one of the judicial circuits in Indiana and long a resident of that state;" and that he "had been recommended to the Secretary of State by Gov. William Hendricks of the same

State.” By this time Hendricks was using Floyd’s old home in Corydon, Indiana as his residence and office. Another footnote described “Blair as a native of Kentucky where he had practiced law and been a judge of one of the state courts” and that he “accepted the appointment in Florida in the hope that the genial climate would improve his health, but he died after serving for only one year.” Still another footnote said that “Hamilton had applied to the President [for the job] on March 12, 1823, while in Washington.” A journal article in *The Florida Historical Quarterly* gave more details on Hamilton:

At about the same time that the land commission was established in 1822, the President [Monroe] appointed Alexander Hamilton as attorney general [probably U. S. Attorney] for East Florida. Hamilton, second son of the Federalist leader, a graduate of Columbia College, and a captain in infantry in the War of 1812, arrived in St. Augustine in the summer of 1822, and began immediately to take an active part in the politics of the new territory.

Whatley, George C., “The East Florida Land Commission: A Study of Frustration,” *The Florida Historical Quarterly*, Vol. 50, No. 1, July 1971, p. 41.

Hamilton was appointed by Pres. Monroe as the U. S. Attorney for the Eastern District of Florida on April 25, 1822. On December 22, 1822 Hamilton sent a letter to Pres. Monroe recommending that an East Florida Land Commission be established to be separate from the West Florida Land Commission. He bragged on the “capability of this Country to produce the most valuable subjects of Culture, the sugar cane, the best sea Island Cotton, the Cuba Tobacco and all the tropical fruits, including the olive, with Oranges Limes and Lemons in great abundance and of superior quality....” It is unknown why Hamilton decided to leave his position as the U. S. Attorney to become a land commissioner. Apparently, his successor, Edgar Macon, was nominated on December 5th, 1823 and confirmed by the Senate on December 9th, 1823.

On May 5th, 1823 Hamilton sent a letter to Pres. Monroe stating that he had "received intelligence, of your flattering attention, in appointing me one of the Commissioners, to adjust claims to lands in East Florida...." The rest of the letter contained unsolicited, gossipy information.

Maybe the Spanish settlers in the East Florida Territory knew something about Hamilton that other people did not know. On June 23rd, 1823 a group of forty-four "inhabitants of St. Augustine, East Florida and Land Holders," all with Spanish names, filed charges against Hamilton with the U. S. Secretary of State, John Quincy Adams. The charges were written in both English and Spanish. They claimed that:

Col. Alexander Hamilton does not possess those good qualities that ought to adorn a Public Officer, who as he has stated, had it in his power to decide the fate of nearly all inhabitants; and abusing your goodness, that is to say, taken advantage of the appointment of Land Commissioners he offered himself as a Candidate for Delegate to represent the Territory of Florida [in the U. S. House of Representatives], persuaded either by threats, or delusive offers he could blind the greatest part of the well meaning inhabitants for the purpose of obtaining their suffrages, as he has done with the incautious, and transient persons---

Your Petitioners are well aware that they cannot in any wise, nor ought they to present their Titles to the Land Commissioners whilst said Hamilton is a member thereof, as it would expose them to the resentment with which he has threatened them, and which he has clearly manifested, as is seen in the accompanying documents numbered 1. & 2

Agreeable therefore to proof so evident and confiding in the Justice and rectitude of your Excellency, your petitioners humbly request you will be pleased excuse their having addressed you in Spanish, as being the Language most familiar to them, and at the same time to depose Col: Alexander Hamilton as Land Commissioners and name any other person you may think proper, and your Petitioners as in duty bound will ever pray.

Carter, Clarence Edwin, *The Territorial Papers of the United States*, Vol. XXII, The Territory of Florida, 1821-1824, United States Government Printing Office, Washington, D. C., 1956, pp. 702-705.

These were harsh charges against Hamilton. They were supported by the written depositions of Eusebio M. Gomez and William Levingston which accompanied the written charges. It is unlikely that the two other land commissioners knew anything about the charges at the time they were made. Hamilton must have heard about the charges because on June 24th, 1823 he sent Pres. Monroe a letter and affidavit denying them. Apparently, he also commenced libel and conspiracy lawsuits against Gomez, Levingston, and one Joseph M. Hernandez, who apparently signed the charges against Hamilton twice. On July 9th, 1823 Hamilton was defended in an apparently credible letter written by Judge Smith. All of this had happened before Floyd reached Florida. Had he known all of this, he might not have come.

Floyd reached St. Augustine on July 18th, 1823. On July 22nd, 1823 Hamilton convinced Floyd that the two of them should send a letter to the U. S. Secretary of Treasury advising "that all the Public Documents transferred by Governor [José] Coppinger to the American Commissioner at the cession of East Florida to the United States, and now in the custody of the keeper of the Public Archives, a territorial officer should be placed in the custody of the Commissioners." They went on to say that the State Department needed to order the transfer of these documents and that they needed the authority to procure an office. Gov. Coppinger served as governor of East Florida under the Second Spanish Period from 1816 until 1821, the date of cession.

On August 2, 1823, the following article appeared in the *East Florida Herald* on page 2:

The East Florida Land Commission

All the gentlemen composing the board are now in the city, and yesterday entered upon the duties of their appointment. This then[words cannot be read] and the commencement of brighter

prospects. Just settled down under wholesome and, just laws administered by officers in whom the people may place confidence, a little patriotism and a little more industry will enable us to look forward to happiness and prosperity, and the permanent advancement of the best interest of the country. Let us all then study to be *useful* citizens, *peaceful* citizens, and *quiet* citizens.

This newspaper's announcement put a hex on the East Florida Land Commission as will be seen.

The first meeting of the three commissioners was held on August 4th, 1823. Floyd was elected chairman and a secretary, a deputy secretary, and a messenger were appointed by the Commission. Regulations were unanimously adopted by the Board. The regulations seem to comport with the amending act which said that proof of title was no longer necessary and that land titles were to be confirmed in favor of actual settlers at the time the territory was ceded to the United States. Rules were also adopted with Hamilton dissenting on one rule. The regulations were published in both the English and Spanish languages in the *East Florida Herald* on page 2 on August 9, 1823 under the names of the three land commissioners. At the same time the *Herald* reported:

The Board of Commissioners after having settled the preliminary points have entered with earnestness upon their duties, and from present appearances, will prosecute them with vigour. Francis J. Fatio is the secretary and Lancaster an assistant. A question was decided the day before yesterday which caused some sensation, but this is no way to understand things aright. It was decided by the commissioners that all the papers necessary to make out a deraignment [proof] of title *must be recorded by the clerk*, for which he is allowed ten cents for every hundred words. Our present views accord with those of the Commissioners, but *it is a question* whether the claimants ought to be burdened with any of the expenses necessary to perfecting their titles. We see no equity in compelling them to be at expenses which they would be altogether exempted from under the Spanish government. We think the United States ought to [hold] them harmless.

On August 25, 1823, the *Herald* reported on page 4:

A more important board of commissioners has just been appointed, and is, we learn, prepared to commence business, we allude to the commissioners for the settling the title of various claimants to land in the Floridas. We consider this board the most important of the two because the first [referring to the board of commissioners for settling claims under the Florida treaty, for spoliations on American commerce], relates to mere individual benefits, while the latter will lay the foundation of great national advantages; the one is merely to ascertain the amount justly due to an individual, and pay that individual his money, and the transaction is at an end; the other by confirming grants and individual possessions [of land], will give a spur to emigration and encouragement to settlers, and afford to the newly acquired territory that industrious and enterprising population which alone constitutes its value. As the duties of these two boards of commissioners are distinct, so equally distinct should be their powers. The board for the spoliation must be restricted to its operations, and limited to the sum named in the treaty; but a more enlarged, liberal and prompt decision should be made on claims for lands by the board recently appointed. The sovereignty of the soil is vested in the United States, and the probability is that the commissioners will consider all the lands as the property of the United States until proved otherwise by prior legal grants. On the subjects of these several grants various opinions are indulged, and the commissioners have only the power to confirm an absolute title to a small tract, leaving an appeal to the government for a more extensive claim. It is, however, these extensive claims, such as the grant of Punan do Rostro, Vargas and Duke De Alagon and some others which should be passed upon without delay, because if the titles are recognized, advantageous settlements will immediately commence, where as by occupying much time with adjudicating titles to 2000 or 3000 acres more valuable and extensive grants will be neglected. There are some grants..., upon which no question rests, no doubts arise; these however, are all within 100,000 acres---On parts of these lands actual locations have been made, settlers sent out, possession had, roads have been cut, houses built and corn planted. The legality of these possessions so far from being questioned, will be gladly confirmed by the United States; for it is an important step and example to enterprise for others and must have a tendency to increase the value of such lands as will be reserved to the government.

