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# **JAMES T. MAGBEE**

## ***"Union Man, Undoubted Secessionist and High Priest in the Radical Synagogue"***

**By KYLE S. VANLANDINGHAM**

The Florida frontier of the 1840s offered an excellent opportunity for a bright, ambitious young man. He could leave his old home and start a new life, wiping the slate clean. In an isolated outpost of civilization, he could make his presence felt and soon rise to a position of leadership and prominence. Such a young man was James T Magbee.<sup>1</sup>

He was born in Butts County, Georgia in 1820, the son of Hiram and Susan (Wooten) Magbee. After receiving a "frontier education" in rural Georgia he studied law, probably under the supervision of a practicing attorney, which was the standard of the time. In the winter of 1845-46, soon after Florida became a state, James Magbee appeared at Fort Brooke, where he was immediately embroiled in the long standing controversy between the settlers on the military reservation and the army commanders. Capt. John H. Winder assumed command at Fort Brooke in November, 1845. He soon ran into trouble with Indian agent Thomas P. Kennedy and decided to close the local trading post. Hogs owned by the settlers were "run [ning] at large" on the military post and if they were killed by the soldiers the settlers would prosecute the guilty parties. Winder considered building a fence to keep out the hogs but preferred "to kick out Thomas P. Kennedy, M. C. Brown, J. T. Magbee, and such others as from time to time may prove troublesome."<sup>2</sup>

The frontier community that James T. Magbee had chosen to settle was described by a soldier in 1846:

Tampa Bay is a neat little village of wooden houses, situated at the mouth of the river Hillsborough, and close to the garrison. There is a small traffic carried on between it and the few scattered settlers of the neighborhood, who bring in their surplus produce and exchange it here for goods or money.

Its situation is reckoned to be one of the most healthy and salubrious in Florida; but as the land in the vicinity is mostly of a poor quality, and as the bay is difficult of approach for shipping, it does not seem destined to rise very rapidly in importance.<sup>3</sup>

Magbee quickly assumed a leadership role in Hillsborough County politics. Writing to Gov. William D. Moseley in July 1846, he complained that local officials had not received "the acts of the last legislature" which was required by law. This made it difficult to properly conduct county elections.<sup>4</sup>

Within two years, Magbee had established himself sufficiently to run for the House of Representatives of the General Assembly. He defeated the incumbent William Hancock by a vote of 114 to 27. Hancock's unpopularity was further confirmed by the

fact that Henry S. Clark of Manatee received 47 votes. After the October 1846 election the 28 year old Democratic Assemblyman traveled to Tallahassee for his first legislative session. The Whigs controlled the Assembly but Magbee was successful in getting legislation passed that would "keep the Indians" within the borders set by Col. Worth in 1842. Two Whigs, George T. Ward and Jackson Morton were candidates for the United States Senate. Magbee joined with his fellow Democrats and a minority of the Whigs to elect Morton. In an election for Solicitor of the Southern Judicial Circuit, he was in the minority which voted against Ossian B. Hart of Monroe County.<sup>5</sup>

The Indian situation threatened to erupt into open warfare in the summer of 1849 when a raiding party attacked the settlement near Fort Pierce on the Indian River and the Kennedy and Darling store on Peas Creek. The crisis was defused by the surrender of the guilty parties and establishment of a line of forts across the state. But the 1849 incidents increased the demand for complete Indian removal. Shortly after the July 1849 raids, Magbee made a "hurried trip to Tallahassee and a personal appeal to officials there" for protection of the pioneer settlements.<sup>6</sup>

The year 1850 was an eventful one in the life of James T. Magbee. On January 17, 1850, in Leon County, he married Susan A. Tatum. Returning with his bride to Tampa, he joined other Freemasons in creating Hillsborough Lodge No. 25, F. & A. M. Charter members included, among others, Magbee, Joseph Moore, Jesse Carter and M. L. Shannahan. He was also a charter member of the Tampa Odd Fellows Lodge. The 1850 census recorded James T. Magbee with \$1200 worth of real estate, with his wife the owner of three slaves. Magbee reported \$295 income from his law practice.<sup>7</sup>

Slavery and the future of the Federal Union were much on the minds of Hillsborough Countians in 1850. On April 8 and 11 citizens met at the Courthouse to support the Nashville Convention, a proposed gathering of delegates from the Southern states which would enunciate the position of the slave holding states and their relationship with the Union. Magbee played an active role in these local meetings.<sup>8</sup>

In the fall of 1850, James T. Magbee stood for reelection. It was a very close race. Running as a "Union man,"<sup>9</sup> he defeated fellow Democrat Lucius D. Rogers by a vote of 93 to 91. Elias J. Hart received 60 votes. Magbee had hardly received a mandate from the voters. An angry Dr. Rogers followed Magbee to Tallahassee to contest the election. In spite of some "slight irregularities," the Assembly declared Magbee, the winner by a vote of 92 to 88. Rogers received "thirty-three dollars for eleven days attendance, and seventy dollars for his traveling expenses from Hillsborough County to this place, a distance of three hundred and fifty miles." Soon afterward, Magbee, exhibiting a vindictive streak in his personality attempted to have legislation passed which would prohibit "the allowance of pay and mileage for contestants" to seats in the General Assembly. He lost, 21 to 15.<sup>10</sup>

Though considered a "Union man" by his constituents, Magbee voted along with those attempting to postpone consideration of a strong pro-Union resolution. But his most important vote at the 1850-51 session was to elect Stephen R. Mallory to the United States Senate over incumbent David Levy Yulee. On the first ballot Magbee and his Democratic colleague, Sen. Micajah C. Brown of Hillsborough, voted for Yulee, who failed election by one vote. On the fourth ballot Mallory was nominated and

elected by a vote of 31 to 23, Magbee and Brown voting for Mallory. The traditional view has been that Yulee's radical stance against the 1850 Compromise resulted in his defeat by the more "moderate" Mallory. Actually, Mallory had endorsed Yulee's reelection and expressed his support for the Incumbent's views. Arthur W. Thompson has stated that the South Floridian Magbee "felt personally aggrieved because the Senator [Yulee] had not given adequate attention to, or obtained Sufficient favor for [his] district."<sup>11</sup> But Magbee had been elected in 1850 as a "Union man," which would assume support for the 1850 Compromise which Yulee, had opposed. Magbee's repudiation of Yulee can be interpreted as being based upon both national and local issues.

The two most important local issues of interest to Hillsborough County during the decade of the 1850s were the railroad and the removal of the Indians. At a meeting at the Courthouse in Tampa on December 15, 1851, community leaders John Darling, Jesse Carter, M. C. Brown, James Gettis, Thomas P. Kennedy, S. B. Todd and others addressed both matters. A cross-state, railroad with its Southern terminus at "Ballast Point" on Tampa Bay was endorsed and a resolution was adopted calling for removal of the Seminoles from the State of Florida. There is no indication that Assemblyman Magbee was present at this public meeting.<sup>12</sup>

Magbee continued his legal practice and in March 1852 the Florida Supreme Court met at Tampa for the first time. In this brief term, in which four cases were decided, Magbee represented his first client before the High Court, and won. Before the Justices took their leave of Tampa, a gala dinner was held at the home of Dr. Samuel B. Todd. Lawyers and laymen feasted "on Turkeys,

Ducks, Ham, Pies, etc." and then the endless rounds of toasts began. "[S]parkling vintage" and cake were served, and Magbee and others took turns hoisting their glasses until several hours later, when the festivities finally adjourned.<sup>13</sup>

In the fall of 1852 Magbee ran for his third term in the Assembly, once again as a "Union man". Out of a total of 302 votes cast, he received 120 with 99 for John McNeal and 83 for William Hancock. Magbee's plurality was about 40%. The legislative session was marked by action on the railroad and Indian questions. A bill to incorporate David L. Yulee's Florida Railroad Company was adopted by the unanimous vote of the House of Representatives. The railroad was to run from Fernandina to "some point, bay, arm, or tributary of the Gulf of Mexico in South Florida."<sup>14</sup> Legislation to provide for the "final removal of the Indians from this State" was also approved. During the floor debate a bizarre amendment was proposed which would have provided a four hundred dollar bounty "for each scalp of all Indian Warriors, presented to the Commanding Officer."<sup>15</sup> This proved to be too extreme for Magbee and a majority of the House, which voted it down by a margin of 22 to 5.<sup>16</sup>

Returning to Tampa, Magbee got into trouble with his Masonic brethren. Charges of an undisclosed nature were filed against him on March 5 by M. L. Shannahan and on March 19, 1853, Magbee was "suspended for an indefinite period of time."<sup>17</sup>

In 1853, railroad meetings were held in Tampa but Magbee apparently was not actively involved, although he did speak out on the Indian question.<sup>18</sup> He was reported to have been willing to be the "candidate of the Whig party" for reelection in 1854, but he eventually decided not to run.<sup>19</sup>

Hillsborough Democrats met at Alafia, August 1, 1854, and nominated Gen. Jesse Carter, boarding house proprietor and mail contractor, and "intimate personal and political friend" of David L. Yulee.<sup>20</sup> Carter assured the voters that the Florida Railroad was indeed going to be built to Tampa but not everyone believed him. County Commissioner Christopher Q. Crawford, an "anti-Yulee Democrat," was brought forward in opposition.<sup>21</sup> Carter complained that he was canvassing against a "*corrupt faction* claiming to be 'democrats' in coalition with a portion of the Whig party, aided by a rotten contemptible press." He identified his opponents as the "[Tampa] *Herald, Magbee, Gettis, Darling* and several other kindred spirits."<sup>22</sup> A "Know Nothing Society" was organized and actively opposed Carter upon the grounds of his friendship with the foreign-born Yulee.<sup>23</sup> Nevertheless, Carter won by an impressive margin and went on to the Assembly session in 1854. With Carter's "vote and influence" Yulee was returned to the Senate.<sup>24</sup> The legislature approved the Internal Improvement Act which included support for a rail line "from Amelia Island, on the Atlantic, to the waters of Tampa Bay in South Florida, with an extension to Cedar Key."<sup>25</sup>

By early 1855, Magbee' flirtation with the Whigs and later the Know Nothings had ended. He had secured appointment to the lucrative position of Deputy Collector of Customs and Inspector of the Port of Tampa. With a salary of \$1095 per year, Magbee greatly supplemented his income. The position was political and had been granted under President Franklin Pierce's Democratic administration.<sup>26</sup> Magbee's immediate superior, Col. Hugh Archer, the Collector at St. Marks, directed Magbee in March 1855 to "proceed to have the

serpentine course of the channel from Hillsborough River to the Bay, properly defined by permanent stakes and the navigable courses of the Bay made clearly intelligible by the fixture of Iron Buoys".<sup>27</sup>

In 1855 Magbee, whose law office was on the corner of Lafayette and Franklin streets, reported an income from his practice of \$500. His competitors, James Gems and Hardy D. Kendrick had incomes of \$800 and \$100 respectively.<sup>28</sup> Magbee continued to speak out on the railroad question. On April 4, he was chairman of a "Railroad Meeting" at Tampa which asserted that the building of the railroad to any "point short of Tampa Bay" would defeat the intent of the Internal Improvement Act. South Florida's interests would be "sacrificed" if the Florida Railroad Company could construct the line to Cedar Key and still obtain state aid. Hillsborough County might be interested in investing in the railroad but only if it came to Tampa.<sup>29</sup>

