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### Island Musings: A Selective Bibliography of Early Key West

Robin Schard

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# ISLAND MUSINGS: A SELECTIVE BIBLIOGRAPHY OF EARLY KEY WEST

Robin C. Schard\*

## ABSTRACT

*This bibliography identifies and describes 75 works that focus on Key West during its first 50 years (1821-71) as a U.S. possession. General, legal, and popular culture materials are included.*

## KEYWORDS

*Cigar Manufacturing, Confederate States of America, Criminal Justice, Cuba, Disease, Feminism, Fishing and Sponging, Florida Keys, Forts, Historiography, Hurricanes, Key West, Marine Salvage, Slavery, Spain, U.S. Civil War, William Marvin, Wrecks and Wrecking*

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## I. INTRODUCTION

This bibliography lists selected works that focus on Key West's first 50 years as part of the United States (1821-71). Its purpose is to help readers dig deeper into the topics touched on in this special issue of the *British Journal of American Legal Studies*.

As will be seen, the entries are divided into three groups: general works; legal works; and popular culture works. It should be noted that many of the older writings contain language that modern readers will find unacceptable.

At the time of the United States' takeover of Florida from Spain (1821), Key West was a remote island straddling the Atlantic Ocean and the Gulf of Mexico. In 1832, however, it was transformed into an important commercial hub after Congress passed legislation expanding its jurisdiction as a port of entry for foreign goods. Subsequently, the city developed a thriving sponging industry (1852) and later became a leading cigar manufacturing center (1868).

No line of work, however, was more important to the development of Key West than wrecking (1822-60). The salvaging of ships and their cargoes, and the issuing of salvage awards by the local federal district court, helped to make Key West the richest community in the United States prior to the Civil War.

Despite its economic successes, Key West was a dangerous and lawless place. Early inhabitants—a mix of Americans, Bahamians, Cubans, and Spaniards, among others—also had to contend with boredom (due to the city's isolated location); disease (particularly yellow fever); fires (a constant threat, given that nearly every building on the island was constructed out of wood); hurricanes; and, in the summer, stifling heat. Of course, local leaders, eager to entice new residents, cheerfully described Key West as a tropical paradise and boasted about its abundant natural beauty, gentle sea breezes, and hospitable climate.

In contrast to the rest of the South, Key West's economy was not based on agriculture or cotton. Nevertheless, it was heavily reliant on, and cruelly exploited, enslaved people. Thus, it is no surprise that when the Civil War broke out, most of the city's White residents sided with the Confederacy. Uniquely, however, Key West, home to two U.S. military forts (Thomas Jefferson on nearby Garden Key and Zachary Taylor at the city's southwest tip), remained firmly in Union hands throughout the long conflict (1861-65).

Over time, the foregoing factors caused this small island city to become one of the most unusual places in the United States, a town where criminals and spies mingled easily and freely with carpenters and mariners (and the occasional lawyer). The story of Key West's development is a captivating one, as the works listed below amply illustrate.

## II. GENERAL WORKS

### A. BOOKS

1) LAURA ALBRITTON & JERRY WILKINSON, *HIDDEN HISTORY OF THE FLORIDA KEYS* (The History Press, 2018)

Although this book covers the entire Florida Keys (which begin in Key Largo and stretch southward to Key West), much of the focus is on Key West. Albritton

and Wilkinson spend considerable time discussing life on the island in the 19th century, including the many scores that were settled on the city's "dueling grounds."

2) JEFFERSON B. BROWNE, *KEY WEST: THE OLD AND THE NEW* (Record Company, 1912)

Browne's text is one of the most widely cited sources on the history of Key West. It covers all major aspects of life in the city, including business, education, hurricanes, industry, migration, wars, wrecking, and more. Some researchers may be frustrated, however, by Browne's narrative style.

3) J. WILLS BURKE, *THE STREETS OF KEY WEST: A HISTORY THROUGH STREET NAMES* (Pineapple Press, 2015)

Burke tells the story of Key West's founding by indicating how the island's streets got their names. For each street, Burke provides a profile of its namesake followed by interesting tidbits about its buildings and residents.

4) ARLO HASKELL, *THE JEWS OF KEY WEST: SMUGGLERS, CIGAR MAKERS, AND REVOLUTIONARIES (1823-1969)* (Sand Paper Press, 2017)

This book traces the roots of Key West's Jewish community. It includes sketches of the city's earliest Jewish residents, such as Levi Charles Harby, a member of the West Indies Squadron (tasked with clearing pirates from the waters around Key West), and Moses Cohen Mordecai, a local shipping magnate. Haskell details the challenges of doing business in a place where a small boat was more useful than a horse-and-cart and explains how the many calamities that befell Key West affected its residents. Using the narratives of (mostly) men, Haskell develops a clear picture of what Jewish life was like in early Key West.