To render Florida valuable to this country, liberal measures must be adopted to induce citizens to emigrate and settle in that fine territory, and most liberal construction must be given to grants and claims for land. It is the sovereignty of the soil itself which is of importance to the United States. If Cuba passes into other hands, and the powers of the Spanish Main, the West India islands and on the borders of the Gulf of Mexico, shall become troublesome and dangerous to the country, we must look to Florida for the physical resources as may be required for a general defense and protection; and it is, of all other possessions of the United States, the most important to have hardy and enterprising settlers upon it sufficiently numerous to cultivate and to defend it.

N. Y. Nat. Adv.

Apparently, this newspaper article came from an article written and published first in New York, and then inserted in the *Herald*.

Another rule was adopted on November 28th, 1823. On December 9th, 1823 rules of evidence were adopted. Mr. Hamilton dissented on a rule that put restraints on the commissioners in their examination of witnesses. The Board adjourned on February 9th, 1824.

Permanent commissions were issued by Pres. Monroe on December 9th, 1823, to Floyd and Blair, and then to Hamilton on December 17th, 1823. In the meantime Floyd returned to Indiana to bring his family to St. Augustine. They arrived in the Florida Territory together around the first of November 1823. It appears from the proceedings of the Land Commission recorded in the *American State Papers* that Floyd was absent from meetings of the Land Commission from August 14th, 1823, when he was present for a meeting, and November 6th, 1823 when he was present again having missed all of the meetings in between. That meant that it took Floyd approximately two and one-half months to return to Indiana, resolve issues there, and bring his family to St. Augustine. The November 15th, 1823 issue of the *South Carolina City Gazette* said its

correspondent in St. Augustine had reported on November 5th, 1813 that "Mr. Floyd arrived from Indiana with his family on the 2nd." It would be interesting to know how Mrs. Floyd endured this trip and what her attitude was in moving to the Florida Territory. It was probably a repeat of her experiences moving from Virginia to Kentucky in the late 1700's and then to the Indiana Territory in the early 1800's.

On August 25th, 1823 William Reynolds and Antonio Alvarez, official keepers of the public documents known as the Spanish Documents or Archives, wrote a letter to Secretary of State Adams, stating that they did not have the authority to give the original public documents to the Land Commission and did not see why copies would not suffice since Hamilton had requested and received copies on prior occasions. Apparently, the Land Commission had received the documents because the letter of Reynolds and Alvarez mentioned that Blair had voted to return them and Hamilton had voted to keep them, and that Floyd was absent. He had returned to Indiana to get his family by that time. On September 4th, 1823 Daniel Brent with the Department of State in Washington, D. C. complied with Floyd and Hamilton's letter and directed Reynolds and Alvarez to deliver the public documents to the land commissioners. Another letter dated only September 1823 was sent by Reynolds to Edgar Macon, Hamilton's replacement as the U. S. Attorney for the Eastern District of Florida. Reynolds reported to Macon that he did not agree with Hamilton's opinion that the documents should be kept by the Land Commission and asked for legal guidance on this issue. In a letter dated April 26th, 1822 from James Buchanan to Pres. Monroe, Buchanan said that "Reynolds has studied the law & is well acquainted with the Spanish language, having resided some years in Spain;" that "he was also one of the Secretaries of the commissioners who examined & separated the archives & documents taken from the late governor & notary public of St Augustine;" and that "Mr. Reynolds would be desirous of being appointed one of the Commissioners under the Bill for ascertaining claims &

titles to land within the territory of Florida should it become law.” Reynolds seemed to possess high qualifications for the job he had. Reynolds then sent to Pres. Monroe on September 30th, 1823 a copy of his letter to Macon and a copy of Macon’s letter back to him dated September 29th, 1823. The latter letter said:

At the request of the keeper of publick Archieves of East Florida, I have examined his office and feel no hesitation in saying that a surrender of the papers in his possession will be attended with much inconvenience and detriment to the inhabitants and persons holding or claiming property in this territory. Those accustomed to American office, can form no conception of the manner in which Spanish offices are kept; their proceedings and records are huddled together without any regard to order or system, for a bill of sale, mortgage and power of Attorney, though totally unconnected, are sometimes recorded upon the same sheet of paper; and at the end of the year all papers relating to that year, no matter what nature, are bound up into a volume, though it has not unfrequently happened that in many instances the publick documents have not received the attention.

Should the keeper of the publick Archieves place them in the hands of any person, I cannot conceive how many suits can progress, especially where they relate to personal property, or where powers of Attorney are called in question; in as much as the person into whose hands they may have come, cannot give certified copies of them, and that such copies if given, would not be received as evidence in a court. Every person who will take the trouble to inspect the archives of East Florida, must say that a separation of the papers connected with personal property, without a destruction of all written evidence of right of property in East Florida is totally impracticable.

As an individual, it is but justice to Mr Reynolds, that I should state, that his office has at all times been open to the land commissioners and their secretary, and that he has afforded them every assistance.

Carter, *The Territorial Papers of the United States*, Vol. XXII, The Territory of Florida, 1821-1824, p. 757.

Another letter from Reynolds to Secretary of State Adams, dated September 30th, 1823 reported that:

...by the third section of the Act of the Legislative Council of the Territory for Florida passed on the 31st of August 1822 entitled "Act for the appointment of keepers of the Public Archives," by virtue of which I received my commission, and which "Act" has been approved by Congress, I conceive I can not consistently with my duty and Oath of Office, part with the possession of any original Document which was delivered to me at the time I took possession of the Office. The words of the Law are "That it shall not be lawful for the said keepers of the Public Archives to suffer any Original Document to be taken from their Offices, unless otherwise required by law, nor to alter or destroy the same"---This opinion is however submitted with great deference---believing as I do that it is not the wish of the majority of the Commissioners [Floyd and Blair] to take possession of papers when it is so self evident that great injury must result therefrom to the inhabitants of this province, and their having had free & uncontrold access to the Originals, which access I felt myself bound give them, & which is still continued to them---

I would therefore respectfully suggest (as I am a young (public) officer and extremely desirous to acquit my self to the entire satisfaction of Government) should there remain any doubt after having heard the opinion of Judge Blair and Mr. Macon that the opinion of Judge Floyd (the absent Commissioner) should be given on his return after he has examined the nature of the Documents in my Office & the manner in which they have been kept.

Carter, *The Territorial Papers of the United States*, Vol. XXII, The Territory of Florida 1821-1824, pp. 758-759.

Trouble started brewing between Hamilton and the other two commissioners, Floyd and Blair, upon Floyd's return from Indiana in early November 1823. Since Floyd was from Indiana and Blair was from Kentucky and they had both been judges in their respective, adjacent states, they probably knew each other before their respective appointments. On December 29th, 1823 Floyd and Blair sent a report to William H. Crawford, U. S. Secretary of Treasury. The report explained the difficulties that the land commissioners were having in processing claims. They had personnel problems and had to move their offices two times. Added to these difficulties was the "divergence of opinion between Hamilton and the other commissioners as to procedure" so "that Hamilton refused to participate in the sessions and bombarded President Monroe, Secretary of

Treasury Crawford, Secretary of State Adams, and the chairman of the house committee on public lands with serious charges against his colleagues and those in charge of the Public Archives.”