In April 1855, a non-partisan assemblage nominated John Darling to fill out the term of Assemblyman Jesse Carter, who had abruptly resigned at the end of the 1854-55 session. Darling was elected in May without opposition. The non-partisan spirit soon vanished and throughout the summer and fall of 1855 the County experienced political warfare between Democrats and Know Nothings. The latter were led by Darling, ex-newspaper editor Henry A. Crane, Sheriff Edward T. Kendrick, Dr. D. A. Branch, Methodist ministers Leroy G. Lesley and J. K. Glover, and County Commissioners John Givens and J. P. McMullen. The Know Nothing or American Party as it became known, preached a nativist policy with hostility toward Roman Catholics and persons of foreign birth. The Jacksonville and Tallahassee papers printed lengthy letters from Tampan, usually written under pseudonyms, which hurled

charges and countercharges against each other. Magbee, now firmly back in the Democratic camp, was occasionally targeted for criticism by Know Nothing advocates.<sup>30</sup> One such writer, calling himself "Laureta," condemned Magbee:

*He, Col. M., at present holds office under President Pierce, but do not understand me, that his doing so, is the cause of his advocating in his feeble manner the sentiments of the foreign party, for I really believe he does so, from principle alone -- being born in America with no other, than Foreign sentiments and feelings.*<sup>31</sup>

The Know Nothings reached their peak of power in Hillsborough in 1855 but failed to elect their slate of candidates to county-wide office in the October elections.<sup>32</sup>

Political bickering was put on the back-burner in December 1855, when Tampa received news that Lt. Hartsuff's surveying party had been attacked in the Big Cypress. On December 23, "the court house bell was rung," to announce a meeting of the citizens. It was called to order just after 2 p.m. with a committee appointed to draft resolutions expressing the feeling of the meeting. A traveler in Tampa at the time wrote in his diary:

When the committee retired, Col. Magby, a lawyer of the town, having his energies all stimulated by an over quantity of whiskey, rose and addressed the meeting in the most patriotic language he could use and with such zeal ... caused everyone to feel like fighting for the county, for their homes, the wives of their houses, and their little children. He decanted at length on the duties of

man, on the horrors of savage warfare, and upon the treacherous character of the Indian.<sup>33</sup>

Simon Turman, Jr., editor of the local newspaper, the *Florida Peninsular*, described the meeting as "very enthusiastic," stating that "our fellow-townsmen, Col. J. T. Magbee, entertained the meeting very feelingly and eloquently. As war sentiments dropped from the speaker's lips, he was heartily cheered by the assemblage." Volunteer militia companies were soon organized and the Third Seminole War was underway.<sup>34</sup>

James T. Magbee continued a leadership role in local Democratic politics in 1856 and 1857. His law practice continued to prosper and he took on a law partner, John L. Tatum. But the following year Magbee was to experience political defeat and humiliation. 1858 was one of the strangest years in Tampa's history. After over three years of fighting, the Indian war was winding down in early 1858. In March, Billy Bowlegs agreed to leave Florida and many of the volunteer companies which had fought the Seminoles were mustered out and discharged at Fort Brooke.<sup>35</sup> One soldier, writing years later, said:

When we went to Tampa to be mustered out we found ten other companies there for the same purpose. The paymaster was off somewhere and there was unusual growling because he didn't show up. He got delayed somewhere and a great many of the men had to sell their discharge certificates to get funds to reach home. These discharge papers had a transfer blank attached and could be readily made payable to any one. The merchants of Tampa had a regular picnic. The

soldiers were at their mercy and the discharges were bartered at big discounts. Many, however, concluded to wait until the paymaster came and among them was myself. The worst element of these volunteers took the town by storm and made a veritable hell of it. There was no law and no order. They traveled in marauding bands at night and didn't even stop at highway robbery and murder. After awhile they got to be so desperate that it wasn't safe for a lady to be on the streets either day or night.

It was thought that the arrival of the paymaster and the paying off of those to whom anything was due would rid the town, but it did not. In fact, lawlessness filled the very air. The citizens, coming to the conclusion that something must be done, organized themselves into a vigilance committee resolved to do desperate things if necessary.<sup>36</sup>

Active in the vigilante or regulator organization were some of Tampa's leading citizens. Henry Crane, who had served in the Indian War and was now acting editor of the *Florida Peninsular* was a leader as well as Mayor Madison Post, Dr. Franklin Branch and a young future lawyer, John A. Henderson.<sup>37</sup> The Regulators were active "from Tampa to Fort Meade and LIP to Brooksville in Hernando County."<sup>38</sup> By early April, the Tampa contingent was making itself known. Whipping and banishment were utilized and eventually, lynching. The situation was so bad that the County Commission decided on April 6 not to make "any arrangements for public schools this year" because "of the unsettled condition of our county."<sup>39</sup> On May 15, Edward T. Kendrick was excused from charges of

drunkenness brought by the local Masonic Lodge "on the grounds of the peculiar condition of the country."<sup>40</sup> These references to local conditions reveal how thoroughly life was disrupted by violence in the spring of 1858.

Col. James T. Magbee now entered the fray. The hard drinking, outspoken but successful lawyer and Federal office holder was a formidable target for the ascendant Regulators but he began to feel their wrath in April 18, 58. Almost from the time of his arrival at Tampa, twelve years earlier, Magbee had been the leading political figure in Hillsborough County. With the disintegration of the American or Know Nothing Party in 1857, many of its members shifted to the Democratic Party. With no organized opposition the Democrats were factionalized and divided. There was a political meeting held at the Tampa Town Hall on the evening of April 26, for the purpose of appointing delegates to the Democratic State Convention. Mayor, Regulator and former Know Nothing Madison Post, was chosen along with Jesse Carter, James Gettis, James McKay and others. Magbee was not chosen and apparently was not present.<sup>41</sup> On that evening, he got drunk and became involved in an altercation with a young man named James Hayes. According to Hays, Magbee,

being stupidly drunk, became incensed at my declining the *honor-honor*, forsooth!! --of walking him to his residence. After many threats of personal violence, holding a cane over my head in a menacing manner, accompanied by the vilest epithets, he struck at me and brandished his knife, then, and not till then was he assaulted.<sup>42</sup>

Magbee claimed that "during some business transaction" Hayes had been "Insulted without just cause." Later that evening, Magbee, reportedly "came to the store of Capt. James McKay with the avowed intention of taking [Hayes'] life."<sup>43</sup> Magbee unsuccessfully attempted to enter the store but was refused by the City Patrol and sent away. On the following morning, on his way to a steamer at the port, Magbee was assaulted by Hayes.<sup>44</sup> But it was Magbee, not Hayes, who was brought before the Mayor's Court. He pleaded "not guilty," and upon the hearing of the evidence, was adjudged guilty and fined \$25 and costs. He was also ordered to be placed in "prison" under the custody of the Marshal until the fine was paid.<sup>45</sup> On the same day, the Regulators lynched one James Haywood.<sup>46</sup>

The campaign against Magbee had begun. On May 11, the City Council denied his application for a "remittance of a portion of the City Tax upon his property".<sup>47</sup> Magbee began to speak out against the Regulators. He blamed "the violent opposition to him... to his steady condemnation of the acts of a secret sworn band of men who had recently taken the law into their own hands."<sup>48</sup> Henry Crane, Madison Post and their friends wanted James T. Magbee removed from his position as Deputy Collector at the port. Magbee's frequent drunken behavior and his recent conviction in the Mayor's Court were the basis of their charges. Petitions were gotten up by Magbee and his opponents and sent to Sen. Mallory. Former State Senator Hamlin V Snell and Postmaster Alfonso DeLaunay were put forward as replacements for Magbee. The legal system was attacked in the Peninsular and lawyers like Magbee were charged with misleading juries. On June 5, 1858, the embattled official set forth his case in a four-page letter to the Peninsular He denied that he had "neglected any of our official or professional business

on account of drink" and also attacked the Regulators.<sup>49</sup> The following week Henry Crane responded:

He [Magbee] is undeniably a blackguard. Yet his chances of success at the outset of his career in this County were great and manifold. Our delegation in Congress took him by the hand, bestowing upon him an office, the duties of which he did not understand, and would not perform. Fortune favored him, a frontier education and society-expanded and polished by his natural love of liquor, and improved his manner into the insinuating and irresistible address of the drunken loafer. --He early became popular with that class, and might have erected a laudable reputation in their midst, had he possessed ordinary meanness. ...Aside from his gross intemperance, his character is jealous, irritable and weak, altogether wanting in honesty of purpose in all that is frank, manly and generous.<sup>50</sup>

Crane finished his diatribe by reading Magbee out of the Democratic Party: "We are done with Col. Magbee, -- so has the party!"<sup>51</sup> On June 15, Magbee again appeared before the Mayor's Court on a charge of violating the "5th Ordinance." He was convicted of assault and battery and fined \$10 by Mayor Protem William B. Hooker.<sup>52</sup> But it was already over. On June 19, the newspaper announced the appointment of Hamlin V Snell as Deputy Collector at the port.<sup>53</sup> Magbee retired to nurse his wounds and prepared to fight another day.



A yellow fever epidemic arrived in the fall and wreaked havoc upon the population for the remainder of the year.<sup>54</sup>

It has been asserted that James McKay and his cattlemen associates were behind the effort to oust Magbee from his position as Collector and Inspector at the port. The cattle trade to Cuba was being initiated and McKay intended to bring back certain items such as rum and sugar. In order to avoid the national tariff laws, Magbee would have to be removed and replaced by a "more amenable collector."<sup>55</sup> But no proof has been offered to substantiate this theory. Whatever his motives, however, McKay was one of those instrumental in Magbee's removal.<sup>56</sup>

James T. Magbee's return from the political wilderness began in May 1860. Sen. John Eubanks of the 20th District died May 30, at his home near Brooksville. His four-year term was due to expire in 1860 and had he lived, he no doubt would have been reelected. Eubanks' death opened the door for Magbee to revive his political career. It would take all of his political skills to be elected and Magbee was ready to do what was necessary. He first met with Simon Turman, who had returned to the *Florida Peninsular* as Editor although the paper was now owned by William J. Spencer. Magbee not only wanted to be state Senator but in the process he wanted to remove Madison Post from his position as Receiver of Public Moneys at the Tampa Land Office, a job he had held since 1855. For good measure, Hamlin V Snell was to be removed as Deputy Collector and Inspector at the Tampa port. Thereby, Magbee would have his revenge for the humiliation of 1858. Turman was more than willing to cooperate. He despised Post, whom he considered a "rank Democrat."<sup>57</sup> Post had been a Know Nothing in 1855 but left the party when he

received his land office position. By 1860, he was a leader in the Democratic Party in Tampa and Hillsborough County. Turman considered him corrupt and had unsuccessfully urged regular Democrats such as James McKay, Alfonso DeLaunay, Henry L. Mitchell and James Gettis to disown and disavow Post. Magbee offered Turman the Federal position held by Post and the two became allies. If the upcoming Senatorial convention was irregular in Turman's view, he would occupy a neutral position in the race, thus benefiting Magbee.<sup>58</sup>

