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Mayhem and Murder in the East Florida Frontier 1783 to 1789

by Diane Boucher

Historians of late eighteenth-century Florida usually distinguish between the British period (1763-1783) and the second Spanish period (1783-1821), a distinction that sometimes obscures the permanence of inhabitants interacting in the region. U.S. historians tend to view Florida history within the context of national politics and the inevitable U.S. acquisition of the territory, a perspective that underplays the importance of the region to frontier and Atlantic world history and minimizes the interpretation that throughout the British and Spanish periods (1763-1821) East Florida was embroiled in regional and Atlantic conflicts. More recently, historians have re-envisioned East Florida history as a sustained struggle for dominance of the frontier among Native Americans, Spanish, British, and U.S. settlers. In East Florida, indigenous and settler communities played a dynamic role in challenging Native American, British, Spanish and U.S. attempts to maintain order along the northeast border of the East Florida frontier.¹

Diane Boucher is a recent doctoral graduate of Clark University in Worcester, Massachusetts, with a degree in United States history and specialization in African American and Atlantic World history. Generous fellowships and grants from the American Philosophical Society, John Carter Brown Library, the Harvard Atlantic History Seminar, the Cecilia L. Johnson Grant from the University of Florida, and Clark University History Department made this research possible. I am deeply indebted to scholars past and present who influenced and supported my work.

1 William S. Belko, "Introduction" in *America's Hundred Years' War: U.S. Expansion to the Gulf Coast and the Fate of the Seminoles, 1763-1858*, ed. William S. Belko (Gainesville: University Press of Florida, 2011), 5-8; Susan Richbourg Parker, "So In Fear of Both the Indians and the Americans" in *America's Hundred Years War*, 25-40. Parker presents an overview of numerous volatile interactions among

This article offers insights into the flows of people, goods, and ideas across and beyond the political boundaries of East Florida in the Second Spanish Period (1783-1789) that threatened the stability and security of inhabitants as well as the imperatives of empires and nations. In examining the complex interactions among these peoples and polities, this paper contributes to recent studies that argue erasing traditional historical compartmentalization expands conventional U.S. history to highlight the lasting impact of interpersonal rivalries and associations of late eighteenth-century East Florida.²

Diverse, multiethnic groups of frontier inhabitants utilized regional networks to negotiate, protect, and advance their legal and extralegal interests amid inter-imperial and international rivalries. East Florida inhabitants might have sworn loyalty oaths to British and Spanish sovereigns to gain land grants and royal protection, but in many circumstances, frontier society conformed to royal decrees only when policies aligned with individual and community interests. When royal and national authorities were unable to meet inhabitants' needs and expectations, inhabitants broke their oaths and acted outside the constraints of imperial and national governments.

Defining Frontier and Community

North American frontiers were overlapping zones of political, economic, social, military, and cultural influence.³ Despite imperial

Native Americans, British, Spanish, and Georgia inhabitants in East Florida from 1763 to 1790. This article is focused on transnational exchange networks that influenced imperial and national policies. A few recent studies that consider the dynamic regional activity amid inter-imperial struggles include: Faren R. Seminoff, *Crossing the Sound: The Rise of Atlantic American Communities in Seventeenth Century Eastern Long Island* (New York: New York University Press, 2004); Gene Allen Smith and Sylvia L. Hinton, eds., *Nexus of Empire Negotiating Loyalty and Identity in the Revolutionary Borderlands, 1760s-1820s*, (Gainesville: University Press of Florida, 2010); and *Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820* (New York: Routledge, 2002).

2 Some historians, ethnohistorians, and anthropologists that examine frontiers within a broader framework are: Kathryn E. Holland Braund, *Deerskins and Duffels: The Creek Indian Trade with Anglo-America, 1685-1815* (Lincoln: University of Nebraska Press, 1993); Daniel H. Usner Jr. *Indians, Settlers & Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley Before 1783* (Chapel Hill: University of North Carolina Press, 1992); David J. Webber, *The Spanish Frontier in North America* (New Haven, CT: Yale University Press, 1992); Jane Landers, "The Spanish Florida Frontier" in *Beyond Black and Red: African-Native Relations in Colonial Latin America*, ed. Matthew Restall (Albuquerque: University of New Mexico Press, 2005); and Paul Hoffman, *Florida's Frontiers* (Bloomington: Indiana University Press, 2002).

3 Weber, *The Spanish Frontier*, 12.

intentions to control colonial territories, frontier borders were porous regions where Native Americans and settler communities were more fully engaged in regional networks than responsive to European imperial prerogatives.⁴ Nowhere is this frontier approach more applicable than in East Florida in the transitional period immediately following the transfer of sovereignty from Britain to Spain in 1783.

Numerous communities resided within the northeast Florida frontier society. Native Americans, settlers, and slaves integrated into frontier communities primarily through land use and ownership, real and fictive kin relationships, performance of civic duties, and economic ties. Frontier disturbances contributed to social, economic, and demographic disruptions that impacted developing networks and political institutions. The survival of indigenous and settler societies required cooperation and accommodation, but interpersonal relationships also “found expression in violence and brutality.”⁵

Integration into military and family networks conveyed the shared sense of belonging that defined community, more so than traditional social markers such as race, religion, ethnicity, slave and free status.⁶ Individuals maintained community membership as long as their actions upheld the shared sense of duty and common interests. When individuals altered their perceptions of mutual interest or individual interests changed, members redefined their commitment to community, society, and authority. Transitioning out of an existing community meant individuals were free to join new or competing communities that offered better protection of individual interests.

Transfer of Sovereignty (1783-1785)

Twenty years after the British acquisition of the Floridas, British Secretary of State Lord Thomas Townshend notified Governor Patrick Tonyn of the retrocession of the territory to Spain in

4 J.H. Elliott, *Empires of the Atlantic World: Britain and Spain in America 1492-1830* (New Haven CT: Yale University Press, 2007), 274.

5 Elliot, *Empires of the Atlantic*, 274. See also Hal Langfur, *The Forbidden Lands: Colonial Identity, Frontier Violence, and the Persistence of Brazil's Eastern Indians, 1750-1830* (Stanford, CA: Stanford University Press, 2006).

6 Sherry Johnson, “The Spanish St. Augustine Community, 1784-1795: A Reevaluation,” *Florida Historical Quarterly* 68, no. 1 (July 1989): 33-34, 42-44, 47, 52-53.

February 1783.⁷ Tonyn estimated that nearly twelve thousand Loyalists had cleared land and built homes extending 100 miles north and south of Saint Augustine and he had to inform them to settle their affairs if they chose to leave.⁸ The decision surprised Loyalists who had invested considerable effort and money in developing and defending the region. The announcement of the retrocession gave rise to lawlessness in the territory. As British troops left the province, Tonyn feared that the “lower sort” would take advantage of the government’s weakened condition to ravage the province. By the lower sort, Tonyn meant impoverished inhabitants, disbanded soldiers, and Patriots coming into the province to reclaim fugitive and stolen slaves.⁹

Inhabitants feared for their lives and property. Royalist troops sought discharges in Saint Augustine rather than transfer with the military to Nova Scotia or the West Indies. British regulars claimed they would rather die than be discharged in Halifax and Tonyn had soldiers killed for planning an insurrection against the fort.¹⁰ When a sergeant and eight men mutinied at the Mosquito blockhouse in May, the governor rewarded the militiamen who captured them.¹¹ In a separate case in July, British soldiers captured six deserters from the Royal North Carolina Regiment.¹² Mutiny among the troops only amplified residents’ doubts about the British government’s ability to protect them. Over eighty inhabitants from the northern frontier pleaded with Tonyn to post additional guards to protect all moveable property until the evacuation was completed.¹³

7 Thomas Townshend to Patrick Tonyn, February 28, 1783, Joseph Byrne Lockey, *East Florida 1783-1785: A File of Documents Assembled, and Many of Them Translated* (Berkeley: University of California Press, 1949), 59.

8 Wilbur Henry Siebert, *Loyalists in East Florida 1774 to 1785: The Most Important Documents Pertaining Thereto, Edited with an Accompanying Narrative* 2 vols. (Boston: Gregg Press, 1972), I: 140; Tonyn to Townshend, May 15, 1783, Lockey, *East Florida*, 97. See also: Governor Tonyn, “A Proclamation,” *East Florida Gazette*, May 10, 1783, American Antiquarian Society (hereafter AAS), 1.