Another part of the problem was that Hamilton was on the ground before Floyd and Blair arrived. He published in newspapers the procedure for filing claims on his own. He appointed a secretary for the Commission on June 7, 1823, who was replaced by Floyd and Blair when the full Commission met on August 4th, 1823. The majority also ordered all papers to be returned to claimants “to be presented in proper order.”

The amended act did not define the meaning of “actual settlers.” Floyd and Blair adopted their own definition. The term included people who were actually settled in Florida at the time flags were exchanged but not necessarily on the land they were claiming. Hamilton objected to this definition and in the following year Congress changed the term to mean those people who were in the cultivation or occupation of the land at the time of cession.

On January 6th, 1824 Hamilton sent a nasty letter to Pres. Monroe. Apparently, Hamilton’s “Integrity, Ability and Diligence” were being questioned in Congress and his confirmation for a permanent appointment was being delayed. He said that he had not answered the criticism of his opponents but was relying on public opinion to save him. He then asked the President that his name not be withdrawn from permanent appointment. Floyd must have changed his mind about the transfer of the public documents from Reynolds and Alvarez to the land commissioners after his return from Indiana. Blair probably spoke with Floyd on this issue and Floyd sided with him on it. Hamilton complained to the President on this issue again and said that only copies of those records which he had subpoenaed had been furnished. A tongue-in-cheek post script to the letter said:

A Mr. [John W.] Symington is now in Washington a large Claimant, who ought form his interest be hostile to my course will I have no doubt afford you a satisfactory and faithful explanation---I have not the merit of being a violent presbyterian puritan, nor an eternal psalm singing Methodist

Carter, *The Territorial Papers of the United States*, Vol. XXII, The Territory of Florida, 1821-1824, pp. 824-825.

It is unclear at this point whether the records were in the possession of Reynolds and Alvarez or the Land Commission. The best evidence was that only the copies of the public documents subpoenaed by Hamilton were. There is no doubt that Hamilton was referring to Blair as the "violent presbyterian puritan" and Floyd as the "eternal psalm singing Methodist." Maybe Floyd was following the admonition in Ephesians 5:19 KJV which said: "[B]e not drunk with wine, wherein is excess; but be filled with the Spirit; speaking to yourselves in psalms and hymns and spiritual songs, singing and making melody in your heart to the Lord." Hamilton probably liked wine better than Floyd's singing which obviously the latter did not keep to himself.

On January 8th, 1824 Floyd sent a note to Hamilton which read as follows:

In as much as the commissioners will be able to make final decision of but few Claims and as much time will be necessary to investigate and report Sundry rules, regulations and Customs prevalent in the province relative to granting lands, and as the time when we must make report to Congress will shortly elapse, I would propose for consideration, whether it would not be proper to take all the claims now in a State of readiness into consideration have them recorded and finally decided; and whether we would be able to devote more of our time & our Secretary to the investigation of new cases or whether probably the whole time may not be necessary to the preparation of those before us ___ Yours &c ___

Carter, *The Territorial Papers of the United States*, Vol. XXII, The Territory of Florida, 1821-1824, p. 830.

Hamilton replied to Floyd's letter the same day. In Hamilton's letter he set forth his views on how the Land Commission should be operated. His views included a list of nine "preliminary principles" and ten "regulations." He then said that had such principles and regulations been in force, delays and confusion about claims would have been avoided. Next, he listed the operating procedures adopted by the majority of the Land Commission to which he has "uniformly opposed and in [his] estimation they ought to be reported to Congress." The Spanish had filed charges against Hamilton; members of Congress were questioning his integrity, ability, and diligence; he, Floyd, and Blair, were at odds on where the public documents should be kept; Reynolds and Macon had told Pres. Monroe that the public records should remain with Reynolds and Alvarez; and now Hamilton was telling the other two members how the Land Commission should be organized and operated.

On March 16th, 1824 Reynolds and Alvarez wrote Secretary Adams:

...we considered it our duty to examine and read every Document seperately in order to enable us to make that selection which the Government required and which the inhabitants expected of us. This duty we have performed in a faithful and attentive manner and have selected from 64.299---Documents 423. many of which have already proven to be important to the Board of Land Commissioners and many others are equally so to private individuals....

Carter, *The Territorial Papers of the United States*, Vol. XXII, The Territory of Florida, 1821-1824, p. 903

On April 5th, 1824 a William H. Allen wrote a letter to the U. S. Secretary of War, John C. Calhoun, soliciting his support for an appointment as a Land Commissioner in the Eastern District of Florida. He had heard that Hamilton had resigned.

On May 25th, 1824 Hamilton met with Pres. Monroe and gave him a list of grievances against Blair and Floyd. He described their conduct on the Land

Commission as "one constant tissue of miserable evasion." Next, he listed seventeen grievances against them which he said caused him to "withdraw his confidence" in them. In one of the grievances he accused Floyd of having a conflict of interest by representing parties before the Land Commission. In another grievance he accused Blair of changing the postmark on a letter to the U. S. Secretary of Treasury.

Hamilton's grievances were immediately assigned by Pres. Monroe to the Congressional Committee of Public Lands. After their prompt consideration of the issue, they concluded on May 26th, 1824, the day after Hamilton had presented his grievances to the president "That the Boards of Commissioners in Florida have been constituted in the mode usually adopted by the Government in similar cases where the Claims of Individuals were to be examined.---" The Committee found that the existing laws were sufficient and that no change in the membership of the Land Commission was needed or that any new legislative provisions were necessary. Maybe, the Congressional Committee assumed that George Murray was going to replace Hamilton, and it was not their recommendation to retain Hamilton. Their resolutions did suggest that Pres. Monroe offer such instructions to the Land Commissioners and to take such measures to protect the public documents as he deemed necessary. Apparently, he never took any such action.

It appears that Pres. Monroe was not enamored with Hamilton and his grievances because two days later on May 27th, 1824, he not only nominated George Murray to replace him, but also executed a commission appointing him as Hamilton's replacement. Perhaps the mix of land commissioners was not suitable. Hamilton was the son of the Alexander Hamilton whom Burr shot, some say murdered, in their famous duel. It was no secret that Floyd had been a good friend of Burr's in Indiana, Kentucky, and Mississippi. He had supported Burr in his efforts to organize an army to descend the Ohio and Mississippi

Rivers to do whatever they had in mind, which is not very clear, even today. It probably started out as one thing and ended up as another thing. It also appears there was some hostility by Hamilton against the other two men because of their religious convictions. And Floyd and Blair may have worn their convictions on their sleeves.

But Hamilton would not let go of the issue. He may have thought that his meeting with Pres. Monroe would save him his job but it had done just the opposite. He had been replaced. In a letter dated June 4th, 1824 to the U. S. Secretary of State Hamilton cited the Congressional resolutions concerning the protection of the public documents. He argued again that these documents needed securing and he named two men as candidates to do this. Hamilton's suggestions were probably impractical. Both Floyd and Blair had administered multiple and complicated court dockets in their respective states. They were probably men who could juggle a hundred balls in the air at one time while Hamilton was hung up on minute technicalities that would never get the land disputes resolved. At least that is what the Congressional Committee was trying to diplomatically tell him.

Floyd wrote a letter to U. S. Secretary of Treasury Crawford, on August 3rd, 1824. That letter read:

Dear Sir I am under the painful necessity of announcing to you the death of the Honorable William W. Blair one of the land commissioners of East Florida---he departed this life on the 29th, ultimo [meaning the preceding month, to-wit, July, 1824].

And I regret to say that from the continued illness of Judge Blair we have not been able to make that progress in the duties of the Commission as I fear the Government will expect--from the commencement of the Commission we have had little or no assistance from Colonel Hamilton, and his successor as yet, has not been here; should he come on very shortly, or a successor be appointed to fill Judge Blairs vacancy, I yet flatter myself that we will be able to

adjudicate on and report all the cases which can possibly be prepared by our Secretary in the time allotted to us---And I am sorry that the immense duty of translating voluminous documents, recording them, and after all copying them in the form of a report seems not to have been properly considered by the framers of the Law---We are by the late Law authorized to act on Office abstracts; this is not so great a facility as it may have been considered---the best translators inform us, that there is little difference in making copies, and correct abstracts---We should feel grateful for any instructions which either of the departments of Government might conceive useful to correct decisions of the duties of the Commission and to this end I would call your attention to a former communication signed jointly by Judge Blair and myself.