The Hillsborough County Democratic convention met July 7 but broke up without nominating a candidate for Assemblyman. Before this occurred, delegates were selected for the District senatorial convention. Due to a disagreement over proportional voting, the rural delegates from eastern Hillsborough walked out of the convention. The delegates chosen from Tampa to represent the county at the senatorial convention met at Brooksville on August 10. With only one precinct from Hillsborough present, the meeting also included "the full delegation from Hernando County, presumably the representative from Manatee, . . . and no representation from Levy County."<sup>59</sup> H. V. Snell nominated 27-year-old Samuel E. Hope of Brooksville who was approved unanimously. Hope was the son of a wealthy Hernando County family and had only three months earlier, married the daughter of Capt. William B. Hooker, the leading cattleman in the State of Florida. Simon Turman had already met with Hope before the convention and on Magbee's behalf, had offered him the position of Collector at Bayport. Consequently, it was believed that Hope would not accept the nomination. However, just before the convention, suspecting double-dealing on Magbee's part, Hope

changed his mind and went on to accept the nomination. The stage was set for a bitter race.<sup>60</sup>

Turman initially provided Hope with positive coverage in the *Peninsular*, although opposing the manner in which Hope was nominated. By the first week of September, however, the situation had changed. Hope now threatened to disclose the fact that Magbee had offered Turman the Federal position held by Post, and therefore Turman had sold his influence for a promise of office. There was a terse private exchange of letters between Turman and Hope, followed by a statement by Turman in the September 22 issue of the paper that the candidates for Senator were "outside the Democratic organization" and the voters should make up their own minds since the choice was "between men--not principles."<sup>61</sup> The Publisher, William J. Spencer, an opponent of Magbee's, overruled the editor and continued the "name of Capt. Hope ... at the masthead of the *Peninsular*; as the DEMOCRATIC, NOMINEE".<sup>62</sup>

During the campaign, Magbee and Hope traveled throughout the district seeking Support. No great issues appear to have been prominent in the race. The division of Hillsborough County was not an issue because Magbee, favored the move while Hope's top backers, Snell and Post, were both on record a year earlier supporting the formation of a new County from eastern Hillsborough. Turman was right when he said the election was about personalities. Post and Snell, who had overthrown Magbee two years earlier, attempted to consolidate their power by using the disorganized party apparatus to defeat Magbee. But with the help of Turman, Magbee prevailed. When the election was held, October 1, Magbee received 568 votes to Hope's 421 and carried all four Counties in the district. After the

election, Post, anxious to hold on to his Job, went public on the charge against Turman. Turman defended himself in the newspaper and condemned Post in articles published as late as December 8. Ironically, Turman and Hope had become brothers-in-law on September 20, 1860, when Turman married Meroba, the daughter of William B. Hooker.<sup>63</sup>

In the late fall of 1860, Hillsborough Countians turned their attention to the monumental Issue of the continuation of the Federal Union. In the November election, the Southern Democratic nominee John C. Breckenridge received 303 votes to 60 for Constitutional Unionist John Bell. The regular Democrat, Stephen Douglas received no votes in Hillsborough and Abraham Lincoln wasn't even on the ballot.<sup>64</sup> When the election of Lincoln became apparent, secession fever caught on in Tampa and the surrounding countryside. At the Alafia, on November 24, citizens "irrespective of party," met in convention to consider recent national developments. Those present at the meeting took the position that Lincoln's election "determines the fact the powers of the government have passed into the hands of a section only of this Union, and of a section implicitly hostile to our interests and institutions." The General Assembly was urged to "promptly call a convention to sever our connection with the present government."<sup>65</sup> Signing the petition were 76 men and 26 women. Among the signers were: H. L. Mitchell, John Darling, H. A. Crane, J. T. Lesley, J. A. Henderson, Wm. B. Hooker, Simon Turman, James Gettis and Wm. I. Turner. Among the women were Matilda McKay, wife of James McKay and Mrs. Catherine S. Hart, the wife of Tampa's most prominent Unionist, Ossian B. Hart. Federal officeholders H. V. Snell, Madison Post, Alfonso DeLaunay, and Jesse Carter also pledged their Support. Another such

Tampa July 12<sup>th</sup> 1870  
His Excellency the Gov  
of Florida

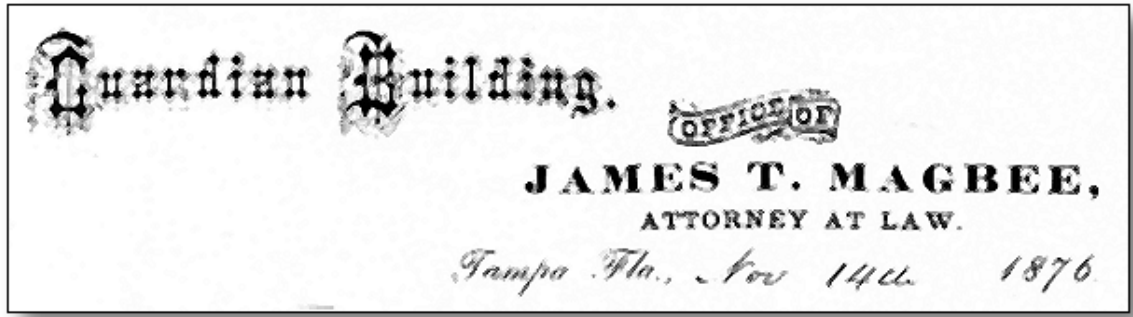
Dr Sir  
I most respectfully  
recommend Henry Albany, Estwood P Grant,  
Henry Procius, Wesley Manuel and Henry Evans  
as suitable persons for Port Wardens for the  
Port of Tampa Bay.

I do not think persons interested to a great  
extent in shipping should act as P/W.  
I see that W. G. Ferris is making application or  
has made up a slate. he is interested in  
shipping & from a remnant he made yesterday  
about the Gov's neglect to make these appts &  
the manner that he spoke I think his name  
should be left out as a P/W.

Yours truly  
James T. Magbee

Letter from James T. Magbee to Governor Harrison Reed

- Florida State Archives



#### Magbee Letterhead

meeting was held at Tampa with about 400 present.<sup>66</sup>

James T Magbee had already left for Tallahassee by November 24, for the following Monday, November 26, the State Senate convened. He was appointed to the Judiciary, Elections, Corporations, Engrossed Bills and Constitutional Revisions committees.<sup>67</sup> Writing home to Simon Turman in Tampa on December 2, Magbee informed the public that a state convention had been called for January 3, 1861. He went on to say:

From present indications there is no doubt the State will promptly secede. There is no dodging the question--the South must promptly act, or she is gone forever. I hope that every voter in South Florida will forget old party ties and old prejudices and differences and rally around the altar of our Southern Institutions, and go to the polls on the 22nd of December, and there cast their votes for no man who is not unmistakably sound on the Southern question.<sup>68</sup>

Magbee, added that he had "Introduced and got through the Senate a Resolution not to go into the election of a U.S. Senator."<sup>69</sup> So this was James T. Magbee in December

1860, before Florida seceded and before the war broke out. He was a secessionist and not a Unionist. At the end of 1860, James T. Magbee was a wealthy man. He had 760 acres of land and improvements valued at \$3,000 and 14 slaves worth \$8,500. The census reported the value of his personal property, including slaves, at \$13,700. He had a Successful law practice and had represented such prominent clients as William B. Hooker, James McKay and Francis A. Hendry before the State Supreme Court. Occasionally, he worked with fellow attorneys James Gettis or Ossian B. Hart to Jointly represent a client. Magbee and Hart had become good friends. In the fall of 1857, they and their wives took a vacation to "the north." And after almost eleven year of marriage, the Magbees had no children.<sup>70</sup>

When the Senate reconvened in January, 1861, Magbee shepherded the bill through the Senate that created Polk County. Meanwhile, the Convention met and approved secession by a vote of 62-7. In the majority were Hillsborough's delegates, Simon Turman and James Gettis. Magbee returned home after the session and arrived in Tampa in time to speak at the Washington Birthday celebration on February 22.<sup>71</sup>

When the summer arrived, Magbee once again entered the political arena in a highly




controversial case. James McKay had been shipping cattle to Cuba since 1858-59 and although the war had broken out April 12, he continued the trading, not only selling cattle in Cuba but also to U. S. troops in Union-controlled Key West. His ship, the *Salvor*; was seized by Federal officials, but McKay was allowed to return to Tampa. Upon his arrival, he was charged with petty treason against the State of Florida. A trial was held before two justices of the peace and McKay was represented by James Gems and Ossian B. Hart. The volunteer prosecutor was none other than Senator James T. Magbee.<sup>72</sup> McKay believed that "the whole matter originated through malice of two or three dishonest Govt. officials, who, a few years before, I was instrumental in having removed from office for their bad acts"<sup>73</sup> McKay's allies were prepared to "break up [the] Justice Court" but he would not allow it.<sup>74</sup> At the trial, which was described as "long and acrimonious," Magbee called for the death penalty, demanding that McKay be hanged.<sup>75</sup> However, the justices, after the intercession of Gen. Joseph M. Taylor, commander at Fort Brooke, bound McKay over to the next Circuit Court. He was required to post a bond of \$10,000. Soon after, McKay was allowed to leave Tampa and resume his business activities.<sup>76</sup> Before that occurred, however, Magbee responded to McKay in a letter to the *Florida Peninsular*, July 19, 1861. After comparing McKay to Benedict Arnold, Magbee wrote:

Former differences I burn upon the altar of my country and will to the last moment stand side by side with any one in the cause of the South. She is now entered into a Just and holy war, in which every man, woman and child is and should feel interested and we have not the right to cater to the views and interests of friend or foe, whose conduct cannot meet the smiles and plaudits of our country, the land of the "stars and bars," the home of the patriot where the only temple of true fealty has been preserved.

I am a Southern man by birth, was reared and educated in Georgia, was born a slave owner and have owned slaves all my life and am also an undoubted secessionist.<sup>77</sup>

In November 1861, Sen. Magbee returned to Tallahassee for the upcoming, legislative session. There, he came close to being elected to the Senate of the Confederate States of America. When the joint session of the General Assembly convened, Magbee's name was placed in nomination by Hillsborough County Assemblyman, Joseph Howell. Among the others nominated were G. T. Ward, Jason B. Owens, former Gov. Madison S. Perry and former U. S. Senator Jackson Morton. By the third ballot, Magbee had 29 votes, the largest number cast, but nowhere near a majority. Balloting continued for days. On December 14, Magbee was down to eight votes and his



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name was withdrawn by Howell. Soon thereafter, with Magbee voting in the majority, J. M. Baker was elected. Several ballots later, A. E. Maxwell was chosen the second Confederate Senator. Magbee served on the Judiciary and Engrossed Bills committees and succeeded in having his former law partner, John L. Tatum, chosen as Engrossing Clerk. However, he was unsuccessful in sponsoring Simon Turman for the position of Senate Secretary. Turman lost by a vote of 9 to 5. The previous month,

Turman had been defeated in his reelection bid for Hillsborough County Judge of Probate.<sup>77</sup>

On April 13 and June 30-July 1, 1862, Tampa was bombarded by Union ships. In mid-May, Capt. James McKay returned after several months as a Union prisoner and quickly returned to blockade running. The Confederate Congress enacted a conscription law on April 16, 1862 and soon thereafter, Capt. John Pearson's troops stationed at Fort Brooke began "scouring the woods, looking after deserters and conscripts."<sup>79</sup> Tampa was nearly deserted, many of its residents having moved into the "country."<sup>80</sup>