9 Tonyn to Sir Guy Carleton, September 11, 1783, British National Archives (hereafter BNA), the Colonial Office Records (hereafter CO) 5/560, f. 351-354, also in Lockey, *East Florida*, 154-156.

10 Extract from a letter received by Captain Bissett in London from his correspondent in Saint Augustine, May 20, 1783, BNA, CO, 5/560, f. 423. See also: Carole Watterson Troxler “Loyalist Refugees and the British Evacuation of East Florida, 1783-1785,” *Florida Historical Quarterly* 60, no. 1 (July 1981): 7.

11 Siebert, *Loyalists in East Florida*, I: 144.

12 *Ibid.*, 153.

13 Tonyn to Carleton, September 11, 1783, BNA, CO 5/560, f. 351-354; Memorial and Petition of Inhabitants to Tonyn, September 11, 1783, enclosure, BNA, CO 5/560, f. 355; also in Lockey, *East Florida*, 154-156.

One month after British authorities announced retrocession, an informant claimed the province was in utter confusion. Seminole and Creek chiefs had come to Saint Augustine threatening to kill every Spaniard that stepped over the boundaries and swearing vengeance against Britain's King for giving away their country.¹⁴ Large numbers of Indians traveled to the city to speak with British officials concerning the retrocession expecting to receive diplomatic gifts and provisions for their allied service during the Revolutionary War.¹⁵ East Florida Ranger companies with Creek and Seminole allies had been integral in preventing Patriot forces from overrunning the colony.¹⁶

British emigration from East Florida began in June 1783, thirteen months before the arrival of Spanish Governor Vicente Manuel de Zéspedes.¹⁷ The maintenance of law and order and administration of justice caused contentious relations between the British and Spanish officials. Tonyn transferred authority to Zéspedes on July 12, 1784, but he had orders to remain in the province to assist with Loyalists' evacuations and to reconcile Indians to the British departure.¹⁸ The concurrent eighteen-month presence of Spanish and British officials led to many disputes over proper jurisdiction. Tonyn warned Zéspedes that *banditti*, outlaw bands of discharged British and Patriot soldiers including whites, blacks and Indians led by Daniel McGirtt, and others had beleaguered the country since the conclusion of the peace treaty.¹⁹ McGirtt's militia experience in the East Florida Rangers during the British period and his territorial knowledge made him an

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- 14 Extract from a letter received by Captain Bissett, May 20, 1783, CO 5/560, f. 423.
- 15 Ibid. Tonyn to Carleton, September 11, 1783, BNA, CO 5/560, f. 351-354.
- 16 Tonyn to Colonel Prevost, January 12, 1777, BNA, CO 5/546, f. 139; Tonyn Talk to Chief Perryman and all the Creek Indians in the Scouting Party with the Rangers, January 12, 1777, BNA, CO 5/557, f. 141-42; Lt. Colonel Thomas Brown to Tonyn, February 20, 1777, BNA, CO 5/557, f. 173-75; James Leitch Wright Jr., *Florida in the American Revolution* (Gainesville: University Presses of Florida, 1975), 18-19; Gary D. Olson, "Thomas Brown, the East Florida Rangers, and the Defense of East Florida" in *Eighteenth-Century Florida and the Revolutionary South*, ed. Samuel Proctor (Gainesville: University Presses of Florida, 1978), 19.
- 17 Lockey, *East Florida*, 7.
- 18 Introduction, Lockey, *East Florida*, 14; Vicente Manuel de Zéspedes to Bernardo de Gálvez, July 16, 1784, Lockey, *East Florida*, 230; Helen Hornbeck Tanner, *Zéspedes in East Florida 1784-1790* (Jacksonville: University of North Florida Press, 1989), 33; Seibert, *Loyalists in East Florida*, I: 138-139 and 155.
- 19 Tonyn to Governor Vincent Emmanuel de Zéspedes, July 5, 1784, East Florida Papers (hereafter EFP), Reel 16. Also in Lockey, *East Florida*, 214.

apt choice to become leader of a marauding community of war veterans, refugees, vagrants, and social outcasts.²⁰

Tonyn had attempted to halt McGirtt's criminal activity. He appointed two light horse troops to protect the people and property of the province while Senior Justice Samuel Farley issued warrants for McGirtt's arrest.²¹ McGirtt eluded capture with the assistance of his family and community networks. He concealed himself in the swamp near his family home to waylay unsuspecting travelers and stopped over at the homes of various friends and accomplices in the region.²²

While Zéspedes offered clemency to marauders, McGirtt and his gang deprived the departing British subjects, particularly officials, of property. In one instance, McGirtt's crew stole four horses from Chief Justice James Hume's black servants along the Cowford road.²³ In response to his actions, authorities seized some of McGirtt's slaves and sold them at auction. Justice Farley purchased at least eight of the confiscated slaves but on the evening of Zéspedes' inaugural ball, July 15, 1784, thieves stole the newly purchased slaves.²⁴ When charged with the crime, McGirtt feigned innocence and blamed two members of Lower Creek communities, Philatouche and John Kinnard, for the thefts. Apparently, Kinnard, a *mestizo* (mixed race progeny of European and Native Americans) and Philatouche (of mixed Indian and African American heritage) abetted McGirtt in recovering his slaves.²⁵

20 Lockey, *East Florida*, 14-15; Jane G. Landers, "Francisco Xavier Sánchez, *Floridano* Planter and Merchant" in *Colonial Plantations and Economy in Florida*, ed. Landers (Gainesville: University Press of Florida, 2000), 86.

21 Seibert, *Loyalists in East Florida*, I: 153; Tonyn to Zéspedes, July 5, 1784, EFP, Reel 16; Samuel Farley to Keeper of Common Gaol of Saint Augustine, February 18 and 25, 1784, BNA, T 77/23.

22 Complaint of James Hume, July 16, 1784, BNA, T 77/23; Lockey, *East Florida*, 14-17.

23 Affidavit, James Hume, July 16, 1784, BNA, T 77/23; Seibert, *Loyalists in East Florida*, I: 66.

24 Petition of Samuel Farley, August 16, 1784, BNA, CO 5 561/80; Tanner, *Zéspedes*, 40.

25 Petition of Samuel Farley, August 16, 1784, BNA, CO 5 561/80; Caleb Swan Journal Extracts, 1790-1791, "Notes on the Seminoles," American Philosophical Society (hereafter APS), 22-23. Swan, deputy agent to the Creeks in 1791, claimed Jack Kinnard, also referred to as John K. Kinnard, was a rich "Scotch half-breed." Kinnard belonged to the Hitchiti speaking Creek communities and was a warrior and later a chief of the Lower Creeks. The Hitchiti fought with the Rangers in January and February 1777. See Talk from Tonyn to Perryman and the Creek Indians, January 31, 1777, BNA, CO/5/557, f. 167. Kinnard is spelled various ways in British, Spanish, and U.S. documents, alternatively as Kannard, Kinnard, Kinnaird, Canard, Cainard and Kanard. Kinnard signed

Native Americans, as well as settlers, experienced the loss and frustration of the territorial cession to the Spanish government. Many long-term inhabitants involved in military expeditions and multidimensional frontier exchanges now had to reconsider their options. Without the option of evacuation, British-allied Creek and Seminole Indians confronted an unknown future among former enemies. An estimated three thousand former British subjects returned to U.S. states.²⁶ Others determined to stay, and some, like McGirtt, Kinnard, and Philatouche, developed new networks that ostracized them from the outgoing British.

Under Spanish Authority

After July 1784, Spanish Governor Zéspedes' chief concerns were crime, punishment, and the inhabitants' legal status. To establish his authority, Zéspedes began his tenure by issuing proclamations concerning residency and criminal activity. Residents who wished to remain in the province under Spanish protection had twenty days to register.²⁷ Additionally, Zéspedes offered clemency to outlaws who had been plundering British plantations.²⁸ In direct opposition to Tonyn's initiative to arrest *banditti*, Zéspedes attempted to coax the outlaws out of hiding for safe conduct outside the province.²⁹ Zéspedes' act infuriated Tonyn who complained that McGirtt had found a secure sanctuary for committing the "most horrid crimes."³⁰

For McGirtt and those like him, instabilities caused by war and the imperial transfer of authority provided ideal circumstances for a lawless career. McGirtt and other outlaws accepted Zéspedes'

correspondence written by an interpreter with the letter K. Philatouche was a prominent Lower Creek leader of the Chiaja and slave trader. Philatouche is alternatively spelled Filatuchi. For information on Philatouche see: Claudio Saunt, "The English Has Now a Mind to Make Slaves of Them All: Creeks, Seminoles, and the Problem of Slavery" *American Indian Quarterly* 22, no. 1/2 (Winter-Spring 1998): 167; Christina Snyder, "Conquered Enemies, Adopted Kin, and Owned People: The Creek Indians and their Captives," *Journal of Southern History* 73, no. 2 (May 2007): 34.