5) WALTER C. MALONEY, *A SKETCH OF THE HISTORY OF KEY WEST, FLORIDA* (Advertiser Printing House, 1876)

The earliest edition of this book was merely an expanded version of the author's address at the dedication of Key West's new city hall (July 4, 1876). Later editions added an introduction and index. Maloney briefly recounts the story of Key West from 1820 to 1876, with basic information about local commercial enterprises and social institutions. Because Maloney was an attorney, there also is a discussion of the court system and judiciary.

6) MAUREEN OGLE, *KEY WEST: HISTORY OF AN ISLAND OF DREAMS* (University Press of Florida, 2003)

The first half of this book covers the American takeover from Spain and discusses the features that made Key West attractive to business and government interests. Ogle details the development and impact of various local industries, including, of course, cigar manufacturing, sponging, and wrecking. She also discusses how international relations and war contributed to the city's development.

7) MIKE PRIDE, *STORM OVER KEY WEST: THE CIVIL WAR AND THE CALL OF FREEDOM* (Pineapple Press, 2020)

This book describes how the Civil War affected Key West, particularly its Black population, who were promised freedom in exchange for defending the city's federal military installations. Pride also writes about the devastating effects the Union blockade and repeated outbreaks of yellow fever had on the island's residents.

8) LEWIS G. SCHMIDT, *THE CIVIL WAR IN FLORIDA: FLORIDA'S KEYS AND FEVERS* (L.G. Schmidt, 1992)

This book, volume 3 of Schmidt's four volume *The Civil War in Florida: A Military History*, describes what life was like for the Union troops stationed in Key West during the Civil War. Beginning in the Summer of 1998, and continuing

through the Summer of 2000 (nine successive issues), portions of Schmidt's book were reprinted in the *Florida Keys Sea Heritage Journal*.

9) CONSUELO E. STEBBINS, *CITY OF INTRIGUE, NEST OF REVOLUTION: A DOCUMENTARY HISTORY OF KEY WEST IN THE NINETEENTH CENTURY* (University Press of Florida, 2007)

Stebbins tells Key West's story by examining its documentary past, including consular notes, government records, newspaper articles, and ship reports. Much of the focus is on the relationship between the city and its former ruler (Spain).

10) THOMAS W. TAYLOR, *THE KEY WEST LIGHTHOUSE: A LIGHT IN PARADISE* (Infinity Publishing, 2004)

In this book, Taylor tells the fascinating story of the Key West lighthouse, which began operating in 1825. Its purpose was to help guide mariners as they navigated the treacherous reefs and shoals around Key West.

11) JOHN BERNHARD THUERSAM, *KEY WEST'S CIVIL WAR: "RATHER UNSAFE FOR A SOUTHERN MAN TO LIVE HERE"—OCCUPATION, TREASONABLE UTTERANCES, AND KEY WEST AVENGERS* (Shotwell Publishing LLC, 2022)

Thuersam bills his book as "the first to present a comprehensive account of [Key West] during the war." The text is supplemented by an extensive bibliography.

12) TODD TURRELL, BRIAN SCHMITT & ROBERT S. CARR, *THE FLORIDA KEYS—A HISTORY THROUGH MAPS* (Tru-Craft Litho, Ltd., 2019)

The authors of this handsomely illustrated book recount the history of the Florida Keys through the use of both ancient and modern maps. Chapter 7 focuses on Key West.

13) JOHN VIELE, *A HISTORY OF THE PIONEERS: THE FLORIDA KEYS—VOLUME 1* (Pineapple Press, 2011)

This book, the first of a three-part series (*see next two entries*), examines the lives of the Keys' first settlers. Viele details the extreme conditions experienced by these people, who had to contend with (among other things) disease, hurricanes, and pests.

14) JOHN VIELE, *TRUE STORIES OF THE PERILOUS STRAITS: THE FLORIDA KEYS—VOLUME 2* (Pineapple Press, 2011)

Volume 2 of this series examines the dangers posed by the waters surrounding the Keys. Viele uses various historical documents to depict these dangers, which included pirates, unmarked reefs and shoals, and unpredictable weather.

15) JOHN VIELE, *THE WRECKERS: THE FLORIDA KEYS—VOLUME 3* (Pineapple Press, 2011)

The final volume of Viele's trilogy examines Florida's wrecking industry. Viele provides a particularly detailed account of the equipment used in salvage operations.