James T. Magbee suffered a personal blow during the summer of 1862. At Gov. Milton's request, Attorney General Galbraith issued an opinion construing the 1861 constitution approved by that year's convention. According to Galbraith, all senators, even those elected like Magbee to four-year terms in 1860, would have their terms expire in October 1862. Soon after the word arrived in South Florida, James D. Green of Manatee County announced his candidacy. Samuel B. Todd of Tampa entered the contest along with Gen. Joseph M. Taylor of Hernando County. Magbee decided not to run, but to contest the results of the election.<sup>81</sup> Green, who was "a particular friend and correspondent" of Magbee, soon withdrew, possibly at Magbee's urging.<sup>82</sup> On October 6, Todd out-pollled Taylor in Hillsborough but Taylor prevailed in the rest of the district and won the election.<sup>83</sup>

When the Grand jury met at Tampa during the fall of 1862, James McKay was exonerated from his treason charge of the previous year. The presentment stated that "the prosecution was instigated by private malice or some not more laudable motive."<sup>84</sup>

McKay's ally, Joseph Taylor, was acting solicitor during the proceedings and Madison Post was foreman of the grand jury. Magbee, who had prosecuted McKay in 1861, was on very shaky ground when he answered the roll call at Tallahassee on the first day of the Senate session. The following day Taylor was sworn in. Magbee, along with Sen. P. B. Brokaw, whose situation was identical, protested, contending that their terms did not expire until two years later. A Select Committee endorsed the Attorney General's July opinion and Taylor was seated. Magbee was furious. He returned to Tampa, sold his property and moved to Wakulla County. In the eyes of some, he had retired in "disgrace." Magbee waited out the war at this new home, living the life of a planter with his seven slaves. He also had a new wife, Julia A. Henderson, a native of Alabama. Some 25 years his junior, she had married Magbee September 7, 1862, in Leon County.<sup>85</sup>

When the war ended in 1865, James T. Magbee was elected by Wakulla County voters as their delegate to the Constitutional Convention at Tallahassee. The convention convened October 25 and Magbee was joined by former secessionist James Gettis of Hillsborough, Unionist James D. Green of Manatee and former Confederate officers Francis A. Hendry of Polk and Samuel E. Hope of Hernando. The convention "annulled" the Ordinance of Secession but Magbee and the majority rejected radical language that would have declared secession "null and void from the beginning." On the subject of slavery, conservative language that the institution had been destroyed "by the Government of the United States" was approved 20 to 14, with Magbee and Gettis in the majority. Additional conservative language was supported by Magbee and Gettis but was defeated by a 30 to 7 vote.



**Magbee family monument in Tampa's Oaklawn Cemetery**

-Photo courtesy of Richard Sessums

Interestingly, Magbee, attempted to have wording removed that limited testimony by blacks only to cases involving them, unless "made competent by future legislation." Voting against Magbee were Gems, Hendry, Hope and Green. On the Issue of repudiating, the state debt, Magbee proposed and got passed a provision which would have allowed voters to decide whether to "pay" or "repudiate" the state treasury notes.<sup>86</sup> Near the end of the session, the convention reversed itself and repudiated the debt upon learning that "President Johnson required total and unequivocal repudiation of the state debt as a condition precedent to readmission."<sup>87</sup> The convention limited suffrage, political office and jury service to white males. On the last day of the session, November 7, Magbee unsuccessfully moved

to have the constitution submitted for ratification by the voters.<sup>88</sup>

On November 29, Magbee received 583 votes against B. E. Allen's 2,729 in the race for Secretary of State. When the State Senate met in December, Magbee was appointed Engrossing Clerk, a position he also held in the 1866 session. He reentered the legal profession and opened a law office in Tallahassee in February 1866. Radical Reconstruction began in Florida in 1867 and by April 1868, Magbee was a committed Republican. He befriended Harrison Reed and when Reed became governor under the new 1868 constitution, Magbee was appointed to an eight year term as judge of the 6th Circuit, comprising the counties of Hernando, Hillsborough, Polk, Manatee and Monroe. State Sen. Claiborne R. Mobley of Tampa, an ally of James D. Green, also wanted the judgeship, but was forced to settle for the position of State Attorney for the 6th Circuit.<sup>89</sup> After Senate confirmation, Magbee's appointment was announced in the August 15, 1868 edition of the Tampa *Florida Peninsular*: Editor Henry L. Mitchell stated that he

would have preferred many others to Magbee, yet under the circumstances we are satisfied and have sonic cause to rejoice. The contest for the appointment had been between Magbee and Mobley, and of the two, we a thousand times prefer Magbee . . . Magbee is a lawyer of much experience and we doubt not will make, a fair judge.<sup>90</sup>

When the newly appointed judge arrived in Tampa he faced opposition from two quarters. First, the local Republicans were led by C. R. Mobley and Matthew P Lyons. Mobley, a former Kansas "border ruffian," had arrived in Tampa during the early part

of Civil War and professed allegiance to the Confederacy. He was captured by Union troops in October 1863 during the Spanishtown Creek-*Scottish Chief* incident and imprisoned at Key West. After the war, Mobley returned to Tampa where he operated a drug store and practiced law. By now a "Unionist," he received the appointment of Freedman's Bureau agent at Tampa. Lyons, a resident of Fort Green during the 18-50s, had become an ally of Manatee County; farmer-politician, James D. Green. Lyons was noted for his whining letters to the *Florida Peninsular* during the Third Seminole War. Late in the Civil War, returning from a visit to Union-controlled Fort Myers, he, along with Andrew Garner and David E. Waldron, were captured by Confederate troops and taken prisoner. Lyons was now Clerk of the Circuit Court, appointed by Gov. Reed. Mobley and Lyons were suspicious of Magbee, and resented having to share power with him. On the other end of the political spectrum were the Democrats, or Conservatives as they now were often called. Former secessionists, Whigs, - all those opposed to radical rule were now identified with the Democratic party. Magbee's "honeymoon" lasted about two months.<sup>91</sup>

On October 10, 1868, Magbee declared the newly established Republican newspaper, the *True Southerner*; "official newspaper of the Sixth Judicial Circuit of Florida" and ordered that all legal advertisements and notices be published therein.<sup>92</sup> The paper's editor was Edward O. Plumbe, soon to be County Judge and the publisher was listed as Charles L. Newhall. Eventually, Magbee was identified as the paper's owner.<sup>93</sup>

A "Republican Mass Meeting" was held in Tampa on October 21. Capt. James D. Green spoke in the afternoon session, which was followed that evening by a "torch-light



procession" to the Courthouse. Speeches were offered by E. O. Plumbe, C. R. Mobley and Judge James T Magbee. Magbee "took the stand and delivered a most eloquent and patriotic speech, literally a feast of fat things, full of the soundest logic and argument."<sup>94</sup> William B. Henderson, a correspondent of the Democratic *Florida Peninsular*; took a different view of the events. In an October 24 article, he reminded his readers that Magbee was "holding his regular term of the Court in this county," and he was "surprised that a high Judicial officer of the State, . . . should enter the political arena as a stump speaker". According to Henderson, Magbee held the Democrats "responsible" for the Civil War "and that their hands were dyed in the blood of more than half a million loyal men." This angered Henderson who remembered that Magbee had been the most active, Ultra, red-hot secessionist in the whole county." His efforts to hang James McKay in 1861 and his description of himself as an "undoubted secessionist" at that time were fully aired in the article. Henderson signed the piece, "A Looker in Venice."<sup>95</sup> Magbee was so angry that he threatened to "strike from the roll of attorneys [Henry L. Mitchell] the editor of the *Peninsular*; unless he gave up the author of the piece." The judge then became very ill with fever" and was unable to preside at Court. Sam C. Craft, an attorney in the Circuit and friend of Magbee's, met with him after his illness and attempted to calm him down. Magbee believed

that this was but the first development in a widespread and deeply laid plot to destroy [his] judicial influence, and thereby to defeat the ends of Justice and consequently was such a contempt of court that [he] could not permit it to pass; that if this act was permitted to

go unpunished, it would soon be followed by others; and that [he] had to meet it, or else the country Would have to go back tinder military rule.<sup>96</sup>

Craft urged the judge to "loose[n the] rein[s]" for awhile but Magbee replied that "[he] was not sent on the circuit to gain popularity but to execute the Laws, and the surest way to *prevent* fruit was to clip the *bud*."<sup>97</sup> Henderson was brought before the judge at the end of the term. He was represented by counsel who argued that the article was a "legitimate exercise of the liberty of speech," and the remarks were not directed against the Court but against the judge politically, a "reply of a Democrat to a Republican". The judge was unmoved and fined Henderson \$100 for contempt of court.<sup>98</sup>

As judge of a five-county-circuit which included most of west central and southwest Florida, Magbee did a great deal of traveling. He was required to hold spring and fall terms Of Court in all five counties. Travel in the back country could be difficult and hazardous. In the spring of 1869, John B. Stickney, a Young lawyer accompanying Magbee, remarked on the swollen streams and heavy rains and the discomfort of riding in an open buggy tinder unpredictable weather conditions. All in all, Stickney found the trip pleasant and enjoyed the company of the judge and the friendliness of the people on the route.<sup>99</sup> Magbee's enemies, however, began to subject him to a series of practical jokes. On one occasion in mid-1869 at the Brandon residence east of Tampa, his buggy traces were cut. In Brooksville, he entered the courtroom to find "an old grey jackass tied in the judge's chair, tied so tight that he was sitting upright on his rump." Magbee defused the incident with humor when he remarked, "That's Sam

Hope's old ass. Leave him there. He's about the kind of judge to suit this situation."<sup>100</sup>

Florida politics were in turmoil in January 1870. James D. Green and others in the Assembly brought forward a report calling for Gov. Reed's impeachment. The report eventually was defeated but it was asserted by African American State Sen. John Wallace that "if Magbee was replaced as circuit Judge with C. R. Mobley, the Green committee would issue a report absolving the governor."<sup>101</sup> It was also rumored that Green had demanded a bribe. Soon afterwards, Green and Reed reconciled. Now it was James Magbee's turn to face the loss of his office. On February 18, 1870, James T. Magbee was impeached by the Assembly of the State of Florida for "high crimes, misdemeanors, malfeasance in office and incompetency." The vote was 29 to 4. A committee headed by James D. Green presented Articles of Impeachment which were approved 24 to 3. The Senate was duly notified and responded that trial would be held at "its next regular session."<sup>102</sup> The following is a Summary of the Articles:

I. That Magbee, in 1868, unlawfully declared one William Henderson to be in contempt of his court for having written and published an article attacking and criticizing a speech made by Magbee; when, as a matter of fact, the article was published while the court was out of session, and could not, therefore, have been contemptuous; and that Magbee caused the imprisonment of said Henderson in lieu of the latter's payment of a fine of one hundred dollars assessed against him for the said illegal contempt;

II. That he, in 1869, struck from the panel of grand jurors the names of

two men which had been legally drawn, and inserted in place thereof the names of two men which had been drawn on the regular panel of petit Jurors;

III. That he, in 1869, endeavored to cause the clerk of his court to commit a fraud, by urging him not to record the names of certain persons on the jury list in case they should be drawn in the jury drawing;

IV. That he, in 1869, bought for his own use certain pipes, tobacco, envelopes, and stamps and caused the same to be charged against the state under the title "stationery;"

V. That he, in 1869, persuaded one Irene Jenkins to plead guilty to an indictment charging adultery, promising her a mitigation of the penalty; but after she, as induced, pleaded guilty to such charge he assessed against her the extreme penalty of imprisonment for twenty-one months at hard labor; all of which he did, despite the fact that he had sentenced one Louis Jenkins, indicted on a similar offense, to pay a fine of seventy-five dollars upon a plea of guilty.<sup>103</sup>