- 26 Siebert, *Loyalists in East Florida*, I: 174; Carole Watterson Troxler, "Refuge, Resistance, and Reward: The Southern Loyalists' Claim on East Florida," *Journal of Southern History* 55, no.4 (November 1989): 566-567.
- 27 Affidavit, James Hume, July 16, 1784, BNA, T 77/23.
- 28 Proclamation of Governor Zéspedes, July 14, 1784 Lockey, *East Florida*, 233-234; Tonyn to Zéspedes, August 7, 1784, Lockey, *East Florida*, 342-345.
- 29 Proclamation of Governor Zéspedes, July 14, 1784, Lockey, *East Florida*, 233-234.
- 30 Tonyn to Zéspedes, September 24, 1784, Lockey, *East Florida*, 359.

offer of clemency though they continued to harass the province. Spanish troops finally arrested and confined McGirtt in February 1785.³¹ McGirtt's imprisonment did not end the violence or spate of robberies.³² Violence and raiding begun in wartime persisted as inhabitants continued to subvert justice and flee across porous political boundaries.

Throughout the transition the legal status of slaves and free blacks remained in doubt. Blacks entered the region as fugitives, as prisoners of war, and as slaves freed by military service and they could be found working in many professions as skilled and unskilled labor. Georgia and South Carolina residents demanded the return of fugitive slaves who had fled to East Florida during the Revolution. Since free blacks did not always have the credentials to prove their status, unscrupulous Floridians attempted to re-enslave them, steal slaves, or inveigle slaves to flee from their owners.³³ In an attempt to bring order to the situation, Zéspedes ordered all blacks or mulattos, slave or free, to register within twenty days of the proclamation.³⁴ When British officials protested that Zéspedes had no right to detain inhabitants, the Spanish official offered assurances that the registration requirement protected British rights. Registering free blacks and slaves enabled British slaveowners to verify their claims, while Spanish laws protected free blacks from being sold or transported back into slavery.³⁵ After publication of the proclamation, Spanish officials acknowledged that as many as 250 free blacks produced certificates signed by

31 Lockey, *East Florida*, 17.

32 Zéspedes to Bernardo de Gálvez, February 9, 1785, Lockey *East Florida* 456-459; The Inhabitants of St. Johns to Zéspedes, January 25, 1785, Lockey, *East Florida*, 470-471; Tonym to Lord Sydney, April 1785, BNA, CO 5/561, f.175-82, also in Lockey, *East Florida*, 496-501.

33 Evidence of British inhabitants' attempts to enslave blacks can be found in: Memorial of William Williams, December 1784, EFP Reel 148; Jane Landers, *Black Society in Spanish Florida* (Urbana: University of Illinois Press, 1999), 78-79; Jane Landers, "Spanish Sanctuary: Fugitives in Florida, 1687-1790," *Florida Historical Quarterly*, 62, no. 3 (January 1984): 309-310; Siebert, *Loyalists in East Florida*, II: 124-128; Complaint by Alexander Paterson, April 24, 1783, BNA, T 77/26; Chancery Court Summons for John Wood, May 24, 1779, BNA, T 77/26; Petition of John McKenzie on behalf of Limus, March 16, 1784, BNA T 77/26; Petition of Zachariah Bryan, March 22 and 23, 1784, BNA, T 77/23/457; and Slave certifications, BNA, T 77.

34 Proclamation of Governor Zéspedes, St Augustine, July 26, 1784, Lockey, *East Florida*, 240-241.

35 Zéspedes' Remarks on James Hume's Opinion, enclosure December 6, 1784, Lockey, *East Florida*, 340-341.

British military officers or submitted statements explaining their fugitive or free status.³⁶

Under Spanish Protection

Three men represented Spanish authority in the northeast region: local magistrate Henry O'Neill, military commander Captain Carlos Howard, and commander of the Spanish naval squadron that accompanied Zéspedes to East Florida, Captain Pedro Vásquez. In addition to their other duties, all three reported the movements of Indians, residents, evacuees, and ships in the St. Marys River and Amelia Island vicinity.³⁷ O'Neill was a Loyalist refugee from Virginia whose plantation had been confiscated by Patriots.³⁸ He, his wife and seven children came to the province from Laurens, South Carolina in 1775 and settled on a peninsula near the mouth of the St. Marys River at a plantation called New Hope.³⁹ Zéspedes appointed O'Neill to regulate peace within the St. Johns to St. Marys Rivers corridor.⁴⁰ Captain Howard began his career in the Spanish military as a cadet in 1761 and came to East Florida as the commander of the Hibernian Regiment.⁴¹ Howard also acted as Zéspedes' secretary and translator.⁴² Vásquez was the captain and

- 36 Ibid., 338-339; Statements submitted by various individuals, EFP Reel 148; Landers, *Black Society*, 76-77.
- 37 Zéspedes to Bernardo de Gálvez, July 16, 1784 and Zéspedes to Pedro Vásquez, July 6, 1784, Lockey, *East Florida*, 226-228. In his letter to Gálvez, Zéspedes lists the vessels of the convoy and their captains. Vásquez is noted as military commandant.
- 38 Sherry Johnson, *The Social Transformation of Eighteenth-Century Cuba* (Gainesville: University Press of Florida, 2001), 117; Robert S. Lambert, *South Carolina Loyalists in the American Revolution* (Columbia: University of South Carolina Press, 1987), 261.
- 39 Spanish Census of 1784, EFP, Reel 148; Notes of Isabel Barnwell, James Thomas O'Neill Papers, Special and Area Studies Collection, P. K. Yonge Library (hereafter PKY), University of Florida, Gainesville; Johnson, *Social Transformation*, 117; Carlos Howard to James Seagrove, June 3, 1788, EFP, Reel 82; Zéspedes to Spanish Minister Diego de Gardoqui, August 2, 1788 and enclosure Margaret O'Neill to Zéspedes, June 1, 1788, EFP, Reel 8; Spanish Census of 1787, EFP Reel 148; Donna Rachel Mills, *Florida's First Families Translated Abstracts of pre-1821 Spanish Census* (Tuscaloosa, AL: Mills Historical Press, 1992), 63.
- 40 Zéspedes to Pedro Vásquez, March 16, 1785, EFP, Reel 44; Alexander Semple to Samuel Elbert, May 18, 1785, Lockey, *East Florida*, 543; Howard to Henry O'Neill, May 23, 1785, Lockey, *East Florida*, 548; Enclosure, O'Neill to Tonym, n.d., Lockey, *East Florida*, 565-567.
- 41 Carlos Howard Service Record, Joseph Byrne Lockey Papers, 1877-1946, Box 1, PKY; Johnson, *Social Transformation*, 160.
- 42 Introduction, Lockey, *East Florida*, 34-35; Zéspedes to José de Gálvez, March 3, 1784, Lockey, *East Florida*, 183-185; Luis de Unzaga to Zéspedes, July 17, 1784, Lockey, *East Florida*, 236.

commander of the Spanish brigantine *San Mateo* stationed in the St. Marys harbor off the western shore of Amelia Island.⁴³

During the period of overlapping authority, regular contact occurred between men stationed on board Spanish and British vessels and residents of the St. Marys and St. Johns Rivers region. Spanish officials, sailors, and soldiers who rotated through the region became familiar with local residents. Spanish military personnel purchased goods from local farmers and ranchers including Alexander Semple at Cumberland Island, Georgia.⁴⁴ This was a matter of necessity in a poorly provisioned region without access to regular Spanish supply shipments. At times the blurring of the line between official duty and friendly relations muddled the enforcement of royal orders.⁴⁵

The official records document numerous examples of conflicts large and small between officials in the transition period. In the northeast region, magistrate O'Neill transported prisoners to Vásquez to be shipped to Saint Augustine on the *San Mateo* for prosecution by Zéspedes.⁴⁶ In one case, O'Neill arrested a British subject in the company of a black man and woman who insisted they were free. Vásquez attempted to take all three to the governor in Saint Augustine for his determination.⁴⁷ Governor Tonym claimed the arrest was groundless and a result of O'Neill's ire because Tonym had refused to evacuate the O'Neill family.⁴⁸

43 Zéspedes to Bernardo de Gálvez, July 16, 1784 and enclosure, Vessels of the Convoy, July 16, 1784 Lockey, *East Florida*, 223-226; Howard to O'Neill, May 2, 1785, in Lockey, *East Florida*, 539.

