

THE MANY HEIRS OF Jonathan Lewis

by Patrick Scott

An occasional obituary will announce the passing of a "descendant" of the first family of south Florida: the Lewis family, discovered farming on New River in 1793. Some of these descendants can relate the oral tradition of George C. Lewis, who died in Key West at the turn of the century, and his father Robert, grandfather George, and great-grandfather Jonathan Lewis. It was Jonathan and his wife Polly, they say, who in 1825 received government grants to two square miles of land including present-day Coconut Grove and Brickell Avenue in Miami. Just as often, they will inveigh against the uncertain events which must have cost them their rightful inheritance, for the family of George Lewis I — as Lewis family genealogists called him — was ignored when railroad lawyers settled the major land title disputes in Miami a hundred years ago.

A quarter century later, the Lewises reappeared, and began giving deeds to the lands, both the

Jonathan and Polly Lewis donations and the Frankee Lewis Donation which had been farmed by Jonathan's parents on the New River. They endured lawsuits by powerful land-owning interests, and they brought suits of their own. They carried the fight

in one 1920 court case to the Florida Supreme Court. And from the ashes of that litigation, a "forgotten" branch of the Lewis family arose, and continued the court battles for yet another forty-three years. As recently as 1957 they won a vindication of

The first known non-Indian inhabitants of Broward County, the Surlis Lewis family, appear on the pages of history in Spanish reports dated 1793 and reprinted in previous issues of Broward Legacy. The family's longstanding connections to south Florida's history took an unusual turn in the early twentieth century, as family members became involved in legal actions over land titles in the rapidly growing area. The subsequent emergence of other self-described heirs triggered additional legal battles which continued into the 1960s.

In "The Many Heirs of Jonathan Lewis," Patrick Scott traces the tangled and fascinating legal and genealogical trail of the pioneer Lewis family, those who claimed to be their descendants, and the land disputes in which they were involved. His findings are based on extensive research in a vast array of primary material, and offer a solution to an enduring historical mystery. Mr. Scott is a native of Fort Lauderdale, where he practices law.

their family's right to sell the lands supposedly granted to them during the presidency of John Quincy Adams.

Upon investigation, it appears that the generations of lawsuits resulted from a case of mistaken identity, though the Lewis heirs are likely learning it for the first time in these pages. The story of the two Lewis families is the unravelling of a mystery now 200 years old.

The Surles Lewis Family

Let it be said, in fairness, that the descendants of Surles and Frankee Lewis live today in the Florida Keys, the Bahamas, and elsewhere, but none of them is named

Lewis, and they were generally left out of the land title disputes. Their ancestors were probably British Loyalists who had fled from America at the close of the Revolutionary War. Most resettled on small plots in Abaco and its neighboring Bahama Islands. The Abaco sons who aspired to freedom from their rocky island, at the risk of shortening their lives, took to the sea as wreckers and turtlers who worked the abandoned south Florida seacoast then controlled by Spain.¹

But for a few short-lived settlements by Spanish-sanctioned entrepreneurs, the only white settlements south of the Indian River during the Second Spanish colonial period (1783-1821) were the isolated farm of Surles

and Frankee Lewis and their sons, and the homes of other Bahamian families named Egan and Pent.² A military explorer in 1822 noted only one settlement in south Florida, on Key Biscayne, but commented that Jonathan Lewis and his father had acted as pilots on the Florida reefs for many years.³ It is unclear whether the Lewises were Abacoan loyalists, but it is known that the Spanish governor in St. Augustine had been suspicious of their connections with a British-American adventurer named William Augustus Bowles who plagued the colonial government for years with threats of leading an Indian invasion force.⁴

Historians believe that Surles



The 1776 Bernard Romans map of the "Southern British Colonies in America," based on a number of coastal surveys, illustrates the relative locations of Florida and the Bahama Islands.

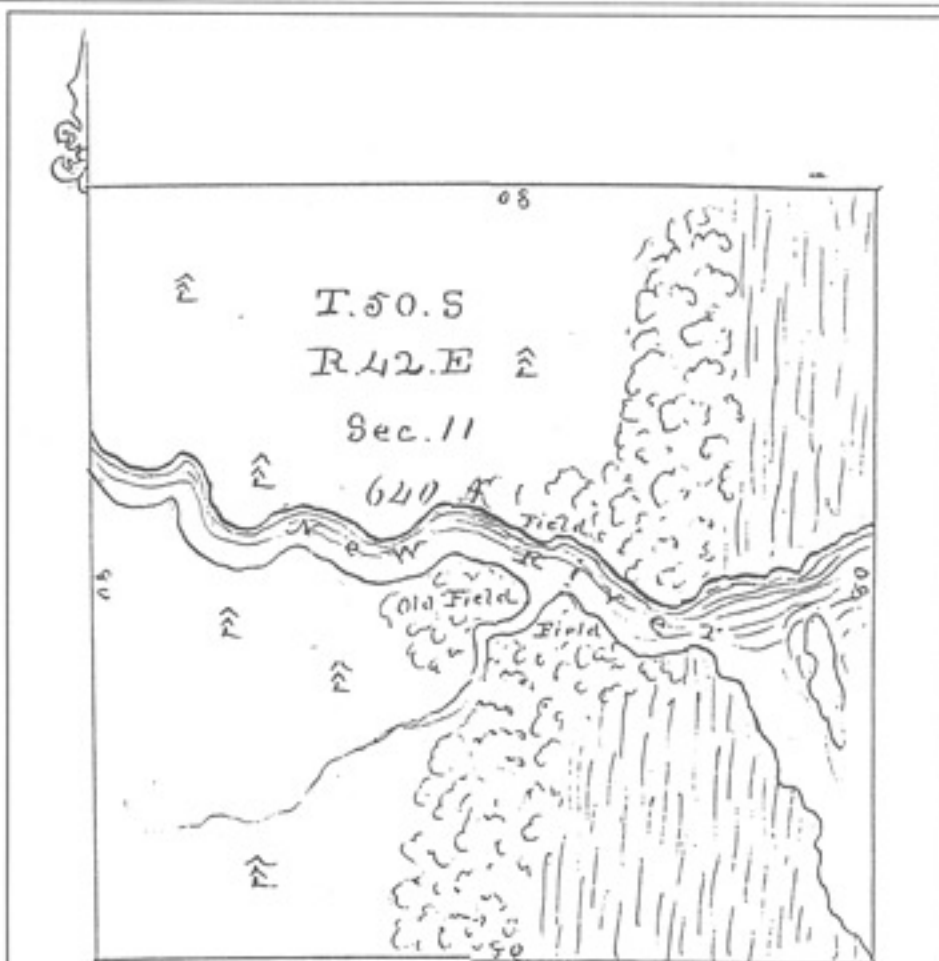
Lewis and his sons lived and died by the sea, excepting Jonathan, who survived to become an American citizen after Florida's acquisition by the United States in 1821. He had petitioned for and received a grant of one square mile at the site of his residence south of the Miami River, under an 1824 American law intended to benefit Protestant colonial settlers who had not been eligible for land grants under the Spanish government.⁵ These so-called Donation Act grants were awarded to anyone who could prove occupation and cultivation of the land prior to the cession of Florida. Jonathan, his widowed mother Frankee, and his sister-in-law Polly received their "donations," three of only five on mainland south Florida, after the extension of the original deadline set by Congress. No one in south Florida had heard of the law until the first deadline had passed, because their "local situation" had been so isolated.⁶

The Lewis farms, not the sea, may have provided their principal support. An 1825 deed described the New River property as including buildings, a lime and orange grove, and coconut trees, and an 1836 visitor wrote that oranges, limes, lemons, sugar apples, coconuts, and guavas had been grown there for forty years.

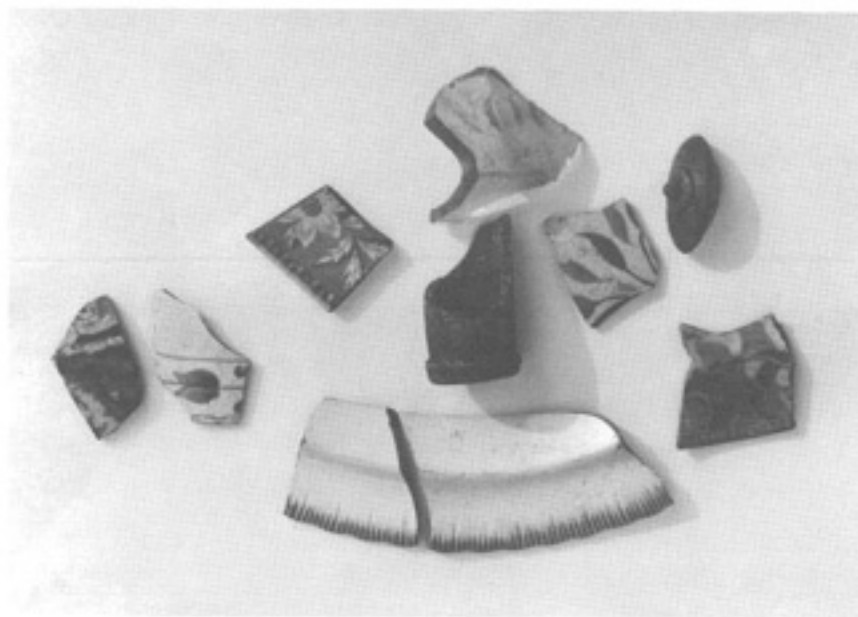
All three Lewis grants were sold between 1830 and 1835 to speculator (and early Florida legislator) Richard Fitzpatrick for prices between \$300 and \$500, but Jonathan Lewis remained in south Florida.⁷ He presumably cared for his mother until her death sometime during the early 1830s.⁸ His name appears in the 1830 and 1840 census returns in Monroe County, which then included the Keys and the lower peninsula extending north to Hillsboro Inlet on the east coast, but he and his family disappeared during the Second Seminole War, which ended in 1842.⁹ In published accounts, all mention of the family ends there.

On the Trail of Jonathan Lewis

Genealogical research among manuscript collections and Bahamian government and church



Above is a map of the Frankee Lewis Donation as surveyed by Deputy United States Surveyor George MacKay in 1845. Below are historic ceramic shards and bottle glass from the Lewis site, Biscayne Bay (courtesy of Archaeological and Historical Conservancy).



records, undertaken over the course of twenty years by Betty Bruce of Key West, provided the missing links between the Lewis family of Spanish colonial Florida and some of their modern-day descendants. According to the marriage register of St. Matthew's Church in Nassau, Jonathan married Ann Watson June 18, 1808; the church's birth register establishes the arrival of six children:

Elizabeth Catherine Lewis, born October 14, 1808; she married Captain James Gould, March 9, 1826;

Frances Lewis, born June 28, 1811; Frances married William Henry Johnson, also a sea captain, November 1, 1834;

John Watson Lewis, born June 30, 1814; married Mary Augusta Sawyer, May 25, 1833;

William Serle Lewis, born July 4, 1817;

George Lewis, born March 17, 1820; and

Alexander Lewis, born May 19, 1822 (who apparently died as a child).¹⁰

Spanish spies in 1793 had made note of two other Lewis brothers, sons of Surles and Frankee and uncles to the six children named above, but it seems that only Jonathan survived to the American acquisition of the Florida colony in 1821.¹¹

From territorial days, Jonathan's name appears frequently in extant documents: in the Key West newspapers as a ship captain transporting goods between Key West and the Gulf port of St. Mark's; in the Monroe County deed books as a witness to documents; in the General Land Office files as a claimant under the Donation Act; and in the superior court files as a juror and jury foreman.¹²

It is likely that Jonathan Lewis sold his land claim to Richard Fitzpatrick in 1835--for \$300-- to raise money to enter a more stable line of business than fruit groves. William Cooley and Fitzpatrick had set up elaborate comptie processing mills in the New River and Miami River areas respectively, and Lewis' lime and orange grove business probably suffered from the high rate of

spoilage noted by other pioneer farmers.¹³ The pilot business was on the wane as well. Lighthouses had been erected by the American government at Cape Florida and points farther up the coast; light-ships were planned for three locations along the reef, and pilots would no longer be so necessary to guide ships through the Straits of Florida or the Bahama Channel.

Transport of cargo from Charleston via Key West to St. Mark's, Apalachicola, and points west filled an important need for the growing territory, and Jonathan Lewis began to ply the trade routes that passed through the Straits of Florida. His name first appears in this regard

Marine Intelligence.	
PORT OF KEY WEST.	
ARRIVED—August 15—	Schr boat Fire Fly, from wreck Schr. United States, with U. S. Mail.
16—	Sloop Sarah Isabella, Thompson, reef to F A Browne.
18—	Schr. Amelia, Roberts, New River, Merchandise from wreck schr. U. States; to F A Browne.
	Schr. Fair American, Coombs, Reef, to F A Browne.
19—	Schr. Laura, Walker, Charleston, Mdze to O O'Hara, and U. S. Mail.
20—	Sloop Relfel, Woodward, Havana, to master.
21—	Schr. John Denison, Cold, Charleston, sundries to master.
SAILED—August 16—	Sloop Mary Ann, Ximenez, Havana.
18—	Brig Algerine, Cooper, New York.
	Brig Somerset, Lewis, St. Marks.
20—	Sloop Relief, Woodward, Havana.
	Schr. Laura, Walker, Charleston.
	Sloop Eden, Sylvia, Havana.