The legislature adjourned February 19, 1870. As an impeached official, Magbee was now under suspension, pending the Senate trial. Gov. Reed called the Legislature into extra session" on May 23. Magbee entered a plea of not guilty and demanded a speedy trial during the special session. He submitted an impressive collection of letters and affidavits attesting to his innocence. The Assembly managers requested a continuance and trial was postponed to the next regular session in

January 1871. Green and Mobley lambasted Magbee at a Republican meeting on May 26, 1870. Magbee traveled the state soliciting support from friends and legislators. He played an active role in the 1870 Republican state convention as a member of the Reed faction and joined in the unsuccessful efforts to re-nominate Congressman Hamilton. Later, in Gainesville, he was involved in a drunken brawl, beaten up and fined by the mayor. When the Legislature reconvened on January 3, 1871, the previous enthusiasm for his impeachment had vanished. Assembly managers appeared before the Senate and recommended that the case be dismissed, which was accomplished by a vote of 19 to 0. Magbee's counsel asked the "court" to declare the Judge "honorably discharged." There was no objection and Chief Justice Randall obliged, after which he adjourned the "high court of Impeachment."<sup>104</sup> The charges against Magbee have been described as "flimsy" and "superficial" and indeed they were. His impeachment, "the first in Florida politics,"

. . . contributed little to the body of American impeachment precedents. It is unusual only in that it was under consideration, in one form or another, in three separate and distinct sessions of the legislature. However, the time factor was not great, far less than twelve months intervened between original investigation and abandonment of the charges. In essence, the whole episode was no more than an attempt to embarrass Governor Reed.<sup>105</sup>

Judge Magbee was involved in "farming ... on a large scale" in eastern Hillsborough County.<sup>106</sup> The 1870 census reported Magbee, as residing at present-day Brandon, where he described himself as a

"Farmer and Lawyer." He and his wife Julia had no children, but living in their household were the Judge's elderly mother and other close relatives. The next door neighbor was James Brandon.<sup>107</sup>

The war with the *Florida Peninsular* - continued:

This self-important individual has, by untiring exertions, by pleading with, praying with and appealing to the lowest passions of corrupt politicians, induced the Assembly of Florida to withdraw the charges preferred against him by a former Republican Assembly, and is to-day free to carry out against the people of this Circuit his long pent up wrath, and those whom his honor hath "marked" may prepare to receive their full share of that pent up wrath. Yes, Magbee is free to again act. ... Magbee stands in the same position that does the thief or murderer against whom an indictment was once preferred by a Grand Jury and subsequently quashed or withdrawn.... But that is enough for him. He retains his salary, the apple of his eye, and he retains the power, in his own language, to make himself felt. Well, we feel like the boy who cat[s] the cheese with the maggots in it: 'if the maggots can stand it, so can we.'<sup>108</sup>

Magbee's *True Southerner*- was now dead, but his new journal, the *Key West Guardian*, edited by R. E. Neeld was appointed in early 1871 as a legal paper of the circuit. The *Peninsular*; since November 1869, had also enjoyed that designation. As Circuit judge and ally of Gov. Reed, Magbee exercised control over Hillsborough county politics

and to a lesser extent, the other counties in the circuit. The *Peninsular* took a negative view of developments in February 1871:

Reed, assisted by Magbee, has again been at work reconstructing Hillsborough County. Daniel Gillet, the only man of sense, honesty and social standing, has been removed and Bob Johnson, colored, appointed in this stead. Cyrus Charles, colored, removed and Negro preacher John Thomas, appointed. Watrous removed and N. M. Moody appointed in his stead. So the board now stands, Joseph Brownlow Bob Johnson, John Thomas, Mills Hollyman, N. M. Moody, three colored and two white, and now the question arises, what has the county gained by these changes [on the County Commission]?<sup>109</sup>

One of the most embarrassing incidents in James T Magbee's life Occurred in the fall of 1871. On October 16, having returned from Court at Brooksville, "he fell dead drunk in the sandy street at Franklin and Washington."<sup>110</sup> The *Peninsular* reported that he "lay wallowing in the grime, the slime, the odor of - nature. By chance additional!!! indignities were added."<sup>111</sup> A group of his enemies "poured molasses and corn over him. The delectable mixture was soon discovered by roaming hogs. They rooted him around until they ripped off nearly all his clothes."<sup>112</sup>

He snored and he arose upright. On the 17th, drunkenly reminded of his own (suffered) indignities, and in a terrible plight, revolver in hand, wanted satisfaction. He encountered several, he demanded satisfaction and he succumbed. He drank anew, and drank again anew. He imbibed to

inhibition, and he, lay despoiled of his arms, such an object whereas Tampa never saw before. Half clothed without countenance, witless of self, fortune and fame, he lay prone in as clean a place as a stable.<sup>113</sup>

The term "scalawag" was frequently applied to Magbee. Scalawags were defined as "false recreant Southern [men], who in the chrysalis state, were the most bitter rebels, and now with gaudy wings--red, white and blue--soar as loyal butterflies."<sup>114</sup> The Tallahassee *Weekly Floridian*, in September 1871, described Magbee as a "once bitter rebel" and now "a High Priest in the Radical Synagogue [who] prates of his 'loyalty.'"<sup>115</sup>

Magbee was criticized by local Democrats for "compelling white men to serve on juries with Negroes. He was repeatedly charged with showing rank favoritism while hearing cases."<sup>116</sup> Yet, the Manatee County Grand Jury, in its Fall 1871 presentment "took great pleasure in tendering to the Hon. James T. Magbee our regards and good wishes for his able and impartial manner in expounding and enforcing the law, and for the good order, quiet and decency which characterize his courts."<sup>117</sup>

During the fall 1873 term of court in Manatee County, Magbee was the victim of an assassination attempt. As he was sitting in the parlor of his Pine Level boarding house some person fired through a window at him."<sup>118</sup> The pressure began to show on the judge and his heavy drinking increased. On New Year's Eve, 1873, in Tampa, he over-imbibed and "became involved in a street row, was arrested by the marshal and hauled before the mayor"<sup>119</sup> Magbee was fined for drunk and disorderly conduct by Mayor James E. Lipscomb but refused to pay. He was ordered locked up in the town

jail until morning. The next day Magbee issued a writ of habeas corpus "commanding the mayor to bring the body of James T. Magbee before His Honor James T. Magbee to show by what authority the mayor was depriving him of his liberty."<sup>120</sup> The writ "utterly failed" and the officials "paid no attention" to it. Magbee reportedly "paid his fine and apologized".<sup>121</sup> But he did not forget the incident and Mayor Lipscomb and Marshal Dishong were summoned to appear before the spring term of the 1874 court on a charge of contempt. The culprits were fined \$100 each and ordered jailed for ten days. Henry L. Mitchell and John A. Henderson, representing the defendants, asked the court to stay the ruling but Magbee refused. Lipscomb reportedly "snatched" a shotgun from a man standing nearby and threatened to shoot the judge. He was disarmed and walked out, but before leaving the courtroom issued a vicious diatribe against Magbee. D. B. McKay remembered that Lipscomb brought his own gun to the courthouse, shot at Magbee, but the barrel was deflected, the buckshot hitting the ceiling. Reportedly, Magbee attempted to form a posse to carry out the court's sentence but no one responded.<sup>122</sup>

Magbee was reported publicly drunk in Jacksonville on May 15, 1874 and in Bartow on June 1. Enroute to Tallahassee, and stopping at Cedar Key on January 3, 1875, he was arrested for "drunkenness and ... riotous and disorderly conduct" and was confined in the town "calaboose."<sup>123</sup> In Tallahassee, he appeared drunk at the Assembly Hall of the State Capitol "in the presence of both Houses of the Legislature ... and in the presence of the Governor," cabinet and other high officials on the occasion the Governor's "annual address."<sup>124</sup> This was the last straw. Dade County Assemblyman William Watson Hicks demanded an investigation which resulted in

new Articles of Impeachment against Magbee. Six specifications were presented, all involving his drunken behavior during the past year. On February 16, the Assembly voted 29 to 19 in favor of impeachment, less than the two-thirds required. Then a resolution was offered by a Magbee supporter calling for an investigation into Assembly members who had been "Intoxicated" during the present session and declaring those seats vacant. The maneuver backfired when Hicks offered a substitute calling for an investigation of drunkenness by members. Another vote was taken on the impeachment articles and this time they were approved, 34 to 11. There was to be no trial. Fearing conviction by the Senate, Magbee tendered his resignation to Gov. Stearns the following day, February 17, 1875.<sup>125</sup>

Magbee came back to Tampa, resumed his law practice and acquired the *Tampa Guardian*. As editor of a newspaper, Magbee now had a forum to expound his views to the public. The "Guarding Building" was located on the north west corner of Polk and Franklin streets. His residence was adjacent to the office, on Franklin Street, and Magbee owned the entire block. His wife Julia became assistant editor and the childless couple adopted a son, Archie, who also learned the printing trade. Magbee attempted to address and resolve his drinking problem by becoming a charter member of the Order of Good Templars, a temperance organization. His wife joined him in membership but controversy followed. Worthy Chief Templar was Dr. John P Wall, also noted for his drinking habits. When Wall's half brother, Joseph, a local attorney, was proposed for membership, Magbee, objected. "Shortly after, Magbee was charged with violating his pledge by becoming intoxicated and was expelled. His wife was also expelled on the

charge that she had cast two blackballs against the admission of Wall.”<sup>126</sup>

With the end of Reconstruction, emboldened Democrats often sought revenge against their former enemies. Magbee was indicted April 13, 1877, by the Polk County grand jury for "maliciously threatening an injury to the person of another with intent thereby to extort pecuniary advantages." A year later, on April 10, 1878, he was convicted but Magbee succeeded in having the verdict set aside with an order for a new trial. Another year passed and the charges were dismissed, May 19, 1879.<sup>127</sup>

In August 1878, shortly after he had returned from Tallahassee where he had been under a physician's care for five weeks, Magbee was caned on the streets of Tampa.<sup>128</sup> James E. Lipscomb, the former mayor who had tried to kill Magbee in 1874, accused him about an article in the *Guardian* he considered offensive to the late William W. Wall, Lipscomb's former employer and the uncle of his wife. According to the Democratic *Sunland Tribune*, Lipscomb asked for the author of the article and Magbee "drew a pistol." Lipscomb "collared and jerked the old sinner out of his buggy and caned him to his entire satisfaction."<sup>129</sup> Joseph B. Wall, who was involved in the incident, justified the caning by saying that "Magbee is sufficiently young and strong to be vicious and therefore by all social laws is amenable to chastisement".<sup>130</sup> He claimed he hadn't touched Magbee but all three involved in the affair were fined \$10 in the Mayor's Court.<sup>131</sup>

It was in this climate that Magbee reentered the political arena as a candidate for the State Senate. His opponent was John T. Lesley and the *Sunland Tribune* poured vitriol upon N1agbCC until election day.

