

ZEPHANIAH KINGSLEY:
NONCONFORMIST, SLAVE TRADER, PATRIARCH

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INTRODUCTION

In every age there are those men who are looked upon by society as being singularly different in their attitudes, ideas, and convictions. In retrospect, some of these men may be viewed as individuals ahead of their time. And, so it was with Zephaniah Kingsley, a non-conformist, slave trader, and patriarch of East Florida. Kingsley was a typical representative of his age in that he participated in one of the most lucrative business ventures of that time--the slave trade; as well, he was an arch-representative of the middle class in that he was well educated and had traveled widely in Europe, Africa, and the Americas; and lastly, he became a wealthy planter in Spanish Florida. Yet, while conforming to the responsibilities and functions of a member of the middle class, he flaunted all social mores existent at that time by his views on miscegenation, slaves as property, and his attitudes toward the Negro race.

An energetic and often shrewd man, Kingsley gained a reputation throughout East Florida as being a kind and sympathetic master, or patriarch to his slaves and Negroes. He was concerned, even to the end, about their welfare and livelihood. In the following excerpts from his last Will and Testament, written as he noted in sound mind, memory, and understanding, he admonishes his executors:

Should I leave any slaves, I earnest recommend...not to separate the families by selling them individually without their consent, if to be avoided. I do hereby authorize my

executors not to separate the families, but to allow any of my slaves the privilege of purchasing their freedom at one-half the price of their valuation, on consideration of their migrating to Hayti, if they cannot be allowed to stay as free in this Territory...I do also solemnly enjoin my colored and natural children, that seeing the illiberal and inequitable laws of this Territory will not afford to them and to their children that protection and justice, which is due in civilized society to every human being to keep by them a Will, ready made, and legally executed, directing the disposal of their property, after their death until they can remove themselves and properties to some land of liberty and equal rights, where the conditions of society are governed by some law less absurd than that of color...nor do I know in what light the law may consider my acknowledged wife..our marriage was celebrated and solemnized by her native African custom... yet she has always been respected as my wife and as such I acknowledge her, nor do I think that her truth, honor, integrity, moral conduct or good sense will lose in comparison with anyone.¹

Thus, Kingsley was concerned about the welfare of slaves and black people in an era when they were only considered as chattels and property, and unlike many many other white men, he openly acknowledged marriage to a black woman and recognized a black family. Kingsley was truly a man of foresight and ability who could see things that other men failed to see, or refused to see. He saw that truth, equality, and liberty are essential to the well being of all individuals. In this vein, he was a man ahead of his time and perhaps his convictions will remain timeless.

¹Zephaniah Kingsley, Will, July 20, 1843.

CHAPTER I

THE MAN, HIS IDEAS, AND ACTIVITIES

FROM SCOTLAND TO FLORIDA

The Kingsley family traces its genealogical roots back to England and Scotland. Zephaniah the younger's mother was the former Isabella Johnstone, daughter of Lady Catherine Melville Johnstone and Sir Melville Johnstone, Marquis of Arundel. His father, Zephaniah the elder, was a successful English merchant. The two were married in London on September 29, 1763 at Bow Church in Cheapside.¹ Out of their marriage was born eight children, the first six of whom were born in England and Scotland; the other two were born in the United States. Zephaniah, Jr. was born on December 4, 1765 in Scotland. He was the second child and the oldest son.

For the first ten years of their marriage, the senior Kingsleys and their family lived in England and Scotland. However, in 1772, the family moved to Charleston, South Carolina. According to one source, several factors were instrumental in beckoning the Kingsleys to Charleston. One factor was that the city was one of the best ports in the colonies, and an ideal place for a merchant to make a fortune. Charleston was also a stronghold for Englishmen with ties in the mother country. It has

¹Dena Snodgrass, "Fort George Island," Jacksonville Historical Society Papers, V (1969), 82.

been related that the Kingsleys had friends and relatives there.¹ In a short while, Zephaniah, Sr. became a successful merchant and respected citizen in the community.

Charleston remained, during Kingsley's early residence there, a Loyalist stronghold. The Loyalists, for the most part, depended upon England to supply them with certain luxury items, as well as certain necessities. Zephaniah Kingsley, Sr., upon arrival in Charleston remained a Loyalist, as he had prospered as a merchant in Britain. However, with the dawn of the Revolutionary War, many men who remained true to the crown, as Zephaniah Kingsley, Sr. did, were banished from the colony. His property was confiscated because "he was one of the petitioners to the British Commandant of Charles Town to be armed as loyal militia."²

When Zephaniah, Jr. went to Charleston with his family in 1773, he was a young boy of six years. It can be surmised that he received his early educational training in Charleston. Zephaniah's sister, Isabella, was born in Charleston in 1774, and another sister, Martha, was born in 1775 while the family was staying for a short while in New Jersey. Both of these sisters received their education in England and returned afterwards to Charleston.

The youngest Kingsley girls both married successful men. In Charleston, Isabella Kingsley married George Gibbs and they lived first in North Carolina and later in New York. After Florida became a United

¹Ibid., p. 83.

²Philip S. May, "Zephaniah Kingsley, Nonconformist (1765-1853)," Florida Historical Quarterly, XXIII (July, 1944), 147.

States territory, they moved to St. Augustine where George Gibbs served as clerk of the Court for several years. The youngest daughter, Martha, married a Scotsman, Dr. James McNeil and they lived in North Carolina and later in New York. Their daughter was Anna Matilda McNeil who married Major George Whistler and it was she who became the subject of her son's famous painting, renowned as "Whistler's Mother".¹

After Zephaniah Kingsley, Sr. was banished from Charleston, he had to seek a place of refuge. Florida, a British colony at that time, was a place of refuge. However, the senior Kingsleys, according to recently revealed evidence, moved to Canada.

During the interval in which the Kingsleys resided in Charleston, Zephaniah, Jr. presumably began to embark upon his world travels. From his writings, one learns that he traveled extensively in the countries of Africa, the West Indies, and North and South America. His writings also indicate that he traveled by ship, perhaps owning several schooners. In the course of these nautical voyages, somehow, he became engaged in the lucrative slave trade. In addition to the slave trade "he engaged extensively in shipping to facilitate the importation of human stock..."²

In 1803, at the age of thirty-eight years, Zephaniah Kingsley, Jr. decided to move to East Florida which, at this time, was Spanish territory, as it had been since 1783. At this period, "Spain was offering large inducements to colonists with slaves and money."³ Thus, after his extensive travels, his preoccupation with the slave trade, and successful

¹Snodgrass, "Fort George Island," 83-84.

²May, "Zephaniah Kingsley, Nonconformist," 150.

³Ibid., 145.

commercial ventures, Zephaniah Kingsley, Jr. well fitted into this category. Moreover, after Florida became a Spanish colony again "there was a nearly complete exodus of the few English colonists and the many Tories who had fled there from the revolted colonies and made East Florida more populous and prosperous than it ever was as a Spanish colony."¹

It was learned from the English occupation that the soil was rich and productive, therefore the Spanish introduced a liberal colonization policy to induce settlers to colonize in Florida. Consequently, it may be surmised that Kingsley's real motive for coming to Florida was Spain's generosity with Florida land and the hope that Florida would remain a Spanish colony.

During Spain's second occupation of Florida, she adopted the former English policy of land grants. Under the provisions of the Royal Order of 1786, Spain permitted British subjects to remain in Florida and retain their lands, only if they took the oath of allegiance. Having failed to attract Irish Catholics by these provisions, the King, by the Royal Order of 1790, invited aliens to Florida, regardless of their religious affiliations under a grant system known as "head rights". Under this system, immigrants who would take the oath of allegiance and could furnish transportation for themselves, their families and goods, and who could be self-supporting until they were established would be invited to come to Florida and receive free land. Settlers were promised

¹Ibid., 146.

freedom of religion, although only Catholicism was to be practiced in public. The head of the family was offered 100 acres of land with 50 acres for each white or colored person in the family. Additional grants up to 100 acres could be obtained if there was probability of the land being cultivated. A probation period was required, whereas the settler could not alienate the land without consent of the government and the cultivator had to continuously cultivate it for ten years. When the tenure was approved by the testimony of witnesses under oath, a title of absolute authority would be issued.¹ The system as it existed in 1790, underwent much abuse because Spanish subjects, instead of aliens, claimed head rights and accepted the long tenure because of the generous allotments offered. As a result by 1803, Governor White issued a new policy whereby

only 50 acres were to be allotted to heads of families and none for children under eight years of age; for children and slaves between eight and sixteen years, 15 acres were allowed; 25 acres for those who were sixteen and over; To those who sold or conveyed their lands before they had acquired title, other grants were denied and all conveyances were illegal unless sanctioned by the government.²

Although certain restrictions were imposed, by the time that Kingsley moved to Florida the land policy system was liberal. At this period there were basically seven steps in acquiring land under Spanish authority:

- 1) A memorial or petition to the government setting forth the claimant's right to a service grant or

¹Historical Records Survey, Spanish Land Grants, Vol. IV: Confirmed Claims, trans. by E. V. Gage (Tallahassee, Florida: State Library Board, 1940), pp. xx-xxi.