Notice of departure of Jonathan Lewis's brig *Somerset* for St. Marks in the August 22, 1835, *Key West Enquirer*.

as the owner of a large brig, the *Somerset*, shortly after he had sold his land.¹⁴

Jonathan's mother, Frankee Lewis, had sold her land claim on the New River at present-day Fort Lauderdale once before, in 1825, to the agent who helped her fill out the Donation Act paperwork. However, the buyer, Solomon Snyder, an American deputy consul in Cuba, died a month later on his way home to New York, and his deed was never recorded in the Monroe County Deed Books.¹⁵ When Richard Fitzpatrick purchased

the same property for \$400 in 1830, he was apparently unaware of the previous unrecorded sale. As the first to record his deed in Key West, he derived clear title to the land under the English common law rule in effect in Florida at the time.¹⁶

After the death of Frankee Lewis and the sale of Jonathan's and Polly's lands to Fitzpatrick, Jonathan made his living on the seas. Three of his children married into Abaco loyalist families, and his three sons lived with or near him at a farm on Fitzpatrick's "Jonathan Lewis Donation," roughly a mile south of the Miami River. No visible trace of the farm remains, but the Lewis settlement appeared on maps as early as 1823.¹⁷ There had been two framed houses and outbuildings worth \$2,500 on the Lewis parcel, according to Fitzpatrick's 1842 claim for government relief after the Indians attacked the property.¹⁸ The official coast survey, in 1845, noted a lime grove near the present site of Bay Point on Brickell Avenue.¹⁹ Excavations there this year at the site of a nineteenth century stairway cut into the limestone cliffs on Biscayne Bay yielded Spanish pottery sherds and other evidence of a home dating from the early nineteenth century.

The year 1835 brought two great catastrophes to south Florida and to the Lewis family. On September 15, the greatest hurricane in Key Westers' memory crossed the island of Antigua and bore down on the southeast Florida coast. Neither the Key West nor Bahama newspapers at first recognized the devastation which the storm wrought on the Florida mainland. Fewer than two dozen white settlers and perhaps the same number of slaves lived in the settlements known as Cape Florida (Miami) and New River (Fort Lauderdale). But the *Key West Enquirer* noted ominously on September 26 that the entire Lewis family was among the missing.²⁰

Every available boat was pressed into duty, searching for castaways and salvaging wrecked ships, particularly the rich Spanish brig *Gil Blas*, which had been forced aground at Hillsboro Inlet. The first boats back into Key West on September 22

and Nassau on September 23 must have reported that Jonathan and Ann Lewis survived the storm, but their two older sons, John and William, had perished at sea. The St. Matthew's Church death register in Nassau lists them as "drowned, September 15, 1835," and the Bahamas *Royal Gazette* noted John's wife Mary Ann as among those killed in the hurricane.²¹

Jonathan Lewis' vessel, the brig *Somerset*, may have been destroyed in the hurricane, for his name does not appear again in the arrivals-and-departures listings of Key West and Bahama newspapers until January 1836.²² By that time he had surely relocated his family to Key West, where his daughter Frances and her husband lived.²³

The reason for this move was probably not the hurricane, but rather the Seminole Indians. While New River settler William Cooley and others were salvaging the *Gil Blas* two months after the storm, Cooley's family was massacred in an Indian attack which helped ignite the Second Seminole War. All southeast Florida mainland settlers fled to the Keys, and no whites made permanent residences on the mainland for a decade.

The Lewises had lost two sons, a daughter-in-law and possibly other family members in the storm. Their home, on the land Fitzpatrick had bought from them, was destroyed by the Seminoles. Having given up his land claim, and now being forced to abandon his home on Biscayne Bay, Jonathan had good cause to leave mainland Florida. The Bahamas did not provide an attractive option for the Lewises, who, unlike other loyalist families, had no land claim in Abaco. In any event, the emancipation of all slaves had been declared by the British king in 1834, to take effect four years later. A great number of slave-owning Abacoans were packing their families for the move to Key West, creating a boom which would triple the white and black population of the Florida Keys by 1840.²⁴

Rose Richards, who came to the Miami River settlement as a young girl in 1858 and met Jonathan's son,

George Lewis, recalled in a 1903 newspaper article George's story of the Lewis family's odyssey:

A deep gloom was cast over the Lewis family and their friends by the death from drowning of one of [Frankee Lewis'] grandsons and his bride of a month. They, with a third party, went over to visit the Cape Florida lighthouse, and on a return trip were overtaken by a severe gale which their boat was unable to weather. Their bodies were recovered near the little key in front of where Cutler is now located and they were buried at the Punch Bowl.

The work of improving the homes and cultivating the lands progressed steadily. Fruits, vegetables, and cotton were planted, mostly cotton, which was extensively grown on both sides of the river, giving constant employment to the large number of slaves owned by the Lewis family.

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[After the first news of Indian unrest in December 1835] the Lewis families remained at home until all hope was dispelled, when they went to Indian Key, where they stayed until the news was carried to them that the Indians had made an attack on some of the settlers... [They] therefore left their homes, going to Key West, where they lived for many years afterward.

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[In 1858,] Mr. George Lewis returned to Miami to again seek for himself and those he brought with him, new homes.

The place he came from was in or near the city of Houston, Texas, the place where the whole of his family moved to from here at the beginning of the Indian hostilities in the year 1837. Much sickness and frequent deaths reduced the membership of the family to such an alarming extent, that Mr. Lewis came away bringing those that could or would come with him, after losing his wife and child, father and

mother, Mr. and Mrs. Jonathan Lewis, his sister and her husband, named Johnson, who had left one son and four daughters to his care. These five children, now nearly grown, with Benjamin Tiner, the life-long slave of the Lewis family, came with him and moved at once into the Dukes' house, before mentioned as standing on the point of the river now known as Brickell's Point.

Mr. Lewis, though possessed of considerable means was desirous of finding a good location on which to build a factory, and engage in the manufacturing of [comptie] starch.²⁵

The 1850 census of Harris County, Texas (population of Houston: 2,000) shows Ann Lewis living with her son George, his wife and child apparently having already died. While George worked as a "boatwright," his brother-in-law, William H. Johnson, farmed land nearby. The Lewises had come to Texas after 1840, since the census of that year found them in Key West. William and Frances Lewis Johnson must have joined the rest of the family in Texas before 1843, since their ten-year-old daughter, Annie Eliza, was born in Florida, but seven-year-old Frances was born in Texas. Family tradition has it that the Johnsons returned to Key West by sloop on several occasions.²⁶

Jonathan's oldest daughter, Elizabeth Catherine Lewis Gould, apparently never made the move to Texas. Her husband, James Gould, worked as a ship captain out of Nassau, and the births of their five children were recorded in church records there.²⁷

Jonathan Lewis, who must have been about seventy years old in 1850, does not appear in the Texas census. Elizabeth's death notice in a Nassau newspaper in April 1850 lists her as the "eldest daughter of Jonathan Lewis, Esq. of Georgetown, S.C., and wife of Capt. James Gould of Nassau," but contemporary records from Georgetown, South Carolina, near Charleston, make no mention of Jonathan.²⁸ When or where he died is unknown.

Upon his return to Miami, George Lewis entered into a brief partnership with Robert Fletcher in a water driven compite mill at Arch Creek, but in March 1860 he bought out George Ferguson's store, home, and forty acres, centering on today's Thirteenth Avenue on the south shore of the Miami River.²⁹ He operated the store and post office for three years, with the help of his nephew, William Alex Johnson, his nieces, and old Ben Tiner. The four girls attracted a great deal of attention to the Lewis house in the Florida wilds, according to Rose Richards, and in short order three of the nieces married Abaco boys. The fourth later married a Conch, Benjamin Alonzo Baker.

At this time, the Civil War had begun, Key West was in Federal hands, and still fewer than fifty white settlers lived in Dade County (which stretched from the upper Keys to the Hillsboro Inlet).³⁰ Jonathan Lewis' family had grown to ten grandchildren:

Lewis Descendants in 1860

Jonathan Lewis (died 1850s), married Ann Watson (died 1850s)
 Elizabeth Lewis (died 1850), married James Gould (died 1854)
 William James Gould, married Matilda _____
 Georgianna Gould, married _____ Knowles
 George Gould
 James Robert L. Gould, married Charlotte Isabel Roberts

Frances Lewis (died 1850s), married William Henry Johnson (died 1850s)
 William Alex Johnson, married Mary M. Brewer
 Caroline M. Johnson, married William A. Cornish
 Frances Johnson, married John Cornish
 Elizabeth Johnson, married John Sweeting
 Patience Malinda Johnson, married Benjamin A. Baker

John Watson Lewis (died 1835), married Mary Augustus Sawyer (died 1835)
 no children

William Serle Lewis (died 1835)
 no children

George Lewis
 no surviving children, but raised Johnson children.³¹

During the Civil War, the isolated Miami River was home to a rough mix of Federal and Confederate sympathizers, loners, draft dodgers, and rogues of every kind.³² Like several neighbors, George Lewis maintained a second career along with his store. He was a blockade

runner,

*an ardent Southerner whose sympathy, with his untired energy was all given to the Southern cause. His many successful journeys with the small but staunch little schooner loaded with such produce as he could exchange for provisions and other necessities of life and health of the people for which he was in sympathy, were made by him between Miami and Pease Creek [now Peace River], on the west coast and return, and from Miami to Nassau, N.P. and return.*³³

While in southwest Florida, George Lewis acted as an Indian agent for the Confederacy, and was arrested by the Federals. We know that he corresponded with the Confederate commander of Tampa, and government records reflect his arrest at Fort Myers on January 7, 1864.³⁴ Frustrated Union blockaders eventually burned his starch factory and damaged his home in 1863, after

Florida west coast, settling in DeSoto County in 1867 and building a log home at Pine Island on the telegraph route through the prairie east of present-day Arcadia.³⁶

George Lewis returned briefly, not long afterwards, to Key West, and sent word to Rose Richards' family that all who wished could join him on his return trip to "Coshmel." His offer was declined, and, having never been heard from again, it was always supposed that George Lewis drowned on the return trip.³⁷

The Third Generation

The surviving Lewis descendants, five children of Frances Johnson and five children of Elizabeth Gould, grew up, married, and had children of their own. No doubt they had heard that their grandfather had once owned land on Biscayne Bay, but Uncle George had never raised the claim, and there is no reason to believe that they ever intended to pursue it. If anything, they may have had greater reason to inquire into the forty acres George had purchased from George Ferguson. This, in fact, they did.

In August 1899, William A. Johnson--by then one of the founders of the town of Fort Ogden in DeSoto County--deeded a one-fourth interest in this forty acres to his son-in-law, John L. Jones.³⁸ In March 1900, Johnson's two surviving sisters, Frances Cornish and Patience Malinda Baker, joined by the widower and children of their sister Caroline, deeded the remaining three-fourths interest in the forty acres to Jones.³⁹ Apparently, they did not believe it was necessary to obtain a deed also from the surviving husband of their deceased sister, Elizabeth Sweeting. And they made no mention of their cousins, the Goulds, as possible heirs, presumably because either George Lewis had adopted the Johnsons when their parents had died, or Lewis had left a will naming them as his sole heirs. John L. Jones sold the forty acre parcel to a developer who platted the Rivermont subdivision, one of Miami's first, in 1904.⁴⁰

which he delivered his "deeds and other valuables" to Rose Richards' father and left to start a new life "in a place called Coshmel, a place somewhere on the coast of Central America."³⁵ Old Ben Tiner stayed on in Miami until his death in 1869, and William A. Johnson moved to the

The Johnsons, at the same time, deeded to Jones a square mile of land near Houston, Texas.⁴¹ This land had been purchased in 1856 by George Lewis for \$315 from Spyres Singleton, who had lived near Jonathan and Ann Lewis in Key West before moving to Texas. Suits in Houston by two landowners early this century established that George Lewis had sold the property in 1857 to one H. S. Bowles, and that the deed had been lost. Texas records do not reflect what, if anything, Jones recovered from the land, but title was eventually settled in the name of D. A. Oates of Texas.⁴²

Meanwhile, the Donation Act lands in Florida continued to change hands without any interference from the Lewis family. Mary Brickell, an Australian emigree living in Cleveland, joined her husband William in 1871 at Miami, where he had opened a general store on the south bank of the river. Between 1870 and 1874, the Brickells acquired all of the Frankee, Jonathan, and Polly Lewis Donations from Richard Fitzpatrick's sister, Harriet English of Columbia, South Carolina, who had herself inherited the property on the death of her son William in 1855. William English, a slaveholder who had taken over Fitzpatrick's plantation operations at the close of the Second Seminole War, had purchased the land from his uncle for \$16,000 in 1843, but died intestate in 1855.⁴³

Mrs. Brickell also purchased the two Egan (or "Hagan") donations from Harriet English, giving her title to all five donations in Dade County at a time when the State of Florida's Internal Improvement Trust Fund was just beginning to sell off the adjacent public lands. Suits in 1888 and 1892 established that her title to the Egan properties was superior to that of another claimant named Hagan, who sought to capitalize on the similarity of his name to that of the Egans, and that a late-discovered mortgage on all five grants given by Fitzpatrick to Harriet English had merged into Mrs. Brickell's title.⁴⁴ At this time, Mary Brickell began to inquire of the General Land Office in Washington, both directly and



These c. 1900 portraits show Jonathan Lewis' grandson, William A. "Sandy" Johnson with his wife Mary and one of their daughters (above), and (below) another of William and Mary's daughters, Morning Johnson Jones, with her husband John L. Jones. (Both photos courtesy of Claude C. Jones, Jr.)