I am Respectfully Your Obedient Servant---

Carter, *The Territorial Papers of the United States*, Vol. XXIII, Territory of Florida, 1824-1828, p. 33-34.

Floyd in his August 3rd, 1824 letter, cited above, reported that the Land Commission had practically no assistance from Hamilton from the commencement of its work. A footnote to a copy of Hamilton's permanent commission noted that his new commission "has never been found." The same footnote indicated Floyd and Blair's new commissions were issued on December 9th, 1823. As previously noted his successor, George Murray, was appointed on May 27th, 1824, indicating that Hamilton was gone by that time whether he knew it or not. Without any help from Hamilton and with Judge Blair being sick, Floyd was stuck with no one to really help him get the work of the Land Commission done.

On August 24th, 1824 Floyd sent a letter to Secretary Adams stating that he had just read Hamilton's letter dated May 18th, 1824 and wanted to respond to some issues in that letter. He explained why he had joined in the letter from him and Hamilton to the Secretary concerning the transfer of the public documents to the Commission. He explained he changed his mind on this issue on his return from Indiana with his family and sided thereon with Blair. He said that he and Blair had imposed on the services of the local U. S. Attorney, Macon, "in

examining titles, comparing, and investigating the facts" on suspicious land grants and did not need the masses of documents in the Public Archives. Hamilton had also complained about a so-called fraudulent land grant. Floyd told the Secretary that the Commission had been waiting since last winter for Hamilton to furnish evidence of fraud thereon.

William H. Allen was appointed to replace Blair on the Land Commission on August 12, 1824 and on Oct. 5th, 1824 he sent a letter to the Secretary of State which read in part:

Judge Floyd it is true is not possessed of any extraordinary Superiority of intellect altho' I have no doubt he has a very good judgment and the very best of intentions. And any mistake into which he may have fallen I should be inclined to attribute altho only by surmise to his more highy-gifted associate Judge Blair but permit me to add that both Judge Blair and Mr. Floyd have the popular opinion of this territory in their favor it being the universal opinion that they are men of the greatest honor & integrity. The Government too are exceedingly fortunate in the district attorney for East Florida. He is an invaluable officer faithful & indefatigable in his duty to the United States and examines rigidly & industriously into the justice and legality of every claim that is presented to the commissioners.

Carter, *The Territorial Papers of the United States*, Vol. XXIII, The Territory of Florida, 1824-1828 pp 81-82.

Whether Allen's description of Floyd was based on personal observations and knowledge or what he heard from others is unknown. However, it fits other descriptions of Floyd. Maybe Hamilton's intellectualism thwarted his ability to work with the other commissioners. Incidentally, in the October 23rd, 1824 issue of the *Florida Herald and Southern Democrat*, Floyd's name was mentioned as a candidate for alderman in the Hospital Ward in the City of St. Augustine. It is likely that he lived in a district which included the hospital.

By a Congressional Act approved on March 3rd, 1825 the work of the Board of Land Commissioners of Eastern Florida was extended until the first Monday in

January, 1826. Allen's permanent commission was issued on March 10, 1825. William Reynolds was appointed the permanent Keeper of the Archives in East Florida on March 7th, 1825 by Adams, the new President of the United States. On June 26th, 1825 the Secretary of State's office directed Edward R. Gibson and William H. Simmons to deliver the public documents or archives to Reynolds. On July 1st, 1826, Charles Downing was appointed the Register of the Land Office for the Eastern District of Florida and at the same time Allen was appointed the receiver of this land office. On February 26th, 1827 one George Graham sent a letter to Downing and Allen authorizing them to receive from the secretary of the late Land Commission "all records, evidence, and titles to land" in the possession of the Commission. This completed the transition of the work of land disputes from the Land Commission to the Land Office. This latter office operated in a similar fashion to the Land Office headed by John Badollet in Vincennes in the Indiana Territory beginning in 1804.

In the meantime a Floyd directed a letter to the U. S. Secretary of Treasury on March 6th, 1826. He identified himself as a "Member of the late board of land Commissioners of East Florida" and defended the delays in hearing claims caused by, first, the allowance of counsel for the litigants to argue their cases before the Commission which admittedly consumed a lot of time; second, the employment of translators who did everything possible with limited resources to discover fraudulent Spanish grants; and, third, doubtful claims which were being held back by the litigants with the hopes of a more sympathetic, future Commission. He asked the Secretary to compare the progress of the work of other land commissions with the East Florida Land Commission. In a post-script he denied his employment as counsel in cases pending before the commission. According to the first formal report of the Land Commission issued to Congress on January 1st, 1825 the Land Commission had confirmed 145 claims, had 26 claims recommended for confirmation, had ascertained that 40 claims were invalid, had 18 claims recommended for confirmation but not reported and 80

claims held under advisement, for a total of 309 claims acted upon. Then in a letter to the Secretary of Treasury on January 31st, 1826 it was reported that the Land Commission had confirmed 326 claims, had rejected 61 claims, had referred 88 claims to Congress, and had 528 undetermined claims of which 233 were being held under advisement pending further proof.

The *WPA History of Florida* recited the following concerning the Board of the East Florida Land Commission:

On March 28 [1825] the Board for East Florida met with Davis Floyd, George Murray, and William H. Allen, commissioners.... Sessions were held in Jacksonville on May 16 and several time thereafter for the convenience of claimants. It adjourned sine die on December 30, 1825. Its reports of January 1 and 31, 1826, showed more than 500 claims yet undetermined. The Board was criticized in the press, being charged with allowing counsel to appear for claimants and for itself with the object of killing time and prolonging its life. Floyd made a spirited defense to the Secretary of Treasury and related the difficulties under which the commissioners had labored. He claimed that doubtful claims had been held back by their owners and criticism against the Board made in hope that “the business might fall into more favorable hands.”

There is no doubt that the commissioners of East Florida had a far greater task than did those for West Florida. The number of claims in East Florida were greater, the claims more complicated and it may have been that the commissioners were less systematic in handling them.... The remaining claims were disposed of by the Register and Receivers of the Land Office for East Florida.

WPA History of Florida, p. pxlx.

It is interesting to note in light of Floyd’s denial that he never represented litigants before the Land Commission, that on October 26th, 1825 Floyd presented to the Commission, Allen and Murray both being present, a memorial asking for the confirmation of title to 1,000 acres of land situated between the North River and Guana Creek owned by him. On October 27th, 1825, with just Floyd and Allen present, three witnesses were examined by the land

commissioners concerning Floyd's 1,000 acres. And on December 19th, 1825 with all three commissioners present, Floyd's claim was confirmed by the Land Commission. This occurred just before the Christmas break and the decommissioning of the Land Commission.

Any one interested in the cases decided by the East Florida Land Commission from the time of its appointment in 1823 and its decommissioning in early 1826 can find the cases and the minutes of the meetings of the Commission at pages 725 to 895 in Volume 3, 1815-1824 of the *American State Papers* and at pages 255-426, 561-748, and 758-761 in Volume 4, 1823-1827.

Tallahassee, Florida Territory

Unfortunately, the Florida Territorial records are lost and there are few records of Floyd's service in the Territory subsequent to his service on the Land Commission. In 1826 a new capitol building made of brick and mortar was constructed in Tallahassee. Since Floyd eventually became Gov. DuVal's Territorial Treasurer, he may have assisted in the building of the new capitol especially since he had participated in the building of the Indiana Territory's new capitol building in Corydon in 1813-14 and later in the building of his first home, later occupied by Gov. Hendrix, and the State Treasury Building, all three of which still stand today in Corydon, Indiana and are habitable. Unfortunately, the Florida structure was demolished in 1839 but a French artist painted a tranquil scene of it in 1838. The mural in Tallahassee's capitol building today shows the two story pitched roof building with front porches on both levels and with Gov. Duval, another Monroe appointee, looking out of one of these windows. If one looks closely one can imagine Floyd looking out of another one of these windows. It is probable Floyd occupied an office in this building from 1826 until his departure from that office. The original log cabin building can be seen on the extreme left side of the mural. In the background southern oaks draped with Spanish moss can be observed. The scene in this mural includes a

likeness of Gen. Jackson in his military uniform holding an American flag, and a young female slave wearing a scarf on her head and with her right hand over her heart.

