

# A Second Ending:

## BROWARD IN THE INDIAN SCARE OF 1849

by Joe Knetsch

It has generally been assumed by those knowledgeable about Broward County history that the area was abandoned by white settlers after the massacre of William Cooley's unfortunate family in January 1836, and was not resettled, if that is the word, until a pro-Union family came to the New River during the Civil War. However, there has always been a lingering doubt on the part of some researchers about the complete abandonment of the lovely New River area after the Second Seminole War, which ended in 1842. Happily, evidence has recently turned up that now dispels that doubt.

On July 21, 1849, William F. English, described as a "settler at the mouth of the Miami River,"<sup>1</sup> wrote an urgent letter to Lieutenant Darius Nash Couch of the Fourth United States Artillery, who commanded the army post at Key West, requesting assistance because of the news of an Indian raid on the Indian River settlement that had resulted in the wounding of the U. S. Inspector, Major William Russell, and the death of trader James Barker. English wrote:

The object of this note is to request in behalf of settlers collected together at the Miami, New

River and Smyrna, such assistance as your command may be able to afford. They are widely scattered along the coast, and I deem it important to know as early as possible whether this is the commencement of a general outbreak or not.<sup>2</sup>

As a result of English's appeal, Couch wrote to the Adjutant General of the United States, Major General Roger Jones, that:

This evening [July 22, 1849] I have learned from the same source that Indian camp fires, tracks, & c. have been seen five miles from New River; 25 miles from Cape Florida. Considerable anxiety having been expressed for the safety of the settlers at the above-mentioned place, I have determined to go up tomorrow with twenty men, provided transportation is furnished me as promised.<sup>3</sup>

For the settlers at New River, the "Indian Scare of 1849" was very real and too close to home.<sup>4</sup>

As noted above, the cause of their concern was the attack on the Indian

River settlement. Within a very short time, they would hear of another attack, this time at the Kennedy and Darling Store on Payne's Creek, near Charlotte Harbor in southwest Florida. This attack resulted in the deaths of Captain George S. Payne and Dempsey Whidden and the wounding of clerk William McCullough who, with wife and child, made a harrowing escape. Yet, though this was not to be the beginning of a new Indian uprising, no one on the isolated Florida frontier could forget the fact that declared hostilities had ended only seven years before.

Defensive measures were the order of the day. Few cared to venture out alone or risk the speculation that the attacks were only localized, unrelated incidents. Stephen R. Mallory, collector of customs at Key West and an acquaintance of the injured Russell, did venture the idea that there may have been a "private quarrel" between the inspector and the Indians involved, but he had no way of being sure unless he could go to Indian River and investigate. In the meantime, he noted that, "The people along the coast have all received the news, and have abandoned their fields and banded them-

*In 1849, seven years after the Second Seminole War ended and six years before the Third Seminole War erupted, Indian attacks on both coasts of south Florida panicked the region's few settlers. Published accounts of Broward County history make little or no mention of this incident, chiefly because no settlers were believed to have come to the New River region for almost thirty years after the Cooley Massacre of 1836.*

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*commissioner Joe Knetsch found references to New River settlers in the military records of the 1849 Indian scare, and set out to identify those unnamed settlers. His findings shed light on a previously unknown chapter of Broward County's history and suggest that the land which was to become Broward County was inhabited sporadically throughout most of the nineteenth century, although permanent settlement would await eradication of the Indian threat and the extension of transportation arteries into the remote region.*



Lieutenant Darius N. Couch, seen here as a Union major general during the Civil War.

selves together at Jupiter, New River, and Cape Florida, for defense."<sup>5</sup>

Not every settler on New River appears to have stayed around to organize the defense. Lieutenant Couch, on July 31, filed the following report to Major General Jones:

Sir: I have the honor to report that I sailed from Key West with 20 men of my command on the 23d inst. for Cape Florida, where I arrived on the morning of the 25th. At the extremity of the Cape were found collected all of the settlers from the Miami river, and part of those from New river, with their families, negroes, & c., & c. From these people I learned nothing tangible, yet sufficient to convince me that their fears of an outbreak among the Indians were far more imaginary than real.