Mary Brickell (front)
(Photo courtesy of Historical Association of Southern Florida.)

through Miami lawyer J.A. McCrory, whether the land patents had been issued to anyone else.⁴⁵

In 1895, lawyers for the Florida East Coast Railway interests were examining title for Mary Brickell to the lands in Dade County through which the railroad would run. Mrs. Brickell had been paying the taxes and building improvements on the properties south of the Miami River, but the railroad lawyers informed her that she needed to complete the process of divesting title to the donation grants from the United States government.⁴⁶ In October 1895, she obtained certificates from the U.S. Land Office in Gainesville, confirming that in 1825 the East Florida Land Commissioners had approved the donations, and she forwarded the certificates, along with her own affidavit enclosing relevant Dade County court documents, to Washington, D.C. The government patents to these lands, under the Donation Act of 1824, could be issued only in the names of the original donees, according to the General Land Office in Washington. So, at Mary Brickell's request in 1896, the patents were issued to Jonathan Lewis and Polly Lewis, both long dead.⁴⁷

The Frankee Lewis Donation patent had already been issued, in that name, in 1870, and delivered to

the attorney for the heirs of Solomon Snyder.⁴⁸ At the same time, Mrs. Brickell's title examiners questioned the legitimacy of the intervening transactions involving Richard Fitzpatrick, his nephew William English, and his sister Harriet English, all of whom had since died. To clear the title issues, the attorneys located every known heir of the Lewises, Fitzpatrick, the Englishes, and Snyder, and put them on formal notice of Mrs. Brickell's intention to preserve the testimony of witnesses who would affirm title in her name. The recorded testimony provides some additional information about the Lewis lineage.⁴⁹

Patience Malinda Johnson Baker, who was born in Texas in 1847 or 1848, and returned with her Uncle George to Biscayne Bay in 1858, testified on November 14, 1896:

... she is and has been a resident of Key West, Florida, for many years; that she is a Grand Daughter of Jonathan Lewis, who lived on and owned the Jonathan Lewis Donation, a tract of land bordering on Biscayne Bay; that said Jonathan Lewis afterward moved to Key West, Florida, and lived at the latter place many years; that deponent knew the Lewis family and that Jonathan and Polly Lewis were brother and sister and were the children of Frankee Lewis, who was the original grantee of the Frankee Lewis Donation on New River; that said Polly Lewis who was the grantee of said donation was nicknamed "Polly" Lewis and was generally known under the name of Polly Lewis; that her real name was Mary Lewis, and that she wrote her name as Mary Lewis and not as Polly Lewis; that she believes that said Polly Lewis or Mary Lewis was never married.⁵⁰

Mary Brickell had supposed that her title to the Egan and Lewis lands was complete, particularly after her extensive efforts in 1895-96 to preserve evidence of her ownership.⁵¹ Her attorneys had tracked down most of the Lewis descendants,

and the widow of a man who had obtained a tax deed (probably fraudulently), and even the descendants of Solomon Snyder (whose grandchildren had located the 1825 deed to the Frankee Lewis Donation and had filed it with the U.S. General Land Office in 1870, before Mrs. Brickell purchased the Fitzpatrick-English interest).⁵² She assembled written depositions by many of Dade County's earliest pioneers: Frederick S. Morse (a resident since 1884), John W. Ewan (1874), John Harner (1872), Dennis O'Neill (1884), and William M. Mettair, as well as Harriet English's agent from 1851 to 1874, Fernando I. Moreno.⁵³

All the English and Snyder heirs accepted small payments for giving up their claims, in the face of overwhelming evidence of Mary Brickell's ownership, since by her open possession of the lands in the face of adverse claims for more than seven years she had earned prescriptive title to the property regardless

To the Honorable Commissioners appointed to examine claims and titles to lands in this territory
The Memorial of Polly Lewis widow of William Lewis, do respectfully shew that your memorial claim title to a tract of land containing 320 acres situate about one mile south of the River Alvarado near Cape Sable which said she claims by virtue of an act of Congress of the United States passed and approved May 26th 1824, granting lands to and forever as now in full force and completion of the same commencing the 22^d February 1825 & the 17th July 1828 and that said memorialist further shew that she was, & is, and has been in actual habitation & cultivation of said tract of land as stated and approved between 7 and 9 years, and that she does not claim title to any other tract of land in this Territory by virtue of any title derived from either the United or Spanish Governments. And your memorialist further shew that she is over the age of 21 years. That she is a native of the United States. And your memorialist further shew that she is a single woman will ever pray
Polly Lewis
Aug^o 25th 1828.

The Memorial of Polly Lewis to the East Florida Land Commissioners, 1824, proves that she was the widow of William Lewis and not, as later claimed, wife of Jonathan Lewis (courtesy of Florida State Archives).



Maps showing the locations of Fort Lauderdale's Frankee Lewis Donation (above) and Miami's Jonathan and Polly Lewis Donations (below) in relation to the modern shorelines and streets (maps by Patrick Scott).



of any flaws in the chain-of-title.⁵⁴ The largest payments went to the Snyder heirs, who did not settle until it became known that the F.E.C. Railway would pass through the donation, assuring that the future city of Miami would develop on the property. When it later became necessary to obtain another quit-claim deed from heirs of Harriet English, the price of the land had risen to \$3,000.⁵⁵

Although Mrs. Brickell gave the known Lewis descendants notice of her deposition-taking, she did not name them as defendants in any suit. Her lawyers, Robbins, Graham & Chillingworth, gave her a formal title opinion on June 6, 1896, that the Lewis' title was divested by the deeds to Snyder and Fitzpatrick.

In 1898, Mrs. Brickell brought suit again, this time against the heirs of Wilhemina Baron, who held an 1851 deed to the Jonathan Lewis Donation from one Alexander Mackay.⁵⁶ Mr. Mackay's deed was executed by William English in 1848, after Dade County had been established, and both the English-to-Mackay deed and the Mackay-to-Baron deed were recorded in Monroe County during a time when no organized county government existed in Dade County. Why the circuit judge, then in Orlando, voided the Baron claim does not appear from the sparse records remaining.

All passed peacefully for many years after the railroad arrived. The City of Miami was incorporated in 1896 and the Town of Fort Lauderdale in 1911. Mary Brickell and her large family platted their first subdivision in 1903, and grew wealthy selling off parcels from the original five donations.⁵⁷

By 1919, Broward and Palm Beach counties had been formed from old Dade County, and a surge in post-World War I economic growth led to a reinvigorated tourism industry, a small boom in real estate development, and strong coverage of Florida activities in the northern press. At the time, the surviving branches of the Lewis family tree looked like this (with county of residence in parentheses):

Surles Lewis, m. Frankee

William Lewis

Surles Lewis, Jr.

Jonathan Lewis, m. Ann Watson, d. 1850s

Elizabeth Catherine Lewis (1808-1850), m. James Gould (1804-1854)

William James Gould, m. Matilda _____ (Monroe)

James A. Gould (Monroe)

George Gould

Georgianna Gould, m. _____ Knowles (Monroe)

Lillian Knowles, m. Charles Sutton (Bahamas)

James Robert L. Gould (1837-1877), m. Charlotte I. Roberts (1849-1935)

Gertrude O. Gould, m. Jackson Lowe (Monroe)

Ella I. Gould, m. Charles J. Curry (Monroe)

Ella Minette Gould

Percival O. Gould

Frances Lewis (1811-1850s), m. William Henry Johnson (1811-1850s)

William Alex Johnson (1838-1911), m. Mary M. Brewer (1844-1919)

William C. Johnson (1880-1914)

Frances Johnson, m. _____ Granger

Bertha Granger

Floyd Granger

Anna Granger

Lizzie V. Johnson (1870-1893), m. R. M. Grantham

May Grantham

Morning Johnson (1868-1967), m. John L. Jones (DeSoto)

Albert Sidney Johnson (1873-1944), m. Mary A. Carr (DeSoto)

Winifred A. Johnson (1877-1960), m. Pink Annie (DeSoto)

Mollie Johnson, m. Abram Waddell

Mollie J. Waddell

Foley Waddell

Edgar Waddell

Mary E. Johnson (1883-1913)

Lampton Johnson

Claude Johnson

Patience Malinda Johnson (c. 1848-1910s), m. Benjamin A. Baker

Stella Baker, m. Charles E. Roberts

William M. Baker, m. Nellie B. _____ (Monroe)

Benjamin A. Baker, Jr., m. Hattie _____ (Monroe)

Oliver F. Baker

Lemuel A. Baker, m. Mamie _____ (Monroe)

Jessie V. Baker, m. Charles E. Duval (Duval)

Carl V. Baker, m. Hattie _____ (St. Johns)

Pansy I. Baker, m. Herschel M. Connor (San Francisco, Cal.)

Caroline C. Johnson (c. 1846-?), m. William A. Cornish

George Cornish, m. Lizzie _____ (Monroe)

Junetta B. Cornish, m. Joseph Pinder

Hattie J. Cornish, m. Joseph Saunders (Monroe)

Ida E. Cornish, m. Earnest F. Cook

Blondie Cook

Brunette Cook

Leo Cook

Camille Cook, m. Lena Cruz (Monroe)

Florell Cook, m. Vernon Griffin (Monroe)

Frances M. Johnson (c. 1843-1922), m. John Cornish

Clara Cornish

(Annie) Elizabeth Johnson (c. 1840-?), m. John Sweeting

Theodore A. Sweeting

Ida Sweeting, m. J.W. Pinder

Louise Sweeting, m. Frank Grant

Annie Sweeting, m. George W. Albury

John Watson Lewis (1814-1835)

William Serles Lewis (1817-1835)

George Lewis (1820 - ?), m. _____ .⁵⁶

MRS. BRICKELL FIGHTS ATTACK ON HER TITLE TO J. LEWIS DONATION

Injunction Proceedings Against
Lewis Norton, et al Be Heard
Before Circuit Judge
Branning Today

Mrs. Mary Brickell started proceedings in circuit court today in defense of her title to 640 acres of land known as the Jonathan Lewis Donation, under the title of a bill to quiet title, for injunction and other relief against Lewis G. Norton, Thomas J. Peters, D. Z. Filer et al; the injunction phase of which is to come up for hearing this afternoon before Circuit

Announcement of Mrs. Brickell's legal battle with the Lewis heirs in a c. 1920 Miami newspaper clipping.

By 1919, no one in south Florida remembered Jonathan Lewis or his parents. Only one of his grandchildren, Frances Johnson Cornish, was still alive. But Mrs. Cornish, her brothers-in-law, William Cornish and Benjamin Alonzo Baker, and a dozen nephews, nieces, and cousins began collecting signatures by which their interest in the three Lewis donations as Jonathan's heirs were conveyed to a trustee, Lewis C. Norton (no relation to the family).⁶⁹ When Norton recorded the deeds in Dade and Broward counties in 1919, old Mary Brickell was understandably upset. Mrs. Brickell had a large family and a complicated plan for distributing her assets upon her death—a plan which would result in many years of litigation among her own children. At the age of eighty-four, she was aware that the Lewis family claim had to be eradicated quickly. But Lewis Norton beat her to the courthouse. The law firm of Carson & Botts filed suits on his behalf in Dade County in September 1919, claiming title to the Polly and Jonathan Lewis donations and seeking a partition (sale and distribution of proceeds) of the properties among the heirs.⁶⁰

Norton's suits claimed both donations, but his stronger claim lay to

those lots on the Polly Lewis Donation not yet built on. These lot owners could not claim to have taken title through adverse possession, and would have to rely upon the validity of their chain of ownership stretching from Polly Lewis to Richard Fitzpatrick to William English to Harriet English to the Brickells. Ultimately, however, the lawsuit called by the *Miami Herald* "the most important land title action ever tried in Dade County" came to involve 300 landowners.⁶¹

The theory behind the Lewis descendants' claim was quite simple. The donation had been confirmed by the Federal Land Commission to "Polly Lewis" in 1825, but the deed of the lands to Richard Fitzpatrick in 1832 was signed by "Mary Lewis." When Mrs. Brickell obtained the U.S. General Land Office patent to the property, it arrived in the name of "Polly Lewis," no doubt the reason why Mrs. Brickell's lawyers in 1895 had filed the affidavit of Patience Baker explaining that Polly and Mary were the same person.⁶² Besides, even if Polly and Mary were the same, Mary, unless single or widowed, would have had no power to convey land without her husband's joinder, under the laws governing the rights of married women in nineteenth century Florida.⁶³ So the Lewis descendants wanted another chance to prove that Jonathan Lewis had been the husband of Polly, and that therefore Jonathan's heirs had inherited Polly's land because he had died without a will—and without conveying the Polly Lewis Donation to Fitzpatrick himself.

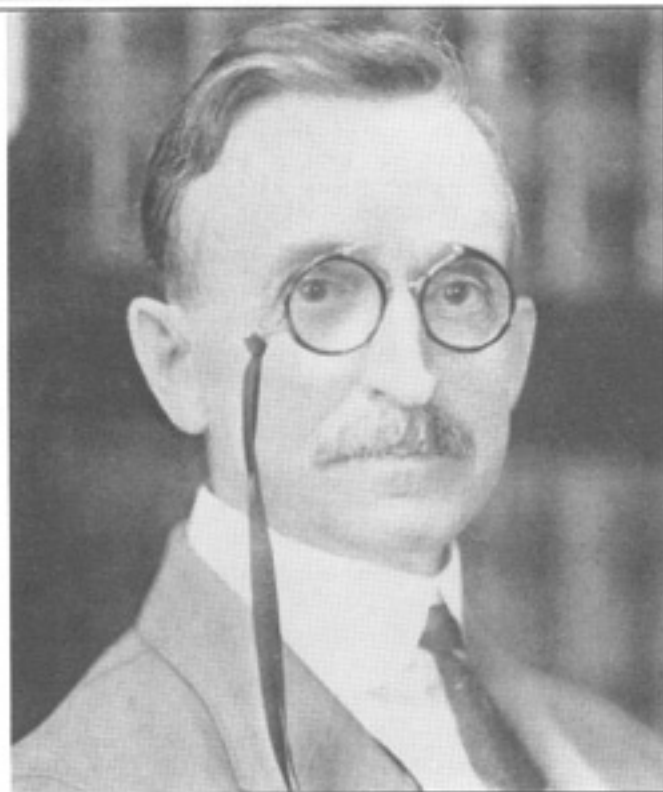
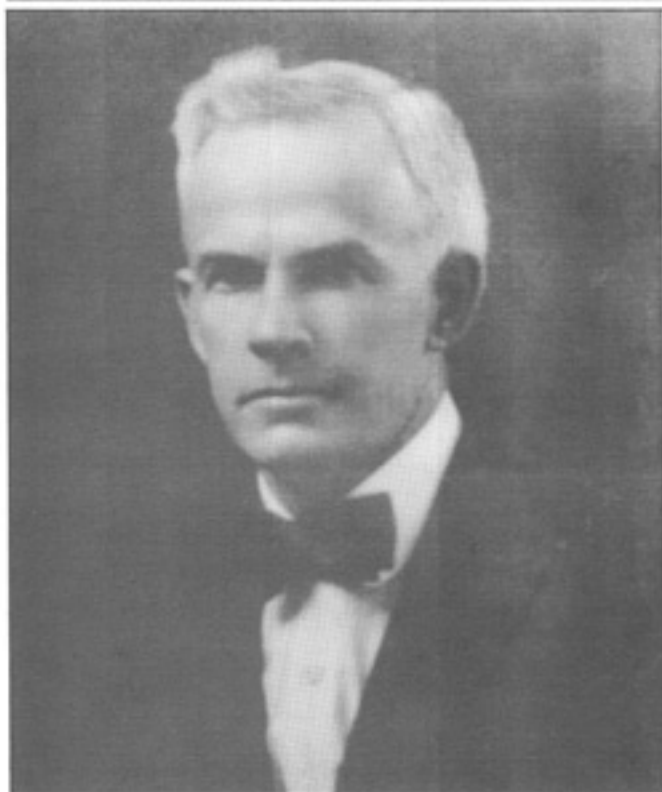
The key to the Lewis heirs' case lay in the testimony of Frances Johnson Cornish, the last survivor of the family which had moved to Texas seventy years before. Miami lawyer Fred Botts wrote to Key West attorney W. Hunt Harris in June 1921 that he had traveled to Tallahassee and obtained copies of Mary Lewis' 1824 petition and the December 1825 confirmation of the lands in the name of Polly Lewis. Botts concluded that Mary and Polly were different people, but suggested that Harris preserve the testimony of Frances Cornish without delay.⁶⁴ We do not know if