44 Vásquez to Zéspedes, July 4, 1785, EFP, Reel 44.

45 Landers, *Black Society*, 73-74; Sherry Johnson, "Climate, Community and Commerce among Florida, Cuba, and the Atlantic World, 1784-1800," *Florida Historical Quarterly* 80, no. 4 (Spring 2002): 463-465. Johnson notes that coastal hurricanes reduced the Spanish empire's ability to provision East Florida in 1784. The additional expenses caused by storm-related damages, droughts in Mexico, and reduced colonial subsidy convinced Zéspedes to allow "Spanish ships to travel to foreign ports to purchase provisions and foreign ships were allowed to enter Saint Augustine if they carried food." This was before the 1793 *cédula* that allowed free trade in East Florida. See also James Cusick, "Spanish East Florida in the Atlantic Economy of the Late Eighteenth Century" in *Colonial Plantations*, 172-175. Cusick and Johnson agree that Spanish governors were willing to circumvent official Spanish policies to trade with the United States to protect and promote the colony, a practice that began with Zéspedes and was based on the Cuban model of trade with the United States in the 1780s.

46 Howard to O'Neill, May 23, 1785, EFP, Reel 44.

47 Vásquez to Tonym, June 13, 1785, EFP, Reel 44; Vásquez to Zéspedes, June 14, 1785, EFP, Reel 44.

48 Tonym to Vásquez, June 12, 1785, Lockey, *East Florida*, 555-556; Vásquez to Zéspedes, June 14, 1785, EFP, reel 44.

Conversely, settlers, like O'Neill, who chose to remain under Spanish jurisdiction, believed Tonym harbored considerable enmity for residents remaining in East Florida whom he considered to be traitors to the British crown.⁴⁹

Relations along the St. Marys River grew more strained when Tonym, acting on his own authority, arrested George Arons. Arons had fled to East Florida in 1776 with five slaves he had stolen from his employer, Henry Laurens, in South Carolina.⁵⁰ Arons had served in the East Florida Rangers and had been captured during raids in South Carolina.⁵¹ He knew many of the men who decided to stay and those who left. As a Catholic and native of Alsace, France, Arons easily transferred his political allegiance from the British to Spanish sovereignty. Tonym suspected Vásquez and Arons were stealing or hiding British slaves and demanded their return.⁵² Six slaves belonging to British slaveowner John Fox had absconded while being transported to the St. Marys River for evacuation. Fox blamed Arons, Vásquez, and others for illegal slave trafficking. A black witness told Fox he had conversed with the slaves on the *San Mateo* and Fox himself declared he had seen his female slave aboard the brigantine. Still, Vásquez denied any knowledge of the blacks.⁵³ According to Fox, the networks created among Spanish officials and inhabitants inhibited the retrieval of his slaves. He was convinced that Arons and others stole the slaves, and O'Neill was reluctant to interfere because Arons and Vásquez had become close friends.⁵⁴

Stationed for more than a year in the St. Marys River region, Vásquez and the Spanish military had formed exchange networks with local residents, particularly those who planned to remain. O'Neill, a civilian magistrate, may have been uncertain about challenging a Spanish military commander upon whose assistance

49 O'Neill to Howard, July 3, 1785, Lockey, *East Florida*, 565-566.

50 Lachlan McIntosh Jr. to Lachlan McIntosh Sr., August 14, 1776, *The Papers of Henry Laurens Volume Eleven: January 5 1776-November 1, 1777*, ed. David R. Chesnut and C. James Taylor, et al (Columbia: University of South Carolina Press, 1998), 224n.

51 John Lewis Gervais to Henry Laurens, September 21, 1778, *The Papers of Henry Laurens Volume Fourteen: July 7, 1778-December 9, 1778*, ed. David R. Chesnut and C. James Taylor, et al (Columbia: University of South Carolina Press, 1994), 330.

52 O'Neill to Howard, July 3, 1785, Lockey, *East Florida*, 565-566; Memorial of John Fox, July 25, 1785, Lockey, *East Florida*, 668-670; Tonym to Zéspedes, July 25, 1785, Lockey, *East Florida*, 667-668.

53 Memorial of John Fox, July 25, 1785, Lockey, *East Florida*, 669.

54 Affidavit of John Fox, July 25, 1785, Lockey, *East Florida*, 671.

he relied. Having entered the territory as a Loyalist refugee, O'Neill also had to contend with animosity directed at him by Tonym, departing Loyalists, and former British subjects. In the end, the governor defended the blacks' freedom, partially based on the proclamation issued to determine the status of free blacks and slaves in the province.⁵⁵

Like the British, the Spanish government depended on the inhabitants' cooperation to maintain law, order and neutrality in interregional and inter-imperial conflicts.⁵⁶ Even after the formal establishment of Spanish authority and Tonym's departure in November 1785, the frontier environment made it easy to commit crimes such as theft, illicit commerce, and murder. Criminals simply crossed the St. Marys River into Georgia to avoid prosecution. Native American lands beyond Spanish, British, and U.S. jurisdiction also provided criminals with cover. Suspected criminals who found sanctuary outside the province continued exchanges with East Florida inhabitants connected by family, social, military, and economic networks.⁵⁷

Another factor influencing regional crime patterns was the presence of opportunistic former British subjects who relocated to nearby Georgia and the Carolinas where they used their networks to influence events in East Florida. Many of these former subjects, referred to as Loyalists by both Spanish and American authorities, remained in the region to undermine Spanish possession of the province. In April 1785, O'Neill reported thefts of slaves and horses along the St. Marys River by border-crossing Georgians. Spanish officials had no power to pursue criminals into Georgia or Indian territory to recover property.⁵⁸ The delicate nature of Indian relations posed additional threats when Georgians stole from Indians who, in turn, sought retribution. Officials, Indians, and residents could not always distinguish between law-abiding settlers and those who committed crimes, which led to seemingly unprovoked Indian attacks against outlying East Florida and Georgia settlements.⁵⁹

55 Zéspedes to Tonym, August 4, 1785, Lockey, *East Florida*, 698-701.

56 Parker, "So In Fear of Both," 28-30.

57 Alexander Semple to Georgia Governor Samuel Elbert, May 18, 1785, Lockey, *East Florida*, 543-544.

58 O'Neill to Howard, April 17, 1785, EFP, Reel 44.

59 O'Neill to Howard, April 17 and May 10, 1785, EFP, Reel 44; Vásquez to Zéspedes, July 13, 1785, EFP Reel 44; O'Neill to Howard, June 1 and 15, 1786, EFP Reel 45; O'Neill to Howard, Oct 21, 1787, EFP, Reel 45.