²Ibid., pp. xxi-xxii.

to head rights, or a proposal to render service to the province by erecting a saw mill or establishing a cow pen, and usually specifying the tract desired.

- 2) A review of the petition by the governor's office, if favorable, it was referred to the commandant of engineers to ascertain whether there were any objections from the standpoint of defense. The commandant frequently stipulated that the grantee should have no claim for damages if ordered to retire to the interior or if his buildings should be burned in case of military necessity. Particularly was this so if the grant lay within mil y quinientas --the land within a radius of 1,500 varas from the flagstaff, outside the walls of fortified towns such as St. Augustine and Fernandina, which the King had placed at the disposal of the commandant for purposes of defense. The grant in mil y quinientas was usually an acre...He forbade the digging of ditches and the building or picket fences, only rail fences being allowed.
- 3) A grant made by the governor, usually noted on the margin of the petition, giving the authority under which the concession was made and stating the conditions of settlement, cultivation, the bringing in of a certain number of slaves, etc., together with instructions to the surveyor-general. The grant, however, did not mean, as in the United States, a perfect title, but an incipient right which required confirmation by the governor at a later date. The petition was filed in the office of the escribano.
- 4) Verification of the petitioner's statements by the governor's office or by the surveyor-general through the examination of witnesses. If the grant was for head rights, the number in the family, white or black, was ascertained, regarding the petitioner made oath. The surveyor-general also ascertained whether there was a prior claim to the land in question. Having satisfied himself on these points he made the survey, entered it on his records, and issued a certificate. The petitioner was now at liberty to take possession and begin the fulfillment of conditions.
- 5) A memorial by grantee for absolute title.
- 6) Decree of the governor for taking testimony to prove whether conditions have been fulfilled.

- 7) Decree of the governor for absolute title after which the owner could dispose of the land in any way he saw fit.¹

Upon arrival in Florida, Kingsley set up residence in St. Augustine. After staying there for a short while, he decided to purchase land elsewhere. The first property that Kingsley acquired in Florida was at Laurel Grove, which was situated on a high bluff to the south of the present day site of Orange Park in East Florida. He purchased the land, which was later to become a profitable plantation from Rebecca Pengree, widow of John Pengree, who had obtained the grant under head rights from Governor Estrada of the Spanish Government. In 1803, Rebecca sought a permit to sell seventy-eight caballerias (measurement in Spanish equivalent to 1,104 varas long by 552 varas wide, or 609,408 square varas) and one-third granted to her late husband William Pengree. This was the equivalent of 2,600 acres. The land sale included

1753	Laurel Grove
626	Laurel Spring
100	Cook Plantation
<u>121</u>	Good Fortune
2600	acres

Thereby with the approval of the Spanish authorities, Rebecca Pengree, on November 26, 1803 sold the above mentioned tracts of land to Zephaniah for \$5,300.²

Kingsley brought with him to Laurel Grove about fifty African Negroes, approximately equally divided by sex. Many of these slaves were brought from the African coast.³ This was to mark the beginning of his

¹Ibid., pp. xxx-xxxii.

²Ibid., pp. 8-11.

³Carita Doggett Corse, The Key to the Golden Isles (Chapel Hill: University of North Carolina Press, 1931), p. 124.

great agricultural and economic venture in East Florida. Kingsley conducted a profitable trade with the Indians a while; they maintained good relations with each other until about 1812, when, through a misunderstanding, the plantation was raided and the houses were burned.¹

As a citizen of East Florida under Spanish rule, Kingsley prospered. During the period before and after 1810, he was recognized as one of the wealthiest plantation owners in Florida. Wealthy planters at this time frequently owned plantations overlooking rivers and lagoons.²

One occurrence that was to have a profound effect on his life as well as other wealthy planters of East Florida was the so-called Patriot Rebellion, or Patriot War. The rebellion lasted from about 1810 to 1814. The objective of the Patriots was to annex Northeast Florida to Georgia.³ It is known that

Spain imported many Negro troops from Santo Domingo to fight the Patriots, and the sight of armed Negroes alarmed the planters, who feared an insurrection among their slaves....⁴

In this tense atmosphere, Kingsley reluctantly, and only by force joined the Patriots as he had prospered under the Spanish system of government. A detachment of Patriots was sent to Laurel Grove to apprehend Kingsley. After Kingsley was brought to the headquarters, "he was offered his

¹Dena Snodgrass, "A Man of Ability and Foresight," Florida Times Union, December 27, 1964.

²Rembert W. Patrick, Florida Fiasco: Rampant Rebellion on the Georgia-Florida Border, 1810-1815 (Athens, Georgia: University of Georgia Press, 1954), p. 48.

³Florida Park Board, Kingsley Plantation House (Fort George Island, Florida: Florida Park Board, 1967), p. 1.

⁴Corse, Key to the Golden Isles, pp. 116-118.

liberty and protection on condition of joining the Patriots, and was threatened in case of noncompliance with imprisonment, and confiscation of his goods."¹ As might be expected, he joined the group and remained loyal to them until the end of the rebellion.

The Patriot Rebellion lasted for four years giving clear indication of the vehemence with which Spanish rule was opposed. The years were characterized by pillaging and marauding by the Indians, and settlers from across the border taking over lands without applying for grants. Among the foremost leaders of the Patriots were John Houston McIntosh and John McQueen. However, relief from the stalemate came when a new governor, Coppinger "offered a proposal to the Patriots to return to Spanish rule. Kingsley and two other planters presented the demands of the Patriots, which stipulated that the region between the St. Marys and the St. Johns should have representative local government."² Although this was an unprecedented proposal in a Spanish province, Coppinger granted the demand in 1816, and Fort George Island became the first province in Spanish territory to have such a government.

Burned out of his Laurel Grove plantation by marauding Indians around 1812 or 1813, Zephaniah Kingsley was in search of a new tract of land for his planter empire. The setting of his new residence and home was to be the historic little island on the north side of the St. Johns River--Fort George Island. The island's history dates back to about the sixteenth century, and was originally named Alimacani. Its name was taken

¹ John Lee Williams, The Territory of Florida (Gainesville, Florida: University of Florida Press, 1962), p. 196.

² Corse, Key to the Golden Isles, p. 114.

from a Timucuan chieftan who ruled a tribe which possibly greeted Ribault when he landed at the mouth of the St. Johns River (River Mai) on May 1, 1562.¹ The Spaniards later called the island San Juan and sometimes San Wan's. In the seventeenth century, the Spaniards built a mission on the island. In 1738, General James Oglethorpe, the colonizer, gave Fort George its present name.

During the days of the British occupation of Florida (1763-1783), the island had its first plantation. J. Tucker was given the island under a grant and successfully grew indigo and rice for which the British crown paid generous bounties.² After Tucker's ownership, Fort George Island was to be occupied and owned by three Scotsmen.

The first of the owners was John McQueen, a native of Philadelphia, Pennsylvania, who was born in 1751. McQueen grew up in Charleston, South Carolina and received his education in England. He was associated with George Washington, Thomas Jefferson, and Marquis de Lafayette during the American Revolution. McQueen invested in lumber mills after the war, but became heavily indebted because he continued to borrow money and buy more land and could not keep up with the profits. Eventually, to escape his creditors he fled to Spanish Florida. Around 1791, McQueen received Fort George Island as a gift from the Spanish crown in return "for some privateering work he had done against English privateers."³ He is credited with building the tabby brick house on the island, which is recognized as

¹Snodgrass, "Fort George Island," 74.

²Florida Park Board, Kingsley Plantation House, p. 1.

³Cynthia Parks, "An Island...A Plantation," Florida Times Union-Journal, November 10, 1968.

the oldest house in Duval County today. After several crop failures resulting from bad weather, McQueen sold Fort George and another plantation to John Houston McIntosh, another Scotsman, on March 13, 1804 for \$28,000.

The new owner was a distinguished gentleman from Camden County, Georgia. In Florida, as well as in Georgia, he helped to develop and cultivate sea island (long staple) cotton and he experimented with improved methods of sugar making. On his plantation, in addition to raising cotton and sugar cane, he raised extensive food crops, including rice for his employees and servants.