'Indian signs' being reported at New river, I took the 'settlers' on board, and proceeded to that place. There, were found three men who had been 'stampeded' like the others, but since had scoured the country for twenty miles up the coast and back to the Everglades. No 'Indian signs' were seen. I deemed it useless to go further; leaving the settlers that were taken up [to New River], and [I] returned the same day to the Miami.

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

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

I am, sir, very respectfully,  
your obedient servant,

D. N. Couch, Lt., 4th Arty.  
Comdg at Key West

Couch does not give the names of the three brave souls who had "scoured the country." However, the letter clearly states that the settlers were left at New River.

But for some undisclosed reason, the New River settlers made an important decision between July 25, when Lieutenant Couch left them at New River, and September 3, when he apprised General Jones of their decision to abandon their wilderness homes and seek protection with the military force at Key West. Lieutenant Couch reported to Jones that:

A few days subsequent to my leaving the Cape, the settlers at New River, and those in the vicinity of Cape Florida, left their homes and came to Key West, leaving at the Cape only the lighthouse keeper.

I have offered to establish a post at the mouth of the Miami, if the settlers wish to return. But I believe that they all expect to be indemnified by the government for loss of time, & c.<sup>6</sup>

Lieutenant Couch was correct in his prediction of the expectations of the settlers from New River, as well as those throughout the East Florida frontier. The Florida Congressional delegation was soon appealing to President Zachary Taylor for some relief. In a letter of December 21, 1849, Senators David Yulee and Jackson Morton and Representative Edward C. Cabell requested that Taylor require the Indians to make restitution to Florida citizens who suffered loss of property and pecuniary damage as a result of the attacks at Indian River and Payne's Creek and the subsequent abandonment of the coastal settlements. As their letter states, "For these losses undoubtedly the Indians are liable, and should be required to make indemnity."<sup>7</sup> The success of the negotiations, for the settlers and the congressional delegation, would be judged by the reimbursement.

All of Florida was gravely concerned with the Indian raids in the southern portion of the state, and the representatives may have been responding to some telling public reaction. Indicative of the outcry which led to the congressional delegation's letter is the position taken by a St. Augustine committee, whose membership reads like a Who's Who of East Florida. The

committee, made up of notables like General Joseph Hernandez, Dr. William H. Simmons, and politicians George R. Fairbanks and Benjamin A. Putnam, resolved to ask the federal government to vigorously pursue the stipulations of the Treaty of Payne's Landing, which meant, simply, Indian removal. They also requested that troops operating in East Florida be allowed to remain in the field. The committee did not believe that the raids on Indian River and Payne's Creek could have been conducted by the same group, and they accused the whole body of Indians of complicity in the actions of the braves. In short, anything but total removal would not please the citizens of East Florida. And, it is not surprising to find that both Cabell and Yulee addressed the assemblage.<sup>8</sup>

The government did respond to the demands of the south Florida settlers and their political allies. However, the response was not to their liking. The settlers of southern Florida, including New River, were denied payments by the Indian Bureau because "the law regulating trade and intercourse with the Indian tribes did not extend to Florida."<sup>9</sup> This answer from Washington, D.C., probably angered those still around to receive it. Not only were the payments denied, but the Indian Bureau, led by the very capable emigration agent Captain John Casey, showed admirable caution in allowing Chief Billy Bowlegs, and others, time to bring the guilty culprits in for trial. Of the five braves arrested by order of Bowlegs, Sam Jones, and other Indian leaders, three were turned over, one escaped, and the other was slain in an escape attempt (his severed hand was turned over as proof). The Seminoles' obvious cooperation meant the federal government would not push the removal demands of white Floridians.<sup>10</sup>

The south Florida settlers and their political allies also stated that they wanted troops to remain on active duty in the vicinity of the settlements. Curiously, in at least two documented instances, when the settlers were offered posts in their immediate area, they rejected the idea and left their homes for nature to reclaim.<sup>11</sup> Several factors explain this apparent change of heart.