Mrs. Cornish ever testified, so we may never know whether she was really unaware that Mary "Polly" Lewis was actually the widow of Jonathan's brother, William, or whether her memory was clouded by the knowledge that the entire case depended upon her testimony.⁶⁵

The lawsuit did not last long. Circuit Judge H. Pierre Branning in August 1920 struck Norton's bill of complaint on the ground that a suit may not combine adverse defendants, whose title the suit seeks to strike, with friendly defendants, to whom the complainant seeks to partition the property.⁶⁶ The decision was affirmed by the Florida Supreme Court in January 1922, but on another ground: that the passage of nearly 100 years without complaint about the land titles constituted *laches*, that is, a delay so prejudicial to the adverse parties that they should not be made to defend.⁶⁷ Norton's suit was dismissed without the court addressing the credibility of the allegations, although Justice James B. Whitfield went out of his way to comment on the probability that Polly Lewis and Mary Lewis had been the same person.⁶⁸

When the supreme court decided the case, the *Miami Herald* trumpeted the victory for the lot owners, predicting that "real estate sales in the disputed territory will pick up." Apparently not recognizing the staying power of the Lewis litigants, the *Herald* also predicted that the high court ruling "effectually stops any further litigation."⁶⁹ Lewis descendants heard something else. They told *Fort Lauderdale News* columnist Wesley Stout, forty-five years later, that Norton had "sold out" for \$10,000.⁷⁰

Even before the Florida Supreme Court issued its written ruling, Mary Brickell filed suits against the Lewis descendants' trustee (Norton), several minor heirs, and "unknown claimants" as to the Frankee Lewis Donation in Broward County, and the Jonathan and Polly Lewis Donations in Dade County, in May 1921.⁷¹ Mrs. Brickell charged that the defendants were clouding title to her lands because the Lewis heirs were:



Judges H. Pierre Branning (left) and E. C. Davis ended the genuine Jonathan Lewis heirs' claims to the donation properties. (Photos courtesy of Peter Branning and Historical Association of Southern Florida.)

envious of [Mrs. Brickell's land holdings] . . . and knowing that the complainant is an old woman and a widow past four score years of age and is not wise to all of the tricks, turns and artifices of real estate dealings and modern day adventures . . .

She has earned and paid for the property, and . . . for about 50 long years, she has lived a pioneer life in South Florida, endured the hardships and privations of such pioneer life, and that now in her old age and in good conscience she ought to be allowed the peace and quiet to enjoy the fruits of her labors.⁷²

Her attorneys published notice of the suits in the *Fort Lauderdale Sentinel* and the *Miami Herald*, as permitted then by Florida law, without actually serving process on the defendants, who lived in the Florida Keys.⁷³ Of the three Brickell suits filed, Norton's attorneys defended only the two cases in Dade County. Perhaps they never knew about the Broward County case. In any event,

based on Mrs. Brickell's affidavit attesting to her apparent ownership and longtime possession ("[I took] possession by my agents and members of my family who lived thereon; I cleared the land, cultivated a portion, built houses, grew fruit, used it for timber and building material"), and on extensive investigation by a court-appointed master, Judges E. C. Davis, ruling on the Frankee and Polly Lewis Donations, and Pierre Branning, ruling on the Jonathan Lewis Donation, entered judgments quieting title in Mary Brickell's name.⁷⁴ Unfortunately for the pioneer landowner, she did not live to hear the result of her protracted court battles. She died on January 13, 1922.⁷⁵

The Appearance of the Brooker Lewises

The saga of the Lewis family took its most bizarre turn in October 1920, when twelve Floridians represented by attorney G. E. McCaskill of Miami sought to intervene in Lewis Norton's lawsuit.⁷⁶ Judge Branning

had already ruled, so this new group of Lewises—who eventually would claim that Norton's Lewises were impostors and no relation to Jonathan Lewis—were ignored. Newspaper accounts of Mary Brickell's posthumous court victories over Norton in 1921 and 1922 made no mention of the second group of Lewises.⁷⁷ But the newcomers began to collect deeds from their own family members, adopting the same strategy used unsuccessfully by Norton, and thus defended or initiated a series of suits which would last more than forty years, based on a myth which has come to be accepted as fact by their descendants today: that they are the real heirs of Jonathan Lewis.⁷⁸

They were descendants of Dr. Robert Lewis, who died in Brooker, Florida, in 1880.⁷⁹ Two of Dr. Lewis' older children, George C. and Richard F., had come to Florida as children during their father's military service with Colonel Zachary Taylor's First Infantry Regiment, and had lived for several years in Fort Brooke, near Tampa.⁸⁰ By 1850, George C., a

Mexican War veteran, was living in the Sailor's Boarding House in Key West.⁸¹ He may have known George Lewis of Miami, who, as a comptie farmer and boat owner, must have traveled periodically to Key West. The Key West descendants of Dr. Robert Lewis, knowing that Dr. Lewis had been a Florida pioneer, were easily led to believe that the "other" Lewis litigants must be distant cousins, or even impostors.⁸² George C. Lewis was long dead, having passed away in 1906; his stories of the native south Florida comptie farmer George Lewis who he had apparently known in his youth somehow became transmuted into a tale that George C. was himself a descendant of the first Cape Florida settlers.

From conversations with grandchildren of Dr. Lewis--principally Thomas J. Lewis of Miami, Richard F. Lewis of Arcadia, and Robert J. Lewis of Key West--the lawyer McCaskill developed the theory that Dr. Lewis' name may have been George Robert Lewis, and that Jonathan Lewis must have been his father or grandfather.⁸³ This would give all of Dr. Lewis' descendants the right to claim a share of title to the three donations, as well as two other parcels identified with George Lewis: the forty acres in Rivermont Subdivision which George Lewis had purchased in 1860 from George Ferguson and the 639 acres of land in Harris County, Texas. Unfortunately for McCaskill's clients, to award the lands to them would ultimately come to depend on a judge ignoring the Florida Supreme Court's 1922 ruling in favor of Mary Brickell's heirs and grantees whose chain of title stretched back over 100 years.

Instead of filing suits, attorney McCaskill prepared an impressive family tree, purporting to show the relationships, and he traveled the state, taking statements from Dr. Lewis' surviving grandchildren and collecting contributions toward the cost of the inevitable suit to claim title to some of Miami's most valuable land.⁸⁴ The suit was never filed, probably because Mary Brickell had sued first, clearing title to the Jonathan, Polly, and Frankee Lewis Donations in the 1921 suits, and because of the

Supreme Court's decision in the Norton suits in 1922. Perhaps Dr. Lewis' heirs' lawyers were hesitant to recommend clouding title to such large parcels, in the face of the Brickell heirs' greater capacity to finance expensive litigation.

After the tardy, and unsuccessful, attempt to intervene in the Norton vs. Jones case, McCaskill must have advised his clients to turn their attention to the forty acres in Rivermont Subdivision, which had not yet been the subject of any litigation. Owners of Lot 8, Woodson and Jeanette White, represented by Mitchell Price of Price, Price, Neely & Kehoe, had filed a quiet-title suit against the "known and unknown heirs of George Lewis" in January 1921, and one J. E. Wilson, the owner of Lot 2, filed a similar suit in February.⁸⁵ Both actions were attempts to assure that John L. Jones, the common source of title, had received good title in 1900. McCaskill rushed to represent the "unknown heirs" of George Lewis.⁸⁶ The suits were disasters for the "Brooker Lewises," since the court decided that all Lewises had lost their claims on both properties. The court files have long ago been destroyed, and the portions of the files still in Lewis family members' hands do not reveal the cause of the loss.

There was one startling success for the Brooker Lewises during the White vs. Lewis round of litigation. A pioneer was located who had known both George Lewis (Jonathan's son) of Miami and George C. Lewis (Dr. Lewis' son) of Key West. Obediah Hall had lived in Key West since the 1870s. Before that, he and his family had lived on the Miami River continuously since 1862, except for a short period during the Civil War when the family had removed to New River.⁸⁷ McCaskill tried to impress upon his clients, in advance of Hall's testimony, what he would like to hear:

Perhaps Mr. Hall heard George C. Lewis or George Lewis II make statements before their death that they were descendants [sic.] of Robert Lewis and his father George Lewis. It is just such

*testimony as this that we want.*⁸⁸

Hall testified on August 2, 1921:

Well, I'll tell you, along in '62 we were here in Key West and went up looking for a place to locate, went down along shore looking for a place to raise garden stuff, went up to Miami and fell in with this man, George Lewis, he was a pretty clever sort of fellow, he took us in there, [we] stayed there for probably a month and he told us about his family here, George Lewis and his family and requested us to bring some stuff down here to his people, it being war time and no mail and no boats running and said he would like to get some produce down here to them and get stuff back.

I heard him and my father speaking of Jonathan Lewis as being his father.

[By McCaskill:] *Did you hear this George Lewis you knew in Miami say that the George Lewis who lived in Key West was his grandson, anything to that effect?*

[By Hall:] *...I think he said grandson, I am sure he did.*⁸⁹

Hall went on to explain that Lewis sent the Halls back to Key West with pumpkins and comptie starch, which they delivered directly to George Lewis of Key West. When Hall and his father returned to Miami a year or two later to cut wood under a government contract, they went to Lewis' home, but he was gone. They never heard of George Lewis again. Hall became a close friend of Key West's George C. Lewis over the years, but that Lewis never mentioned the Miamian who bore the same name.⁹⁰

What Obediah Hall's testimony lacked in credibility, it made up for in endurance; the transcript has been saved. However, one must be suspicious about why McCaskill did not take testimony of other first-hand witnesses, including Frances Cornish, Benjamin Alonzo Baker, or even Mr. Hall's aged mother. Certainly family members worked hard at developing the necessary genealogical

proof, but they were never able to document the final connection between Jonathan Lewis and Dr. Robert Lewis.⁹¹ They ultimately discharged their lawyers, charging that McCaskill had lost the Wilson suit by failing to appear at a hearing.⁹²

Among the descendants of Dr. Robert Lewis, interest flagged, but at least four of them pressed on. The lot fell increasingly to one great-grandson, Robert J. "Bobby" Lewis, to lead the fight, and he spent the last sixty years of his life trying to vindicate the family claim. From the beginning, Bobby's efforts were hampered by his having many relatives who were anxious to testify but not anxious enough to contribute funds. None of Dr. Lewis' grandchildren could testify with certainty who their great-grandparents were, but several of them tried anyway, leading Bobby Lewis to collect an increasingly inconsistent genealogical trail. Meanwhile, Bobby's brother-in-law Roland Weatherford was responsible for raising monetary contributions from family members to sustain McCaskill and other lawyers. Frustration ran high, and the efforts of the lawyers foundered partly because of the difficulties of dealing with Bobby Lewis and Roland Weatherford, who often worked at cross-purposes from the attorneys.⁹³

Two years after McCaskill was discharged from the Woodson White suit, it remained undecided by the court. Bobby Lewis sought to reopen the investigation and the lawsuit in 1925. He solicited the firm of Brown & Stokes in Miami, but J. P. Stokes turned him down after reviewing the Florida Supreme Court's decision in the 1921 Norton vs. Jones case.⁹⁴ Lewis' frustration must have mounted when, in 1925, land values in south Florida began to rise rapidly. During the great "Florida land boom," the Brooker Lewises sought to protect their "inheritance" by recording numerous "quit-claim deeds" to the entire Jonathan and Polly Lewis Donations.⁹⁵

When the family hired lawyer J. L. Frazee of Starke to reactivate their defense of the dormant Woodson White case in 1926, he advised the Lewises to press for a quick and com-

At right is attorney G. E. McCaskill, who reopened the case on behalf of the "Brooker Lewises" (courtesy of Historical Association of Southern Florida), and below is Robert J. "Bobby" Lewis, who pursued the case for forty years (courtesy of Edward Lewis).