Floyd's Subsequent Activities in the Florida Territory

Several records give clues to Floyd's activities in the Florida Territory during and after 1825. On February 16th, 1825 he wrote a letter to the U. S. Quartermaster General, Gen. Thomas S. Jessup, stating that he and another "general" were desirous of establishing a mercantile store in Tallahassee and wanted to rent public buildings at Fort St. Marks (located on the Gulf of Mexico due south of Tallahassee). On March 8th, 1825 the *Florida Herald and Southern Democrat* reported that at "a meeting of the East Florida Bible Society, held Thursday evening,...the following officers were elected for the ensuing year to wit:...Davis Floyd Esq. 1st V. President. On March 17th, 1825 the Quartermaster General wrote a letter to the Assistant Quartermaster at Pensacola, Capt. Daniel E. Burch, advising "you are authorized to permit Mr. Floyd to occupy temporarily one of them, on such terms as you may think most conducive to the public interest." Whether Floyd and his General friend opened such an establishment is unknown. Floyd had operated a mercantile store in Corydon for a few years before the Panic of 1819. He certainly knew the pitfalls. On July 1, 1826 Floyd and one Francis J. Ross entered into a contract with Capt. Birch, Asst. Quarter Master of the Army, to build a road to run from "the ferry on Black Creek in Florida, on the nearest and best route by 'Gravelly Hill' to the 'King's Road' in Florida, to intersect it at or near 'Six Mile Creek Bridge'...." They were to receive \$1,920.00 for the job and it was to be completed by December 31, 1826. The contract provided that

The route for the Road is to be opened and constructed in straight reached twenty feet wide throughout; the trees to be cut so low as that the stumps shall not present any obstruction to Carriages passing

over them; all timber, brushwood, and other impediments, to be cleared out and removed therefrom; and holes in the ground to be filled up and leveled. All marshy, miry, swampy ground, of a boggy nature is to be causewayed with logs or poles cut fifteen feet in length, to be secured at the sides with riders from firmly staked down, and to be covered with dirt to a sufficient depth to render them a smooth Road, dug either from ditches alongside or carried on to them. The low Savannah ground of a miry nature is to be ditched and thrown up so as to make a firm good road. All branches, Streams, Creeks, or lagoons that are swimming at any time whatever for horses, or such as have boggy bottoms and banks, are to be bridged with good substantial bridges, built of durable and lasting timber, the flooring to be either of plank or sawed puncheons, and built so high and to be out of the reach of being swept off by freshets. Such small branches or streams as have firm, sandy bottoms and banks, that are never full to swimming for horses, may be left as fords, the banks to be properly dug down. In the causeways, or in places where the ground is ditched and thrown up, requiring a passage to be left for the drain of the water, either open ground sewers or hollow sewers, are to be constructed of logs or poles of suitable size.

Carter, *The Territorial Papers of the United States*, Vol. XXIII, The Territory of Florida, 1824-1828, pp. 595-596.

On July 15th, 1826 the Post Office Department sent a letter to Squire Streeter Esq. in St. Augustine stating that it had been decided to leave the mail contract in the hands of a Mr. Cook provided he employed a "faithful energetic carrier, of tried integrity---and amply Secures the Mail against the weather---If he fails in either of these respects, I shall feel it my duty to employ Mr. D. Floyd the person you recommend." On July 18th, 1826 the *Florida Herald and Southern Democrat* reported that Floyd was elected mayor of the City of St. Augustine, "Pro Tem during the absence of the Mayor." On July 19th, 1826 Davis Floyd was one of the signatories to a petition to the U. S. Secretary of War, James Barbour at that time, asking that a company of United States troops be returned to St. Augustine because of local Indian hostilities. The petition also suggested that two full companies of troops were needed to secure the region. A dispute ensued in 1827 between the Postmaster General's office and Floyd over whether Floyd or Cook had actually carried the mail. Floyd was claiming he had carried the mail for a short time and was entitled to payment. Streeter had probably

asked Floyd to carry the mail for Cook when Cook failed in his duties. The Postmaster General's office eventually told Streeter to determine if Floyd was owed money and to pay him. The outcome of this situation is unknown. On February 1st, 1830 Floyd along with one hundred and eighteen residents of Leon County signed a memorial opposing an injunction issued by a federal court in the Florida Territory forbidding saw mills in the county from cutting pine timber growing on public lands. This action suspended the operations of the saw mills. The memorial was sent to Pres. Jackson and urged him to apply his "liberal and enlightened policy" in resolving this issue.

Floyd practiced law in both St. Augustine and Tallahassee. While practicing law and working in the City of Tallahassee, he probably lived in Magnolia, south of the city. On September 21st, 1830 Robert Butler, Surveyor General of the Florida Territory, sent a letter to John Moore, Acting Commissioner of the General Land Office in Washington City, stating that he had been instructed by the owners of the Island of Key West to survey the island and that he had received a letter from Davis Floyd stating that his clients had a mortgage on part of the island. Floyd's letter to Butler dated September 7th, 1830 is still in existence in the Florida Bureau of Survey & Mapping, Division of State Lands in Tallahassee. Floyd pointed out that the mortgage was recorded both in St. Augustine and in the County Court in Key West. On November 16th, 1830 Floyd signed a recommendation along with thirty other members of the Bar practicing in the Middle District of Florida, that Alexander Adair be appointed the U. S. Marshal of that district. In 1831 Floyd signed a petition favoring the reappointment of Gov. Duval as the Territorial Governor. One hundred and four other persons signed this petition including a John Floyd and an Andrew S. Floyd.

On February 22nd, 1831 Floyd was commissioned as a deputy surveyor of the Florida Territory. An oath of office was signed by Floyd and was sworn and

subscribed to by Butler. Articles of Agreement were entered into on that day between Butler and Floyd for the performance of certain surveying work. The agreement provided that Floyd was to be paid \$4.00 for every mile actually surveyed and marked. A diagram showing Floyd's district of work was attached to the agreement. Floyd commenced working on the project. On March 3rd, 1831 Butler sent a letter to Elijah Hayward, the Commissioner of the General Land Office, stating that Floyd was entitled to be paid \$2,000.00 for running part of a survey line on a tract of land west of the Appalachian River. At \$4.00 a mile that would be 500 miles of marking corners and lines. That seems like a lot of work. On March 20th, 1831 Floyd sent a letter to Butler stating that after he started his work on "Range 18, Townships 4 and 5" he discovered that they had been surveyed already, although poorly marked. He reported to Butler that he went ahead and finished the work doing it correctly. In a letter dated April 6th, 1831 from Butler to Floyd, Butler admitted that the diagram accompanying the agreement showed that range and those two townships as part of Floyd's work. He went on to admonish Floyd that he should have recognized the marked corners and survey lines of that range and those townships when he started the work and should have known it had already been surveyed. Defending himself in another letter dated April 29th, 1821 to Butler, Floyd explained in detail how the diagram accompanying the agreement had misled him especially when he could not find the marked corners and the survey lines where they should have been. What happened thereafter is unknown.