In May 1785, O'Neill reported that law-abiding residents in Georgia were willing to take up arms against border-crossing villains for their own security and requested permission to cooperate with those Georgians willing to break the connections between outlaws on the north and south sides of the river.⁶⁰ Semple, the merchant on Cumberland Island who had frequent interaction with East Florida residents, echoed O'Neill's concerns to Georgia Governor Samuel Elbert. Semple requested government aid to rout the thieves endangering Georgia and East Florida residents.⁶¹ In response to O'Neill's inquiry, Governor Zéspedes replied that he did not have the authority to approve cooperation among nations. Instead, Zéspedes attempted to control the movement of goods and people in and out of the province. He required that any persons entering or leaving East Florida request an official pass signed by him. Officials were to arrest persons without passes, those suspected of regional crimes, or anyone attempting to bring in stolen goods and escort them to the governor in Saint Augustine for interrogation.⁶²

The Volatile Border

The encroachment of Georgia settlers on Creek lands led to escalating frontier hostilities in 1785. As various Native American towns negotiated treaties with the Spanish and United States agents, Creek representative Alexander McGillivray requested that the Spanish government make no boundary concessions to the United States that would encroach upon Native American lands.⁶³ When McGillivray and other Creek chiefs chose not to attend a federally sponsored treaty conference, the congressionally appointed negotiators refused to treat with the Creek representatives.⁶⁴ Georgia state commissioners seized the opportunity to conclude an agreement with the few attending Creek leaders who assumed the authority to cede Creek lands between the Altamaha and St. Marys

60 O'Neill to Howard, May 10, 1785, EFP, Reel 44.

61 Semple to Elbert, May 18, 1785, Lockey, *East Florida*, 543-544.

62 Zéspedes to Howard and O'Neill, May 23, 1785, EFP, Reel 44; Howard to O'Neill, May 23, 1785, Reel 44.

63 McGillivray for the Chiefs of the Creek, Chickasaw, and Cherokee Nations, July 10, 1785, John Walton Caughey, *McGillivray and the Creeks* (1938; reprint, Columbia: University of South Carolina Press, 2007), 27-29, 90-93. The U. S. Congress appointed Benjamin Hawkins, Daniel Carroll, and William Perry to treat with the Cherokees and all Southern Indians.

64 Benjamin Hawkins to Alexander McGillivray, January 8, 1786, Caughey, *McGillivray and the Creeks*, 101-102.

Rivers. The agreement transferring territory to Georgia was the Treaty of Galphinton signed on November 12, 1785.⁶⁵ McGillivray denounced the treaty, and after a Creek congress in March 1786, the Indians commenced hostilities against the settlements that encroached on Indian lands.⁶⁶

Ultimately, no Creek, Spanish, or Georgia officials had control over the various factions acting along the contested frontier. In early June, O'Neill reported that violent interactions jeopardized East Florida as much as Georgia.⁶⁷ A few weeks later, three Indian warriors attacked a settlement on the Florida side of the St. Marys River and brutally scalped William Cain's young daughter.⁶⁸ O'Neill told residents of the northeast region to prepare to move their families and property to Amelia Island to avoid further Indian attacks.⁶⁹ Though O'Neill believed the scalping of Cain's daughter to be the independent action of a few rogue Indians, the presence of large numbers of Indians on the Georgia side of the St. Marys River induced him to request military assistance and permission to transfer residents and their belongings to Amelia Island.⁷⁰

On the Georgia side of the St. Marys River, settlers relocated to Cumberland Island for safety. William Pengree, a former East Florida resident now living in Georgia, described the Cain scalping as a wanton act that had occurred without the consent or knowledge of Native American chiefs.⁷¹ Colonel Jacob Weed, commander of the federal troops at Cumberland Island, along with Pengree and an interpreter, met several Creek chiefs to demand the apprehension and punishment of the three young warriors responsible for the scalping. In the talk, the Americans presented themselves in the most favorable light and impugned Creek honor, questioning why a defenseless female child should be attacked while asserting that white men fought only men and protected all women and

65 William S. Coker and Thomas D. Watson, *Indian Traders of the Southeastern Spanish Borderlands, Panton, Leslie, & Company and John Forbes & Company, 1783-1847* (Pensacola: University of West Florida Press, 1986), 79-80; Gilbert Din, *War on the Gulf Coast: The Spanish Fight Against William Augustus Bowles* (Gainesville: University Press of Florida, 2012), 14.

66 Tanner, *Zéspedes*, 96.

67 O'Neill to Howard, June 1, 1786, EFP, Reel 45.

68 O'Neill to Howard, June 9, 1786, EFP, Reel 45; Martin Armassa to Zéspedes, June 9, 1786, Reel 45; Governor Juan Nepomuceno de Quesada to Kinnard, January 1794, EFP, Reel 43.

69 O'Neill to Howard, June 4, 1786, EFP, Reel 45.

70 *Ibid.*; Armassa to Zéspedes, June 9, 1786, EFP, Reel 45.

71 William Pengree to Zéspedes, June 28, 1786, EFP, Reel 42.

children.⁷² The Americans disingenuously claimed that they did not want to trespass on, or interfere with, Indian sovereignty but confirmed they were prepared to defend themselves.⁷³

In a plea to Zéspedes, Pengree stated the determination of settlers on both sides of the St. Marys River to protect themselves and their crops from Indian raids and proposed a mutual defense pact with Spanish Florida. He requested that Zéspedes provide arms and munitions to Georgia residents and Pengree provided assurances that the arms would only be used for the safety and defense of settlers on both sides of the St. Marys border and not for offensive operations against the Creeks.⁷⁴ Once again, Zéspedes explained that East Florida could not cooperate with Georgians as it would cause a breach between the Spaniards and Indians.⁷⁵

In June 1786, Zéspedes notified his subordinates that the Upper and Lower Creeks had officially declared war on Georgia to remove settlers from the land usurped by the Treaty of Galphinton.⁷⁶ Zéspedes warned Martin Armassa, the commander of the detachment at Amelia Island, not to offer any assistance to either side that might be construed as alliance with Americans or Indians in the conflict.⁷⁷ Troubled East Florida residents watched as Americans prepared to defend against Indian attacks. They did not want to be caught in a war between the Creeks and the United States. Following a visit to the northern region, O'Neill described the inhabitants as very uneasy and apprehending more danger from the Americans than from the Indians.⁷⁸

In light of the scalping incident and with war imminent, Zéspedes sent Indian trader and interpreter Joab Wiggins to meet with the Indian chiefs to reaffirm Spanish amity and to clarify the boundaries between Spanish and Georgia territory in order to protect innocent East Florida inhabitants.⁷⁹ Spanish officials placed great faith in Wiggins' mission to the Creeks. Once the

72 Colonel Jacob Weed and Inhabitants to the Chiefs of the Creek Indians, June 8, 1786, EFP, Reel 42. Langley Bryandt acted as interpreter for Weed and Pengree.

73 Ibid.

74 Pengree to Zéspedes, June 28, 1786, EFP, Reel 42; O'Neill to Howard, July 1, 1786, EFP, Reel 45.

75 Zéspedes to Howard and O'Neill, June 28, 1786 EFP, Reel 45; O'Neill to Howard, July 1, 1786, EFP, Reel 45.

76 Zéspedes to Subordinates, June 11, 1786, EFP, Reel 45.

77 Zéspedes to Armassa, June 12, 1786, EFP, Reel 45.

78 O'Neill to Howard, June 15 and 22, 1786, EFP, Reel 45.

79 Howard to O'Neill, June 12 and 14, 1786, EFP, Reel 45; O'Neill to Howard, June 15, 1786, EFP, Reel 45.

Creeks understood the distinction between the Georgia and Florida provinces, officials assured inhabitants near the St Marys River that they would be safe from Indian attacks.⁸⁰ Zéspedes was far more cognizant of Creek activity than he relayed to his subordinates and Georgia officials. Creek representative McGillivray had been corresponding with Zéspedes as well as with Spanish officials in West Florida to stockpile guns and ammunition throughout May and June. Zéspedes assured McGillivray he would provide generous supplies to the Creeks.⁸¹ True to his word, Indians carried away an estimated 5,000 pounds of powder, balls and flints to assist the Creeks in fighting the Georgians.⁸²

Meanwhile, East Florida residents deemed Amelia Island and the region south of the St. Johns River to be safer than the northern border.⁸³ Zéspedes ordered O'Neill to convince them to remain at home and refrain from any hostility towards Indians or Georgians. Zéspedes also informed Armassa that settlers of the northeast region were not to be relocated unless Indians or Georgians had assaulted them.⁸⁴ He reminded Armassa that no person could enter the province without a signed pass from the governor and that all suspicious persons were to be arrested.⁸⁵ In his communications with subordinates and residents, the governor stuck to his professed policy of neutrality and nonintervention in the Creek-Georgia war, even though he had supplied the Creeks with weapons and ammunition.⁸⁶ Zéspedes' policies alienated northeast regional inhabitants who feared for their lives and property and had little confidence in his declarations of peace and amity with the Indians and Georgia or the practicality of remaining impartial while residing within the volatile region.