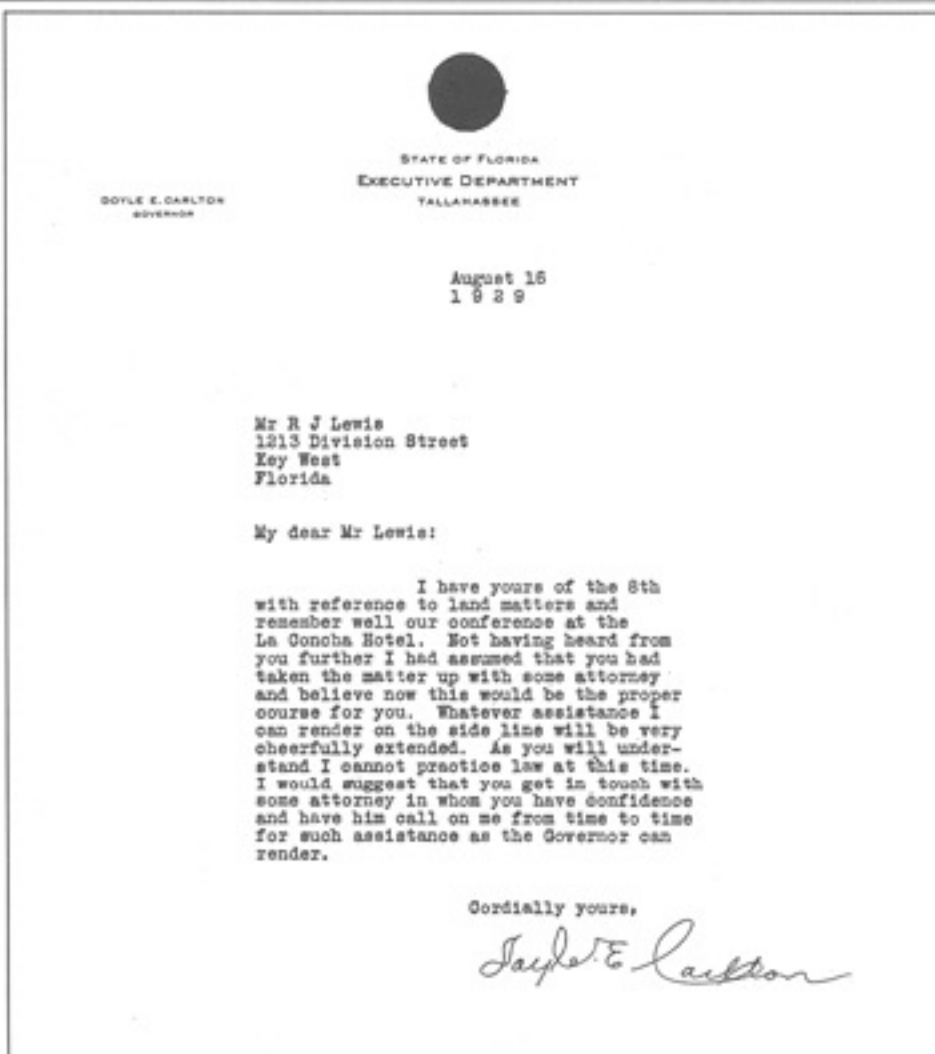




Judge Paul Barns
(Courtesy of Historical Association of Southern Florida).

prehensive settlement with the Brickell family while at least some of the acreage remained undeveloped, so that the Brickells' adverse possession defense--used with some success in the earlier litigation--would not bar the Lewis title. H. Pierre Branning, by then the Brickell family attorney, initially told Frazee that he would recommend a settlement, but later informed him--unfortunately for the Lewises--that the Brickells were not interested in discussing any kind of settlement.⁹⁶

During the boom, a land developer, East Shenandoah Company, purchased ninety-five acres of land from the Mary Brickell estate, in "The Roads" section of Miami, on the Jonathan Lewis Donation. To clear the recent quit-claim deeds from title, it filed suit against Dr. Robert Lewis' family.⁹⁷ These were "wild deeds," since the grantors were not the record title holders, and in smaller transactions during those heady days of high leverage and fast turnover, title examiners might have chosen to risk ignoring them. But this was not the case when ninety-five acres was involved. In the East Shenandoah suit, the Lewises accepted a "substantial settlement" from the plaintiff, and in return filed a pleading confessing the plaintiff's complaint and consenting "to any decree which may be entered in said cause which may



DOYLE E. CARLTON
GOVERNOR

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

August 16
1929

Mr R J Lewis
1213 Division Street
Key West
Florida

My dear Mr Lewis:

I have yours of the 8th with reference to land matters and remember well our conference at the La Concha Hotel. Not having heard from you further I had assumed that you had taken the matter up with some attorney and believe now this would be the proper course for you. Whatever assistance I can render on the side line will be very cheerfully extended. As you will understand I cannot practice law at this time. I would suggest that you get in touch with some attorney in whom you have confidence and have him call on me from time to time for such assistance as the Governor can render.

Cordially yours,

Doyle E. Carlton

Governor Doyle Carlton's response to Bobby Lewis' plea for intervention.

be deemed...proper in the opinion of the...Honorable Court...⁹⁸

Unexpectedly, Judge Paul Barns went beyond the ninety-five acres in question, cancelled *all* the wild deeds, and entered a permanent injunction against any further activity of that sort by the Lewises.⁹⁹ Only the judgment survives from the court file, but we can surmise that Judge Barns was aware that a similar claim had been made unsuccessfully by other Lewis descendants before the Florida Supreme Court. Years later, one of the litigants claimed that the Lewises had already concluded the settlement with East Shenandoah Company by delivering a deed to the plaintiff before Judge Barns issued his ruling, and that the Lewises had confessed judgment based on poor advice from their lawyer, never real-

izing that their deeds to more than 1,000 acres might be affected.¹⁰⁰

The litigants probably never knew of Barns' close connection with the Brickell family, who would benefit the most from the unexpectedly expanded language in the order. It had been Barns who first informed William Brickell, Jr. of the deaths of his brother Charles C. Brickell and his sister Alice in 1924, and his law firm handled the probate of Charlie Brickell's estate.¹⁰¹

Bobby Lewis, in his notes from a draft response to a 1962 suit, described his family's reaction to the Barns decision:

Shortly after the decision in the case, legal assistance was secured, a thorough review of all evidence relating to title was made, and a case prepared when

the lawyer involved died under most peculiar circumstances. Following that, one law firm after another was interviewed. Some had reasonable excuses for not taking the case but obviously, most feared the threat of contempt.¹⁰²

In desperation, Bobby Lewis wrote to Governor Doyle Carlton, to whom he had spoken during a campaign trip to Key West in 1928.¹⁰³ And in 1931, Lewis contacted the Spanish embassy in Washington, D.C., asking for official recognition of his family's claim.¹⁰⁴

Because of the deeds, the Lewises were named as defendants in several foreclosure suits, in 1931 and 1932.¹⁰⁵ J. F. Busto, a Key West lawyer, defended both cases for the Lewises, but he most vigorously defended the second case, Passumpsic Savings Bank vs. Simmonite, since it involved lands in the Rivermont Subdivision which had not been the subject of any previous suit. These efforts were to no avail; Judge Uly O. Thompson affirmed the report of special master J. C. Morcock in that case, in a January 1933 ruling that the Lewis title was inferior to that of the plaintiff.¹⁰⁶

In 1933, Bobby Lewis—through attorney J. Y. Porter of Key West—retained Paul M. Marks of Miami, who arranged a settlement of \$100 with the liquidator of Dade County Security Co. on Tract 6, Rivermont, for a quit-claim deed, but after nine months, Lewis had still not accepted the settlement. Marks advised Lewis that he could expect to receive no more than fifty dollars per lot in settlement of a contemplated suit on all of Rivermont, posting the odds at “less than fifty-fifty.”¹⁰⁷

Bobby Lewis, a Key West native who spent most of his life as a city and county employee, continued to collect documents and clip newspaper stories on the development of the Brickell Avenue area.¹⁰⁸ During the mid-1950s, the rows of mansions began to give way to commercial development: a Holiday Inn, shops, several churches, a grand entrance to the new Rickenbacker Causeway, and—on property donated to the

Catholic Diocese of St. Augustine by the heirs of James Deering—the vast Mercy Hospital/LaSalle High School complex. Bobby wrote to his cousin Tom Lewis in Miami, when a new subdivision was being developed in 1954, asking whether an old house recently uncovered by workmen was the same house where Tom had, as a boy, claimed to have discovered an old diary listing the names of the Lewis heirs.¹⁰⁹ In 1953, Bobby Lewis tried to enlist a young Miami lawyer named Sidney Aronovitz, who rejected the case “without giving [Bobby] a chance to explain anything,” but who later heard the persistent Lewis’ story and then rejected the case again.¹¹⁰

Judge Barns, ultimately elected to the Florida Supreme Court, retired in 1949, and in July, 1954, Bobby ordered certified copies of much of the *East Shenandoah* court file from the clerk.¹¹¹ He purchased an abstract of part of the Jonathan Lewis Donation, and he wrote to Tom that “the pot was coming to a boil....We hope that everything is shaping up to a point where some definite action may soon be started.”¹¹²

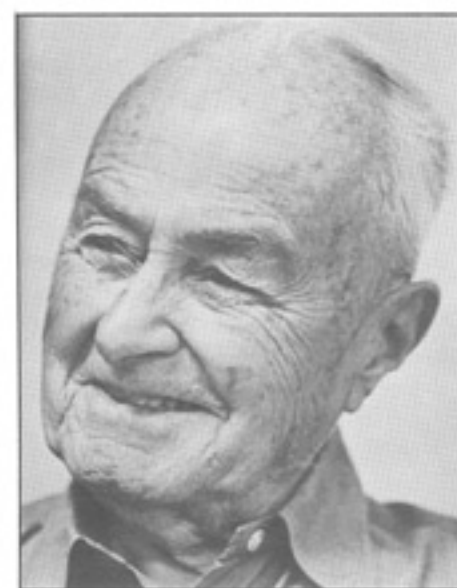
After Miami attorney Charles Crowder rejected the case, Lewis hired Oliver W. Folmar of Tavernier, who reviewed courthouse files so old he had to “blow off the dust.” Folmar’s mission was to discover whether James Deering had paid all the taxes through the years on his property, but he never explained why he believed the nonpayment of these taxes would benefit the Lewis claim.¹¹³

In any event, Folmar had the *East Shenandoah* court file reopened in 1957. His petition noted that *East Shenandoah Company* had been dissolved in 1936, and concluded that no one need be informed of the reopening of the suit.¹¹⁴ Circuit Judge George Holt agreed to modify the 1929 judgment so that it would only apply to the ninety-five acres at issue in the original suit.¹¹⁵ Only Bobby Lewis knew of the 1957 order, but he soon made much use of the order, which he later claimed vindicated his family’s title to the Jonathan and Polly Lewis Donations.

Lewis convinced *Fort Lauderdale*

News columnist Wesley Stout, who had written many pieces on local history, to feature the Lewis story in a five-part series in 1958. Stout had been the first writer to bring the story of Fort Lauderdale’s earliest settlers to a broad audience when he publicized a 1952 historical journal article on the 1793 Spanish investigation of the Lewises.¹¹⁶ After running the 1958 series, the columnist “chortled” privately to Bobby Lewis at *Miami Herald* columnist Mike Morgan’s “statement that no one knows who the Lewises and Hagans were or where they lived” as “typically Miamian ignorance of their own history.”¹¹⁷ In fact, Stout had accepted Bobby Lewis’ word as to the whole story, so the articles are filled with inaccuracies.

By 1959, Bobby, his wife, and nine other investors had formed a company, Lewis Properties, Inc., and transferred into the corporation all the interests which they had purchased from family members during the 1920s.¹¹⁸ The officers of Lewis Properties, Inc. often flirted with the idea of filing a quiet title suit themselves. Miami attorneys Bruce Barfield and D. Joseph Snyder tentatively agreed to file suit for a \$1,000 fee and one-third of any recovery, but after reviewing a written title opinion they declined the case.¹¹⁹ After



Fort Lauderdale Daily News columnist Wesley Stout (courtesy of Fort Lauderdale Historical Society).

this rejection, Lewis returned to his traditional defensive stance.¹²⁰

In February 1961, Lewis Properties' board of directors voted to issue deeds to certain of Bobby Lewis' "friends in Key West," subject to an unrecorded contract to be signed by each of the grantees who received a deed. The contract provided that a lot in the Jonathan Lewis or Polly Lewis Donation was being deeded to the grantee for a "nominal consideration," and that the grantee must promptly record the deed and try to sell the property and split the net profits with Lewis Properties. If the parcel was still unsold after six months, the grantee must return it to Lewis Properties. And the grantee was required to pay all legal expenses of defending title, without any recourse against the company. Apparently no one was willing to sign the contract, but deeds were issued nonetheless to the corporate officers and others.¹²¹

In 1961, Lewis Properties, Inc. and at least one of its grantees began paying the taxes on two vacant lots on Brickell Avenue ostensibly owned by Brickell family members.¹²² A local real estate developer became interested in the pattern of deeds beginning to appear at the Dade County Courthouse and offered to have his attorney offer an informal opinion on title. According to Lewis, the lawyer, Mr. Dixon, "said in effect that he knew from his study that the Brickells had stolen the two Lewis sections but that he didn't believe a case could be won and that he wanted nothing to do with it." Bobby Lewis thanked him for his time, but wrote that "among local lawyers it was sacrilege to say or do anything detrimental to the names of Flagler, Brickell, and Tuttle." He issued four more deeds in October.¹²³

In November 1961, Mr. and Mrs. George Karnegis, owners of a lot on the bay just north of the Rickenbacker Causeway entrance, applied to the City of Miami and to the Trustees of the Internal Improvement Fund to bulkhead and fill a few thousand square feet of bayfront in order to build efficiency apartments on their property. Two representatives of Lewis Properties appeared at

the public meetings and opposed any decision being made until title to the property was determined between the Karnegises and the Lewises' grantee, Mrs. Ralph Spaulding.¹²⁴

The next day, B. F. Hendricks, of Hendricks & Hendricks, on behalf of the Karnegises, demanded that Mrs. Spaulding quit-claim her interest, and warned that he had advised the Brickell family lawyer to be on guard against the Lewises' "attempt to cloud the title" to nearby properties. At the reconvened Planning Board meeting on December 8, Miami Mayor Robert King High promised that no action would be taken on the bayfront fill request until the Karnegises produced satisfactory proof of ownership.¹²⁵

Thus were the battle lines finally drawn between the Lewis grantees and the Brickell grantees. Soon afterward, Alfred Aronovitz, of Aronovitz, Aronovitz & Haverfield, made a quit-claim demand on behalf of Brickell Mansions, Inc., directed to Lewis grantees Hollon Bervaldi and Gerald Orvall Dunn. J. Y. Porter of Lewis Properties responded by inviting Aronovitz to file suit.¹²⁶ In May 1962, after contacting yet another lawyer, Oscar Rappaport, who declined the engagement, the officers of Lewis Properties determined to draw the Brickells into a fight by giving warranty deeds--warranting good title to each parcel they sold.¹²⁷

Peter Sanders, the stepson of George M. Brickell, the last surviving son of the pioneer family, mortgaged four lots owned by him but claimed also by the Lewises. His lender insisted that the title be cleared, so Sanders asked Bobby Lewis to name his price. Thus confronted directly for the first time by a Brickell, Bobby sought advice on how to respond to the family on whom he had placed a century of blame.