Magnolia, Florida Territory

In a monograph entitled *The Cemeteries of Leon County, Florida*, there is a section on "Magnolia Cemetery, Wakulla County, Fla." which states:

This historic cemetery lies almost buried from view under a blanket of pinestraw in a thicket of beach myrtle, holly, pine and yaupon off the Plank Road about a mile and a half North of the town of Newport,

Wakulla County, Township 3 S, Range 1 E, town of Magnolia, founded in 1827 on a bend of the St. Marks River by two enterprising families from Maine who envisioned a lively trade between the fast-growing Florida Territory and the Eastern Seaboard of the United States. Shallow-draft vessels brought supplies up the St. Marks and carried away cotton produced on the plantations of Tallahassee's red hills, 40 miles inland. The town boasted a bank, which made its own currency; a newspaper, the Magnolia Advertiser; and a hotel, advertized as "the finest on the Gulf."

Prosperity dwindled, however, with the coming of the railroad. In 1837, a line was completed from Tallahassee, not to Magnolia, but to a rival port, St. Marks, nearing the Gulf. Today [1978], the languid waters of the St. Marks River slosh at the rotted pilings, and the last evidence of this thriving town, its cemetery, is disappearing under the depredation of time and vandalism. The land is now owned by a large paper company.

The cemetery was divided into family plots, each enclosed by an ornamental iron fence, evidences of which remain. A number of graves have been desecrated, their stones lost. Other markers are mutilated, so shattered that the inscriptions can no longer be read.

Paisley, Joy Smith, *The Cemeteries of Leon County, Florida*, Colonial Dames, XVII Century, Dominic Everardus Bogardus Chapter, Tallahassee, Florida, 1979, p. 75.

Two maps of Magnolia, one showing the town's lots and the other showing the surrounding area, are stored and available in the State Library and Archives of Florida in Tallahassee.

More Floyd Activities in the Florida Territory

Volume 16 of the American Journal of Education published in 1866 reported in a section entitled "Educational Conventions and Associations--Florida:"

No educational society has existed in the State of Florida for many years. In 1830, public attention was aroused to some extent to the importance of public education, and the "Florida Education Society" was organized at Tallahassee, Jan. 23, 1831, for collecting and diffusing information, and for the establishment of such a general system of instruction as was suited to the wants and condition of the

Territory. The officers elected were:--Davis Floyd, *President*. M. E. Levy, Dr. E. Aiken, and B. E. Wright, *Vice-Presidents*. D Davidson and E. B. Perkins, *Secretaries*. J. F. Field, T. R. Burton, J. P. Duval, W. Williams, and P. D. Hays, *Directors*. An auxiliary chapter was also formed at St. Augustine.

The result speedily proved that the task undertaken by these Societies was beyond their strength. The most active and influential member became soonest discouraged, and in the next year there were but five members in the ranks of the State Society. These agreed, if it could be done at an expense within their means, to purchase a small tract of land and form a small Manual Labor School near Tallahassee. The success of their project may be readily conjectured.

Barnard, Henry, LL.D., *The American Journal of Education*, Vol. VXI, New Series: Vol. VI, Hartford, Published by Henry Bernard, New York: P. C. Brownwell, Philadelphia: J. B. Lippincott & Co., Boston: E. P. Dutton, London: Trubner & Co., 64 Paternoster Row, 1866, p. 381.

On September 26th, 1831 Floyd signed a recommendation that James A. Dunlap be appointed the U. S. District Attorney for the Middle District of Florida. The recommendation was signed by seven other members of the bar.

Prince Achille Murat

John Dahmen, the murderer of Frederick Nolte, claimed in the biography about him written by his lawyer, Reuben Kidder, that he served under General Joachim Murat on the Russian front and elsewhere and that as an enlisted man he and the General had a speaking relationship. No one supports the existence of this relationship except Dahmen. Floyd probably read Kidder's book and may have owned a copy since he had conducted Dahmen's trial.

General Murat was married to Napoleon Bonaparte's sister, Caroline, and Napoleon made him the King of Naples after his early military service. They had five children including Louise, Achille, Lucien, Letitia, and Vesuvius. At the end of the Battle of Waterloo in 1815 General Murat was shot and killed by a British firing squad. His son, Achille, went into impoverished exile but immigrated to the United States in 1823. In that year he was persuaded to move to St.

Augustine, East Florida Territory; in 1825 he moved to the primitive interior near Tallahassee; and in 1826 he got married. Those geographical locations would have put him in the same communities at the same time that Floyd was there. In A. J. Hanna's biography of the young prince entitled, *A Prince in Their Midst*, the author wrote regarding the upcoming nuptials and the prince's preparations for them:

In anticipation of this nonroyal event he cleared the forests for a plantation out of the tract at Wascissa where he and James Gadsden had been living and working in partnership. Slaves were set to work clearing away pines, oaks, and shrubs preparatory to the planting of cotton, a crop which he fondly expected would transform him, in the brief span of a decade, from poverty to his original position of wealth. He built a log house on a small hill and, near by, smaller cabins for slaves....

“Lipona,” anagram of Naples [Napoli] where his mother had used the title of countess, was the name bestowed upon this new plantation; as it was to produce riches, it might appropriately bear a designation of distinction. At the outset, Lipona did not offer the modest comforts even of Parthenope or a view to compete with the iridescent waters of Matanzas Inlet; instead the bleak landscape was enlivened only by razorback shoats disporting themselves in mudholes; and scrawny, underfed cows munching half-heartedly on wire grass.

Hanna, A. J., *A Prince in Their Midst—The Adventurous Life of Achille Murat on the American Frontier*, University of Oklahoma Press, Norman, Oklahoma, 1956, pp. 110-111.

Wascissa, today, is a small community in Jefferson County, Florida east of Tallahassee about four and one-half miles. Murat's 900 acre cotton plantation fifteen miles east of Tallahassee was named Lipona. Murat's first plantation was located in St. Augustine. It contained 2,800 acres and was named Parthenope in honor of an ancient Greek settlement in Italy which grew into Naples, and Matanzas Inlet was at St. Augustine.

Prior to marrying Catherine "Kate" Daingerfield Willis Gray, the great-grandniece of Pres. George Washington, in Tallahassee in 1826, author Hanna described Murat's log home at Lipona as follows:

Inside the log house at Lipona, Achille slept on a moss log. Not much more was available, or presumably wanted. If there lingered in his heart any yearning for the luxuries of royal palaces, he refused to acknowledge the impulse. Log-cabin life was "delightful," he declared. "I eat when I get hungry, no dressing for dinner; indeed, no dressing at all; but my man, William, would put out changes for me and take away what he thought I had worn long enough."

Experiences of the backwoods were a never ending source of amusement; they were endurable because all settlers, rich and poor, shared discomforts and privations alike and prided themselves on their full measure of pioneer spirit. The backwoods were no respecter of position as was shown in the life of William Pope DuVal, governor of the Territory. He fared little better than the average settler. Since Gadsden and DuVal were frequently in conference, this impressed Achille, who possessed the European's customary obeisance to officialdom.

Hanna, *A Prince in Their Midst—The Adventurous Life of Achille Murat on the American Frontier*, pp. 111-112.

Murat wrote letters to his friends in Europe. The following is a sampling of those letters as they relate to life in Tallahassee in the 1820's:

What would you say if you saw a man [Gadsden] wearing a tattered straw hat, deerskin trousers, blue stockings, shoes covered with mud, riding a raw-boned horse, arriving to consult another man [DuVal] dressed in much the same way?...

Only eighteen months before there had been nothing on the site but a forest. Today there are more than 100 houses, 300 inhabitants, and a newspaper [all in Tallahassee] Is that not magic?...

Everything [supplies and provisions from Charleston, South Carolina, Savannah, Georgia, and other distribution ports] fetches two or three times its value.... Everything is sold pell-mell in the same shop by the same person. The dealer, who in general is only the co-interested clerk of some great northern house, usually brings with

him his family, and also the graces and fashions of the great city from whence he comes; he dresses himself in a most incredible style, and forms a perfect contrast to the rest of the population....

[Gov. Duval was] the button on which all things are hung....

I met Kate the first time at a picnic.... [She] did not bring me a cent as a dowry. She had some property of her own, which, in accordance with the law of this country, is now mine. This property consists of ten Negroes, seven of whom are children who have to be fed and do not bring in any income; and an old house in Virginia which it has been impossible to rent for three years. Its only value is in its fire insurance of \$3,000 which I would collect were it to burn down; not a cent in cash....