Illicit Regional Exchanges

The unstable circumstances of the Creek – Georgia War created opportunities for inhabitants to freely conduct illicit activities across established boundaries. A considerable percentage of the criminal activity emerged out of the animosity that existed

80 Howard to O'Neill, June 28, 1786, EFP, Reel 45.

81 Tanner, *Zéspedes*, 96.

82 *Ibid.*, 96-97; Coker, *Indian Traders*, 81.

83 O'Neill to Howard, June 22, 1786, EFP, Reel 45.

84 Zéspedes to Armassa, June 30, 1786, EFP, Reel 45.

85 Zéspedes to Detachment at Amelia Island, September 19, 1786, EFP, Reel 85.

86 Zéspedes to Armassa, June 11, 1786 EFP, Reel 45; Zéspedes to Howard and O'Neill, June 12, 1786, EFP, Reel 45.

among border residents since the American Revolution and the British evacuation. One core group united by militia experience and kinship networks participated in horse stealing and cattle rustling schemes.⁸⁷ Among the conspirators were three men from Maryland, Joseph and Cornelius Rain, and John Bailey. During the Revolution, Joseph Rain served in the British army as an assistant commissary agent.⁸⁸ After the transfer of authority, Joseph requested to remain in the territory with his family, slaves, horses, and twenty head of cattle.⁸⁹ Cornelius Rain, a butcher and possible relative of Joseph, also remained with a wife, child, horses and cows.⁹⁰ Bailey farmed property between the St. Marys and Nassau Rivers with his family and four slaves and raised horses and cattle.⁹¹ Their Georgia accomplice, Nathaniel Ashley, came to the British province from Virginia, but chose to move his wife, seven children, slaves and horses across the St. Marys River to Camden County when Spanish authorities arrived.⁹² After the retrocession of East Florida, the Ashleys and their in-laws, the Williams family, illegally drove cattle across the border from Georgia to the Rains, Baileys, and Richard Lang, another holdover from the British retrocession in northeast Florida.⁹³

Just as hostilities broke out between the Creeks and Georgians in June 1786, Ashley and his brother-in-law Wilson Williams accused

87 For the importance of the cattle trade to East Florida see Susan R. Parker, "The Cattle Trade in East Florida, 1784-1821" in *Colonial Plantations*, 150-167.

88 "Claim of William and John Lofton," *Spanish Land Grants*, IV, 65; Spanish Census of 1784, EFP Reel 148; East Florida Claims, BNA, T 77.

89 Spanish Census of 1784, EFP, Reel 148; Mills, *Florida's First Families*, 63. Rain is alternatively spelled Rains or Raines.

90 East Florida Claims, BNA, T 77.

91 Spanish Census of 1784.

92 Zéspedes to Gardoqui, August 2, 1788, EFP Reel 8; Spanish Census of 1784, EFP, Reel 148.

93 *Ibid.*; Howard to Lang, August 20, 1793, EFP, Reel 48; Howard to Quesada, August 22, 1793, EFP, Reel 48; Howard to Quesada, February 24, 1794, EFP, Reel 49; Siebert, *Loyalists in East Florida*, II: 366-367; Spanish Census of 1784, EFP, Reel 148. These letters give numerous accounts of suspected cattle and horse thefts and illicit border crossings. Howard questioned Lang about regional thefts and murder including O'Neill's death and the close family relations among the Ashleys, Williams and inhabitants in East Florida, and accused Lang of being duplicitous in the crimes. In Howard's letter to Quesada he explains that Richard Lang's daughter married John Bailey's son David. Seibert's biography of Samuel and Henry Williams notes that the family was from Anson County, N.C. and that during the Revolution, Samuel and his sons Henry, Wilson and Abner were at Lt. Col. Thomas Brown's garrison in Georgia and later in East Florida. Nathaniel Ashley, who was born in Anson County, NC, married Jane Williams, the sister of Abner and Wilson Williams.

East Florida resident John Hartley of being an accomplice in the theft of their horses. Originally from South Carolina, John Hartley occupied ten acres of land at the time of the transfer, where he farmed and raised livestock.⁹⁴ A search party that included Ashley pursued the thieves to Hartley's farm where they found the horses concealed in a nearby swamp. Hartley claimed he had traded for the horses and was not involved in the theft.⁹⁵ Hartley then intentionally misled the search party by indicating the thieves had returned to Georgia to continue plundering. In diverting the search party, the thieves were able to escape. Aggravated by Hartley's subterfuge, Ashley shot at, but missed him. O'Neill remonstrated Ashley for his rash behavior, reminding him that he was a Georgia citizen on Spanish soil. He then arrested Hartley for collusion with the thieves and warned military commander Howard that regional inhabitants' smoldering animosity from the American Revolution and the British evacuation and border crossing criminals placed innocent inhabitants in harm's way.⁹⁶

In October 1787, O'Neill sought advice from Zéspedes concerning the unsettling frontier situation with renewed Creek and Georgia hostilities, frontier tensions, and the illicit movement of goods and people to and from the province.⁹⁷ Inhabitants petitioned Zéspedes to protect their lives and property or transport them to a safe place.⁹⁸ Signing the petition were some of the very men causing friction, including Joseph Rain, Richard Lang, George Arons, John Hartley, and others, like William Cain, who had been victims of Indian atrocities. In response, Zéspedes reiterated the Spanish policy of non-intervention to Howard and directed him to refer residents to a letter written to O'Neill the previous year. The letter assured residents that Spanish East Florida was at perfect peace and friendship with the United States and Indian nations.

94 Spanish Census of 1784, EFP, Reel 148; Mills, *Florida's First Families*, 63. The Spanish Census of 1787 listed Hartley, Joseph Rain, George Arons, and Henry O'Neill on Amelia Island. It is unclear if the men lived on Amelia Island; more likely they lived in the vicinity and census takers recorded their presence on Amelia Island at the time.

95 O'Neill to Howard, June 1 and 3, 1786, Zéspedes to Howard, June 9, 1786, EFP, Reel 45. The thieves' names were Jacob Riburn and John Hage, also called Savanna Jack.

96 O'Neill to Howard, June 1, 3, and 15, 1786, EFP, Reel 45.

97 O'Neill to Howard, September 10, and October 21, 1787, Reel 45.

98 O'Neill to Howard, October 21, 1787, EFP, Reel 45; Inhabitants to Zéspedes, October 24, 1787, EFP, Reel 45.

Howard stated firmly that residents must act with prudence and remain neutral in all Creek and United States hostilities.⁹⁹

The letter became yet another point of contention between northeast inhabitants and O'Neill, and as the winter wore on, the antagonists became more aggressive in their actions against the magistrate. Lang and others sent a second letter to Zéspedes asserting that O'Neill refused to show the inhabitants the letter with the governor's orders and in a direct affront to his honor, Lang called O'Neill a dishonest man.¹⁰⁰ As dissatisfaction with regional protection intensified, eighteen men petitioned to have Lang replace O'Neill as magistrate.¹⁰¹ In a conciliatory gesture, O'Neill traveled to the region to read the letter to residents, and promised the letter would be read to any who applied at his house. As for Lang, O'Neill sarcastically thanked him for his efforts to preserve the peace, but stated he doubted honest men were unhappy with his actions on behalf of the residents. Yet again, O'Neill reminded Lang that no one was to enter or leave the province without a pass and friendly relations were to be maintained between inhabitants and Georgians.¹⁰²

Death of O'Neill

Events came to an ugly climax in the spring. In March 1788, various officials received unexpected news that Daniel McGirtt had returned to East Florida.¹⁰³ James Kennedy, master of the sloop *Mayflower*, testified that McGirtt had been aboard his ship. McGirtt demanded Kennedy stop on the St. Johns River to retrieve some cattle, but Kennedy refused. McGirtt then forced Kennedy to land him on the Florida side of the St. Marys River.¹⁰⁴ From there, a second witness claimed McGirtt planned to travel down the St. Johns River to collect his property.¹⁰⁵ O'Neill captured McGirtt and returned him to Kennedy's ship as a prisoner. Kennedy posted a bond guaranteeing to remove McGirtt from the province and

99 O'Neill to Richard Lang, December 24, 1787, EFP, Reel 45.

100 Inhabitants to Zéspedes, December 24, 1787, EFP, Reel 45. For the importance of honor in Saint Augustine see James G. Cusick's article in this issue.