Joe Milner, whose wife was a director of Lewis Properties, warned Bobby not to treat Sanders sympathetically:

If you quit claim, you will be going back to what it was, No Rightful Owner, as you are now, and the Lewis Properties, Inc. will be out of Luck For Good. Can you

*see what they are trying to do; talk to Capt. Spaulding and he will tell you the same thing I'm saying.*¹²⁸

The Karnegises filed suit against the Lewis interests in September 1962, and the Lewises retained Saul T. Von Zamft under a \$500 retainer to oppose Ben Hendricks, counsel for the Karnegises. Circuit Judge A. Patrick Cannon denied the defendants' motion to change venue to Key West. Meanwhile, a neighboring property owner, Harold E. Davis, represented by lawyer Jackson Peters, paid \$500 to Lewis Properties, Inc. for a quit claim deed to four lots, after first filing, then dropping, a suit. Bobby Lewis warned Peters that he would take the case to the Supreme Court if necessary to vindicate the family claim, but Lewis also told Folmar that Peters had come to Captain Spaulding's house and threatened to "hang him by the toes" if Lewis Properties did not give him a quit claim deed.¹²⁹

About this time, Bobby Lewis began using code names in some of his correspondence with city and county officials who insisted on sending him refunds when both the Brickell interests and the Lewis interests paid the taxes on the same parcel. Bobby was the "Short Ranger," and one of his "operatives" in Miami was the "Lone Ranger." And Lewis' suspicion of all lawyers, even his own, grew more evident with each letter.¹³⁰

Peter Sanders, the Brickell stepson, sued Lewis in April 1963 to quiet title to land long owned by the Brickell family, land sold also by Lewis Properties to former Monroe County Juvenile Court Judge Eva Warner Gibson, and also to eradicate the Lewis claims to all of the Jonathan and Polly Lewis Donations.¹³¹ Bobby Lewis told the *Key West Citizen* the next month that he had received several cash offers from other property owners, and was "not a bit worried" about the Sanders lawsuit. "After all," he stated, "I have a legal decision to back me up."¹³²

The first result of the publicity surrounding the lawsuit was a novel

solicitation by reporter Miller Davis of the *Miami News*. Davis offered Lewis one dollar for a deed to the Rickenbacker Causeway tollbooths, with a reverter clause effective after one week, with the expectation of generating "hilarious confusion" among Dade County officials.¹³³ In a hastily called meeting of Lewis Properties, Inc., the directors wrestled with Von Zamft's insistence that he be paid at an hourly rate or fixed rate instead of a contingency fee. Said one director, "If you're so set on the money angle you must not be sure of winning." Finally they agreed to pay the lawyer \$500 immediately, another \$500 in thirty days, and thereafter on Von Zamft's terms which "will be satisfactory to us."¹³⁴

The rush of publicity emboldened Bobby Lewis. In a June interview with the *Key West Gazette*, he railed against the "power of money against poverty," by which the Brickells had kept the Lewis descendants from their birthright for generations, and he made a magnanimous offer: "Lewis Properties, Inc. will give clear title to Mayor High for the City Hall property on Flagler Street [should be Bayshore Drive] and clear title will also be given to the Academy of the Assumption and Mercy Hospital insofar as their properties are in the Jonathan and Polly Lewis Donations or the George Lewis property."¹³⁵

Judge James Kehoe, after several preliminary hearings, heard the relative merits of the Sanders case on December 4, 1963. Oliver Folmar was not present, but Von Zamft presented Bobby Lewis and Eva Warner Gibson as witnesses. The result was the crowning blow to Lewis' career as a litigant. Judge Kehoe ruled that Polly and Mary Lewis were the same person, that Judge Branning's decision in favor of Mary Brickell in 1922 had foreclosed all Lewis interests, and that the Lewises had waived their rights to make a claim by failing to prosecute their claim in the courts. He struck all twenty-three deeds recorded by Bobby Lewis and his company since 1930, and prohibited any further recordation of deeds or prosecution of lawsuits.¹³⁶

To the newspapers, Lewis de-

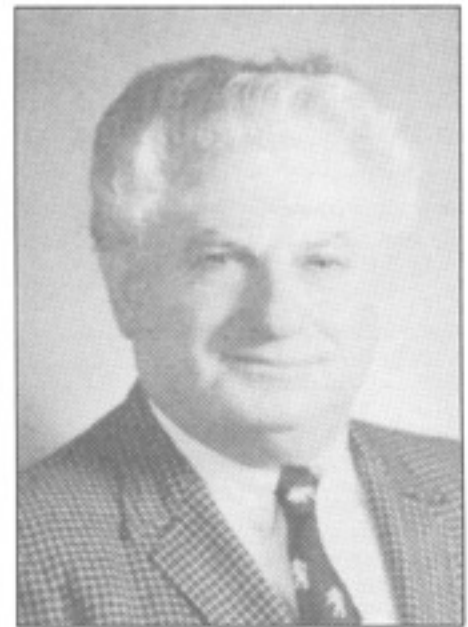


Judge James W. Kehoe
(Courtesy of Dade County Bar Association.)

scribed the Kehoe ruling as "a surprise to me," but privately he blamed his own lawyers and the "great influence" of Sanders' attorney, A. C. Dressler.¹³⁷ Lewis Properties discharged Von Zamft, and sought to retain Joseph Jennings of the Dixon DeJarnette law firm, one of Miami's largest, to appeal Kehoe's decision to the District Court of Appeals. Apparently in view of Jennings' requirement of an immediate \$500 fee deposit and the impending deadline of the appeal, Lewis hired Manuel Zaiac instead. Zaiac's agreed-upon fee was \$350 for the preliminary research, and \$2,500 to be paid during the course of the appeal, plus a twenty-five percent contingent fee. Zaiac in turn retained Harry B. Smith to offer an expert opinion on the case.

In May 1964, the first \$1,000 installment of Zaiac's \$2,500 fee came due. Lewis tried to make a settlement with the Karnegises, whose suit lay inactive after nearly two years, in order to raise the monies, but without success.¹³⁸ By June, Zaiac had still not been paid, and so had not filed the appellants' brief. The appeal was dismissed June 11, 1964 under a rule dealing with frivolous appeals.¹³⁹

Lewis Properties discharged Zaiac (Smith having already with-



Attorney Saul Von Zamft
(Courtesy of Dade County Bar Association.)

drawn from the case), and hired Joseph Jennings for \$500 to seek a rehearing.¹⁴⁰ In August the appellate court denied rehearing. Bobby Lewis then asked Jennings to file a petition for a writ of certiorari to the Florida Supreme Court, offering a fifty percent contingency fee for the service, but Jennings declined, citing the low likelihood of success.¹⁴¹

The Dade County Bar Association was unable to place Lewis with a substitute attorney on contingent fee terms. Just before the final deadline for seeking certiorari, Bobby Lewis made a last-ditch offer to retain Jennings, offering him an assignment of the \$1,900 in tax refunds to which Lewis Properties would be entitled for having wrongfully paid taxes on several Brickell parcels. Jennings, once again, declined.¹⁴²

For several years afterward, Lewis continued to try to interest Miami lawyers in the wreckage of the cases. Anthony Capodilupo turned it down. So did Dan G. Wheeler, Jr. Even a young civil rights lawyer, Jesse McCrary, rejected the engagement in 1967.¹⁴³ Bobby Lewis finally surrendered, forty-six years after he began, and 174 years after the boy Jonathan Lewis was first known to be living on the family lands.

Title examiners today routinely issue title insurance to property own-

ers in Miami, ignoring Bobby Lewis' wild deeds. The Lewis claims have been all but forgotten.

Bobby Lewis died in 1980 at the

age of eighty-six, without realizing his dream of establishing his family's place in south Florida history or its ownership of much of modern-day

Miami. And he never knew the whole story of the Lewises of south Florida, an extraordinary case of mistaken identity.

Notes

- RJLP = Robert J. Lewis Papers
 BCHC = Broward County Historical Commission
 HASF = Historical Association of Southern Florida, Miami
 DC = Dade County Public Records
 BC = Broward County Public Records
 MCPL = Monroe County (May Hill Russell) Public Library
 MPL = Miami Public Library
 NA = National Archives, Washington, D.C.
 DCCA = Dade County Clerk's Archives, Miami

- For background on the Bahama Island loyalists, see Wilbur H. Siebert, *Loyalists in East Florida, 1774-1785* (Deland: Florida State Historical Society, 1929); Thelma Peters, "The American Loyalists in the Bahamas: Who They Were," *Florida Historical Quarterly*, vol. 40 (January 1962), 226-240; Peters, "The Loyalist Migration From East Florida to the Bahama Islands," *Florida Historical Quarterly*, 40 (October 1961), 123-141; and Sandra Riley, *Homeward Bound: A History of the Bahama Islands to 1850* (Miami: Island Press, 1983).
- Eugene Lytton, *Squire Temple Pent* (privately printed, 1991), copy in MPL; Abstract of Title, Mrs. Hagan Donation, June 6, 1896 (printed 1907, copy in RJLP).
- Charles Vignoles, *Observations Upon the Floridas* (New York: E. Bliss and E. White, 1823; facsimile ed., Gainesville: University Presses of Florida, 1977), 13.
- Richard Murdoch, "Documents Concerning a Voyage to the Miami Region in 1793," *Florida Historical Quarterly*, vol. 31 (July 1952), 16-32.
- Act of May 26, 1824, *U.S. Statutes at Large*, vol. IV, 47.
- Petition to Congress by Inhabitants of Cape Florida, November 5, 1824, Clarence Carter, comp. and ed., *The Territorial Papers of the United States*, vol. XXIII, Territory of Florida, 1824-1828 (Washington: National Archives, 1958), 94-95.
- Deeds recorded in Monroe County: Sec. 11, T.50S, R.42E in Deed Book A, 55 (from Frankee Lewis, September 9, 1830), Sec. 40, T.54S, R.41E in Deed Book B, 177 (from Jonathan and Ann Lewis, April 20, 1835), and Sec. 39, T.54S, R.41E in Deed Book B, 42 (from Mary Lewis, May 8, 1832).
- Frankee Lewis made her mark on the 1830 deed, and visiting physician Benjamin Strobel mentions visiting "an old lady" at Cape Florida at about the same time, but Jonathan's power of attorney in 1835 (Monroe County Deed Book B, 178) describes his mother as deceased.

- U. S. Census, Population Schedules, Monroe County, Florida, 1830 and 1840.
- St. Matthew's Church Records, Nassau.
- John Hambly's Journal, printed in Murdoch, "Documents Concerning a Voyage to the Miami Region," 30.
- Key West Gazette*, January 18, March 7, 1832; *Key West Enquirer*, August 22, September 5, 1835; Register of Claims to Land, published in *American State Papers*, Public Lands, vol. IV, 1824-28 (Washington, D.C.: Duff Green, 1834), 284; Minute Books, U.S. Superior Court, Southern District of Florida, Clerk's Record Book, 1830-39, *passim*, PK. Yonge Library, University of Florida, ledger 91.
- Deed, Jonathan Lewis to Richard Fitzpatrick, April 30, 1835, and Power of Attorney, April 25, 1835, Monroe County Deed Book B, 177; as to Cooley's career, see Cooper Kirk, "William Cooley: Broward's Legend," *Broward Legacy*, vol. 1, no. 1 (October 1976), 12; vol. 1, no. 2 (January 1977), 24. As to Fitzpatrick, see Hugo Black, III, "Richard Fitzpatrick's South Florida, 1822-1840," *Tequesta*, vol. 40 (1983).
- Key West Enquirer*, August 22, 1835.
- General Land Office to E. M. Gerald, June 14, 1884, original in NA: General Land Office, Florida Private Land Claim Docket No. 243, copy on file at BCHC.
- Deed, Frankee Lewis to Richard Fitzpatrick, September 9, 1830, Monroe County Deed Book D, 172; Sec. 4.9, Act of November 15, 1828, discussed in *Emerson vs. Ross*, 17 Florida Reports, 122 (1880).
- H. S. Tanner, American Atlas, map of Florida, 1823 (HASF, drawer R1Q); F. H. Gerdes, United States Coast Survey, "An Interesting Journal," entry for February 4, 1848, original at NA: Record Group 23 (Coast and Geodetic Survey), "GAR" series 872, No. 34896, copy at MCPL.
- Report of Court of Claims, H.R., CC175 (35th Congress, 1st Session), May 14, 1858.
- U.S. Coast and Geodetic Survey, Map of Biscayne Bay, 1845.
- Key West Enquirer*, September 26, 1835, microfilm copy at BCHC.
- Ibid.*; St. Matthew's Church Records, Deaths; *Royal Gazette*, September 1835.
- Key West Enquirer*, January 16, 1836.
- U.S. Census, Population Schedules, Monroe County, Florida, 1840.
- For background of the Abaco emigration to Key West, see Riley, *Homeward Bound*.
- Rose Wagner Richards, "Reminiscences," *Miami News*, beginning October 14, 1903, clippings in Agnew Welsh Notebooks, vol. 4, at MPL (this newspaper should not be confused with the later newspaper of the same name).
- U.S. Census, Population Schedules, Harris County, Texas, 1850; Interview with Claude C. Jones, Jr. of Arcadia, July 8, 1994. Mr. Jones was told the story of the sloops from Texas by his grandmother, Morning Johnson Jones (1868-1967).
- St. Matthew's Church Records, Baptisms.
- Bahamas Herald*, April 12, 1850, microfilm copy at MPL.
- Richards, "Reminiscences;" Warranty Deed to forty acres, SE1/4, SW1/4, Sec. 35, T.53S, R.41E, George W. and Hannah A. Ferguson to George Lewis, March 24, 1860, Dade County Deed Book A, 66.
- U.S. Census, Population Schedules, Dade County, Florida, 1860.
- St. Matthew's Church Records, Baptisms (Jonathan Lewis family, Gould family); Jackson Lowe, autobiographical notes, 1945, Lowe/Gould/Roberts/Lewis file, MCPL; *Norton vs. Jones*, 83 Florida Reports, 81, 90 *Southern Reporter*, 854 (Tallahassee: Florida Supreme Court, 1922); Johnson/Brewer file, MCPL vertical files.
- John Taylor Wood, "Escape of the Confederate Secretary of War," *The Century Illustrated Monthly Magazine*, vol. XLVII (November 1893-April 1894), 116-118; Richards, "Reminiscences;" "Local History Related by Descendant of First White Woman to Live in Miami" (interview with Mrs. C. W. Chase, granddaughter of Lavinia Hall, 1922), newspaper clipping from Agnew Welsh clipping file, MPL.
- Richards, "Reminiscences."
- R. B. Thomas to George Lewis, May 29, 1862, James D. Green to George Lewis, September 9, 1862, Record Group 109, War Department Collection of Confederate States Records, File #8195, #7672, NA; Irvin Solomon, "Southern Extremities: The Significance of Fort Myers in the Civil War," *Florida Historical Quarterly*, vol. LXXII (October 1993), 193; James Staubach, "Miami During the Civil War, 1861-1865," *Tequesta*, vol. 53 (1993), 31, 50.
- Ibid.*; Diary of Walter K. Scofield, assistant surgeon, U.S.S. *Sagamore*, original MS, Yale University, excerpted in *Miami Herald*, February 10, 1952, reprinted in *Tequesta*, vol. 15 (1955), 55-72. Entry for July 18, 1863: "Two boats went ashore and up the river to Miami.... Burned a starch mill belonging to a rebel Lewis. Brought off coconuts — about a cartload — also squashes — 1/2 barrel of starch resembling arrowroot; . . . also side saddle — crockery, books, lead pipe, etc. . . ."
- Richards, "Reminiscences;" Morning Jones (1868-1967) told her grandson, Claude C. Jones, Jr., that she believed George had moved to Honduras. As to Benjamin Tiner, Mrs. Richards did not recall when Benjamin died, but Dade County Probate Records con-