Editor Wall Pulled out all the stops in the October 26, 1878 issue. Readers were reminded of Magbee's second impeachment for "drunkenness and incompetency," his attempt to hang James McKay in 1861, and his fining of William B. Henderson for contempt in 1868. He was accused of bringing his "90 year old" mother into town on an "ox cart" from her home six teen miles east of Tampa to complain about articles against her son. When the election was held the following month, Lesley defeated Magbee, 555 to 143.<sup>132</sup>

The following year Magbee announced that the "*Guardian* in the future will be published as a Republican journal."<sup>133</sup> By early 1880 the former judge was prospering. He entered into a partnership with A. S. Mann of Brooksville for the practice of law in Hernando County. He established an orange grove on Florida Avenue, about a mile north of town, on the "brow of the rising ground overlooking Tampa", and also furnished the paint for the Nebraska Avenue school.<sup>134</sup> When additional land was needed for the expansion of the town cemetery, Magbee "deeded as a gift land adjoining the burial ground to the east. This was immediately divided into lots and offered for sale."<sup>135</sup> He playfully attacked rival editor John P. Wall in May 1880:

Dr. Wall, editor of the *Tribune*, admits that the scent of bad whiskey is the true Democratic password and wants to prove that we are Democrat because we used to drink whiskey. Now Dr. when we drank whiskey it was not the Democratic stuff, for we drank nothing but the very best. As neither of us now drinks whiskey, and for that reason and for no other, we ought to be Republicans--We will leave it to the community in which

we live, as to which of us has drunk the oftener.

There's an old adage--a veritable fact  
That kettle should ne'er call pot  
black

And another that says none but  
drones

In glass houses living will throw  
stones.<sup>136</sup>

One of Magbee's major interests was the growth of the Florida Republican party. He was angered that President Rutherford B. Hayes' conciliatory policy had harmed the interests of the party in Florida.

... Magbee resented having to share the federal patronage with his political enemies. In a letter to [Secretary of the Treasury] John Sherman in January 1880, he complained that a Democratic member of the legislature was keeping the lighthouse at Egmont Key at the mouth of Tampa Bay, that the inspector of customs at Manatee was highly critical of Hayes's administration, that custom officials at Key West, Cedar Key, and St. Marks were Democrats, and that except in Cedar Key, Tampa, and Key West, the west coast postmasters were also Democrats. Magbee informed Sherman that he had been born and raised in the South and that Hayes did not understand Southerners. On the basis of this complaint, Sherman ordered an investigation, later writing to Magbee concerning the sending of an agent to probe the charges. The editor's wife replied in his absence that with proper management, Florida could be carried by the

Republican party in the next election.<sup>137</sup>

Magbee believed that for the party to prosper it had to attract white voters. The *Guardian* editorialized that the "Republican party is no more the Negro party than the Democratic party is".

The greatest difference between the two parties is, the democrats are a band of aristocrats, and the republicans are banded together for the good of the whole people... The colored man does right when he votes the republican ticket; for he votes for a party that protects white men and black men, whether they be poor or rich, while the democratic party protects the rich only.<sup>138</sup>

Referring to the Democratic party as that "old enemy of human rights," Magbee asserted that it deceived and stole from the "poor white man" by telling him that if he voted Republican he belonged to the "Negro party." It "prey[ed] upon his prejudices to make him steal from himself, by his vote, his own and his children's liberty."<sup>139</sup> In the 1880 elections, the *Guardian* endorsed Republican James A. Garfield for President and Democrat William D. Bloxham for Governor.<sup>140</sup>

In South Florida, James T. Magbee was up in arms over the nomination of Conover [for Governor] and [African American George Washington] Witherspoon [for Congress]. Still hoping that the Republican national ticket could carry Florida, the *Guardian's* editor complained to John Sherman that the antics of the Black Belt carpetbaggers had driven the Southern Republicans and the better

class of Northern settlers into a state of political neutrality, with many of those formerly active party members believing that Republicanism in the South meant Negro domination. Castigating Witherspoon's nomination, the ex-judge thought that Conover would make the most ignorant colored man think himself fit for Congress.<sup>141</sup>

When the election was over and Garfield and Bloxham had won, the Tallahassee *Floridian* declared that James T. Magbee must be the "happiest man, politically," in the State of Florida.<sup>142</sup>

With the election of Garfield, Magbee sought a suitable political reward. He traveled to Washington in July 1881, but the President's assassination required another trip the following year. There was speculation that Magbee was next in line for Collector of Customs at Key West or Postmaster at Tampa. He received his reward in February 1883, with the appointment of Deputy Collector of Customs at the Port of Tampa. After almost twenty-five years, Magbee had gotten his old job back. He also lived to see the completion of the railroad to Tampa, January 22, 1884. It is fitting that Magbee, who had fought for almost thirty-five years to achieve this goal, was present at the gala celebration at the Orange Grove Hotel that evening.<sup>143</sup> Tragedy struck on January 27, 1885, when his wife Julia Ann, died. The death of this "brilliant and pungent writer," who had been assistant editor of the *Guardian*, was a heavy blow to the aging lawyer and newspaperman.<sup>144</sup> He retired as editor but remained active in civic affairs, helping to organize the Tampa Board of Trade the following May. On September 17, 1885, he married a young woman named Carrie Burr Fisher, of Philadelphia. A pre-nuptial agreement was signed providing

that the survivor would receive nothing upon the death of the other party. On the night of their wedding, the couple were subjected to the old Southern tradition of charivari or chivaree:

The crowd of several hundred-nearly every white man in town-assembled shortly after dark and pandemonium reigned until near daylight. Among the noisiest of the musical instruments was a huge bull fiddle. It was made of a large dry goods box with one side open. Across the opening was tautly stretched a broad strip of rawhide. The bow was also made of rawhide and it was operated by two men, one at each end. The sounds it gave forth were hideous and unearthly beyond description.

The party was described as the "wildest [and] noisiest of all the chivaree parties in Tampa's history".<sup>145</sup>

Less than two months later, Magbee was dead. He passed away in Tampa, "suddenly" on December 12, 1885. There were rumors that he had been poisoned. But even in death, he remained controversial. He left an estate valued at from \$50,000 to \$75,000. The widow claimed she was pregnant and demanded monthly support payments. She continued to live for awhile in the Franklin Street residence and was reported ill there the following June. There is no evidence that she ever had a baby. Magbee had executed a will before Julia's death, leaving his estate to her, his mother, sister and Archie, the adopted son. Magbee later wrote "cancelled" over the "portion of the will referring to Archie D. Magbee, . . . but did not destroy the document which was found among his papers after his death." An administrator was appointed and the case dragged on until 1888. In spite of the ante-nuptial agreement,



the widow declared that she was "sole heir."<sup>146</sup> An order was finally entered which gave Carrie Magbee a one-third share of the estate with the remaining two-thirds going to a sister, Penelope A. Magbee and a brother, Samuel B. Magbee.<sup>147</sup>

James T. Magbee has not been treated kindly by history. As a boy, D. B. McKay worked for several months as an apprentice in the *Tampa Guardian* office. He described Magbee as "kindly and generous" and went on to relate the following story:

A pioneer family had lost their home and its contents by fire and a group of citizens were raising a fund to provide a new home for them. It was during the time I was working in the *Guardian* office.

Judge Magbee called me into his private office, opened his safe and took out what appeared to be about a peck of gold coins. He scooped up a handful of the gold, gave it to me and said, "Fake this to those damn rascals and tell them if more is needed there is plenty more where that came from."<sup>148</sup>

Yet, in his later years, McKay seemed to delight in printing derogatory accounts of Magbee's career in his weekly "Pioneer Florida" page which ran in the *Tampa Tribune* from 1946 to 1960. Magbee's alcoholism and his role in Radical Reconstruction made him an easy target. McKay once described Magbee as "probably the most widely and intensely hated man who ever lived in Tampa."<sup>149</sup> Karl Grismer's *Tampa*, published in 1950, negatively portrays Magbee but even Grismer admitted that the *Tampa Guardian* was "well edited and most readable."<sup>150</sup> Theodore Lesley's writings during the 1950's

also followed the same negative line. As late as 1983 in *Tampa: The Treasure City*, Gary Mormino and Tony Pizzo once again accepted the traditional view. In *Florida's Peace River Frontier*, published in 1991, Canter Brown, Jr., offered a revisionist version of Magbee, portraying him in a far more favorable light. Julius J. Gordon of Tampa has spent many hours researching Magbee's life and is convinced that this lawyer, politician, and editor played a positive role in the development of Hillsborough County and west central Florida.<sup>151</sup>

Magbee was clearly an opportunist, but a look at his enemies reveals the same trait. Before the Civil War, his main detractors, Henry A. Crane, Madison Post and James McKay were all ambitious men who did not hesitate to vilify Magbee to further their own personal objectives. In the post-war period, James D. Green, Henry L. Mitchell and John P Wall were advancing their own agendas when they attacked him.

Circumstances seemed to govern Magbee's life. Greed and hysteria prompted his removal from the customs position in 1858. An unfortunate Attorney General's opinion led to his removal from the Senate in 1862, probably embittering him toward the Confederacy. The rise of the Radical Republicans in 1867 prompted his move to the Republican Party and launched his judicial career. Later, the resurgent Democrats made his downfall inevitable.

In spite of his weaknesses, Magbee should be remembered for his accomplishments. Although revenge and opportunism often motivated his actions, he eventually came down on the side of equal rights for all citizens, regardless of race. Always the partisan, he fought for his causes, and never surrendered.

## ENDNOTES

<sup>1</sup> D. B. McKay, ed., *Pioneer Florida*, 3 vols. (Tampa, 1959), II, 377

<sup>2</sup> Julius J. Gordon, "A Collection of Research Materials on the Life of James T. Magbee, Hillsborough County, Florida, 1820-1885," 1990, typescript in Hillsborough County Historical Commission Library and Museum, Hillsborough County Courthouse, Tampa, FL. Mr. Gordon's collection has proven invaluable in the research phase of this paper. The author also wishes to express his appreciation to Mr. Gordon for his comments and insights on the life of James T. Magbee. Tampa *Florida Peninsular*; June 12, 1858; Arch Fredric Blakey, "Military Duty in Antebellum Florida: The Experiences of John Henry Winder," *Florida Historical Quarterly* 63 (October 1984), 159-160.

<sup>3</sup> *Tampa Tribune*, March 20, 1955.

<sup>4</sup> James T. Magbee to Wm. D. Moseley, July 12, 1846, folder 7, box 1, Gov. Moseley's Correspondence, 1845-49, Territorial and State Governors, record group 101, series 679, Florida State Archives, Tallahassee, (hereafter FSA)

<sup>5</sup> Returns of election of October 6, 1848, Hillsborough County, Elections Returns, Territorial and State Election Returns (1824-1870) box 18, record group 156, series 21, FSA (hereafter Hillsborough County Election Return); *Laws of Florida* (1849), 71-71; *Florida House Journal* (1848), 127-128, 133; J. E. Dovell, *Florida: Historic, Dramatic, Contemporary*, 4 vols. (New York, 1952), I, 302.

<sup>6</sup> Canter Brown, Jr., *Florida's Peace River Frontier* (Orlando, 1991), 80-90. The author wishes to thank Canter Brown, Jr., for his assistance in providing research information for this paper. Without his assistance, this paper would not be nearly as complete.

<sup>7</sup> Leon County, Marriage Book X, 147; *Hillsborough Lodge No. 25, F. & A.M.* (no date), 3-5; *Tampa*

*Times*, June 4, 1955; t I.S. Original Census Schedules, 7th Census, 1850, Hillsborough County Florida (Population and Slave Schedules); Hillsborough County, Tax Book, 1850, Florida State Library.

<sup>8</sup> *Jacksonville Florida Republican*, May 9, 1850.

<sup>9</sup> *Ibid.*, August 30, 1855.