16) SHARON WELLS, *FORGOTTEN LEGACY: BLACKS IN NINETEENTH CENTURY KEY WEST* (Historical Florida Keys Preservation Board, 1982)

This small pamphlet, a mere 60 pages, provides a powerful picture of the condition of Blacks in Key West. It includes details of the Bahamian migration to Key West (1825) and the legal status and treatment of enslaved people in the city before and during the Civil War. Wells describes how Key West, far removed from the mainland, and with an economy focused on the sea, differed in important respects from the rest of the South, which relied on agriculture and the production of cotton. Photographs and documents are reproduced throughout the volume.

17) LOUISE V. WHITE & NORA K. SMILEY, *HISTORY OF KEY WEST: TODAY AND YESTERDAY* (Great Outdoors Publishing Co. Inc., 1959)

Although this short pamphlet (104 pages) dutifully recounts Key West's history, its real value lies in its extensive discussion of the island's principal industries: cigar manufacturing, farming, fishing, salt making, sponging, turtling, and wrecking.

### B. ARTICLES

18) Vaughn Camp, Jr., *Captain Brannan's Dilemma: Key West in 1861*, 20 TEQUESTA 31 (1960)

Camp describes the challenges faced by Captain James M. Brannan, the senior Union officer on Key West, in trying to maintain control of Fort Zachary Taylor in the months preceding the start of the Civil War. According to Camp, Brannan's success in keeping both the fort and the island out of Confederate hands was critical to the Union's wartime success.

19) Antonio Rafael de la Cova, *Cuban Exiles in Key West During the Ten Years' War, 1868-1878*, 89 FLA. HIST. Q 287 (2011)

This article details the migration of Cubans to Key West during Cuba's Ten Years War. In addition to explaining the political events in Havana that caused the influx, de la Cova describes the refugees' integration into their new community.

20) James M. Denham & Keith L. Huneycutt, "Our Desired Haven": *The Letters of Corinna Brown Aldrich from Antebellum Key West, 1849-1850*, 79 FLA. HIST. Q. 517 (2001)

Denham and Huneycutt use letters written by a woman (Corinna B. Aldrich) living in Key West to describe life in the 19th century. Although the authors provide extensive background information, the bulk of the article consists of Aldrich's letters to her family describing her travel to the island, her life there, and the financial wealth and natural resources of Key West. The authors later turned their article into a book titled *Echoes from a Distant Frontier: The Brown Sisters' Correspondence from Antebellum Florida* (University of South Carolina Press, 2004).

21) Albert W. Diddle, *Medical Events in the History of Key West*, 6 TEQUESTA 14 (1946) (previously published at 15 BULL. HIST. MED. 445 (1944) and 31 J. FLA. MED. ASS'N 207 (1944))

This article describes the development of medical facilities in Key West, as well as how outbreaks of diseases ranging from cholera to yellow fever helped shape the city. Diddle also outlines the methods used to fight these maladies, which included quarantining ships arriving from foreign ports.

22) Dorothy Dodd, *The Wrecking Business on the Florida Reef 1822-1860*, 22 FLA. HIST. Q. 171 (1944)

Dodd recounts the history of wreckers in the Florida Keys. She also discusses the various laws that were enacted to control the industry and highlights both the business and legal aspects of wrecking.

23) Jose B. Fernandez & Jerrell H. Shofner, *Martyrs All: The Hero of Key West and the Inocentes*, 33 TEQUESTA 31 (1973)

In 1870, journalist Gonzalo Castañón Escarano was murdered in Key West. One year later, eight innocent Cuban medical students were executed after they were wrongfully accused of desecrating Castañón's remains. As Fernandez and Shofner explain, both incidents shocked the city.

24) Mary & Karl Haffenreffer, *Deeds and Misdeeds: The Title to Key West 1815-1833*, 21 FLA. KEYS SEA HERITAGE J. 6 (Summer 2011)

The Haffenreffers describe how the confused state of land titles in early Key West was resolved in 1833 “by consolidation of ownership, agreement among the proprietors, Congressional confirmation, and the sale of certain parcels to the United States.”

25) E. Ashby Hammond, *Notes on the Medical History of Key West, 1822-32*, 46 FLA. HIST. Q. 93 (1967)

A description of the early medical history of Key West, which experienced repeated outbreaks of cholera, malaria, smallpox, and yellow fever. Hammond’s focus is on the disease-fighting efforts of the U.S. Navy prior to the arrival of civilian medical personnel.

26) *Key West and Salvage in 1850*, 8 FLA. HIST. Q. 47 (1929)

This piece is a compilation of earlier articles and reports on the salvage industry during a specific year (1850). It provides readers with an understanding of just how substantial the salvage industry was in the city. Although the article includes general information about Key West, its real worth lies in its detailed statistics about the wrecking industry.