- tain an estate file of a "Benjamin Lewis," filed by carpetbagger and county clerk William H. Gleason (and witnessed by freeman Andrew Price) in 1869, Old Probate File No. 2, DCCA. Perhaps the name "Tiner" was coined from "Tiny" Lewis, the only slave living with Jonathan and Ann Lewis in Key West at the time of the 1840 census; As to William Johnson, see Canter Brown, Jr., *Florida's Peace River Frontier* (Orlando: University of Central Florida, 1991), 406. A biography of John L. Jones says that his father-in-law worked for the Confederacy at Fort Meade and later lived on Pine Island before moving to Fort Ogden. See James W. Covington, *The Story of Southwestern Florida*, vol. II (New York: Lewis Historical Publishing Co., 1957); D.B. McKay, "Pioneer Florida," *Tampa Tribune*, May 6, 1956 (interview with Morning Johnson Jones).
37. Richards, "Reminiscences."
 38. Brown, *Florida's Peace River Frontier*, 289, 404; William A. Johnson and wife to John L. Jones, August 14, 1899, deed to SE 1/4, SW 1/4, Sec. 35, T.35S., R.41E, recorded October 21, 1899 in Dade County Deed Book T, 372; Also same parties, deed dated March 30, 1904, recorded June 6, 1904, Dade County Deed Book 16, 436. County records are incomplete as to who was paying the real property taxes after George Lewis disappeared, but by 1891 the property was being assessed to "A. M. Ferguson and Alonzo Baker, agent for the estate of George Lewis," Assessment Book, 1891, DCCA; see also John T. Peacock, Tax Collection Book, 1890-92, HASF, MS Box 27. John L. Jones redeemed the forty acres from a tax certificate issued in 1897, Dade County Deed Book X, 65. Genealogical information taken from *Norton vs. Jones*, 83 Florida Reports 81, 90 *Southern Reporter*, 854 (1922).
 39. P. Malinda Baker and others to John L. Jones, March 21, 1900, deed to SE 1/4, SW 1/4, Sec. 35, T.53S., R.41E., Dade County Deed Book 9, 200 (recorded April 16, 1903) and Deed Book 9, 298 (recorded June 6, 1904). Jones, joined by a fellow DeSoto Countian, John Douglas, sold the parcel to Marian D. Tift for \$4,500 on March 5, 1904 (Deed recorded July 9, 1904, Dade County Deed Book 16, 479), but not before William A. Johnson had first sued, then settled with, John Douglas and others to clear title. *Johnson vs. Douglas*, Circuit Court, Dade County, Chancery, Case #462, Chancery Docket Book 8, 318, Chancery Order Book 169, 7.
 40. *Ibid.*; Plat, Dade County Plat Book B, 95.
 41. Same deeds as in notes 38 and 39 above, but recorded April 24, 1903, in Harris County, Texas, Deed Book 151, 197.
 42. Sam H. Benbow to Robert J. Lewis, June 3, 1924, RJLP.
 43. Abstracts of Title, Mrs. Hagan Donation, Frankee Lewis Donation, Jonathan Lewis Donation.
 44. Final Decree, *Brickell vs. Church*, July 7, 1892, Dade County Chancery Order Book A, 16, 39; Revised Decree (same suit), September 18, 1893, Dade County Chancery Order Book; Final Decree, *Brickell vs. English*, May 19, 1888, Dade County Chancery Order Book A, 1 (voiding mortgage recorded in Monroe County Deed Book C, 243; Abstract of Title, Mrs. Hagan Donation, 3; Deed, J. W. Hagan to Sara G. Gleason, July 5, 1873, Dade County Deed Book A, 89; Deed, Nancy R. Rigby to Sara G. Gleason, Dade County Deed Book A, 98.
 45. Mary Brickell to General Land Office, April 23, 1888, and J.A. McCrory to General Land Office, September 30, 1891, NA:GLO, Florida Private Land Claim File No. 253 (Polly Lewis Donation); J. A. McCrory to General Land Office, April 16, 1888, NA:GLO, Florida Private Land Claim File No. 252 (Jonathan Lewis Donation); Mary Brickell to General Land Office, May 28, 1888, NA:GLO, Florida Private Land Claim File No. 243 (Frankee Lewis Donation).
 46. Mrs. Brickell's lawyers' letters to the General Land Office reflected increasing anxiety with the government's slow pace as the railroad's anticipated arrival sparked a land boom. "This property is becoming extremely valuable," (January 11, 1896), "...already platted into a town site in which the Florida East Coast Railway is interested," (February 21, 1896), both quotes from Robbins & Graham Co. to General Land Office, NA:GLO, Florida Private Land Claim File Nos. 252, 253.
 47. Affidavit of William and Mary Brickell, August 29, 1895, NA:GLO, Florida Private Land Claim File No. 253; Patent Certificates Nos. 44 (Polly Lewis) and 45 (Jonathan Lewis), October 10, 1895, U.S. Land Office, Gainesville, Florida; Letters of Patent, March 21, 1896, U.S. General Land Office, Patent Records, Misc. Vol. 481, 581-586 (Polly Lewis) and 586-590 (Jonathan Lewis). In April 1896, these patents were delivered to the Land Office at Gainesville, which was expected to retain a file showing to whom the original was given and on what evidence the claimant was entitled to the original, but by 1927 the Gainesville files had been lost. Thomas Havell to Robert J. Lewis, November 2, 1927, RJLP. Mrs. Brickell first platted the Jonathan Lewis Donation in January 1894 (Dade County Plat Book A, 20), but did not plat any portion of the Polly Lewis Donation until 1903 (Plat Book B, 74).
 48. Henry C. Dane to Commissioner of Public Lands, May 10, 1870, in NA:GLO, Florida Private Land Claim File 243, copy on file at BCHC.
 49. Depositions in *Rei Perpetuum*, January 18-31, 1896, Matter of Ownership and Possession of Mary Brickell, etc., Dade County Deed Book Q, 144, 188.
 50. Affidavits of P. Malinda Baker, both dated November 14, 1896, recorded January 25, 1897, Dade County Deed Book O, 497, and January 16, 1897, Dade County Misc. Book 1, 279.
 51. Depositions in *Rei Perpetuum*, see note 49.
 52. A notice of tax deed sale, February 24, 1870, in William Gleason Papers, Box 1, "Correspondence 1870-71," P.K. Yonge Library; RJLP; Abstract of Jonathan Lewis Donation: Tax Deed to William H. Hunt, November 16, 1876, recorded August 7, 1882, Dade County Deed Book A, 211 (Frankee Lewis Donation) and 213 (Jonathan Lewis Donation); Notice to Claimant of Intent to Take Depositions, October 25, 1895, Matter of Ownership and Possession of Mary Brickell, Dade County Deed Book Q, 123; *Re Snyder*: Henry C. Dane to General Land Office, May 9, 1870; Abstract of Jonathan Lewis Donation: Affidavit of Ruth Gerald and Christy Ann Snyder, April 23, 1870.
 53. Abstract of Jonathan Lewis Donation: Affidavits of Morse, Ewan, Harner, O'Neill, Moreno, and Mettair; also, Abstract of Mrs. Hagan Donation, Nos. 77, 79, 81, 83, 88, 93.
 54. Quit Claim Deeds, English heirs to Mary Brickell, Abstract of Frankee Lewis Donation, nos. 16-19, and Abstract of Jonathan Lewis Donation, no. 21; *Bullard vs. Lippman* 32 Fla 481 (1893).
 55. Quit Claim Deeds, Snyder family members to Mary Brickell, Dade County Deed Books [Abstract of Frankee Lewis Donation]: May 5, 1898, Book R, 481, July 2, 1898, Book U, 87, September 10, 1898, Book V, 3, September 14, 1898, Book V, 6; Invoice, Robbins & Graham Co., Brickell Family Receipts file, HASF, MS box 36.
 56. *Brickell vs. Waddell*, Judgment, February 26, 1898, Dade County Chancery Order Book AA, 226.
 57. Plat, July 13, 1903, Dade County Plat Book B, 74. The Brickells had retained W. C. Valentine to survey the property as early as 1893, invoice from W. C. Valentine, April 28, 1893, Brickell Family Receipts file, HASF, manuscript box 36.
 58. Statement of Court, *Lewis G. Norton vs. Morning Jones*, Florida Supreme Court, June 1921 Term, Florida State Archives, Series 49, Carton 3815. Additional information on William Johnson and Frances Cornish's children comes from a genealogical chart compiled by Claude C. Jones, in the possession of Claude C. Jones, Jr. of Arcadia.
 59. Deeds from the following persons to Lewis G. Norton, 1919, recorded in Dade and Broward County Deed Books: Benjamin A. Baker, Sr., William and Nellie B. Baker, Lemuel A. and Mamie Baker, Benjamin A. (Jr.) and Hattie Baker, Gertrude O. and Jackson Lowe, James A. Gould, Carl V. and Hattie Baker, Pansy I. and Herschel M. Connor, Jessie V. and Charles E. Duval, Frances H. Cornish, Camille and Lena Cruz, Florell and Vernon Griffin, William Cornish, George and Lizzie Cornish, Hattie and Joseph Saunders, and Lillian Knowles Sutton. Norton probably discovered the possible title claim while working as an abstractor for the Dade County Title Insurance Co., ca. 1913. He later served in several positions in the county court clerk's office and the tax assessor's office, but apparently lost his job the same year he lost his suit, in 1922. *Miami City Directory*, 1913, 1916, 1919-1922, HASF.
 60. Complaint, *Lewis Norton vs. R. A. Amsden*, July 19, 1920, quoted in Statement of Court, note 58 above; also, Complaints, *Norton vs. Jones* and *Norton vs. Johnson*, both filed September 2, 1919.
 61. "Title to Lewis Tract Settled by High Court," *Miami Herald*, January 28, 1922, 1.
 62. Minutes, East Florida Land Commission, November 24, 1824 (presentation of Mary Lewis), 273, December 15, 1824 (memorial of Mary Lewis), 274, December 23, 1825 (confirmation of Polly Lewis), all in *American State Papers*, Public Lands, vol. 4; Deed, Mary Lewis to Richard Fitzpatrick, May 28,