During the Patriot Rebellion (1811-1814), McIntosh assumed a position of leadership. The house on the plantation grounds for a while served as the White House of the Republic of East Florida. For the part he played in the Patriot Rebellion, McIntosh was expelled from Florida by the Spanish governor and eventually returned to Georgia.¹ Due to the precarious situation that he found himself in, McIntosh was perhaps eager to evacuate Fort George Island. Kingsley, a fellow Scotsman and neighbor, had rented the plantation on Fort George Island from McIntosh since 1813 and finally purchased the property in 1817. Accordingly, George J. F. Clarke, as attorney for McIntosh, sold to Kingsley 720 acres, "which is all of Fort George Island, surrounded by the marshes of San Juan, of the creek of Barra Chica and some others, which the government granted to John McQueen, who sold to Juan Houston McIntosh...." for \$7,000.²

¹Snodgrass, "Fort George Island," 81-82.

²Historical Records Survey, Spanish Land Grants, IV, 22-25.

Having taken possession of Fort George Island, between 1813 and 1817, Kingsley built the large plantation house on the island, which he named the "Homestead." The house was the only one on the plantation besides the one that John McQueen had built. It was a plain frame house with a lookout on top where "he could see a new shipment of slaves coming along the course of the Inland Waterway, or scrutinize a suspicious stranger lurking off the coast...or Indians prowling nearby, and his slaves working in the fields could be detected...." It has been stated that Kingsley always kept someone stationed at the lookout. Two small prisons with barred windows opening on a hall between were built beneath the lookout. The doors were heavily studded with nails and an oak post stood in the center of each prison.¹

Kingsley's slaves were housed in little shell houses that formed a semi-circle. When Kingsley took over ownership of the plantation, these slave houses were given new roofs and chimneys. Two larger shell houses on the river side of the island served as storehouses. Kingsley did not have a safety deposit vault in his house, instead he had a private compartment walled up under his living room, with a stairway leading down from a secret entrance through the floor so that any valuable articles brought in on his ships might be safe there. Moreover, in case of Indian or pirate raids, whatever money, silver, and jewels that he had could be quickly hidden.²

The plantation house today retains many of the basic features that

¹Corse, Key to the Golden Isles, pp. 116-118.

²Ibid., p. 118.

it did during Kingsley's occupancy there (1817-1843). On the first floor, there was a warming kitchen, where food was brought from the basement. The warming kitchen's furnishings, as much of the house's other furnishings, were plantation-made and of pine wood. During his day, there was a sun porch, which was later remodeled into a parlor by a subsequent occupant of the house. On the first floor there was a ladies bedroom said to have been used by Kingsley's sister, Martha McNeil, when she visited Fort George Island, while the dining room had a fireplace and broad boarded floor and was covered with oriental rugs. These furnishings perhaps imply that it was the heart of the house. In the dining room as well was a "shoo-fly" hanging overhead which served as a convenience in the days prior to window screens. A servant manned the rope-pull and fanned the flies.

Originally, the upstairs of the Kingsley house was one large room which could only be reached by an outside stairway. In this large room the master of the house had his bedroom with a fireplace and windows. This large room also housed his office¹ where it is believed that he spent much time conducting his business affairs.

SLAVERY AND THE SLAVE TRADE

The trafficking in human commodities became one of the chief sources of Zephaniah Kingsley's wealth after his initial trip to Africa. In this endeavor, Kingsley, meticulously exercised the greatest discrimination in

¹Florida Park Board, Kingsley Plantation House, p. 2.

the selection, care, handling, and training of the cargo of slaves that he received from Africa. After he settled in East Florida, and later at Fort George, he remained actively engaged in the slave trade. To this end, he owned several schooners, or ships, one of the most notable being the North Carolina, which transported chattels back and forth from the African continent to North America. Kingsley's distinction in this trade was that he was not an operator in the slave trade itself, rather he was a owner of slave ships which transported the chattels.

Kingsley formed partnerships in his slaving activities. One of his partners was a man named Reuter who operated a slave station on the Congo River.¹ Another source of slaves for Kingsley was an African king and an English lord, who because of their shrewdness and brazen tactics have been characterized as a "treacherous slaving team". These two formed a partnership, as brothers-in-law, to make one of the most treacherous roundup teams on the Gold Coast. The African King was Gezo, who ruled Dahomey, a country in south coastal Africa, for forty years (1815-1855). The Englishman was Lord George Russell, an adventurer and officer in the British Navy. Lord Russell became attracted to King Gezo's sister, and after he was wounded at the Battle of Trafalgar, he retired from the service. Immediately he outfitted a yacht and sailed to Africa in quest of gold and adventure. In Dahomey, he found both. He married King Gezo's sister and became a prince. Together they plotted to get black gold. It is said that King Gezo had battalions of Amazons who raided the border tribes and rounded up the most handsome young men and women to sell

¹Corse, Key to the Golden Isles, p. 119.

into slavery in Cuba and Fort George Island. Lord Russell made frequent trips to the mouth of the St. Johns River to unload the slaves. Florida was used as the base of operations because it was unlawful from 1807 afterwards to import slaves to Georgia and South Carolina. However, as long as cotton remained king, Russell and Gezo had a lucrative market. Aside from that, the waterway was navigable in small boats all the way to Charleston. Russell received good pay for the slaves he delivered because they were of good stock and were treated well on the voyage.¹

Although many of the slaves were smuggled in because of the United States' laws prohibiting the importation of slaves, Kingsley had an ample supply constantly coming to Fort George Island, and the demand was possibly as great as the supply. The demand for Kingsley's slaves was probably so great because he exercised such great care in handling and training them. Pleasant Gold, author of the History of Duval County, Florida explains that after the ships delivered the slaves they

were kept on Fort George Island until they were trained and classified as to their ability and qualifications. After being classified the slave was sent to a particular plantation where he was taught to speak the English language, and trained to some manual labor....Kingsley writes that he himself could speak several of the African dialects. If the slave displayed intelligence and skill he became an artisan or a house servant, or, if of a lower degree of mentality, a farm hand or common laborer. When sufficiently trained he was sold in the Carolinas and Georgia, where it was said that the name "Kingsley nigger" was regarded as the stamp of value in slave trading. It is claimed that a slave which cost him from \$25 to \$50 to import brought from \$1,000 to \$1,500 after "graduation from Kingsley's school."²

¹ Dena Snodgrass, "A Man of Ability and Foresight," Florida Times Union, December 27, 1964.

²Pleasant Daniel Gold, History of Duval County, Florida (St. Augustine, Florida: The Record Company, 1928), pp. 73-74.

It seems evident that Kingsley's training school became widely known in the south, while he became well-known for his expert training and perhaps, humanitarian concern and care of Negro slaves. The phrase "Kingsley nigger" became a password, denoting a prized human commodity, for he "...offered the public slaves which were strong in mind, wind and limb."¹ This made it possible for him to ask a higher price for his slaves. As a result, his profits increased, and increased even more so when the trade involved smuggling the chattels across the border to planters who were indifferent as to the legality of their entrance into the United States.

The illegal slave trade persisted, even though the United States government had passed laws prohibiting it. Therefore, by 1817 the price of slaves was very high, as there were great risks involved in the profession. By 1817, "a regular chain of posts were established from the head of the St. Marys River to the upper country and through the Indian Nation." Nevertheless, the trade persisted with increased activity. "As a direct result of the Amelia Island activities, Congress passed in 1818 an act increasing the reward to informers on slave smugglers, and in 1820 the trade was made piracy, while the waters of the coast were policed to stop suspicious looking ships."²

One might think that when Florida became a United States territory in 1821 that the slave trade would have come to a halt, for now there was no refuge across the border. Yet, slave traders continued to reap profits from this illegal traffic.

¹May, "Zephaniah Kingsley, Nonconformist," 150.

²Corse, Key to the Golden Isles, pp. 121-123.

Zephaniah Kingsley, wealthy planter of East Florida was actively engaged in slave trading and slave training, yet he was concerned about the physical and emotional well-being of the slaves. At first glance, one might surmise that because of his actions he was a paragon of contradictions. His supposed contradictory nature might appear even more evident if one makes a cursory examination of his defense of slavery entitled, A Treatise on the Patriarchal, or Cooperative System of Society as it exists in Some Governments, and colonies in America, and in the United States, under the name Slavery, with Its Necessity and Advantages. However, if one examines the treatise more closely, one notices that Kingsley does not view slavery as a necessary evil, nor a barbarous state of existence for some men, particularly Negroes; but a necessary state of existence that some men find themselves in by conditions of birth, or life better suited to than others. When he speaks of slavery, he suggests a rare type of bondage that was almost non-existent in America at that time. Kingsley suggests a rather happy state of bondage in which the slaves would all have good and kind masters who would care for their welfare and needs. In return the masters would look to the slaves for increased productivity on their plantations, thus ensuring the planters wealth and livelihood. From the ideas expressed in the Treatise, one learns that Kingsley was concerned with many things: the prosperity of the Southern states, the equality and justice due free Negroes and mulattoes, and the unjust treatment received by bondsmen.