27) *Key West in the Summer of 1864*, 43 FLA. HIST. Q. 262 (1965) (edited by Millicent Todd Bingham)

From February 1864 to August 1865, Colonel John A. Wilder of the U.S. Army was stationed at Key West. This article reprints three letters he wrote to his family in the Summer of 1864 describing how he and his men were faring during an outbreak of yellow fever.

28) Corey Malcolm, *Understanding the Key West Hurricane of 1846*, 20 FLA. KEYS SEA HERITAGE J. 1 (Summer 2010)

This lengthy article recounts Key West’s encounter with the 1846 “Havana Hurricane.” As Malcom documents, the storm struck Cuba as a Category 5 hurricane on the morning of October 11 and a short time later reached Key West, where it killed 40 people (4% of the city’s population) and caused \$200,000 in damage (the modern-day equivalent of \$6.7 million).

29) Clayton E. Poyo, *Key West and the Cuban Ten Years War*, 57 FLA. HIST. Q. 289 (1979)

In this article, Poyo details how Cuba’s Ten Years War (1868-78) affected Key West. This was the first of three wars fought between Cuba and Spain, the second being the Little War (1879-80) and the third being the Cuban War of Independence (1895-98), which led to the Spanish-American War (1898). In 2014, Poyo published *Exile and Revolution: José D. Poyo, Key West, and Cuban Independence* (University Press of Florida). For another such work, see Alejandro F. Pascual’s *Key West: Passion for Cuba’s Liberty* (Ediciones Universal, 2013).

30) Clayton D. Roth, Jr., *150 Years of Defense Activity at Key West, 1820-1970*, 30 TEQUESTA 33 (1970)

Roth looks at the military importance of Key West during its first 150 years as an American possession. The first half of his article focuses on the West Indies Squadron (which cleared the waters surrounding Key West of pirates) (1822-25) and the U.S. Navy’s role in Key West during the Civil War.

31) Mark A. Smith, *Engineering Slavery: The U.S. Army Corps of Engineers and Slavery at Key West*, 86 FLA. HIST. Q. 498 (2008)

In 1816, the federal government decided to build a series of coastal forts to protect the United States’ Southern border. To obtain the labor needed for this

ambitious undertaking, the U.S. Army Corp of Engineers leased enslaved workers from their owners. This led to a vast increase in the number of enslaved people in Key West. Smith also describes what enslaved life was like on the island and the numerous escapes that were attempted. In 2018, the National Park Service issued a small (96 pages) booklet about these matters. See Jennifer Pirtle, Greg C. Smith, and Mary Beth Reed, *The African American Experience at Fort Jefferson 1847-1876*, available at <http://www.npshistory.com/publications/drto/african-american-experience.pdf>.

32) *Two Opinions of Key West in 1834*, 20 TEQUESTA 45 (1960) (edited by Charlton W. Tebeau)

Tebeau reprints two letters to the editor that appeared in volume 3 of the *Military and Naval Magazine of the United States*. The first, written by an individual identified only as "T.P.," appeared in the March 1834 issue. It harshly criticized how Key West's military base was being operated. The second, co-authored by Major J.M. Glassell and Lieutenant F.D. Newcomb, appeared in the June 1834 issue. Predictably, it defended the base's administration.

33) Charles Walker, "*The City of Wreckers*": *Two Key West Letters of 1838*, 25 FLA. HIST. Q. 191 (1946) (edited by Kenneth Scott)

In 1838, Charles Walker sent two letters to his family describing his life in Key West. In addition to discussing the island's natural beauty, the letters challenge the negative view of wreckers held by most Americans.

34) *William Adee Whitehead's Description of Key West*, 12 TEQUESTA 61 (1952) (edited by Rembert W. Patrick)

In 1835, John Rodman, a resident of St. Augustine, Florida, wrote to William A. Whitehead requesting information about Key West. Whitehead, who had moved from New Jersey to Key West in 1828, sent a 4,000-word reply in which he described the city in detail. Patrick reprints Whitehead's letter in full and adds an introduction. Although Whitehead left Key West in 1838, he retained a keen interest in the city, and in 1877 published his memoirs (*see next entry*).

35) *William Adee Whitehead's Reminiscences of Key West*, 25 TEQUESTA 3 (1965) (edited by Thelma Peters)

This article reprints a series of letters that William A. Whitehead sent to the editors of Key West's local newspaper in 1877. In them, Whitehead recalls his time on the island (1829-38). In a short introduction, Peters explains how Whitehead came to write the letters.