<sup>10</sup> Hillsborough County Election Returns, October 1850; Tallahassee *Floridian & Journal*, October 26, 1850; *Florida House Journal* (1850), 30,53, 119.

<sup>11</sup> *Jacksonville Florida Republican*, August 30, 1855; *Florida House Journal* (1850), 318, 391; Tallahassee *Floridian & Journal*, January 18, 1851; Arthur NA. Thompson, "The Railroad Background of the Florida Senatorial Election of 1851," *Florida Historical Quarterly* 31 (January 1953), 181-182, 189-190.

<sup>12</sup> *Jacksonville Florida Republican*, January 2, 1852.

<sup>13</sup> 4 *Florida Reports* (1852), 45 7; Tallahassee *Floridian & Journal*, April 3, 1852.

<sup>14</sup> *Jacksonville Florida Republican*, August 30, 1855; Hillsborough County Election Returns, October 4, 1852; *Florida House Journal* (1852), 331; *Laws of Florida* (1852-53), 31-38.

<sup>15</sup> *Florida House Journal* (1852), 318. *Laws of Florida* (1852-53), 133-136.

<sup>16</sup> *Florida House Journal* (1852), 318.

<sup>17</sup> "Minute Book 1852-1857," 19 (?), Hillsborough Lodge No. 25, Masonic Temple, Tampa.

<sup>18</sup> *Jacksonville Florida Republican*, May 5, July 21, 1853.

<sup>19</sup> *Ibid.*, September 27, 1855.

<sup>20</sup> Karl H. Grismer, *Tampa: A History of the City of Tampa and the Tampa Bay Region of Florida* (St. Petersburg, 1950), 116, 120; *Tampa Tribune*, June 3, 1951; *Tampa Florida Peninsular* January 8, 1859.

<sup>21</sup> *Tampa Florida Peninsular* January 8, 1859; Historical Records Survey, *Roster of State and County Officers Commissioned by the Governor of Florida 1845-68* (Jacksonville, 1941), 142.

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<sup>22</sup> Jesse Carter to David L. Yulee, September 17, 1854, David L. Yulee Papers, P K. Yonge Library of Florida History, University of Florida, Gainesville.

<sup>23</sup> *Ibid.*, October 6, 1854.

<sup>24</sup> *Ibid.*, Tampa *Florida Peninsular* January 8, 1859.

<sup>25</sup> *Laws of Florida* (1854), 9-19.

<sup>26</sup> Tampa *Florida Peninsular*, March 24, 1855; Secretary of State, Register of Officers and Agents, Civil, Military and Naval, in the Service of the United States on the thirtieth September 1855 (Washington, 1855), 66.

<sup>27</sup> Tampa *Florida Peninsular* March 24, 1855.

<sup>28</sup> *Ibid.*, February 10, 1855; Hillsborough County, Tax Book, 1855, Florida State Library.

<sup>29</sup> Tampa *Florida Peninsular* April 7, 1855.

<sup>30</sup> *Ibid.*, February 24, April 28, 1855; Tallahassee *Floridian & Journal*, June 2, 1855; Spessard Stone, "The Know-Nothings of Hillsborough County," *Sunland Tribune* 19 (November 1993), 3-8.

<sup>31</sup> Jacksonville *Florida Republican*, September 27, 1855.

<sup>32</sup> Stone, "The Know-Nothings of Hillsborough County," 6.

<sup>33</sup> Gary Mormino, ed., "The Firing Of Guns and Crackers Continued Till Light: A Diary of the Billy Bowlegs War," *Tequesta* 45 (1985), 56. Oaky Mansfield recruited a company for the local defense of Tampa; only "James Magby" refused to join, 61.

<sup>34</sup> Tampa *Florida Peninsular* December 29, 1855.

<sup>35</sup> *Ibid.*, August 30, 1856, March 21, June 13, 1857; James W. Covington, *The Billy Bowlegs War, 1855-1858.- The Final Stand of the Seminoles Against the Whites* (Chuluota, FL, 1982), 78; Jacksonville *Florida Times-Union*, September 28, 1891.

<sup>36</sup> Jacksonville *Florida Times-Union*, September 28, 1891.

<sup>37</sup> *Ibid.*; Brown, Florida's Peace River Frontier, 127.

<sup>38</sup> *Tampa Tribune*, October 26, 1958.

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<sup>39</sup> Hillsborough County, Commission Minute Book A, 1846-1863, 83. 40

<sup>40</sup> "Minute Book, 1857-1864," 38, Hillsborough Lodge No. 25.

<sup>41</sup> Stone, "The Know-Nothings of Hillsborough County," 7; Tampa *Florida Peninsular*, May 1, 1858.

<sup>42</sup> Newport *Wakulla Times*, June 23, 1858.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> City Council Minutes (August 21, 1857-May 1882), 16, City of Tampa Archives, Tampa.

<sup>46</sup> Tampa *Florida Peninsular* May 1, 1858.

<sup>47</sup> City Council Minutes (August 21, 1857-May 1882), 17.

<sup>48</sup> Newport *Wakulla Times*, June 12, 1858.

<sup>49</sup> Tampa *Florida Peninsular* May 1, June 12, 1858.

<sup>50</sup> *Ibid.*, June 12, 1858.

<sup>51</sup> *Ibid.*

<sup>52</sup> City Council Minutes (August 21, 1857-May 1882), 21, Tampa

<sup>53</sup> Tampa *Florida Peninsular* June 19, 1858. In the June 12, 1858 issue Crane published an exposé of a supposed "Mystic Circle of Alchemy," which lie claimed was now in Hillsborough County. This was part of the campaign against Magbee. Crane, in the June 26, 1858 Issue, is quoted as referring to Magbee as a T-R-I-U-Q-S, or squirt.

<sup>54</sup> *Ibid.*, October 2, 17, November 27, December 25, 1858.

<sup>55</sup> Canter Brown, Jr., "Politics, Greed, Regulator Violence, and Race in Tampa, 1858-1859," *Sunland Tribune* 20 (November 1994), 26.

<sup>56</sup> James McKay to William Seward, February 11, 1862, General Records of the Department of State, Civil War Papers, Corr. Regarding Prisoners of War, 1861-62, box 7, record group 59, entry 491, National Archives (hereafter NA).

<sup>57</sup> *Tampa Florida Peninsular* June 9, December 8, 1860; *Tampa Tribune*, July 29, 1956.

<sup>58</sup> *Tampa Florida Peninsular* December 8, 1860. Magbee made a tentative effort to return to politics at a precinct meeting at Tampa in the summer of 1859. He was unsuccessful in calling for a vote on the delegates appointed by a committee to attend the upcoming County Convention. *Tampa Florida Peninsular* August 20, 1859.

<sup>59</sup> *Ibid.*, July 14, August 18, 1860; *Tampa Tribune*, July 29, 1956.

<sup>60</sup> *Tampa Florida Peninsular* May 12, August 18, December 8, 1860. Magbee announced his candidacy in the July, 28, 1860 issue of the *Peninsular*

<sup>61</sup> *Tampa Florida Peninsular* August 18, September 1, 8, 22, December 8, 1860.

<sup>62</sup> *Ibid.*, September 22, 1860.

<sup>63</sup> *Ibid.*, September 15, October 6, 27, December 1, 8, 1860; Petition of Citizens of Hillsborough County for creation of Perry County, 1859 General Assembly, 19th Century Florida Legislative Session Documents, Resolutions, Petitions and other Session Documents, folder 6, box 8, record group 915, series 887, FSA; Brown, *Florida Peace River Frontier*, 132-135; *Florida Senate Journal* (1862), 19.

<sup>64</sup> *Tampa Florida Peninsular* November 10, 1860.

<sup>65</sup> *Ibid.*, December 11 1860.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Florida Senate Journal* (1860), 3, 7-8.

<sup>68</sup> *Tampa Florida Peninsular*, December 8, 1860.

<sup>69</sup> *Ibid.*

<sup>70</sup> Hillsborough County, Tax Book, 1860, Florida State Library; U.S. Original Census Schedules, 8th Census, 1860, Hillsborough County, Florida (Population and Slaves Schedules); 8 Florida Reports

(1858-59), 21, 53, 453; *Tampa Florida Peninsular*, October 2, 1857.

<sup>71</sup> *Florida Senate Journal* (1860), 231; *Tampa Florida Peninsular* December 8, 1860, January 19, February 23, 1861; *Tampa Tribune* July 10, 1955; William W. Davis, *The Civil War and Reconstruction in Florida* (New York, 1913; facsimile ed., Gainesville, 1964), 64; Janet S. Matthews, *Edge of Wilderness* (Tulsa, OK, 1983), 252.

<sup>72</sup> Zack C. Waters, "Tampa's Forgotten Defenders, the Confederate Commanders of Fort Brooke," *Sunland Tribune* 17 (November 1991), 5; Canter Brown, Jr., "Tampa's James McKay and the Frustration of Confederate Cattle-Supply Operations in South Florida," *Florida Historical Quarterly* 70 (April 1992), 409-419.

<sup>73</sup> McKay to Seward, February 11, 1862.

<sup>74</sup> *Ibid.*

<sup>75</sup> *Tampa Florida Peninsular*, October 24, 1868.

<sup>76</sup> Brown, "Tampa's James McKay," 419.

<sup>77</sup> *Tampa Florida Peninsular*, October 24, 1868.

<sup>77</sup> *Florida Senate Journal* (1861), 4, 32-33, 110-114, 123-125, 136-137, 265-272; Hillsborough County Election Returns, October 7, 1861.

<sup>79</sup> Waters, "Tampa's Forgotten Defenders," 8-9; Brown, "Tampa's James McKay," 423-424.

<sup>80</sup> Kyle S. VanLandingham, "The Union Occupation of Tampa: May 6-7, 1864," *Sunland Tribune* 19 (November 1993), 9.

<sup>81</sup> *Florida Senate Journal* (1862), 8-14, 17-19; Tallahassee *Floridian & Journal*, September 20, 1862 in Richard K. Call Papers, Florida Historical Society Collection, Special Collections, University of South Florida, Tampa; Hillsborough County Election Returns, October 6, 1862.

<sup>82</sup> James McKay to Pleasant W. White, March 25, 1864, Pleasant Woodson White Papers, Florida Historical Society, University of South Florida, Tampa.

<sup>83</sup> Hillsborough County Election Returns, October 6, 1862; *Florida Senate Journal* (1862), 16-19.

<sup>84</sup> Brown, "Tampa's James McKay," 425, *Florida Senate Journal* (1862), 66-67.

<sup>85</sup> *Ibid.*; *Florida Senate Journal* (1862), 8-19; Brown, *Florida Peace River Frontier*, 193; *Tampa Florida Peninsular*, November 7, 1868; Wakulla County, Tax Book, 1863, Florida State Library; Leon County, Marriage Book A, 24.

<sup>86</sup> John Wallace, *Carpetbag Rule in Florida* (Jacksonville, 1888, facsimile ed., Gainesville, 1964), 11-12; Brown, *Florida Peace River Frontier* 193; *Journal of the Proceedings of the Convention of Florida Begun and Held at the Capital of the State, at Tallahassee, Wednesday, October 25, 1865* (Tallahassee, 1865), 47-48, 56, 74-75, 77-78, 81, 83, 94-96, 102104.

<sup>87</sup> *Journal of the Proceedings of the Convention ... 1865*, 108-109; Jerrell H. Shofner, *Nor Is It Over Yet, Florida in the Era of Reconstruction* (Gainesville, 1974), 41.