As a successful planter, Kingsley realized that agriculture was the foundation of the wealth and prosperity of the Southern states. He subscribed to the contemporary pro-slavery belief that to maintain this

wealth and prosperity, the kind of labor that they were using to produce the wealth must be perpetuated to continue in their tasks. He believed that slave labor was best suited to these agricultural tasks, which in the final analysis would aid the southern capitalist. Kingsley further believed that:

The idea of slavery when associated with cruelty and injustice, is revolting to every philanthropic mind; but when that idea is associated with justice, and benevolence, slavery, commonly, so called, easily amalgamates with the ordinary conditions of life.... Slavery is a necessary state of control from which no condition of society can be completely free. The term is applicable to and fits all grades and conditions in almost every point of view, whether moral, physical, or political.¹

Granted that all men are not perfectly free from some condition of servitude, Zephaniah Kingsley contended that some men were better suited to this condition than others. From his observances, he believed that most white men were unsuitable to perform hard labor. Kingsley's explanation was that nature had not fitted a white complexion for hard work in the sun, and he saw it as evidence that darkness of complexion was a measure of capacity for endurance of labor.²

In defense of slavery, Kingsley lashed out at Northerners for their hypocrisy regarding the slave system. He asserted that Northerners, living in their own state of affluence, did not stop to realize that much of their wealth and prosperity was derived directly from Southern slave labor,

¹ Zephaniah Kingsley, A Treatise on the Patriarchal, or Cooperative System of Society as it exists in Some Governments and Colonies in America, and in the United States, under the name of Slavery, With Its Necessity and Advantages (2nd ed.; By an Inhabitant of Florida, 1829), pp. 4, 11.

² Ibid., p. 5.

and yet they denounced the slave system as one of the most miserable states of human existence. Kingsley argued that, in one way or another, each person is dependent on another. His solution to the problem was a kind master. According to his reasoning the

Negro under the management of a just, conscientious and human master; who provides for the physical wants of his servants, his wife and children, in health sickness and old age, for no other consideration than the equitable one of competent labor, when in health will surely enjoy a happier and more enviable state of existence than the white man....¹

Kingsley's basic premise, throughout his treatise in defense of slavery, that certain classes of Negroes, in this instance chattels, if governed properly, would enjoy a good and productive life. He reasoned that "...under a just and prudent system of management, negroes are safe, permanent, productive and growing property, and easily governed;" while at the same time they are not naturally desirous of change but are sober, discreet, honest and obliging, and less troublesome, and possess a much better moral character than the ordinary class of corrupted whites of similar condition. As was true of certain other Southern owners, Kingsley could unctuously express feelings of affection for his slaves:

A patriarchal feeling of affection is due every slave from his owner, who should consider the slave a member of his own family, of which his slave constitutes a part, according to his scale of condition. This affection creates confidence which becomes reciprocal.²

The United States government, even after the passage of acts prohibiting the slave trade, maintained an attitude of complacency. One

¹Ibid., p. 8.

²Ibid., p. 16.

notable incident which involved Kingsley illustrates their indifference.

Off the coast of Florida

The United States government had captured a shipload of three hundred and fifty slaves that Kingsley was seeking to land. The Coast Guard officer turned the Africans over to the only man who was capable of caring for them - Zephaniah Kingsley. Kingsley immediately put them to work deepening and widening another channel for approach to Fort George Island which was his principal training school for slaves.¹

Slaving and the slave trade continued in Florida up to the time of the Civil War. The slavery system had become institutionalized in Florida before Kingsley's time, for Negro slavery in Florida had a long history. During the first Spanish expeditions to Florida in the sixteenth century, it has been reported that the Spaniards brought Negroes with them. Indian, as well as African slave labor was used in the construction of forts at St. Augustine. However, the Florida Indians, on the whole, were rebellious and warlike and did not tend to make good slaves. The Spaniards soon learned that Negro slaves served as the best source for a labor force. Yet, the Spaniards did not make any notable plantation developments during their first occupation.²

Negro slavery in Florida saw its first large scale development with the British occupation of 1763-1783. During this period innumerable slaves were brought into Florida. With this influx of slaves in greater numbers after 1763, plantations all along the St. Johns River began to spring up. The inhabitants of British Florida very soon found out that

¹May, "Zephaniah Kingsley, Nonconformist," 151.

²Edwin L. Williams, Jr., "Negro Slavery in Florida," Florida Historical Quarterly, XXVIII (October, 1949), 93-94.

Negro labor was especially adaptable to large scale agriculture. In a little over a decade, British plantations and forest industries in Florida were exporting their products in considerable quantities. Among these products were indigo, rice, orange juice, deerskin, raw hides, tanned leather, honey sugar molasses, etc. Eventually sugar, rice, naval stores and timber were listed among the major exports. Thus, it should be noted at this point that a great deal of these exports would not have been possible without slave labor.¹

When the Spaniards returned to Florida for their second occupation in 1783, East Florida's population was nearly depleted of white inhabitants except around the garrison towns (e.g., St. Augustine and Fernandina). However, when Spain offered a liberal colonization policy, the plantation system and Negro slavery was revived again. The increase was so rapid that by 1804 East Florida had 4,445 inhabitants, of whom approximately 2,300 were slaves.² Florida, under Spanish authority became a mecca for settlers to establish plantations, as well as a base of operations for slave smugglers. Kingsley, as one of East Florida's leading planters and citizens as has been indicated, participated in the trade on a large scale. However, as Edwin Williams aptly points out, despite the activities of Kingsley and others

the plantation system and the accompanying institutions of slavery was not destined to flourish as long as Spain held Florida. The economic development of the province was retarded by the weakness and unprogressive nature of the

¹Ibid., 94-96.

²Ibid., 96-97.

Spanish colonial administration, by internal troubles and foreign invasions in both East and West Florida, and by the fact that the Indians actually controlled the country.¹

¹Ibid., 99.

CHAPTER II

KINGSLEY'S IDEAS PUT INTO PRACTICE

NONCONFORMIST AND RADICAL

Kingsley was considered a nonconformist and radical by the majority of his peers because of his unconventional attitudes and the manner in which he led his personal life. He did not attempt to justify his way of life, instead he openly acknowledged his advocacy of race mixing and its advantages. To this end, he was married to an African princess and they had several offsprings. In one of his published writings, he set forth his basic philosophy:

The intermediate grades of color are not only healthy, but when condition is favorable, they are improved in shape, strength and beauty, and susceptible of every amelioration. Daily experience shows that there is no natural antipathy between the castes on account of color; and it only requires to repeal laws as impolitic as they are unjust and unnatural; which confound beauty, merit and condition in one state of infamy and degradation on account of complexion, and to leave nature to find out a safe and wholesome remedy for evils which, of all others are now the most deplorable, because they are morally irreconcilable to the moral principles of happiness and self preservation.¹

Kingsley not only wrote and believed these words, but he put his ideas and beliefs into practice.

Ann Madgigene Jai was Kingsley's acknowledged wife. While he was

¹ Zephaniah Kingsley, Treatise, p. 15.

traveling in Africa, he met and married her. Anna Jai was the daughter of an African chief, and was thus a princess. As Kingsley acknowledged later, they were married "in a foreign land where our marriage was celebrated and solemnized by her native African custom although never celebrated according to the forms of Christian usage."¹

It is doubtful whether any contemporary historians know of Anna Jai's birthplace. In Kingsley's writing, he never makes specific references to her homeland. It has been suggested that Anna Jai may have come from Zanzibar or the island of Madagascar. It is the opinion of Carita Corse, author of The Key to the Golden Isles that "Anna came from Madagascar because many of the natives had the locality from which they came included in their names, and Madgigene may have been an adjectival form of Madagascar. Moreover, "Jai" is the family name of a race of East Indian rulers, and Indian influence is still very pronounced in the language, appearance and customs of Madagascar."² Miss Corse describes Anna Jai as a very unusual "native"--tall, dignified, with well formed features, and a commanding presence." Anna Jai must have been a great beauty, for, in addition May points that "from contemporary verbal descriptions of her physical characteristics it is evident that she was not pure negroid, but probably of Arabian descent."³ According to another contemporary verbal account, Anna Jai was well-educated, possibly receiving a European education.⁴ The validity of this information, which may be

¹Zephaniah Kingsley, Will, July 20, 1843.

²Corse, Key to the Golden Isles, p. 115.

³May, "Zephaniah Kingsley, Nonconformist," 154.

⁴Kingsley Plantation House, Fort George Island, Florida, discussion with Florida Park Board guide, June, 1970.

hearsay, is not known. However, it is known that Kingsley had great respect for her ability.