36) Ames W. Williams, *Stronghold of the Straits: A Short History of Fort Zachary Taylor*, 14 TEQUESTA 3 (1954)

Williams describes the arduous effort to build Fort Zachary Taylor to protect Key West from attack. As Williams explains, work on the fort began in 1845 and continued until 1866, when construction on the still-unfinished structure (which in 1855 had been named for America's 12th president) was permanently halted. In addition to the Civil War, the fort's progress had been stymied by hurricanes and repeated outbreaks of yellow fever.

37) W.N. Witzell, *The Origin of the Florida Sponge Fishery*, 60 MARINE FISHERIES REV. 27 (1998)

Witzell charts the history of the sponge fishing industry in Key West from its beginning in 1852 to its decline in 1939. During its peak, sponging was second only to cigar manufacturing in terms of its economic importance to the city.



38) *Wreckers and Wrecking on the Florida Reef, 1829-1832*, 41 FLA. HIST. Q. 239 (1963) (edited by E.A. Hammond)

Between 1829 and 1832, Dr. Benjamin B. Strobel, a Key West resident, wrote numerous reports about the wrecking industry, many of which later appeared in various newspapers in Charleston, South Carolina. A slightly different version of this article appears as *Sketches of the Florida Keys, 1829-1833*, 29 TEQUESTA 73 (1969).

### C. JOURNALS

39) FLORIDA HISTORICAL QUARTERLY (since 1908)

The *FHQ* is the flagship publication of the Florida Historical Society (<https://myfloridahistory.org/>). Since 1995, it has been edited at the University of Central Florida (previously it had been housed at the University of Florida and then the University of South Florida). Back issues are available online at <https://stars.library.ucf.edu/fhq/>. Many articles contain references to Key West's past.

40) FLORIDA SEA HERITAGE JOURNAL (1989-2015)

This quarterly newsletter was published by the Key West Maritime Historical Society (<https://keywestmaritime.org/>). Select issues, as well as a topic index, are available online at <https://keywestmaritime.org/journal/>.

41) MARTELLO (1964-73)

This yearly magazine, named for the two towers built by the Union in 1862 to provide defensive support for nearby Fort Zachary Taylor, was produced by the Key West Art and Historical Society (<https://www.kwahs.org/>). Copies of the seven volumes that were released before publication ceased can be found in various libraries, including the University of Florida (Gainesville), the University of Miami (Coral Gables), and the State Library of Florida (Tallahassee).

42) TEQUESTA (since 1941)

This annual journal, originally overseen by the Historical Association of Southern Florida, now is under the auspices of the History Miami Museum (<https://historymiami.org/>). Over the years, it has included many articles about Key West's history. Back issues are available through Florida International University's digital repository at <http://dpanther.fiu.edu/dPanther/collections/TEQ> and the University of Florida's digital collection at <https://ufdc.ufl.edu/title-sets/UF00101446>.

### D. DISSERTATIONS

43) William Carl Shiver, *The Historic Architecture of Key West: The Triumph of Vernacular Form in a Nineteenth Century Florida Town* (unpublished Ph.D. dissertation, Florida State University, 1987) (available online in ProQuest Dissertations & Theses Global)

This study traces the development of Key West's architecture from 1821 to 1912. The first four chapters focus on the period 1821 to 1870. As Shiver points out, nearly all structures (commercial and residential) in Key West in the 19th century were built out of wood and closely resembled one another. Shiver attributes this "sameness" to the lack of "professional architects" on the island.

### III. LEGAL WORKS

#### A. BOOKS

44) FLORIDA'S OTHER COURTS: UNCONVENTIONAL JUSTICE IN THE SUNSHINE STATE (Robert M. Jarvis ed., University Press of Florida, 2018)

This book examines Florida's historical and "special purpose" courts. Of particular interest are the chapters on the territorial courts (by Christopher A. Vallandingham) and the confederate courts (by Robert W. Lee). The chapter on military courts (by J.R. Frakt) discusses Dr. Samuel Mudd's imprisonment in Key West following his conviction for taking part in the successful plot to assassinate President Abraham Lincoln (1865). Mudd's exact role in the killing remains a hotly debated topic and has been the subject of numerous books, the most readable of which remains Samuel Carter III's *The Riddle of Dr. Mudd* (Putnam, 1974).

45) KERMIT L. HALL & ERIC W. RISE, FROM LOCAL COURTS TO NATIONAL TRIBUNALS: THE FEDERAL DISTRICT COURTS OF FLORIDA, 1821-1990 (Carlson Publishing Inc., 1991)

Although this book covers the entire state, the chapters on the territorial courts and the pre- and post-Civil War eras underscore how important Key West and the wreckers were to the state.