101 Inhabitants to Zéspedes, December 24, 1787, EFP, Reel 45.

102 O'Neill to Richard Lang, December 24, 1787, EFP, Reel 45.

103 Testimony of Daniel Hogan, March 27, 1788, EFP, Reel 45.

104 Testimony of James Kennedy, March 27, 1788, EFP, Reel 45; O'Neill to Howard, April 4, 1788, EFP, Reel 45. Kennedy is noted as Kanaday in several documents.

105 O'Neill to Howard, April 5, 1788, EFP, Reel 45; Testimony of Daniel Hogans, March 27, 1788, EFP, Reel 45.

departed with an official warning to prevent McGirtt from landing anywhere south of the St. Marys River.¹⁰⁶ Soon thereafter, McGirtt was on the American side of the St. Marys and still considered a threat to the province.¹⁰⁷

McGirtt's return put additional stress on Spanish officials. Zéspedes ordered Lt. Jayme MacTernan, who had replaced Armassa on Amelia Island, and O'Neill to use all possible resources to apprehend McGirtt or anyone who aided him.¹⁰⁸ O'Neill alerted all residents in his jurisdiction that no one should help McGirtt. Anyone aware of McGirtt's whereabouts or any other unwanted or unknown persons in the province was to apprehend and detain them.¹⁰⁹ Anyone who assisted McGirtt would be prosecuted.

The protracted threat of violence posed by Creek and Georgia hostilities, the atrocity of Cain's daughter's scalping, McGirtt's presence, and illicit cross-border activity that antagonized former British subjects and neighboring East Florida residents created an atmosphere of fear and discontent. Along the southern shores of the St. Marys River, anxious inhabitants were frustrated with Spanish policies that restricted individual movement and authorities' seeming unwillingness to effectively defend the region. Time and again, residents turned to Spanish authorities for protection only to be told that they had no reason for concern because East Florida was at peace with the Indians and the United States.

As the search for McGirtt widened and the Creek-Georgia war persisted, O'Neill had a violent confrontation with Nathaniel Ashley on Cumberland Island. On April 24, 1788, O'Neill and his son, James, crossed the St. Marys River to gather news and provisions at James Cashen's home on the southern point of Cumberland Island.¹¹⁰ The first report of trouble came from Spanish gunboat Captain Joseph Tasso. Tasso informed MacTernan that an American on Cumberland Island had shot O'Neill.¹¹¹ According to federal commander Weed, stationed at Cumberland, witnesses said Ashley and O'Neill engaged in an argument over a simple greeting. That morning, O'Neill greeted Ashley with "how do you

106 O'Neill to Howard, April 5, 1788, EFP, Reel 45; MacTernan to Zéspedes, April 11, 1788, EFP, Reel 45; Tanner, *Zéspedes*, 189.

107 MacTernan to Zéspedes, April 11, 1788, EFP, Reel 45.

108 Zéspedes to Howard and O'Neill, April 14, 1788, EFP, Reel 45.

109 Howard to O'Neill, April 14, 1788, EFP, Reel 45.

110 Extract from the Minutes of Camden County Georgia Grand Jury, James O'Neill Papers, N.D. Box 1, Clay Adams Transcription, 2006, PKY.

111 Joseph Tasso to Zéspedes, April 24, 1788, EFP, Reel 45.

do?" Ashley retorted O'Neill was "a dam'd rascal" and asked him not to speak to him.¹¹² O'Neill claimed he had the right to speak to anyone. This exchange prompted Ashley to run home and return with a cavalry sword. Ashley then taunted O'Neill to speak to him again while raising the sword over O'Neill's head. The argument escalated into a scuffle over the sword until bystanders pulled the two men apart.¹¹³

During the fray, Ashley's son Lodwick appeared with a gun, threatening to kill O'Neill. As O'Neill attempted to depart, Nathaniel Ashley, now holding the gun, called for the crowd to clear. John Fleming, an eyewitness and friend of O'Neill's, described the occurrence, "The crowd parted immediately - Major O'Neill was then in the center turning himself round to face the sound of the voice. I then saw Ashley discharge a gun. Major O'Neill immediately fell to the ground."¹¹⁴ The following day, a surgeon removed O'Neill's right leg from the thigh down as a result of the extensive damage caused by the buckshot. O'Neill died at his home on May 1st.¹¹⁵

O'Neill's death created two problems. First, it left inhabitants without a magistrate to maintain law and order at a time when McGirtt and other bandits roamed the region and the Creek nation battled with Georgia settlers. Second, the murder threatened to become an international incident as the United States and the state of Georgia had to respond to the killing of an unarmed Spanish official on Georgia soil.¹¹⁶ In response to the murder, Zéspedes informed Spanish Minister Diego de Gardoqui in Philadelphia that he attributed O'Neill's death to the "old rancor" between British Loyalists and American independents in the recent war.¹¹⁷ Zéspedes referred to Ashley as an "extreme Royalist" but Ashley was more likely an opportunist hoping that Spanish sovereignty would be fleeting.¹¹⁸ From Georgia, Ashley continued to trade with accomplices on the Spanish side of the river. Zéspedes suggested

112 MacTernan to Zéspedes, April 25, 1788, EFP, Reel 25; John Fleming testimony before Howard, Cumberland Island, Georgia, May 14, 1788, EFP, Reel 82; Minutes of Camden County Georgia Grand Jury, April 28, 1788, PKY.

113 Fleming testimony, May 14, 1788, EFP, Reel 82.

114 Ibid.

115 Zéspedes to MacTernan, April 27, 1788, Reel 45; Margaret O'Neill to Howard, May 4, 1788; MacTernan to Zéspedes, May 2, 1788, EFP, Reel 45; Minutes of Camden County Georgia Grand Jury, April 28, 1788, PKY.

116 Howard to James Seagrove, June 3, 1788, EFP, Reel 82.

117 Zéspedes to Gardoqui, August 2, 1788, EFP Reel 8.

118 Ibid.

O'Neill had uncovered Ashley's plot to undermine Florida settlers' in the cattle trade by introducing illicit cattle into the province through Joseph Rain. It was also known that Ashley had stolen Indian horses in Georgia and brought them to Florida regardless of Spanish territorial laws, similar to what Hartley had done to him in 1786. Zéspedes believed O'Neill had confronted Ashley or Rain, and that caused the fatal assault.¹¹⁹

At the time of the murder, Colonel Weed promised Spanish officials that Ashley would be dealt with according to the law.¹²⁰ The unanswered question, however, was which law would prevail. At the time of O'Neill's murder, the question of states' rights versus federal government authority still hung in the balance. In the previous summer, 1787, delegates met in Philadelphia to revise the Articles of Confederation, but decided to scrap the old system and craft a new governing document – the Constitution. The relationship between state and federal government was still undecided when Ashley shot O'Neill on Cumberland Island. An uneasy tension pervaded the American side of the St. Marys River as Georgia state officials and federal officials wrangled over appropriate enforcement of law and order along the border.¹²¹

Weed and federal troops operated with little to no assistance from Georgia authorities. With the uncertainties surrounding the success of ratification, federal forces had little if any recourse for dealing with recalcitrant Georgians. Even before events in April 1788, Weed complained to superiors that he was “surrounded by Enemies both redd [sic] and white who threaten an Attack upon this Island.”¹²² Weed was well aware of the border animosities since he had served in Georgia's Patriot forces against Loyalists in the American Revolution and resented the British who remained on both sides of the St. Marys River.¹²³ Weed feared that the constant interaction between inhabitants of southern Georgia and particular

119 Zéspedes to Gardoqui, August 2, 1788, EFP, Reel 8; Zéspedes to Josef de Espeleta, September 30, 1788 and enclosure, Memorial of Margaret O'Neill, June 1, 1788, EFP, Reel 8.

120 MacTernan to Zéspedes, April 25, 1788, EFP, Reel 25.

121 Howard to Seagrove June 3, 1788, EFP, Reel 82; Seagrove to Howard, June 27, 1788, EFP, Reel 82; Gardoqui to Zéspedes, September 25, 1788, EFP, Reel 38.

122 Correspondence 1788 April 20-1788 May 27 [Georgia to] General James Jackson / Colonel Jacob Weed, Colonel James Maxwell, James Dunwoody ... [et al.], Digital Library of Georgia, http://dlg.galileo.usg.edu/meta/html/dlg/zlna/meta_dlg_zlna_tcc929.html (accessed October 15, 2012).