Anna Jai came to Florida with her husband in 1803. As the wife of the plantation owner and master, Anna Jai had many slaves of her own. Despite this fact, it has been said that "she insisted upon the oriental custom of waiting upon her husband's guests because among Eastern women this has always been considered the privilege of a wife."¹ In addition, as Kingsley's wife she always maintained a position at the head of the table directly in front of him. Anna Jai was a very capable person as a wife, a mother, and as an administrator and disciplinarian. Her husband reportedly left the management of the plantation in her hands while he was away. Further than that, "much of his success with the slaves was due to Anna, for the 'bonzal,' or new Negroes just from Africa, acknowledged her authority in his absence and learned the tasks more readily under her."²

Kingsley readily acknowledged his marriage to Anna Jai and they had several children by their marriage. Yet, because she was of African descent, the laws of the territory prevented Zephaniah and Anna from cohabiting under the same roof. Therefore, at Fort George Island, the mother and her children occupied the smaller adjoining tabby house that John McQueen had built and which at one time served as the White House of East Florida. Kingsley lived in the larger frame house which he called the Homestead.

¹Corse, Key to the Golden Isles, p. 116.

²Ibid.

The manner in which Anna Jai was accepted by Kingsley's associates is questionable. However, in all probability she was not accepted as a social equal because of her color. It is the opinion of one historian that because of the conservative locality in which Kingsley live, that "he was accepted and received socially, just as many other men who lived with women of color, but his family was regarded as beyond the pale."¹

In addition to Anna Jai, Kingsley had other wives who might be designated as lesser wives. Nonetheless, he acknowledged them as the mothers of his children and allowed the women to bear his name. It is assumed that Anna Jai was his chief wife and the only acknowledged wife. His lesser wives were installed on some of his other plantations. Among them were: Flora H. Kingsley of Camp New Hope, Sarah M. Kingsley who had a son, and Musilna McGundo who had a daughter.²

KINGSLEY'S PROGENY

Kingsley was a distinctly different man in that he advocated miscegenation not only in theory, but in practice. However, "he differed from the ordinary planter who was guilty of these practices, in that he acknowledged all of his children, had concern for their education and provided for them in his will."³ Kingsley was deeply concerned about the welfare of his children, as he only too well knew that the laws of the territory were equally as unjust to free Negroes and mulattoes, as they were to slaves. Therefore, he tried to ameliorate the problem by providing

¹Ibid., p. 119.

²May, "Zephaniah Kingsley, Nonconformist," 155.

³Corse, Key to the Golden Isles, p. 118.

his children with a good home, good educations, and he encouraged them to intermarry with the white race.

Several offspring were borne out of the marriage Kingsley and Anna Jai. George Kingsley, one of their offspring, was one of Kingsley's favorite sons. From his writings and letters, it can be assumed that George, too, was well educated. George, complying with his father's wishes, intermarried. It has been claimed that Kingsley obtained George's wife for him. In any event, George married a French woman, Anatoile Francoise Vaustravers on May 5, 1831. According to the Duval County Marriage Records, the license was issued the day before by Justice of the Peace Sam Kingsley, and recorded and filed on May 31, 1849.¹ Moreover, it is interesting to note that such marriages between Negroes and white persons were illegal at that time. According to an Act passed by the Legislative Council of the Territory of Florida in November, 1818

It shall not be lawful for any white male person residing in this Territory to intermarry with any negro, mulatto, or quarteroon or other coloured female, and it shall in like manner be unlawful for any white female person to intermarry with any negro, mulatto, or quarteroon, or other coloured male person. (Sect. 1)...all and every marriage formed, made, or solemnized in contravention of the provisions of the foregoing section, shall be taken and held as utterly void and null and the issue, if any, of such surreptitious marriage, shall be regarded as a bastard, or bastards, and incapable of receiving any estate, real, personal, or mixed by inheritance. (Sect. 2) ...All clerks of courts within this Territory, are expressly prohibited from knowingly issuing licenses to any person to intermarry...(Sect. 3)...Any Minister of the Gospel, justice of the peace, or judge of any court in this Territory who shall knowingly perform the ceremony of marriage...shall in alike manner forfeit and pay the penal sum of one thousand dollars....²

¹Duval County Marriage Records, Volume I, Book 01, 1823-1869.

²John P. Duval, Compilation of the Public Acts of the Legislative Council of the Territory of Florida, Passed Prior to 1840, (Tallahassee, Florida: Samuel S. Sibley, 1839), pp. 88-89.

A further note of interest was that when the marriage license was recorded, there was no designation of (C) for colored, as was listed on licenses when Negroes made application for marriage licenses. From all available evidence, the marriage was unopposed, for George Kingsley and his wife, Anatoile, lived in Duval County until around 1835. Two reasons could possibly account for the marriage being unopposed, 1) the influence of Zephaniah Kingsley, or 2) the indiscernible appearance of George Kingsley as a Negro. Four children were born out of the marriage of George Kingsley and his wife Anatoile.

Caring for his daughters was as great a concern for Kingsley as caring for his sons. It has been said that his daughters received good European educations. Kingsley encouraged his daughters to marry wealthy white men from the East. And it has been related that upon marriage he bestowed rich dowries on his daughters. One daughter of Anna Jai and Zephaniah Kingsley was Martha B. Baxter, who was the chief beneficiary in her mother's will.¹ Martha married Oran Baxter, a white man from Cold Springs, New York and they spent the remainder of their lives in Jacksonville.² From their marriage they had four children--three girls and one boy.³ Oran Baxter predeceased his wife, for he died in 1847, and she not until 1870. Their family burial plot is located in Jacksonville.

Another offspring of Zephaniah Kingsley and Anna Jai was Mary K.

¹Record of Proceedings for the Administration of Estate of Anna M. Kingsley, Probate No. 1210, June 18, 1870, County Judge's Court, Duval County, Florida.

²Lucy Ames Edwards, Grave Markers of Duval County, Florida, 1808-1916 (Jacksonville, Florida: Jacksonville Chapter, Daughters of the American Revolution, 1955), p. 12.

³Record of Proceedings for the Administration of Estate of Martha B. Baxter, Probate No. 143, May 14, 1870, County Judge's Court, Duval County, Florida.

Sammis. She, too, married a white man, John S. Sammis, and they made their home in Jacksonville. His birthplace is not known, however, it is assumed that he came from the East and subsequently became an influential citizen in Duval County. He served as executor of both the estate of Zephaniah Kingsley for a while¹ and that of George Kingsley.² Two children were born out of the marriage of John and Mary Sammis, both boys.³ John died in 1883 and Mary in 1895.⁴ John Sammis and Oran Baxter, as brothers-in-law share the same burial plot for their families in Jacksonville.

The following excerpt from "An Act to amend the act concerning marriage licenses" passed in 1828 by the Legislative Council of the Territory of Florida indicates that Kingsley's mulatto daughters and their husbands were violating the law:

...All white male persons resident within this Territory, who shall attempt to intermarry, or who shall live in a state of adultery or fornication with any negro, mulatto, quarteroon, or other coloured female, shall be liable to indictment therefor, and on conviction shall be fined in any sum not exceeding one thousand dollars, at the discretion of the jury and shall more over be disqualified from exercising any office or profit or trust in this Territory... Sect. 5).⁵

¹Record of Proceedings for the Administration of Estate of Zephaniah Kingsley. Probate No. 1203, September 25, 1853, County Judge's Court, Duval County, Florida.

²Record of Proceedings for the Administration of Estate of George Kingsley, Probate No. 1205, December 21, 1846, County Judge's Court, Duval County, Florida.

³Record of Proceedings for the Administration of Estate of John S. Sammis. Probate No. 1970, February 26, 1874, County Judge's Court, Duval County, Florida.

⁴Record of Proceedings for Administration of Estate of Mary K. Sammis, Probate No. 2029, April 25, 1895, County Judge's Court, Duval County, Florida.

⁵Duval, Compilation of Public Acts, p. 89.

The Zephaniah Kingsleys had another son, John Maxwell who is referred to in the proceedings of Anna Jai's estate as well as that of Zephaniah Kingsley.¹ However, there is little available evidence on his activities in Duval County, Florida.

One of Kingsley's lesser wives was Sarah M. Kingsley. Sarah Kingsley bore him a son named Micanopy. Following the example as he did with his other children, Zephaniah Kingsley provided for his welfare sufficiently. After Kingsley's death, Kingsley B. Gibbs and Benjamin Putnam were appointed as Micanopy's testamentary guardians.²

The relationship between Munsilna McGundo and Kingsley is questionable. One source relates that she was one of his lesser wives, and another states that she was one of his slaves. Despite the official relationship, Musilna McGundo did have a child by Kingsley. The child was a girl named Fatima. An old tabby house, located on the west side of the road entering the plantation was the home that Kingsley gave Musilna McGundo and her daughter life tenancy in.³

In retrospect, Zephaniah Kingsley did all that he could to ensure the welfare and happiness of his natural children by providing them with good educations, love and understanding.

¹Record of Proceedings for Administration of Estate of Micanopy Kingsley. Probate No. 1206, January 1, 1851, County Judge's Court, Duval County, Florida.

²Florida Park Board, Kingsley Plantation House, p. 1.

³Ibid.