- 1832, Monroe County Deed Book B, 42-43; Patent, United States of America to Polly Lewis, see note 47; Affidavit of Patience M. Baker, see note 50.
63. Laws of Florida, ch. 1869, Sec. 5 (1872).
64. F. Botts to W. Hunt Harris, June 30, 1921, RJLP.
65. Jonathan's wife is referred to as Ann on deeds. Mary is referred to as "widow of William" in an 1824 report, to the Board of Land Commissioners for East Florida, Florida State Archives, Series 990, Carton 21.
66. Order, August 9, 1920, *Norton vs. Jones*; Decree, *Norton vs. Jones*, quoted in Appellant's Brief, *Norton vs. Jones*, Florida State Archives, series 49, carton 3815.
67. Statement of Court, *Norton vs. Jones*, 83 Fla. 81, 90 So. 854, Florida Supreme Court, January 27, 1922.
68. A federal judge had once before held that "Polly" was synonymous with "Mary," in a case coincidentally titled *Lewis vs. Barksdale*, 15 Fed. Cases 467, #8, 317 (W.D. Va. 1831). *Ibid.*, 90 So. 854, at 863.
69. "Title to Lewis Tract Settled by High Court," *Miami Herald*, January 28, 1922.
70. Wesley Stout, "The Beachcomber," *Fort Lauderdale Daily News*, reprinted in *Key West Citizen*, November 6, 1958, citing four unnamed descendants in Key West.
71. *Brickell vs. Norton*, Case No. 422, Circuit Court, 15th Judicial Circuit, Chancery, microfilm copy at Broward County Courthouse Archives; *Brickell vs. Norton*, Case Nos. 4977 and 4979, Circuit Court, 11th Judicial Circuit, Chancery. This file, like all pre-1971 chancery court files in Dade County, has been destroyed. Only court dockets, judgments, and recorded orders are preserved.
72. Affidavit of Mary Brickell in *Brickell vs. Norton* (Broward County suit), see note 71. The Norton lawyers may have known the suit was coming. They wrote to the General Land Office warning that Mrs. Brickell would try to have the Lewis names on the land patents changed to her name, General Land Office to Boggs & Caton, May 28, 1921, NA:GLO, Florida Private Land Claim File No. 252.
73. Decrees Pro Confesso, *Brickell vs. Norton*, July 12, 1921, August 15, 1921, and September 5, 1921, see note 71.
74. Affidavit of Mary Brickell, see note 72; Decree, October 20, 1921, Case No. 422 (Frankie Lewis Donation), Broward County Chancery Order Book 3, 80; Decree, July 28, 1922, Case No. 4977 (Jonathan Lewis Donation) and Decree, November 18, 1922, Case No. 4979 (Polly Lewis Donation), Dade County Chancery Order Book 16, 333. None of the testimony examined by the special master has been preserved. Judge Branning later became an attorney for the Brickell family, see note 96.
75. As for Mrs. Brickell's supposed "lack of sophistication" in real estate matters, she did not mention that she had just platted her remaining properties on the Frankie Lewis Donation for development purposes, and was negotiating to sell this "Rio Vista Subdivision" to developer C. J. Hector. Her properties in Miami, of course, had already been subdivided into several different real estate developments. Plat of Rio Vista, October 22, 1920, Broward County Plat Book 1, 18; Deed, Mary Brickell to C. J. Hector, January 10, 1924, recorded in Broward County Deed Book 36, 47; Plat of C. J. Hector's Subdivision, Broward County Plat Book 1, 24.
76. Petition to Intervene, *Norton vs. Amsden*, October 1920, RJLP.
77. "Brickell Land Title Forever Quieted by Circuit Court," *Miami News*, undated clipping, c.1922; "Mrs. Brickell Fights Attack on Her Title to Lewis Donation," undated clipping, *Miami Herald*, January 1922, both in RJLP.
78. G. E. McCaskill to Roland Weatherford, November 5, 1921, Robert P. and Harriet Lewis to Roland Weatherford, October 20, 1922, Dade County Deed Book 314, 392; John and Allie Shriver to Richard Franklin Lewis, Jr., October 21, 1922, Dade County Deed Book 311, 403.
79. Dr. Robert Peyton Lewis, a Bradford County pioneer, was born in Kentucky in 1806, served as an army officer in Florida during the Second Seminole War (1836-1842), later studied medicine, and died in Brooker, Florida, in 1880. The information on Dr. Lewis in this article was compiled by Col. Milton D. Weeks of Fort Lauderdale, a descendant, to whom the author is deeply indebted for his assistance. It was Col. Weeks, through interviews with Robert J. Lewis and a review of census and other records, who first proved that Dr. Lewis could not have been a descendant of south Florida's first family.
80. Milton D. Weeks, "Robert Peyton Lewis," unpublished manuscript in possession of the author.
81. *Id.*; U.S. Census, Population Schedules, Monroe County, Florida, 1850, 1860.
82. One of the Brooker Lewises, Robert J. "Bobby" Lewis, who maintained the family's claim for many years, was related through his mother's side to numerous Conch families (including Johnson, Knowles, and Pinder) who might have been related by marriage to the Jonathan Lewis descendants.
83. McCaskill to Thomas J. Lewis, March 1, 1921, to Richard Franklin Lewis, March 11 and September 20, 1921, and to Roland Weatherford, July 22, 1921, RJLP.
84. Family tree chart, c. early 1920s, undated, in McCaskill to Richard F. Lewis, April 6, 1921, RJLP.
85. Complaint, *Woodson White et al. vs. W. A. Johnson*, Case No. 4701, Circuit Court, 11th Judicial Circuit (Dade County), Chancery, RJLP; Complaint, *J. E. Wilson vs. William H. Hunt*, Case No. 4724, Circuit Court, 11th Judicial Circuit (Dade County), Chancery, final decree entered December 15, 1921, RJLP.
86. RJLP. See deeds described in notes 38 and 39.
87. Testimony of Obediah Hall, August 2, 1921, *White vs. Johnson*, 8, RJLP. For more information on Hall, see "Local History Related by Descendant of First White Woman to Live in Miami," Agnew Welsh clipping file, MPL, in which Hall's mother described life in south Florida during the 1860s.
88. G. E. McCaskill to Roland Weatherford, July 22, 1921, RJLP.
89. Testimony of Obediah Hall, 8, RJLP.
90. *Ibid.*
91. G. E. McCaskill to Richard F. Lewis, September 20, 1921.
92. Robert J. Lewis, undated note, c.1920s, RJLP.
93. J. L. Frazee to Robert J. Lewis, May 14, May 18, October 24, 1927, RJLP.
94. J. P. Stokes to Capt. John J. Maher, January 6, 1925, RJLP.
95. Deeds recorded in Dade County, copies in RJLP: J. B. and Mary Lewis Thomas to Eddie J. Lewis, September 18, 1925, Deed Book 768, 25; William and Annie Lewis to Robert J. Lewis, September 5, 1925, Deed Book 904, 535; Roland and Mary L. Weatherford to William Lewis, November 18, 1925, Deed Book 912, 266; Roland and Mary L. Weatherford to Robert J. Lewis, August 28, 1925, Deed Book 915, 281; Richard Franklin and Fannie H. Lewis to Allie Shriver, April 7, 1926, Deed Book 880, 273; Robert J. and Mary Lewis to Ben F. Gardner, January 20, 1926, Deed Book 955, 246; Will and Annie Lewis to Robert J. Lewis, February 4, 1927, Deed Book 1049, 104.
96. J. F. Frazee to Robert J. Lewis, April 19, 1926, RJLP.
97. Bill to Quiet Title, *East Shenandoah Company vs. William Lewis et al.*, Case No. 220476-B, Circuit Court, 11th Judicial Circuit (Dade County), Chancery, RJLP.
98. Final Decree, *East Shenandoah Company vs. Lewis*, January 29, 1929, RJLP.
99. *Ibid.*
100. Anonymous letter, August 18, 1954, RJLP. Just six days after the judgment was entered, a Key West newspaper ran a story stating that Robert J. Lewis had just sold the parcel to the East Shenandoah Company. See "Establishment of Land Claim by Robert Lewis," February 4, 1929, clipping in RJLP.
101. Telegrams, August 4 and September 12, 1924, Brickell Personal Correspondence, 1917-1933, HASF, MS Box 8; Thompson, Barns & Thompson Account Book, November 1924-March 1925, HASF, Box M96G.
102. Robert J. Lewis notes, undated, c.1960s, RJLP.
103. Gov. Doyle E. Carlton to Robert J. Lewis, August 16, 1929, RJLP.
104. C. Caldera to Robert J. Lewis, June 30, 1931, Lewis to Caldera, July 3, 1931, RJLP.
105. *Junkin & Avant, Inc. vs. W. H. Hunt, et al.*, Case No. 33565-D, *Passumpsic Savings Bank vs. George H. Simmonite*, Case No. 34951, both in Circuit Court, 11th Circuit (Dade County), Chancery, copies in RJLP.
106. *Passumpsic Savings Bank vs. Simmonite*, RJLP.
107. Paul Marks to Robert J. Lewis, October 13, 1933, RJLP.
108. Newspaper clippings file, Robert J. Lewis, RJLP.
109. Robert J. Lewis to Thomas Lewis, April 12, 1954, RJLP.
110. Mary Milner to "Al," February 7, 1954, RJLP.
111. Receipts, Dade County Clerk, July 26, 1954, RJLP.
112. Robert J. Lewis to Thomas J. Lewis, April 12, 1954, Florida Title Company to R. D. Spalding, December 12, 1957, RJLP.

113. Oliver W. Folmar to Robert J. Lewis, October 20, 1956, RJLP.
114. Petition to Vacate Part of Final Decree and Corrective Order Nunc Pro Tunc, *East Shenandoah Co. vs. Lewis*, April 23, 1957, Circuit Court, 11th Judicial Circuit (Dade County), in Chancery, RJLP.
115. Order Granting Defendants' Petition, etc., *East Shenandoah Co. vs. Lewis*, April 26, 1957, recorded April 29, 1957, Circuit Court, 11th Judicial Circuit (Dade County), in Chancery, RJLP.
116. Wesley W. Stout, "The Beachcomber," *Fort Lauderdale Daily News*, June 29, 30, July 1, 2, 3, 1958; Murdoch, "Documents Concerning a Voyage to the Miami Region in 1793."
117. Wesley W. Stout to Robert J. Lewis, March 3, 1959, RJLP.
118. E. R. Sycks to Robert J. Lewis, November 26, 1958, Memo from E. R. Sycks, undated, RJLP.
119. D. Joseph Snyder to Robert J. Lewis, May 13, June 7, 1960, Bruce Barfield to Lewis Properties, Inc., October 28, 1960, RJLP. The unsigned title opinion concluded that the 1922 decrees foreclosed any further claim by the Lewises.
120. Ralph J. Spaulding to Oliver W. Folmar, 1957 ("We think that as soon as Holt's decision is recorded the best thing is to pick out some Brickell wild land, post it, and force them to start a suit. A modification would be to sell some wild land under a warranty deed and force the Estate to sue."), Spaulding to Marcus H. Ross, June 10, 1962, on why not to post "No Trespassing" signs: ("This would lead to a court injunction in which I would be the one to prove Lewis claims in their entirety which position I don't like. It has always been the Lewis problem to keep on the defensive."), RJLP.
121. Copies of deeds in RJLP. See, for example, special warranty deeds from Lewis Properties, Inc. to Joseph A. Boza, March 12, 1962 (unrecorded), Miriam C. Albury, March 12, 1962 (Dade County O.R. Book 3186, 47), William and Marjorie Warner and Eva Warner Gibson, January 10, 1962 (O.R. Book 3079, 620). At least one person declined a deed: Allan B. Cleare, Jr., a lawyer in Key West, see Cleare to Robert J. Lewis, September 12, 1962, RJLP.
122. J. Y. Porter, IV to Miami Tax Collector, August 2, 1961, Tax Collector to Porter, August 8, 1961, RJLP.
123. Mark H. Ross to Robert J. Lewis, July 15, 16, 1961, Lewis to Ross, August 21, 28, 1961 ("all Miami lawyers seem bound by some oath not to take any action that will force Brickell into a suit."), September 30, October 22, 1961, RJLP.
124. Marguerite Spaulding to Miami Planning Board and to Trustees of the Internal Improvement Fund, November 9, 1961, Power of Attorney, Marguerite Spaulding to Joseph Cabrera, November 1961, RJLP; Agenda, Miami Planning Board, November 13, 1961, copy in RJLP.
125. Minutes, Miami Planning Board Meeting, December 8, 1961, RJLP.
126. B. E. Hendricks to Marguerite Spaulding, November 15, 1961, Hendricks to J. Y. Porter, IV, November 16, 1961, Alfred Aronovitz to Porter, December 12, 1961, RJLP.
127. Robert J. Lewis to Marcus H. Ross, June 3, 7, 1962, Lewis to Oscar Rappaport, June 4, 1962, RJLP.
128. Robert J. Lewis to Mary Milner, July 23, 1962, Joe Milner to Lewis, July 27, 1962, RJLP.
129. Saul T. Von Zamft to Ralph Spaulding, October 11, 1962, Spaulding to Von Zamft and Oliver Folmar, December 10, 1962, Complaint, *Harold E. Davis et al. vs. Robert J. Lewis et al.*, January 28, 1963, Circuit Court, 11th Judicial Circuit, Chancery Case No. 63C971, Robert J. Lewis to Mr. Peters, February 2, 1963, Lewis to Von Zamft, March 13, 1963, Minutes of meeting, Lewis Properties, Inc., May 1, 1963, RJLP.
130. Anonymous to William [Willis] Greene, April 1, 1963, RJLP.
131. Complaint to Quiet Title, *Peter J. Sanders et al. vs. Robert J. Lewis et al.*, Circuit Court, 11th Judicial Circuit, Chancery, Case No. 63C4728, RJLP.
132. "Suit Lays Claim to Heart of Miami," *Miami News*, April 23, 1963, "Lewis Claim May Pay Off," *Key West Citizen*, May 22, 1963, copies in RJLP.
133. Miller Davis to Robert J. Lewis, April 24, 1963, RJLP.
134. Minutes of Meeting, Lewis Properties, Inc., undated, RJLP.
135. "Property Claim is Explained by Lewis," *Key West Gazette*, June 10, 1963, copy in RJLP.
136. Judgment, *Sanders vs. Lewis*, December 13, 1963, Robert J. Lewis to Joseph Jennings, July 3, 1964, RJLP.
137. "Lewis Loses, Will Appeal," *Key West Citizen*, December 15, 1963, Robert J. Lewis to Saul T. Von Zamft, January 27, 1964, RJLP.
138. J. Y. Porter, IV to Joseph F. Jennings, February 6, 12, 17, March 9, 1964, Jennings to Porter, March 3, 1964, Robert J. Lewis to Manuel Zaiac, March 18, 1964, Zaiac to Lewis, April 17, May 28, 1964, Memorandum, Robert J. Lewis to defendants in Karnegis case, April 18, 1964, Lewis to Harry Smith, June 15, 1964, Lewis to Jennings, July 3, 1964, RJLP.
139. Robert J. Lewis to Joseph F. Jennings, July 3, 1964, Jennings to Lewis, July 29, 1964; Order, June 11, 1964, *Robert J. Lewis et al. vs. Peter J. Sanders et al.*, Court of Appeals, Third District, Case No. 64-202.
140. J. Y. Porter, IV to Joseph F. Jennings, June 18, 1964, Robert J. Lewis to Jennings, undated, RJLP.
141. Joseph F. Jennings to Robert J. Lewis, August 20, September 23, 1964, Lewis to Jennings, September 21, 1964, RJLP.
142. Lawyer Referral Service of Dade County Bar Association to Robert J. Lewis, September 29, 1964, Lewis to Joseph F. Jennings, October 12, 1964, Jennings to Lewis, October 14, 1964, RJLP.
143. Anthony Capodilupo to Robert J. Lewis, March 7, 1966, Dan G. Wheeler, Jr. to Lewis, February 10, 1966, Jesse J. McCrary, Jr. to Lewis, February 8, 1967, RJLP.