First and foremost, the settlers do not appear to have had faith in the Regular Army to protect them.<sup>12</sup> The well-documented feud between the volunteers and Regular Army during the Second Seminole War may have been a factor in this case. As will be shown later in this essay, almost all of the settlers, at least at New River, obtained their land through the Armed Oc-

cupation Act of 1842. The very title of this act, which was designed to create an armed buffer area between the Indians and whites, indicates a perceived weakness in the Regular Army's troops and the general war-weariness of the nation which believed that the war had continued too long. The regular troops appeared to be too inexperienced and thinly spread to take an effective offensive that would have fulfilled the settlers' desire to see all Indians removed from Florida.

Secondly, with few exceptions, the economic success of the settlers is doubtful. Because of a lack of letters or other documents from New River, one must look to the nearby Indian River settlement for a comparable situation. At Indian River, the settlers did invest a large amount of cash into citrus and vegetables. Because citrus requires a number of years before a marketable crop can be picked, large cash outflows are required merely to survive. Vegetables require, in an era of little or no refrigeration, a rapid transport to reach a viable outside market. This too takes time and money. Unfortunately, the Indian attack hit before the trees became productive and a viable market could be developed for the vegetables. Thus, many settlers appear at the point of mere subsistence or economic collapse at the time of the raids.<sup>13</sup>

Finally, though the reports consistently refer to New River as if there was an organized community in existence, a cursory glance at the grants of land made there under the Armed Occupation Act of 1842 will show the very scattered nature of settlement. This spreading out of actual settlement negated any effective defense

measures and added to the insecurity of the people. Thus, without an effective defense arrangement, with little confidence in the regular troops, and the tenuous economic viability of the area, there should be no doubt why the settlers chose to abandon their homesteads.

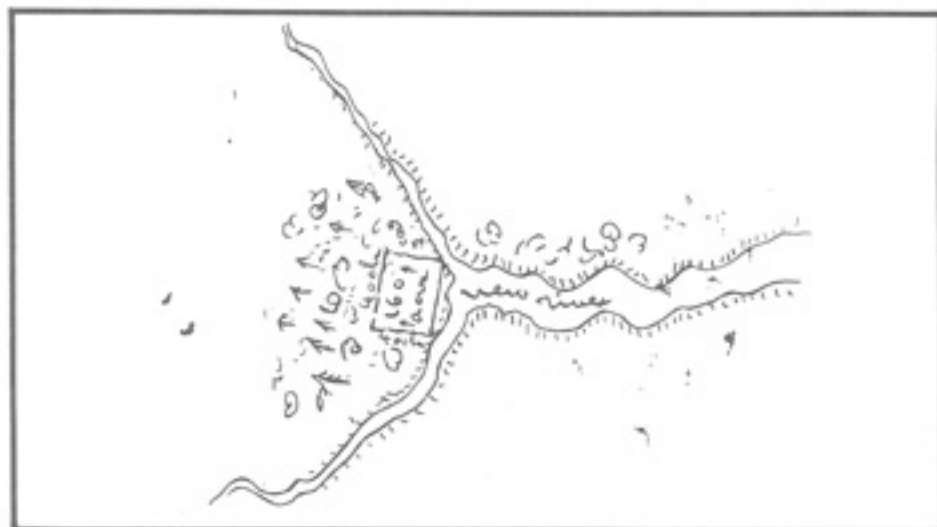
This brings us to the question of just who were these settlers. In June of 1843, the area in what is now Broward County appears to have been opened for permits to settle. Under the provisions of the Armed Occupation Act, "one hundred and sixty acres would be given to any head of a family or single man over eighteen who was able to bear arms, and he was required to live on the land in a house fit for habitation during five consecutive years and cultivate at least five acres."<sup>14</sup> These conditions appear to have been met by: John D. Sheldon (three miles from Hillsboro River); S. W. Cunningham (twelve miles north of Fort Lauderdale); A. W. Leinbaker (six miles west of Fort Lauderdale); Edward Barker (four miles northwest of Fort Lauderdale); and William Bennet (200 yards from Fort Lauderdale).<sup>15</sup> As the area was unsurveyed in 1848, the site descriptions are vague and the grants almost impossible to locate. The same document shows that four people who had permits to settle in Broward in 1844 did not fulfill the obligations and had their permits revoked. They are listed as: John R. Neyland, Eliza Attaway, Abraham Cato, and William S. Alexander.<sup>16</sup> As noted above, these settlers were quite spread out and not found in what would be called an organized settlement. Where these pioneers came from is open to speculation at this time. If