CHAPTER III

ZEPHANIAH KINGSLEY: RESPECTABLE PERSON

LANDOWNER AND PLANTER

The land grant system during Spain's second occupation of Florida (1783-1821) was quite liberal. Its primary objective was to induce settlers; Americans and Englishmen alike, equipped with finances and slaves came to Florida and cultivated the land available for production. As a result, many Englishmen and Scotsmen eagerly migrated to Florida to take advantage of this liberal land grant system. Zephaniah Kingsley, coupled with substantial financial resources, a wife, and slaves was one of the first settlers that came to Spanish Florida. Upon arrival, Kingsley proceeded immediately to purchase as much of the available land that he could. The only surviving records of these early land grants under the Spanish system are the Spanish Land Grants which are brief translations from the archives of the Board of Commissioners, which denote titles and claims to land in the former Spanish province of Florida. However, after Florida became a territory of the United States, the grants were reclassified into Unconfirmed and Confirmed claims. The unconfirmed claims are the records of those claims which after the cession of Florida, the United States authorities invalidated; whereas the confirmed claims are those that the United States authorities found valid.

Prior to 1815, Kingsley was recognized as a large landowner in Duval County. Although not one of the largest landowners, he possessed a considerable share. The first tract of land that he purchased in East Florida was the Laurel Grove plantation in 1803.

Despite his large land holdings in Duval and Nassau counties, many of Kingsley's land claims were found invalid by the United States after their take-over of Florida. The following are some of the claims that Kingsley had to relinquish:

10,880 acres north of the St. Johns River, and north and West of Doctor's Lake...part of a grant of 16,000 acres made by Governor Coppinger, 12/2/1816. Unc. K5

2,560 acres on the West side of Twelve-Mile Swamp ...being a part of Governor Coppinger's grant of 16,000 acres. Unc. K6

2,560 acres between creeks called Boggy Swamp and Clapboard.., a part of the 16,000 acres granted to Zephaniah Kingsley, 12/2/1816. Unc. K7

300 acres on Spanish River, a branch of the St. Marys, and on White Oak Creek...Title is based on a bill of sale to Zephaniah Kingsley from James Martinelli, 5/13/1818 of a service grant from Governor Coppinger. Unc. K8¹

The land titles that Kingsley retained were considerable, and part of his later fortune was derived from the revenue of these lands when they were placed under cultivation. Some of the land that Kingsley retained under the confirmed claims are as follows:

350 acres on the east side of the River St. John ...250 between the lands of John Creighton and Henry Wright, on a peninsula, and 100 acres on Dunn's Lake...a grant of Governor Coppinger, 1/12/1816. Con. K9 (Claim made by Anna M. Kingsley)

¹Historical Records Survey, Spanish Land Grants, Vol. I: Unconfirmed Claims, trans. by E. V. Gage (Tallahassee, Florida: State Library Board, 1940), pp. 192-195.

2,300 acres at Twelve Mile Swamp...a grant by Governor Coppinger based on head rights, 1/18/1816. Con. K11

2,000 acres on Drayton Island (1814). Governor Coppinger grants title, 7/7/1821. Con. K12.

1,000 acres south of St. Marys River, bounded east and south by Little St. Marys River, west by the plantation of Higginbottom, Governor Estrada's royal title of 12/22/1815. Con. K13

565 acres on the east side of St. Johns River, being one-half of 1,135 acres bounded on the north by lands belonging to John M. Sanchez...south by lands of Francis Miles, east by King's Road, west by St. Johns River. Con. K15

500 acres on the south side of St. Marys River...royal title granted by Governor Coppinger as head rights to Burrows Higginbottom, whose widow and heirs sold, 1/30/1822. Con. K16

300 acres at the head of Saw Mill Creek. Governor Coppinger's grant for head rights, 1/18/1816. Con. K17

300 acres on Doctor's Creek on St. Johns River called Fuente del Alamo...Governor White's grant for head rights to William Kane, 8/19/1809, whose heirs sold to Zephaniah Kingsley, 9/1/1809. Con. K18

150 acres on the west side of St. Johns River, opposite the mouth of Dunn's Creek, known as Orange Grove in the Swamp. Governor Coppinger's grant, 12/13/1817, to William Hartley who sold to Zephaniah Kingsley 8/30/1821. Con. K19

100 acres on the southern side of the St. Johns River at a place called St. Johns Bluff...Governor Coppinger's grant of Head rights to Manuel Romero, 3/17/1817, who sold to Zephaniah Kingsley, 3/27/1817. Con. K20

50 acres on St. Johns Bluff on the southern side of said river, bounded on the north by St. Johns River...Royal title Francisco Estacholy. Governor Coppinger's grant of head rights of 3/15/1817; sold 3/27/1817 to Zephaniah Kingsley. Con. K21¹

Most of the land that Kingsley accumulated was used for the cultivation of crops. He was an accomplished planter and agriculturist.

¹ Historical Records Survey, Spanish Land Grants, IV, 6-34.

Philip May points out that "new crops and improved types of old ones were introduced into Florida by him."¹ Kingsley experimented with and raised sea island cotton and citrus fruits--namely oranges. As well, the usual plantation crops of corn, sweet potatoes, sugar cane, vegetables, and rice were grown on his plantations.² John Lee Williams says in his Territory of Florida that Kingsley on White Oaks Plantation in Nassau County produced crops of the value of ten thousand dollars in one year. In the year 1819, he made five-thousand bushels of rough rice, fifty hogshead of sugar, besides a large quantity of cotton, corn, peas, and potatoes.³

PUBLIC FIGURE -- PUBLIC IMAGE

In the year 1821, all vestiges of Spanish authority in Florida gradually disappeared as Florida became a territory of the United States. In an "Act Establishing the Territory of Florida," signed March 30, 1822, President James Monroe stipulated that

...the legislative power shall be vested in the governor, and in thirteen of the most fit and discreet persons of the Territory, to be called the Legislative Council, who shall be appointed annually by the President of the United States, by and with the consent of the senate, from among the citizens of the United States residing in the area.⁴

Therefore it was fitting that Kingsley, wealthy planter and landowner in East Florida should be considered as a candidate for membership in this

¹May, "Zephaniah Kingsley, Nonconformist," 151.

²Snodgrass, "Fort George Island," 86.

³Williams, Territory of Florida, pp. 134-135.

⁴U. S. National Archives, Territorial Papers of the United States, ed. by Clarence Carter, Vol. XXII: The Territory of Florida, 1821-1824 (Washington: Government Printing Office, 1956), p. 389.

august legislative body. Initially, he was recommended by John P. Duval, at that time a judge in Duval County. In a letter to President Monroe, dated April 16, 1822, Duval wrote:

Sir Believing that you are not acquainted with persons in East Florida best qualified to compose a part of the Legislative Council for that territory I venture to recommend for your consideration such gentlemen as I personally know, all of whom are intelligent and well informed, and possess in a high degree the respect and confidence of the people of Florida...Z. Kingsley (Zephaniah Kingsley) Esq. - Florida... All these gentlemen from the U. States have resided in East Florida since our Government received possession of the country - and have great influence - which I believe they justly deserve. These gentlemen, I feel confident will discharge their duties, if appointed with Integrity and ability.¹

Having been recommended for such a position indicates that Kingsley had gained the respect and confidence of the people of East Florida and its leaders.

At this point, it should be noted that in addition to those persons recommended by Judge Duval to become members of the new Legislative Council, there were also others recommended by the Acting Governor of Florida, Mr. Worthington. On March 26, 1822, Acting Governor Worthington, in a letter to the Secretary of State recommended Kingsley's mulatto son, George Kingsley as a member of the Legislative Council of Florida in the following words:

...recommending the following persons...George Kingsley
...as qualified nominees from which a selection could be made.²

From this recommendation it can be gathered that George Kingsley, too,

¹Ibid., pp. 406-407.

²Ibid., p. 423n.

was a respected citizen in East Florida at the time.

In addition to the recommendation by Judge Duval, Zephaniah Kingsley was recommended by Delegate Joseph M. Hernandez to become a member of the Legislative Council. In a letter dated February 10, 1823, Hernandez wrote to President Monroe that

...I have the honor to Annex hereto the names of such Gentlemen, residents of the Territory which I have the honor to represent; in whom, you can safely rely, as fit and worthy persons to fill the Legislative Council of that territory for the ensuing Session - ...Zephaniah Kingsley St Marys...Should any of the above mentioned persons meet with your approbation I am persuaded, Sir, that they will discharge the duties, of that important trust with Honor to themselves & with credit and profit to the territory.-¹

With the recommendation of influential citizens of East Florida, and armed with their confidence, the elder Kingsley was commissioned a member of the Legislative Council of the Territory of Florida by the Presidential message of March 3, 1823

...in pursuance of An Act of Congress passed on the third of the present month, entitled 'An Act for the establishment of a Territorial Government in Florida, and for other purposes' and reposing special Trust and Confidence in the Integrity and Abilities of...Zephaniah.. Kingsley...all of Florida, I nominated, and by and with the consent of the Senate of the United States appointed them and every of them Members of the Legislative Council of the said territory; and do authorize and empower them and every of them to execute and fulfill the duties of their said office according to law...²

Kingsley continued to concern himself with the affairs of his community and East Florida after his tenure with the Legislative Council

¹Ibid., p. 616.