<sup>88</sup> Shofner, *Nor Is It Over Yet*, 42; *Journal of the Proceedings of the Convention ... 1865*, 113.

<sup>89</sup> Jacksonville *Florida Times*, January 11, 1866; *Florida Senate Journal* (1865), 12; *Florida Senate Journal* (1866), 55; *Tallahassee Floridian & Journal*, May 18, 1866; *Tampa Florida Peninsular* April 25, August 15, 22, 1868; Brown, *Florida's Peace River Frontier*, 193; Wallace, *Carpetbag Rule in Florida*, 417, 429. Magbee was eligible for the judgeship because his political disabilities under the Fourteenth Amendment were removed, July 20, 1868, by an "Act for Removal of Certain Disabilities for the persons therein named," 15 *U.S. Statutes at Large*, 386-389.

<sup>90</sup> *Tampa Florida Peninsular*, August 15, 1868.

<sup>91</sup> *Ibid.*, September 29, 1866, March 20, 1867, August 15, 1868; C. R. Mobley to T W. Osborn, June 5, 9, 1866, U.S. Bureau of Refugees, Freedmen, and Abandoned Lands, Letters Received 1865-70, NA, microfilm of selected Florida Records at P. K. Yonge Library of Florida History, University of Florida, Gainesville; Brown, *Florida's Peace River Frontier*; I 10, 193; F. B. Hagan to Jefferson Bell, January 7, 1908, Florida Confederate Pension Applications, Pension Application File of David E. Waldron, FSA; *Florida House [Assembly] Journal* (1870), 48.

<sup>92</sup> Hillsborough County, Old Chancery Record, 1857-1885, 49-50, 52. The order was vacated March

7, 1869 and replaced by a new order adding the *Key West Dispatch* as an "official newspaper."

<sup>93</sup> *Tampa, True Southerner*; October 29, 1868; *Tampa Florida Peninsular*, August 25, 1869.

<sup>94</sup> *Tampa True Southerner* October 29, 1868.

<sup>95</sup> *Tampa Florida Peninsular*, October 24, 1868. The *True Southerner* on October 29, 1868, defended Magbee's 1861 actions, saying "is he any worse than thousands of other men, native Southerners, who lent their influence during the war, but who like him have since joined the Republican Party?"

<sup>96</sup> *Florida House [Assembly] Journal*, extra. session (1870), 5 1.

<sup>97</sup> *Ibid.*

<sup>98</sup> *Tampa Florida Peninsular* November 7, 1868.

<sup>99</sup> Wallace, *Carpetbag Rule in Florida*, 417; John B. Stickney to "My dear Wife," April 5, 1869, John B. Stickney Papers, #69, J. I. Kislak Foundation, J. I. Kislak Mortgage Corp., Miami Lakes, FL.

<sup>100</sup> *Tampa Florida Peninsular*; August 11, 1869; McKay, *Pioneer Florida*, II, 379.

<sup>101</sup> Wallace, *Carpetbag Rule in Florida*, 124-125.

<sup>102</sup> Brown, *Florida's Peace River Frontier*; 201-202; Cortez A. M. Ewing, "Florida Reconstruction Impeachments," *Florida Historical Quarterly* 36 (April 1958), 315; *Florida House [Assembly] Journal* (1870), 317-327, 343, 350-355; *Florida Senate Journal* (1870), 316-317.

<sup>103</sup> Ewing, "Florida Reconstruction Impeachments," 316. The full text of the impeachment articles can be found in *Florida House [Assembly] Journal* (1870), 353-355.

<sup>104</sup> Ewing, "Florida Reconstruction Impeachments," 317-318; *Florida House [Assembly] Journal*, extra. session (1870), 47-72; *Tampa Florida Peninsular*; April 6, June 1, September 7, November 9, 1870; *Tampa Tribune*, July 21, 1957; *Florida Senate Journal* (1871), 44-45; 55-57.

<sup>105</sup> Ewing; "Florida Reconstruction Impeachments," 316-318; Shofner, *Nor Is It Over Yet*, 212; Allen Morris, compiler, *The Florida Handbook, 1959-1960* (Tallahassee, 1960), 128.

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<sup>106</sup> Tampa *Florida Peninsular*, February 2, 1870.

<sup>107</sup> U.S. Original Census Schedules, 9th Census, 1870, Hillsborough County, Florida.

<sup>108</sup> Tampa *Florida Peninsular* January 25, 1871.

<sup>109</sup> Ibid., August 25, December 1, 1869, February 15, March 1, 15, 1871; Walter C. Maloney, *A Sketch of the History of Key West, Florida* (Newark, NJ, 1876, facsimile ed. Gainesville, 1968), 46. Maloney states that the *Guardian*, after folding in Key West, was moved to Tampa. Jefferson B. Browne, *Key West: The Old and the New*, (St. Augustine, FL, 1912, facsimile ed., Gainesville, 1973), 142. Tampa *Sunland Tribune*, August 17, 1878.

<sup>110</sup> Grismer, *Tampa*, 156. Grismer mistakenly gives the date as November 16, 1871.

<sup>111</sup> Tampa *Florida Peninsular*; October 21, 1871.

<sup>112</sup> Grismer, *Tampa*, 156.

<sup>113</sup> Tampa *Florida Peninsular*, October 21, 1871.

<sup>114</sup> Tallahassee *Weekly Floridian*, September 19, 1871.

<sup>115</sup> Ibid.

<sup>116</sup> Grismer, *Tampa*, 155-156. There was also resentment because Magbee profited by having legal advertising placed in newspapers owned by him. "Notes of John T Lesley," copied by Theodore Lesley; copy in possession of author.

<sup>117</sup> Tampa *Florida Peninsular*; November 18, 1871.

<sup>118</sup> *Savannah Morning News*, December 12, 1873.

<sup>119</sup> Bartow *Courier-Informant*, August 1, 1912, quoting *Tampa Herald* of March 14, 1905.

<sup>120</sup> McKay, *Pioneer Florida*, II, 377.

<sup>121</sup> *Savannah Morning News*, April 9, 1874; *Bartow Courier-Informant*, August 1, 1912; Browne, *Key West*, 68-69. McKay reported that the writ was successful and Magbee was released. McKay, *Pioneer Florida*, II, 377; *Tampa Tribune*, November 23, 1952. Also, see Grismer, *Tampa*, 156.

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<sup>122</sup> *Savannah Morning News*, April 9, 1874; *Bartow Courier-Informant*, August 1, 1912; *Tampa Tribune*, November 23, 1952. Grismer confused the courtroom shooting incident with Lipscomb, placing it in 1871. Grismer *Tampa*, 156. The mistake was repeated in McKay, *Pioneer Florida*, II, 378-379.

<sup>123</sup> Florida *House [Assembly] Journal* (1875), 290-292.

<sup>124</sup> Ibid., 291.

<sup>125</sup> Ibid., 1, 81, 265, 289-294, 296; Brown, *Florida's Peace River Frontier*, 210.

<sup>126</sup> *Savannah Morning News*, April 28, 1875; McKay, *Pioneer Florida*, II, 379; *Tampa Guardian*, February 28, October 9, 1880; U.S. Original Census Schedules, 10th Census, 1880, Hillsborough County, Florida; *Tampa Tribune*, April 5, 1953.

<sup>127</sup> Brown, *Florida Peace River Frontier*, 293.

<sup>128</sup> *Tampa Guardian*, August 3, 1878; *Tampa Sunland Tribune*, August 17, 1878.

<sup>129</sup> *Tampa Sunland Tribune*, August 17, 1878; Grismer, *Tampa*, 321-322, 329-330, 334.

<sup>130</sup> *Tampa Sunland Tribune*, September 14, 1878.

<sup>131</sup> Ibid., September 7, 1878.

<sup>132</sup> Ibid., October 5, 26, November 9, 1878.

<sup>133</sup> *Tampa Guardian*, November 22, 1879.

<sup>134</sup> Ibid., March 20, 1880; *Tampa Sunland Tribune*, April 29, July 22, 1880.

<sup>135</sup> *Tampa Tribune*, March 9, 1958; *Tampa Sunland Tribune*, August 18, 1877.

<sup>136</sup> *Tampa Guardian*, May 1, 1880.

<sup>137</sup> Edward C. Williamson, *Florida Politics in the Gilded Age* (Gainesville, 1976), 54.

<sup>138</sup> *Tampa Guardian*, April 17, 1880.

<sup>139</sup> Ibid., April 24, 1880.

<sup>140</sup> Ibid., October 9, 30, 1880.

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<sup>141</sup> Williamson, *Florida Politics in the Gilded Age*, 64-65.

<sup>142</sup> Tallahassee *Weekly Floridian*, December 14, 1880.

<sup>143</sup> *Tampa Sunland Tribune*, July 30, August 6, 1881, January 12, April 6, 13, 20, June 22, 1882; Wicker to Secretary of Treasury, February 6, 1883, Records Relating to Customhouse Nominations, 1849-1910, record group 46, Box 68, NA; Grismer, *Tampa*, 174.

<sup>144</sup> *Tampa Guardian*, October 9, 1880; Julius J. Gordon, John H. Baxley, and Diane M. Rodriguez, *Oaklawn Cemetery and St. Louis Catholic Cemetery, Biographical and Historical Gleanings*, 2 vols. (Tampa, 1992), 11, 577-578.

<sup>145</sup> Tallahassee *Weekly Floridian*, March 19, 1885; Grismer, *Tampa*, 1880-1881; Gordon "A Collection of Research Materials on the Life of James T Magbee," 17-18; *Tampa Weekly Journal*, July 27, 1888, January 23, 1890; Hillsborough County, Probate File #980; *Tampa Tribune*, February 4, 1951, May 22, 1960. The *Tampa Journal* of July 27, 1888 referred to Carrie Burr Fisher as Magbee's fourth wife. If that is the case, then he was married prior to Susan Tatum.

<sup>146</sup> Jacksonville *Florida Times-Union*, December 27, 1885; *Savannah Morning News*, December 24, 1885; Gordon, *Oaklawn Cemetery*, I, 577; Hillsborough County, Probate File #980; *Tampa Guardian*, June 30, 1886, *Tampa Weekly Journal*, July 27, 1888.

<sup>147</sup> Hillsborough County, Probate File #980.

<sup>148</sup> McKay, *Pioneer Florida*, II, 379.

<sup>149</sup> Many of McKay's historical articles from his long-running series were included in a three volume work, *Pioneer Florida*, published in 1959. A chapter on Magbee entitled "A Self-Made Scalawag," can be found in Volume 2, 376-383. *Tampa Tribune*, February 4, 1951.

<sup>150</sup> Grismer, *Tampa*, 155-156.

<sup>151</sup> Theodore Lesley, "Florida's First Impeachment was Brought Against 'Scalawag' Judge But he Wangled Out of It," *Tampa Tribune*, July 21, 1957; Gary R. Mormino and Anthony P. Pizzo, *Tampa: The Treasure City*, (Tulsa, OK, 1983), 72; Brown, *Florida's Peace River Frontier*, 128-129, 133-135, 140, 147, 162, 191-193, 202-206, 209-210, 293,

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408-409, 422; Gordon, "A Collection of Research Materials on the Life of James T. Magbee," 19-20. Magby [Magbee] Springs, now the site of the Tampa Waterworks Park at the foot of Henderson Ave. and the Hillsborough River was named for the James T. Magbee, family. *Tampa Journal*, January 2, 1890.