they were similar to other settlers under the Armed Occupation Act, those that did not come from north Florida probably came from Alabama, the Carolinas or Georgia.<sup>17</sup> There may have been a foreign immigrant or two among the New River settlers which, if Indian River is any indication, was not uncommon. Their exact origins, now that we have their names, awaits further research.

It can no longer be assumed that the vicinity of Broward County was abandoned at the conclusion of the Second Seminole War. As shown above, the area did have actual settlers, possibly as late as August or September of 1849. Exactly how many people actually lived in the area is unknown. Five of the six men noted above are listed as heads of families, but how large those families were is, again, unknown. Thus, though one major riddle is answered, another is left in its place . . . for the time being.

#### ENDNOTES

- 1) D. N. Conch [should be Couch] to R. Jones, Major-General, U.S. Army, July 22, 1849. In *Senate Executive Document No. 49*, 31st Congress, 1st Session, p. 31. All letters cited and the report from the committee in St. Augustine are found in this Senate Executive Document. Therefore, only the letter title and page number are cited in the following notes.
- 2) William F. English to D. N. Conch, July 21, 1849, p. 32.
- 3) D. N. Conch to R. Jones, Major-General, U.S. Army, July 22, 1849, pp. 32-33.
- 4) The best available discussion of this scare can be found in James W. Covington's "The Indian Scare of 1849," *Tequesta*, 21 (1961).
- 5) S. R. Mallory, Collector, to W. M. Meredith, Secretary of the Treasury, July 22, 1849, p. 38.
- 6) D. N. Conch to Major-General R. Jones, September 3, 1849, p. 61.
- 7) D. L. Yulee, E. C. Cabell, and Jackson Morton to President Zachary Taylor, December 21, 1849, p. 75.
- 8) George Washington, P. C. Zylstra and John Drysdale to President Zachary Taylor, August 30, 1849, pp. 129-135.
- 9) Documents attached to *Journals of the Proceedings of the Senate of the General Assembly of the State of Florida*, 6th Session, 1852, p. 49.
- 10) See Covington, "The Indian Scare of 1849."
- 11) See Couch's letter cited above (endnote 6) and Joseph D. Cushman, Jr., "The Indian River Settlement: 1842-1849," *Florida Historical Quarterly*, 43 (1964), p. 35.
- 12) One should note that Governor Moseley's first reaction was to call out the militia. The settlers' reaction was either to flee or to concentrate themselves in defensible positions. The nearest troops to New River were stationed at Key West.
- 13) Cushman, "Indian River Settlement: 1842-1849," p. 33.
- 14) James W. Covington, "The Armed Occupation Act of 1842," *Florida Historical Quarterly*, 40 (1961), p. 45.
- 15) "Report of the Commissioner of the General Land Office, April 28, 1848," in *Senate Executive Document No. 39*, 30th Congress, 1st Session, List of Permits, pp. 32-35.
- 16) *Ibid.*, pp. 34, 36.
- 17) Covington, "The Armed Occupation Act of 1842," p. 46.



Rough map of a 160-acre grant between the forks of New River applied for on May 2, 1843, by Abraham W. Leinbaker under the Armed Occupation Act.