²Ibid., pp. 640-641.

of Florida was over. In or about 1829, he was contracting with the government for improving navigation on the inland passage of the St. Marys and St. Johns River.¹ Concurrently, he served as Post Master of Fort George Island.²

Once Florida became a territory of the United States, the territorial authorities believed that it was necessary to enact laws to ensure the control of Negroes. The Negro in Florida was placed into two categories--slave and freedman. Although legally slaves were regarded as personal property, the free Negro was not much better off. For, as Thelma Bates aptly points out "...they were less than free, occupying a half-way status, subject to many of the regulations of the black code."³ Moreover, the free Negro's conduct was stipulated by a code of laws designed to restrain his ideas, behavior, and mobility. Among these statutes were laws prohibiting free Negroes from having firearms, except in defense against Indians (1833). To enforce these laws, neighborhood patrols were assembled; Free Negroes were prevented from migrating to or being brought into the territory of Florida (1829).⁴ As well, free Negroes and mulattoes were forbidden to assemble for preaching, or exhorting. The only purpose for which they could assemble was for the purpose of labor (1832).⁵

¹U. S. National Archives, Territorial Papers of the United States, ed. by Clarence Carter, Vol. XXIV: The Territory of Florida, 1828-1834 (Washington: Government Printing Office, 1959), p. 203.

²Ibid., p. 204.

³Thelma Bates, "The Legal Status of the Negro in Florida," Florida Historical Quarterly, VI (January, 1928), 164.

⁴Ibid., 163-164.

⁵Duval, Compilation of Public Acts, p. 233.

To escape the unjust and severe laws imposed on free Negroes in the territory of Florida, Kingsley about 1835 moved Anna Jai and her children, along with some of his lesser wives and their children to Haiti. In Haiti they were provided for well on a plantation. Also, it is possibly safe to assume that because Kingsley was such a wealthy planter and landowner that social and political pressures were imposed upon him because of his unconventional way of life.

It was Kingsley's firm belief that he had made the correct decision by sending his wife, Anna Jai Kingsley and his family to Haiti. In an interview with Lydia Maria Child in 1842, he spoke in a melancholy tone about his wife and family

...I have fixed her well in my Hatien colony...
 You ought to go, to see how happy the human race can be. It is a fine, rich valley, about thirty miles from Port Platte...My son has laid out good roads, and built bridges and mills; the people are improving and everything is prosperous. I am anxious to establish a school there...¹

Thus realizing that the laws of the United States were unjust to free people of color, Zephaniah Kingsley sent his family to live in a land where he thought freedom, justice, and equality were not just words but reality.

¹Lydia Maria Child, Letter XXIII, July 7, 1842: The Florida Slave Trader, in Letters from New York (2nd ed; New York: C. S. Francis and Company, 1843), p. 156.

CHAPTER IV

THE ETERNAL PATRIARCH

CONSTANCY OF IDEAS

With the ensuing years, age did not take its toll on Zephaniah Kingsley's philosophy of life. He steadfastly maintained all the basic principles that he held throughout his life--that all free men, regardless of their color or complexion were due the basic freedoms of justice and equality.

In an interview with Lydia Maria Child, author of Letters from New York, in 1842, Kingsley intelligently discussed some of his controversial, or perhaps unconventional beliefs. On the problem of the Negro race, Kingsley explained to Miss Child that

...color ought not to be a badge of degradation; that the only distinction should be between slave and free--not between white and coloured. That the free people of colour, instead of being persecuted, and driven from the Southern states, ought to be made eligible to all offices and means of wealth. This would form...a grand chain of security, by which the interests of the two castes would become united, and the slaves should be kept in permanent subordination.¹

In this vein, Zephaniah Kingsley was probably thinking of the injustices done to his family and their unfortunate departure from the United States because of illiberal laws.

¹Child, Letters from New York, pp. 153-154.

In discussing the slave trade with Miss Child, Kingsley coolly remarked that he had carried on the trade for many years. Miss Child asked Kingsley if he knew that New Englanders regarded slave traders as they would pirates. In reply, Kingsley gave an affirmative answer. He justified his stand by relating that slavetrading was a respectable business in England and America when he was young, and that respectable merchants were engaged in it. It was his feeling that most people were scornful of the trade because others did not like it. As for himself, he never hid anything.¹

The question of manumission was one that perhaps Kingsley had given some thought to for many years. He indicated in the interview with Miss Child, that he could do more good by keeping them (his slaves) in slavery for a few more years: "The best that we can do in this world is balance evils judiciously."² Kingsley wanted to do good in the world--this was a part of his plan. And, he reasoned that in order to do good one must have money. This Kingsley stated was his major reason for carrying on the slave trade, that is, it was profitable. The nature of Kingsley's future plans was uncertain. It is evident that he made every effort to be a kind and considerate master to his slaves in Florida. Perhaps his plans to do good involved the bequest that he left to his family and slaves.

It is evident that Kingsley had considerable land and property in Haiti. However, he did not consider his laborers there as slaves. He

¹Ibid., pp. 155-156.

²Ibid., pp. 158.

regarded them as kind of indentured apprentices: "...I give them land, and they themselves agree to work for me. I have no power to take them away from that island; and...I could not sell them there."¹ Zephaniah Kingsley's basic beliefs endured, and with the passage of time new ideas and events could not alter his thinking.

END OF THE ROAD: NEW YORK

At the age of seventy-eight years, death came to Zephaniah Kingsley in New York City. It has been said that he was on his way to Haiti to visit his wife and children at the time of his death. Kingsley's death was registered in New York City, and on September 30, 1843 his obituary appeared in the St. Augustine News:

OBITUARY. At New York on the 13th inst. Mr. Zephaniah Kingsley of Duval County, East Florida, aged 78 years.²

The remarkable, and by some standards, strange will of Zephaniah Kingsley was the object of controversy among his descendants for over fifty years after his death. It was vehemently opposed by his collateral relatives. The following are excerpts from the Will that will possibly illustrate why it was contested so bitterly:

To my nephew, Kingsley B. Gibbs, I will and devise one-half of my two-thousand acre tract of land in the Twelve Mile Swamp...

To my newpew, George Couper Gibbs, I will and bequeath in fee simple, absolute, all the remaining one-half of the aforementioned two thousand acre tract in Twelve-Mile Swamp...

¹Ibid., p. 157.

²May, "Zephaniah Kingsley, Nonconformist," 155.

To my nephew, Charles I. McNeil, I will and bequeath in fee simple, absolute, a certain tract of land situate on Beauclerk's Bluff...containing Sixty two and one-half acres of land...also my three-hundred acre tract situate at head of six mile creek (Saw Mill Creek)...
 To George Kingsley, my son by Anna Madgigaine Jai Kingsley, I will and bequeath all my nautical instruments including maps, charts, etc., to be sent out to him at Hayti...
 It is my will and my desire that as soon as my decease as is convenient to my Executors, that all the specific legacies and devises aforesaid shall be separated, set apart and reserved, by my Executors for the special purpose aforesaid and that the remaining part of my property, real and personal, including what sums may be received from Government in compensation of losses in 1812 or 13, since of what nature or kind soever after the payment of my past debts, by my Executors...be sold or converted into money, and the net amount be divided into twelve equal parts or shares (12 parts) or shares, one of which parts shall be paid to my nephew, Kingsley B. Gibbs...one part (say 1/12th) shall be paid to Anna Madgigaine Jai Kingsley or her heirs or assigns. Two parts (2) to John Maxwell Kingsley, my son by Anna M. Jai. Two parts (2) to be paid to Flora H. Kingsley, her heirs or assigns. One part to be paid to Micanopy, the son of Sarah Kingsley, should he live until the years of discretion...
 Lastly, I do hereby nominate and appoint Kingsley B. Gibbs and Benjamin Putnam of Florida and George Kingsley, the son of my wife, Anna Madgigene Jai, to be Executors of this my last Will and Testament, to whom I earnestly recommend the closing of my Estate, etc., as expeditiously as possible and to see that my intentions in regard to the disposition of my estate are, and shall be strictly complied with...¹

At the time of Kingsley's death, his estate and holdings were of great value, and for this reason and others his instructions to his Executors, namely Kingsley Gibbs and Benjamin Putnam, were not strictly complied with. One of the first appraisals ordered for his estate was on March 13, 1844. This inventory appraised his personal estate at \$29,979. An inventory later in the year, on December 12, 1844, appraised his estate as being worth \$77,300.²

¹Zephaniah, Will, July 20, 1843.