My marriage, if I can judge by the first six months of it is extremely happy, much more than it would have been with any other woman....

I am living in the greatest poverty, depriving myself of everything and planting cotton, the price of which today barely covers expenses, patiently waiting until a change in price or increase in crops allow me to buy a sugar mill and a few more Negroes, and then I shall attain my goal, so I am not worried, but I shall have to live another four or five years penuriously, hidden in the backwoods. I am trying to build up an independent fortune on which my children may live and which will make it possible for me to take up a legislative career in the United State as soon as I am eligible. You have no idea of the privation I endure for this....

Few periods of my life [while Murat served in the Florida militia] have left me more agreeable recollections. I went out as...aide-de-camp, forming myself the whole staff of the army; I returned colonel of a regiment. I shall never forget one moonlight night fording the Withlacoochee lighted by our fires and still stronger but much more distant light of the woods which the [Seminole] Indians had kindled in order to cover a retreat....

[Murat wrote that his fellow militiamen] inured to all the fatigues and privations of the almost savage life of a first settlement. Mounted each upon his favorite horse, armed with his trusty carbine to which not seldom he and his family have been indebted for a dinner in time of need, these are the people who made a sport of exhaustion. To them a campaign is really a party of pleasure. They know the woods, can find their way by the sun and the bark of the trees, whether to track an enemy or a stag; their dogs assist them here, for each has his own dog with him. Everyone comes as he is from his daily labor with

some new extra covering spun and woven by his wife from cotton planted himself. A hat of twisted palm leaves protects his face, blackened by the smoke of the bivouac; an otter skin artfully folded and sewed contains his ammunition, the means of kindling a fire, and his little stock of tobacco. A sack behind his saddle carries provisions for himself and horse....

Hanna, *A Prince in Their Midst—The Adventurous Life of Achille Murat on the American Frontier*, p. 112, p. 113, p. 114, p. 119, p. 123, and p. 125-127.

Murat was eligible for admission to the bar of the courts in the Florida Territory after the expiration of five years and his naturalization as a citizen of the United States. He had spent the preceding year studying law and thought himself prepared to practice. Murat spoke about his fellow lawyers in Tallahassee:

With the exception of three or four lawyers (and we have twenty-eight of them in the superior court) all the rest are a bunch of stupid yokels” [who] “always cite authorities in favor of their adversary. You may be sure I do not miss a chance of ridiculing them, thanking them for their helpfulness....arraigning them, contradicting them, etc. Generally the jury is put in a good humor, the judge is kept awake, and, except when the facts are too obviously against me, I win my case....

Hanna, *A Prince in Their Midst—The Adventurous Life of Achille Murat on the American Frontier*, p. 154.

One can only speculate whether Floyd was one of the three or four non-stupid lawyers who were practicing with Murat in Tallahassee. Floyd had practiced law in Jeffersonville and Corydon from the early 1800's; he had served as prosecutor in several counties in the Indiana Territory; he had served as president judge of the Indiana Second Judicial Circuit for six years; he had conducted the murder trial of John Dahmen and numerous other civil and criminal trials; he had served as president judge of the East Florida Land Commission for almost three years; and he had practiced law in the Florida Territory. Chances are he was one of Murat's select few.

Murat died at the age of 47 years and his wife, Kate, at the age of 64 years. They are buried in St. John's Episcopal Cemetery just north of the Old City Cemetery in Tallahassee. The historic marker at the site says:

Prince and Princess Murat. Prince Achille Murat was the nephew of Napoleon Bonaparte and the son of General Jochaim Murat, King of Naples. He settled in Florida in 1825, and as an attorney, county judge, and director of Tallahassee's Union Bank, he played an active role in public life. Princess Catherine Willis Murat was the great grandniece of George Washington. Their plantations, "Lipona" and "Econchatte" were centers of social activity. Twin marble obelisks mark their graves in St. John's Episcopal Cemetery. The Murat seal is on the surrounding wall.

Murat, who was probably an atheist, wrote about religious revivals and the Bibles Societies in the Florida Territory, of which such a society Floyd was a practicing participant:

[Murat argued] enthusiasm seizes the minds of the people, particularly the women. They fast, they make collections for building or repairing the church, or for some other pious object. They distribute bibles, tracts, and religious periodicals, organize some religious society, appoint a lay committee to go from door to door to gather information as to the spiritual condition of families, and exhort them to go to church and avail themselves of the present moment, while the door of mercy is open to receive them into the communion of saints.

[Murat claimed that one of the consequences of] "revivals of faith" was "to place a handsome new bible in every house in the district, to displace a certain sum of money from the pockets of the citizens, in order to put it you may easily imagine where, to put a stop to enjoyment, break the violins and flutes, cause the dancing-master to emigrate, lengthen by a foot the faces of the inhabitants, and turn their complexions yellow. These effects, however, do not last long. The ladies soon discover that metamorphoses of this sort do not improve their chances of getting husbands; and when the young preachers so holy and so eloquent, who displayed such fine teeth and a frill well plaited, are gone away without making choice of any of the belles of the place, and are moreover replaced by a brigade of

topographical engineers, come to make the plan of a canal—men who wear smart uniforms, swear, drink mint juleps, do not go to church, but love to dance—gaiety returns, and, to ensure their being captivated, faith disappears, faces become round again, and the complexions of the fair recover the roses which belongs to them.

Hanna, *A Prince in Their Midst—The Adventurous Life of Achille Murat on the American Frontier*, pp. 134-135.

Alexander Hamilton, Jr. probably possessed a similar attitude about religious activities in the Florida Territory. Judges Floyd and Blair were from the opposition camp on this issue and so were a lot of other Territorial settlers. Freedom of religion and from religion was one of the attributes of living in a society where there was not a state religion. The disestablishment gave rise to men like Murat and Floyd expressing their views openly.

Floyd's Death and Confirmation

There are a number of legal notices in the *Floridian and Advocate* published in Tallahassee in 1832. These notices confirm Floyd died sometime in late 1831 while a resident of Magnolia or Tallahassee in Leon County. Actually, the January 5th, 1832 issue of the *Florida Herald* reported "Died--At Alachua, *Davis Floyd, Esq.* late Territorial Treasurer." Alachua is several miles northwest of modern Gainesville, Florida just off the east side of I-75. In all likelihood Floyd died of a heart attack or massive stroke. He was probably in Alachua on legal or government business. On January 10th, 1832 there was a notice of a co-executors' sale of some of Floyd's personal property including "Negroes." His wife Betsey was one of the co-executors of his will. On February 7th, 1832 the first notice of administration dated January 3rd, 1832 appeared containing the notice that there was a two year period in which to assert claims against Floyd's estate. On March 20th, 1832 there was a notice reporting that Betsey was asserting her "dower" interest in her deceased husband's estate. Apparently, she was not named as a beneficiary in his will for some reason; but her children

born in her marriage to Judge Davis were named as beneficiaries as will be seen hereafter. In modern parlance Betsey was taking against the will and claiming her statutory interest in her husband's estate, probably a one-third interest thereof as a second wife. On August 14th, 1832 a notice listed the beneficiaries of Floyd's will and Betsey was not among them. The notice was in connection with a mortgage foreclosure suit and the heirs were named. Two of them were Elizabeth Floyd Linn, who was probably born in Jeffersonville, Indiana Territory in 1803, and her husband, James S. Linn, who were married in 1828. He was the Clerk of the Courts in Leon County, Florida Territory. Next was Charles Floyd, who was probably born in Louisville in 1798 and who had been listed in the 1830 census of Tallahassee, and Gabriel Jones Floyd, who was born in Louisville in 1795 and who, much later in life was appointed custom officer in Apalachicola, Florida Territory in 1832, and then his widow's children, Thomas C. Davis and Milo R. Davis. Thomas C. (Cleon) Davis is probably buried in the 9th Street Cemetery in Logansport, Indiana. The military plaque at his gravesite says that he died in 1839 but there is no notation of his birth date on the plaque. The plaque also says he was a Captain in the 5th Indiana Militia in the Indian Wars. Milo R. Davis and Davis Floyd were in the dry goods business together in Corydon, Indiana before the Panic of 1819. Milo is also buried in the 9th Street Cemetery in Logansport, Indiana. His military plaque states that he was born in 1793 and died in 1834 and was a Colonel in the 5th Indiana Militia in the Indian Wars. Davis Floyd's son, Robert, must have been deceased by the time of his father's death although, as noted in Chapter 3, an affidavit made in Clark County in 1834 named Robert as a child of Davis Floyd. There are newspaper articles (*Easton Gazette*, Easton, Maryland, June 17, 1837 and March 1, 1845) about a Charles D. Floyd who married Nancy Garey in Talbot Co., Maryland in 1827 and a follow-up article where the widow of Charles D. Floyd, deceased and formerly of Tallahassee, Florida remarried in 1837. That would indicate that Charles D. Floyd died sometime between after his father's death in 1831 and 1837, when his widow remarried. The next legal notice regarding