46) WILLIAM MARVIN, A TREATISE ON THE LAW OF WRECK AND SALVAGE (Little, Brown & Co., 1858)

Upon its publication, this book instantly became the leading U.S. work on salvage law. Written by William Marvin, the first judge of the U.S. District Court for the Southern District of Florida, the first two chapters focus on salvage in Key West. The rest of the book covers various evidentiary and procedural issues, as well as the making and enforcement of salvage awards.

#### B. ARTICLES

47) *Autobiography of William Marvin*, 36 FLA. HIST. Q. 179 (1958) (edited by Kevin E. Kearney)

This article is an edited version of William Marvin's unpublished autobiography. It covers (among other topics) his move to Key West; his time as the city's U.S. attorney and federal judge; and his work deciding prize and salvage cases.

48) Hugo L. Black III, *Richard Fitzpatrick's South Florida, 1822-1840, Part I: Key West Phase*, 40 TEQUESTA 47 (1980)

Black recounts the life of Richard Fitzpatrick, a member of Key West's "ruling class." In addition to his wrecking activities (which included serving as an auctioneer of salvaged goods in the days before Key West had an admiralty court), Fitzpatrick was a justice of the peace. As such, Black devotes considerable attention to the laws governing enslaved people in the territory.

49) J. Allison DeFoor II, *A Legal History of the Fabulous Florida Keys*, 21 INT'L SOC'Y BARRISTERS Q. 283 (1986)

In 1986, DeFoor gave a speech at the annual meeting of the International Society of Barristers (held that year in Key Largo). In addition to providing a short account of Key West's legal history, DeFoor discusses the influence of the cigar and wrecking industries.

50) James M. Denham, *Captain Charles E. Hawkins, "The Key West Tragedy," and the "Unwritten Law," 1827-1830*, 99 FLA. HIST. Q. 237 (2021)

Denham provides a gripping account of the 1829 killing of William A. McRea by Charles E. Hawkins. Following the murder, Hawkins was arrested and sent to St. Augustine to await trial. Public opinion, however, shifted in Hawkins's favor after it was learned that McRea had been sleeping with Hawkins's wife. As a result, in 1831 the Florida Territorial Council ordered Hawkins released "from any further prosecution."

51) Albert W. Diddle, *Adjudication of Shipwrecking Claims at Key West in 1831*, 6 TEQUESTA 44 (1946)

Diddle examines Key West's wrecking industry over the course of a single year (1831). He covers how much and how compensation was paid; how the courts tried to discourage unscrupulous behavior; and how weather and other factors affected the wreckers' profits.

52) Tom & Lynda Hambright, *Justice in Early Key West*, 9 FLA. KEYS SEA HERITAGE J. 14 (Spring 1999)

On July 5, 1830, Norman Sherwood killed John Wilson at Abraham Butcher's Key West grog house. After a quick trial before Territorial Court Judge James Webb, Sherwood was hung on December 10, 1830. This marked the first execution in the city's history.

53) Robert W. Lee, *Florida Legal History: The Courts and Law During the Civil War, Reconstruction and Restoration Eras*, 15 ST. THOMAS L. REV. 485 (2003)

Lee details the operation of the courts in Florida during the Civil War. The courts in Key West are notable outliers, as they continued to operate under federal law even after Florida joined the Confederacy.

54) W. Randy Miller, *The Case of the Brig Halcyon: A Study in Old Key West Admiralty Law*, 27 J. MAR. L. & COM. 311 (1996)

This article provides a snapshot of the wrecking industry through the lens of an 1830 case. As Miller shows, the adjudication of salvage claims in Key West left much to be desired prior to the appointment of Judge William Marvin (1839).

55) Symposium, *Key West in the Civil War Era*, 12 BRIT. J. AM. LEGAL STUD. 191-402 (2023)

This special issue of the *British Journal of American Legal Studies* opens with three articles by Professor Robert M. Jarvis, the symposium's organizer. The articles are followed by five essays, a bibliography, and a book review penned by prominent historians and lawyers. Much of the focus is on U.S. District Judge William Marvin. Other subjects covered include the Confederacy's attempt to establish a prize court in Key West; the role played by Great Britain in the Civil War; and Spain's use of consular agents to keep watch over the island's activities.

### C. PRIMARY SOURCES

#### 1. Confederate Sources

56) An Act to Establish a Court of Admiralty and Maritime Jurisdiction at Key West, in the State of Florida, Mar. 11, 1861, ch. 39 (available online from the University of North Carolina at <https://docsouth.unc.edu/imls/19conf/19conf.html>)

This legislation authorized the establishment of a Confederate prize court at Key West. Due to the city being in Union hands, the court never opened, forcing the court's judge (McQueen McIntosh) to ride out the war elsewhere.