123 Jane G. Landers, *Atlantic Creoles in the Age of Revolutions* (Cambridge, MA: Harvard University Press, 2010) 34-35; 265, fn. 69; Weed to Jackson, April 20 1788, Digital Library of GA.

characters in East Florida meant that internal enemies plotted with Spanish inhabitants and Native Americans against Georgia.¹²⁴ He bemoaned the traffic that passed back and forth across the St. Marys River, but his power did not extend to eradicating this activity nor did state authorities allow him to take action.

This uncertainty about the extent of his authority may explain why Weed did not arrest Ashley immediately after the shooting. Weed had already been named in a lawsuit for illegally detaining a local storeowner as a suspicious character in an unrelated case.¹²⁵ At the same time, Indian agent James Seagrove proceeded to Cumberland Island to investigate the circumstances of O'Neill's death. Seagrove promised Howard that federal troops would be stationed along the river, and all efforts would be made to bring the perpetrators to justice. Serving as foreman for the Camden County grand jury, Seagrove issued a bench warrant for the arrest of Nathaniel Ashley for mortally wounding O'Neill.¹²⁶

In June, Weed arrested Ashley's son, Lodwick, for his part in O'Neill's death.¹²⁷ Authorities also captured Nathaniel Ashley, however, the person charged with detaining the senior Ashley allowed him to escape.¹²⁸ Although Ashley escaped, Seagrove pledged the U.S. government would exert every effort to recapture and imprison him.¹²⁹ Howard confided to Seagrove that he hoped Ashley's unprovoked attack against the unarmed O'Neill would not ruin the friendly relations between Spain and the United States.¹³⁰

O'Neill had served loyally to restrain the criminal ambitions of men on both sides of the St. Marys River, and with his murder, these unscrupulous characters were free to violate national and imperial laws unchecked. While O'Neill lay dying at New Hope, twenty residents of the St. Marys region, many who had signed the original petition, reiterated their plea for Richard Lang to become magistrate. Horse thieves and cattle rustlers Joseph Rain, John Bailey, and John Hartley were part of this group, as well as George

124 Weed to Jackson, April 20 1788, Digital Library of GA.

125 Ibid.

126 Minutes of Camden County Georgia Grand Jury, April 28, 1788, PKY.

127 Richard Lang to Howard, June 27, 1788, EFP, Reel 45; Tasso to Zéspedes, June 21, 1788, EFP, Reel 45; Lang to Howard, June 27, 1788, EFP, Reel 45. Ashley's son William was also arrested to keep the men from assisting their father in his escape.

128 Seagrove to Howard, June 27, 1788, EFP, Reel 82.

129 Ibid.

130 Howard to Seagrove, June 3, 1788, EFP, Reel 82.

Arons who had stolen slaves.¹³¹ Arons was also implicated in a plot to kill O'Neill for his interference in border activities.¹³² The ties among these men, O'Neill, the Ashleys, Rains, Arons, Williams, and Hartley stretched back to the time of British sovereignty in East Florida.

So, in early May 1788, Zéspedes was confronted with two equally undesirable choices. With O'Neill's death, a vacuum in authority would promote further lawlessness, but to do nothing was unacceptable. On the other hand, Lang, the man being promoted for the position, was of dubious loyalty and most likely complicit in criminal activity and violence. Zéspedes notified MacTernan that the residents could elect the new magistrate.¹³³ Meanwhile, MacTernan received word that McGirtt and Ashley had crossed into East Florida. Justifiably, Spanish and U.S. officials worried that regional inhabitants were harboring or aiding the fugitives.¹³⁴ At the end of May, MacTernan went to the St. Marys to gather votes, and to no one's surprise, residents elected Richard Lang as magistrate.¹³⁵ Following his swearing in, Lang received orders consistent with those of O'Neill's. In the case of any violence, whether by Indians or Georgians, inhabitants were to abstain from any counterattack so that Spain could remain on friendly terms with both nations.

The election of a new magistrate effected little change to local conditions. If anything, illegal activity on the frontier became more widespread and profitable as the theft of horses and cattle resumed, involving both new and old players.¹³⁶ On the Spanish side of the frontier, Lang, Rain, Bailey, and Arons directed the unauthorized movement of goods and people through networks with the Ashleys and others in Georgia. The East Florida men must have thanked Ashley and his sons for accomplishing what they had hoped to achieve all along: the removal of O'Neill by one means or another. By 1793, Carlos Howard, still striving to maintain order

131 Inhabitants to Quesada, May 29, 1788, EFP, Reel 45.

132 MacTernan to Zéspedes, May 25, 1788, EFP, Reel 45.

133 Zéspedes to MacTernan, May 5, 1788, EFP, Reel 45.

134 MacTernan to Zéspedes, May 18 and 25, 1788, EFP, Reel 45; Zéspedes to MacTernan, May 19, 1788, EFP Reel 45; Seagrove to Howard, June 27, 1788, EFP, Reel 82.

135 MacTernan to Zéspedes, May 11, EFP, Reel 45; Howard to Lang, May 19, 1788, EFP, Reel 45.

136 Lang to Howard, April 30, 1788, June 7 and 27, 1788, EFP, Reel 45; Howard to Lang, May 2, 1789, EFP, Reel 46; Lang to Zéspedes, November 14, 1789, and April 19, 1793, EFP, Reel 46.

on the frontier, estimated that Lang had smuggled at least 400 head of cattle into the province through his connections with the Ashley, Bailey, and Williams' families.¹³⁷

Despite assurances that they would bring the murderers to justice neither the United States nor Georgia authorities ever prosecuted O'Neill's murderers. Disputes over federal and state jurisdiction and the willingness of regional inhabitants to harbor criminals hindered the apprehension of Ashley. U.S. and Spanish officials had valid reasons to distrust local inhabitants who were involved in enduring border-crossing networks that protected illicit behavior, endangered regional inhabitants, and threatened international relations. In August, Zéspedes commended O'Neill's four years of service to the Crown, without consideration or remuneration, to clear the northeast district of wrongdoers.¹³⁸ Howard described O'Neill as honorable, valorous, zealous, a good husband and father to nine children.¹³⁹ On Zéspedes' recommendation, O'Neill's widow Margaret (Margarita) received a lifetime pension and a land grant from the Spanish government for her husband's sacrifice.¹⁴⁰

Conclusion

East Florida's inhabitants found numerous opportunities to defy Native American, imperial, and national authorities during the transformative period of 1783 to 1793. While empires and nations sought to control land and resources, inhabitants forged networks based on military and family connections prior to and after the transfer to Spanish rule. The demographic, economic, and social changes caused by imperial wars, the American Revolution, and Creek and Georgia hostilities provided openings for like-minded individuals to sustain or create networks that operated at the expense of British, Spanish, U.S., and Native American communities. Settlers near Georgia and Native American borders participated in legal and extralegal cross-border exchanges within these wide-ranging networks. Their knowledge of the territory, settlements, and moveable property supplied ample fodder for

137 Howard to Quesada, August 22, 1793, EFP, Reel 48.

138 Zéspedes to Gardoqui, August 2, 1788, EFP, Reel 8.

139 Howard to Seagrove, June 3, 1788, EFP, Reel 82.

140 Zéspedes to Espeleta, September 30, 1788, Reel 8; Johnson, *Social Transformation*, 117.

conducting raids, illicit trade, and murder to further their own pursuits.

British and Spanish authorities in East Florida shared similar hurdles. Imperial policies relied on the cooperation of inhabitants to reap the benefits of the land and to defend the province. Land grants and imperial protection of property drew settlers to East Florida, but in the contentious frontier environment imperial promises of perfect peace and friendship with rivals did not meet inhabitants' expectations for security and prosperity. Lingering, unresolved interpersonal animosities from the American Revolution and British evacuation sparked antagonistic exchanges that often led to vengeful crimes and violence. At the moment when inhabitants' compliance was essential to frontier law and order, imperial policies restricted individual movement, prohibited cross-border cooperation, and demanded inhabitants' neutrality in inter-imperial and international conflicts. Volatile circumstances involving transnational and cross-cultural activity threatened to harm the innocent and disrupt international relations. In the end, neither Native American, British, Spanish, nor U.S. authorities were able to control cooperative and contentious interactions that triggered mayhem and murder on the volatile Florida frontier.