²Record of Proceedings for Administration of Estate of Zephaniah Kingsley. Probate No. 1203, September 25, 1843, County Judge's Court, Duval County, Florida.

The first of the many petitions that were filed by Kingsley's collateral relatives contesting the will was filed on October 21, 1844. The petitioners included Martha McNeil, William Gibbs McNeill, Catherine Palmer McNeill of Stovington, Connecticut, Anna McNeill Whistler and George M. Whistler, her husband of St. Petersburg in the Empire of Russia, Isabella Gibbs King and her husband Ralph King of New Orleans, Louisiana and Sophia H. Cooper Gibbs of Fort George Island in Duval County. The petitioners, rather his family, believed that they were his only heirs and legal representatives. The petitioners further stated that they believed that the Will Zephaniah Kingsley made on July 20, 1843 was null and void. The following excerpts from the petition are self-explanatory as to the motives and complaints of the petitioners:

...your Petitioners further show unto your Honour that the said Anna Madgigne Jai Kingsley is a negres; and that the said George Kingsley, John Maxwell Kingsley, Flora Kingsley, Sarah Kingsley, and Micanopy are mulattoes; and that the said Anna Madgigene Jai Kingsley, George Kingsley, John Maxwell Kingsley, Flora Kingsley, Sarah M. Kingsley belonged to, and each and every of them was a slave of the said Zephaniah Kingsley, and that he held each of them as such slave in this Territory until in or about the month of July...one thousand eight-hundred and thirty-nine, when he...took or caused them to be taken to Hayti where they have all and each of them ever since remain and still remain...and that Anna Madgigne Jai Kingsley, George Kingsley, John Maxwell Kingsley, Flora Kingsley, Sarah M. Kingsley and Micanopy were and that each of them was a continued to be a Slave of...Zephaniah Kingsley until the time of his death...each of them were therefore, wholly incapable of taking and could not take any devise or bequest under the... last will and testament of Zephaniah Kingsley...and that...for that cause alone: incapable of taking or holding in their own right...any property whatever in the Territory, unless they ...obtained their freedom by their said removal to Hayti...¹

The above statement of the petitioners makes it quite clear that

¹Ibid.

they were against the Negro wife and mulatto children of Zephaniah Kingsley receiving any property or money that they believed, as his white collateral relatives, they should receive.

Some time later, the petitioners learned that Anna Jai Kingsley, her children and Kingsley's lesser wives and children were free at the time they went to Haiti. Nonetheless, this fact did not change the basic intent of the petition: to wrest all financial, or other bequests that he might bestow upon his black wife and his offspring. The petition continues

...and each of them were free and not slaves at the time when they were respectively sent to Hayti...and have... continued to be free and not slaves and are now free..they cannot nor can either of them return and become domiciliated in this Territory, nor could they or either of them at the time of the death of Zephaniah Kingsley...on the contrary by the laws and statutes of this Territory now in force, all free negroes and mulattoes are expressly prohibited from migrating to or becoming domiciliated in this Territory...and that all such negroes and mulattoes have for more than fifteen years...been prohibited from migrating to or becoming domiciliated in this Territory and during that period the migration of free negroes and mulattoes into this Territory has been by the Statute of the law of the Territory been rendered unlawful.¹

The executors of Kingsley's estate, Kingsley B. Gibbs, his nephew and Benjamin Putnam were scoundrels and inept administrators to say the least. They continuously avoided paying Kingsley's wife, Anna Jai Kingsley and her children their share of the estate, with excuses of insufficient funds, all matters being unsettled, etc. However, becoming impatient with the passage of time and without the receipt of the bequest due to her, Anna Jai on August 28, 1846 petitioned the Duval Probate Court for her share of the estate. The petition was filed by her against Benjamin

¹Ibid.

Putnam and Kingsley Gibbs. In the petition Anna Jai stated

...no distribution of the estate of the said Zephaniah Kingsley has yet been made by the said Executors, except to Charles McNeill...to Cooper Gibbs, and...to Putnam and Gibbs, all of which are specified in said will of... Zephaniah Kingsley...and that no distribution in whole or part, has been made to your petitioner, by the said Executors, although long since demanded, and would therefore pray your Honor, that the said Executors be required by orders of this Honourable Court to make immediate distribution of the share or legacy under said will which this petitioner is justly entitled to under said will....¹

Anna Jai Kingsley and some of her children, as well as Kingsley's lesser wives and children encountered insurmountable difficulties in obtaining their share of the estate of Zephaniah Kingsley. One of their main problems was distance, in that at the time of Zephaniah Kingsley's death they were residing in Haiti and remained there, it is assumed, for several years thereafter. Some of the petitions that they filed, it is believed, were in proxy. As well, as free Negroes and mulattoes they had another problem, for the laws of the territory prohibited them from migrating into the territory. Despite these obstacles, they tried to obtain due share of the estate as best as they could from Haiti. George Kingsley died without receiving his proper share of the estate. According to the records at Porto Plata in Haiti, George Kingsley died in 1846 in a shipwreck on a voyage from Porto Plata to the United States.²

The other Kingsley children and heirs fared no better during the early years of the administration of Zephaniah Kingsley's estate. Micanopy

¹ Ibid.

² Record of Proceedings for Administration of Estate of George Kingsley. Probate No 1205, December 21, 1846, County Judge's Court, Duval County, Florida.

Kingsley, the son of Flora Kingsley was also left a bequest by the terms of the will. The executors of the estate, Kingsley Gibbs and Benjamin Putnam were appointed by the court as his testamentary guardians. However, both were negligent in their duties and on several occasions were ordered to appear before the Court to give a true account of their guardianship.¹

In an effort to receive her rightful share of her deceased husband's estate, Anna Jai Kingsley returned to Duval County, it is believed, around 1846 or 1847. For a document dated January 5, 1847, signed by Anna M. Kingsley attests that Kingsley's executors, Gibbs and Putnam paid her \$2,000 under order of the Court of Probate of Duval County.² This payment was probably in partial fulfillment of the bequest due to her from the estate. It is assumed that from 1846 or 1847 onward, Anna Jai Kingsley spent the remainder of her life in Duval County. She drew up a will, dated April 24, 1860, in which her principal beneficiary was her daughter Martha B. Baxter. Additional bequests in the will were to another daughter, Mary K. Sammis, as well as her son, John Maxwell Kingsley of San Domingo. Anna Jai also made provisions for her grandchildren by Martha Baxter, Mary K. Sammis, and John Maxwell Kingsley.³ The will was probated in the County Judge's Court in Duval County on June 18, 1870, therefore it is evident that she died some time prior to this date.

¹Record of Proceedings for Administration of Estate of Micanopy Kingsley. Probate No. 1206, January 1, 1851, County Judge's Court, Duval County, Florida.

²Record of Proceedings, Estate of Zephaniah Kingsley.

³Record of Proceedings for Administration of Estate of Anna M. Kingsley. Probate No. 1210, June 18, 1870, County Judge's Court, Duval County, Florida.

Martha B. Baxter predeceased her mother in 1870, therefore she was unable to act as administrator of her estate. Consequently, the administration of Martha Baxter's estate, as well as Anna Jai Kingsley's estate came into the hands of Martha Baxter's children and Anna M. Kingsley's grandchildren, Anna M. B. Carroll, Isabella Richards, Julia C. Bell, and Osman Baxter.¹

Mismanagement of funds and inept administration were among the chief reasons that caused the estate of Zephaniah Kingsley to change executors. On June 6, 1872, John S. Sammis, husband of Mary K. Sammis, became the new executor of Zephaniah Kingsley's estate.² John Sammis served in this capacity until his death in February, 1883.³ The last executor of Kingsley's estate was Egbert C. Sammis, brother of John Sammis, who assumed the administration on September 5, 1889.⁴

For over fifty years, Zephaniah Kingsley's collateral relatives, in a seemingly endless struggle, contested his will and the rights of his African wife and her heirs to their lawful share in his estate. "The Will was finally upheld and though the estate was considerably depleted by improvident administrators, the natural heirs finally obtained a considerable amount of money in the distribution under the terms of the will."⁵

¹ Record of Proceedings for Administration of Estate of Martha B. Baxter. Probate No. 143, May 14, 1870, County Judge's Court, Duval County, Florida.

² Record of Proceedings, Estate of Zephaniah Kingsley.

³ Ibid.

⁴ Ibid.

⁵ May, "Zephaniah Kingsley, "Nonconformist," 156.

CONCLUSION

Zephaniah Kingsley, wealthy planter and landowner of East Florida, was a nonconformist, slave trader, and patriarch. He was an enigma in that era.

He was truly an individualist who lived by his convictions. He set his own standards and was not governed by the mores of his peers. He remains until the present a controversial figure. However, one can say that Zephaniah Kingsley was a man ahead of his time.

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