Davis Floyd's estate was published on April 20th, 1833 and authorized the co-executors to sell certain real estate owned by Floyd's estate. Some genealogists report there was a Benjamin Floyd born to Davis and Susannah Floyd in 1807, probably in Jeffersonville. It is possible this son died early and the complications of his birth may have led to the death of his mother in 1808.

Another piece of evidence establishing Floyd's death is a letter from Elijah Hayward to Jonathan Hunt, a representative in Vermont. The letter referred to Floyd and Allen as the "late Commissioners on private land claims in East Florida." The following executive proceedings of the Florida Territory for the period from January 1st until July 1st, 1835 shows that Floyd's estate resolved any claims made against it by the Legislative Council of the Florida Territory:

The Auditor and Treasurer of the Territory of Florida in a settlement with the Executors of Davis Floyd late Treasurer of the Territory of Florida

In obedience of an Act of the Legislative Council Approved February 10th 1834 the undersigned Auditor and Treasurer, have; "Settled, adjusted and liquidated the accounts of Davis Floyd deceased late Treasurer of this Territory with his Executors on principles of Justice and Equity" and have received from them such amount as we found due to the Territory on such Settlement as Per Account herewith.

Given under my hand this first day of January 1835 with the seal of this Department

Thomas Brown Auditor

Charles Austin Treasurer

The Estate of Davis Floyd late Treasurer of the Territory in a/c with the Territory of Florida

Debit

December 1 To this Amount found due the Territory of Florida on settlement of account by the Auditor and Treasurer in obedience to

**an Act of the Legislative Council including the Interest thereon
704 90**

**Credit 1835 January 1 By this Amt paid by Jas. S. Linn
331 12 ½**

Benjamin G. Chairs

373 77 ½

\$704 90

**Agreeably to the above settlement; & in pursuance of the regulations
of an Act of the Legislative Council passed the 10th of February 1834
the bond of Davis Floyd therein referred to, is hereby declared to be
cancelled & thenceforth to be held & taken as void and of none effect**

Seal of the Territory of Florida

**John H Eaton Governor of the
Territory of Florida**

By the Governor G K Walker Sec of Florida

Carter, *The Territorial Papers of the United States*, Vol. XXV, The Territory of Florida, 1834-1839, pp. 154-155.

James S. Linn was Floyd's son-in-law, who may have been acting in his capacity as the Clerk of the Courts in Leon County, rather than as an heir of Floyd's estate. It is unknown who Benjamin G. Chairs was.

Floyd's Slaves

In the September 29th, 1838 issue of the *Floridian and Advocate* a notice was published advertising a Marshal's Sale of a "Mulatto Man, named Charles," property of Floyd's estate. Was this the servant who saved Floyd's life when he was crossing a swollen stream on horseback in the Judge's days of riding the judicial circuit in Southern Indiana? Whoever it was Floyd did own one of more slaves in the Florida Territory where slavery was not illegal like it was in Indiana.

Was that inconsistent with his attitude on the civil rights of black men and women in the Indiana Territory, the State of Indiana, and the Florida Territory? It probably wasn't in his mind. Alex Luken, a Floyd family researcher in Louisville, Kentucky, uncovered one other piece of information on Davis Floyd's family. It is reported in a court entry in Tallahassee:

Charles, a mulatto asks the court to recognize manumission. He argues that when his former owner, William Vernaught, sold him to Davis Floyd in 1823, buyer and seller agreed that Charles would be free after twelve years of service. The term of service is now expired. So to has Davis Floyd. Because the executors of Floyd's estate now dispute Charles's claim to freedom, Charles also asks the court to issue an injunction preventing the heirs from selling or moving him out of the [Florida] territory while he pursues his suit for freedom.

The proceedings may not have gone well for Charles because a legal notice in the *Floridian and Advocate* dated September 29, 1838 announced a "marshal's sale of Mulatto Man, named Charles, property of Davis Floyd's estate." If Floyd had been alive he would have insisted on the release of his indentured servant at the end of the twelve year term. Being "an eternal psalm singing Methodist," Floyd was mindful of Paul's warning in the New Testament Book of Ephesians: "And, ye masters, do the same things unto them [your slaves], knowing that your Master is also in heaven; neither is there respect of persons with him." Ephesians 6:9 KJV. This entry proves that Charles was purchased in Florida in 1823 and was not Floyd's servant in Indiana. It would be interesting to know whether that servant moved with the Floyd family to the Florida Territory.

It is reported in a footnote of *The Territorial Papers of the United States*, Vol. XXV for the Territory of Florida at page 154 that "With respect to the Territory of Florida, the original of its Journals of Executive Proceedings have disappeared (if they ever existed---there being no evidence of their receipt by the Federal

Government); and not one of them has been printed. But there is a copy of each of three of the journals present...covering the following periods: January 1, 1835--July 1, 1835..., August 28, 1835--January 30, 1836..., and January 10, 1840--June 23, 1840...." Therefore, a major part of any documentary evidence of Floyd's career in the Florida Territory is lost including details of his service as Territorial Treasurer and his other activities other than as reported herein.

Floyd's career in the Florida Territory was honorable, but not notable. He would have been at the age of 49 at the time of his removal to St. Augustine, and 57 years of age at the time of his death at Alachua. We do not know what diseases or injuries had ravaged his body over the years. Some people claim that his body was returned to the town of Clarksville, Indiana where he was buried on land he owned there. It is more likely that he and his wife, Betsey, are buried in an unmarked gravesite at either the Magnolia Cemetery in Wakulla County, Florida or the Old City Cemetery in Tallahassee.

Books and references relied upon other than those cited in this chapter:

- (1) Carter, Clarence Edwin, *The Territorial Papers of the United States*, Vol. XXIV, The Territory of Florida, 1828-1834.
- (2) Cole, Hubert, *The Betrayers—Joachim and Caroline Murat*, Saturday Review Press, New York, New York, 1972.

Images:

- (1) Vintage Postcard of Old City Gates at St. Augustine, Florida (The Oldest City in the United States).
- (2) Vintage Postcard of Castillo de San Marcos, Tower, and Hot Shot Furnace at St. Augustine (The Oldest City in the United States).
- (3) Vintage Postcard of Old St. George Street in St. Augustine, Florida (The Oldest City in the United States).

- (4) Vintage Postcard of the Old Market in St. Augustine, Florida (The Oldest City in the United States).
- (5) Vintage Postcard of the Oldest House in the United States in St. Augustine, Florida (The Oldest City in the United States).
- (6) Another Vintage Postcard of the Oldest House in America in St. Augustine, Florida
- (7) Vintage Postcard of Seminole Indian Family in Dug-Out Canoe on the Miami River.
- (8) Map of town lots in Magnolia, Florida Territory.
- (9) Map of Magnolia and the area around it.
- (10) Line drawing of a mounted militiaman in settler's clothing with dog.
- (11) Line drawing of Achille Murat at Ft. St. Marcos in St. Augustine.
- (12) Photographs of St. Augustine, Florida.
- (13) Photographs of Tallahassee, Florida.