57) An Act to Amend an Act Entitled “An Act to Establish a Court of Admiralty and Maritime Jurisdiction at Key West, in the State of Florida,” Mar. 15, 1861, ch. 47 (available online from the University of North Carolina at <https://docsouth.unc.edu/imls/19conf/19conf.html>)

This legislation made minor changes in the procedures of the Confederacy’s planned prize court at Key West (*see previous entry*).

## 2. Federal Sources

58) Treaty of Amity, Settlement, and Limits, Between the United States of America and His Catholic Majesty, Spain-U.S., Feb. 22, 1819, 8 Stat. 252 (available online from Yale University at [https://avalon.law.yale.edu/19th\\_century/sp1819.asp](https://avalon.law.yale.edu/19th_century/sp1819.asp))

Better known as the Adams-Onís Treaty (for its two principal negotiators, U.S. Secretary of State John Quincy Adams and Spanish diplomat Luis de Onís y González-Vara), this agreement ceded the Spanish territories of East Florida and West Florida to the United States along with all public (but not private) property. It also required the United States to transport all Spanish troops to Havana within six months of ratification and confirmed all land grants made by the Spanish (contingent upon the recipients fulfilling the terms of their grants).

59) An Act to Provide for the Collection of Duties on Imports and Tonnage in Florida, and for Other Purposes, ch. 62, 3 Stat. 684 (1822)

Section 3 of this law made Key West a collection district for the payment of import duties and taxes. An amendment in 1832 (ch. 201, 4 Stat. 576) enlarged the district’s boundaries and made certain other changes, leading to a boom in the number of ships visiting Key West and turning the city into an important commercial hub.

60) An Act to Establish a Southern Judicial District in the Territory of Florida, ch. 77, 4 Stat. 291 (1828)

This law authorized the creation of a federal court in Key West during Florida’s territorial period. The statute empowered the court to both hear salvage cases and license wreckers (confirmed after statehood by ch. 20, 9 Stat. 131 (1847)—*see next entry*).

61) An Act to Establish a Court at Key West, in the State of Florida, and for Other Purposes, ch. 20, 9 Stat. 131 (1847)

This law created the U.S. District Court for the Southern District of Florida and directed that it “consist of one judge, who shall reside at Key West.”

62) THE TERRITORIAL PAPERS OF THE UNITED STATES, VOLS. XXII-XXVI (Clarence Edwin Carter ed., Government Printing Office, 1956) (this collection has been partially digitized by the National Archives—see <https://catalog.archives.gov/id/218518468>; see also HeinOnline at <https://home.heinonline.org/>)

*The Territorial Papers of the United States* is a compilation of various government documents generated between 1787 and 1848. Because the U.S. Department of State was responsible for territorial affairs, there is an emphasis on its materials. Volumes XXII-XXVI cover the Territory of Florida from 1821 to 1845 and include papers relating to the territory’s administration and staffing. Also included are documents relating to John W. Simonton, who in 1822 purchased Key West (at the time known as “Cayo Hueso,” or Bone Island) from Juan Pablo Salas. (In 1815, Don Juan de Estrada, Spain’s governor of Florida, had granted the island to Salas for his numerous services to the crown.) Each volume includes an index.

### 3. Florida Sources

63) An Act to Incorporate the Town of Key West, approved Nov. 28, 1828, in *ACTS OF THE LEGISLATIVE COUNCIL OF THE TERRITORY OF FLORIDA* 296 (1829) (available online from the State Library of Florida at <http://edocs.dlis.state.fl.us/fldocs/leg/actterritory/1828.pdf>)

This law created the Town of Key West; established its form of government; determined how elections would occur; and specified the duties and powers of the town council. Those eligible to vote were White men over the age of 21 who had resided in the town for at least three months.

64) An Act to Incorporate the City of Key West, approved Feb. 2, 1832, in *ACTS OF THE LEGISLATIVE COUNCIL OF THE TERRITORY OF FLORIDA* 11 (1832) (available online from the State Library of Florida at <http://edocs.dlis.state.fl.us/fldocs/leg/actterritory/1832.pdf>)

This law incorporated the City of Key West and changed its form of government to that of a mayor-alderman system. Eligible voters now had to be U.S. citizens and residents of the city for at least 12 months.

65) STATE LIBRARY OF FLORIDA, *A GUIDE TO RESEARCHING THE TERRITORIAL ERA AT THE STATE ARCHIVES OF FLORIDA* (available online at <https://www.floridamemory.com/learn/research-tools/guides/territorialguide/page1.php>)

This web site provides links to primary Florida materials, including court records, executive orders, and legislative acts. Despite its name, the site is not limited to Florida's territorial period (1821-45) but instead extends into the 21st century.

## IV. POPULAR CULTURE WORKS

66) RICHARD MEADE BACHE, *THE YOUNG WRECKER OF THE FLORIDA REEF: OR, THE TRIALS AND ADVENTURES OF FRED RANSOM* (James S. Claxton, 1866)

The hero of this novel is Fred Ransom, a 15-year-old boy who runs away to sea in 1839. As the title suggests, Ransom joins a wrecker and spends time working off the coast of Key West and visiting the city.

67) JOANNA BRADY, *THE WOMAN AT THE LIGHT: A NOVEL* (St. Martin's Press, 2012)

In 1839, Emily Lowry's husband mysteriously vanishes from Wreckers' Cay, an isolated island off the coast of Key West. Needing to support her three—soon to be four—children, Emily takes over his duties as lighthouse keeper. Although help soon arrives in the form of a runaway slave named Andrew, Emily's challenges are just beginning.

68) IRIS CHACON, *MUDSILLS & MOONCUSSERS: A NOVEL OF CIVIL WAR KEY WEST* (CreateSpace Independent Publishing Platform, 2016)

This romance novel is set in Key West at the outbreak of the Civil War. Aaron Mathews, a Union spy, has orders to find and kill a Confederate saboteur operating out of the city. But as his investigation proceeds, he slowly begins to realize that the person he is after is his new love interest, a woman named Josephine Marie Thibodeaux.

69) JAMES FENIMORE COOPER, *JACK TIER; OR THE FLORIDA REEF* (Hurd and Houghton, 1848)

Much of this adventure novel takes place in and around Key West. Although the book focuses on salvage and wrecking, the Mexican-American War (1846-48) and mistaken identities add to the plot.

70) Keith Huneycutt, *The Storm: True Womanhood, Feminism, and Companionate Marriage in Antebellum Key West*, 79 CEA [COLLEGE ENGLISH ASSOCIATION] CRITIC 291 (2017)

In this article, Huneycutt discusses “The Storm,” an unpublished 90-page “story that explores issues surrounding marriage in mid-nineteenth America.” As Huneycutt explains, “[c]onsiderable evidence [exists suggesting] that Ellen Brown Anderson wrote this story between 1854 and 1862, making it the first novel about Key West written by a woman and probably also the first novel written by a woman using a Florida setting.”

71) MARTHA MELAHN, *WAVE OF DESTINY* (Avon Books, 1981)

The action in this romance novel occurs in Key West between 1864 and 1868. As a youngster, Melahn attended boarding school in Key West in the 1930s and drew on her knowledge of the city while writing her novel. In 2000, she published a sequel titled *Encounter with Destiny* (Authors Choice Press) that advances the story to Key West in the 1870s.

72) JANE LOUISE NEWHAGEN, *PIECES OF EIGHT: A TALE OF OLD KEY WEST* (Outskirts Press, 2011)

The heroine of this novel is Julia Miller, a young woman who leaves her home on Green Turtle Cay in the Bahamas to start a new life in Key West in the 1850s. As Miller discovers, however, the island is a harsh and difficult place. This is Newhagen’s second novel about antebellum Key West (*see next entry*).

73) JANE LOUISE NEWHAGEN, *SAND DOLLAR: A TALE OF OLD KEY WEST* (Outskirts Press, 2007)

Set in Key West in 1846, Newhagen’s protagonist is Mary Thorne, the wife of wrecker captain Richard Randall. The plot revolves around Mary’s struggles to adapt to her new life on the island.

74) *REAP THE WILD WIND* (Paramount Pictures, 1942)

Although this movie is based on a romantic short story (*see next entry*), numerous liberties were taken by the Hollywood screenwriters, resulting in a script with considerably more action and thrills. A significant courtroom scene depicts the unscrupulous side of wrecking and makes it clear that some wreckers intentionally caused shipwrecks to earn salvage awards. With a running time of 123 minutes, *Reap the Wild Wind* was directed by Cecil B. DeMille and stars Paulette Goddard, Ray Milland, and John Wayne. In 1943, it won the Oscar for Best Special Effects (beating out such classics as *Mrs. Miniver* and *The Pride of the Yankees*). Copies are available for purchase on Amazon.com in Blu-Ray, DVD, and VHS format.

75) Thelma Strabel, *Reap the Wild Wind*, SAT. EVENING POST, Apr. 27, 1940, at 9; May 4, 1940, at 18; May 11, 1940, at 26; May 18, 1940, at 24; May 25, 1940, at 33

This serialized short story focuses on wreckers in Key West in 1835. Although written as a love story, it provides a useful look at the industry, its captains, their families, the weather that affected their work, and the court that decided their fates. While the story was still in the process of being published, it was announced that Paramount Pictures had decided to turn it into a movie (*see previous entry*).

