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FRAUD AND INTIMIDATION IN THE FLORIDA ELECTION OF 1876

by JERRELL H. SHOFNER

THE PRESIDENTIAL ELECTION of 1876 was the most controversial election in American history. It is remembered because of the extended dispute over its outcome and because it has since been regarded as the end of Reconstruction in the South. The uncertain outcome was due to duplicate electoral certificates from Florida, South Carolina, and Louisiana. These were the only Southern states which still had Republican governors. By various combinations of fraud and violence, both Democratic and Republican parties in these three states had managed to secure electoral certificates for their respective presidential candidates. Samuel J. Tilden, the Democratic candidate, received 184 undisputed electoral votes, and needed only one more for election. Rutherford B. Hayes, the Republican candidate, had only 166. There were nineteen disputed votes in the three southern states and Hayes would have to win all of them if he were to be seated.¹

The three states suddenly became nationally important and both parties sent prominent men, or "visiting statesmen," to see that their respective party interests were protected. Tempers had been raised to high pitch before the election and with both national parties intriguing to secure the disputed votes, the three Southern capitals were tense with excitement for several weeks. Activities surrounding the election were closely examined and alleged irregularities were reported extensively by partisan speakers and newspapers. Finally, a national electoral commission was established with authority to rule on the validity of the disputed electoral certificates. Since this commission had a majority of Republicans, it decided every case for the Republican candidate. There was considerable Democratic opposition to the decision, but it was finally agreed that Hayes might be seated as President in return for a promise to remove the remaining federal troops from the South. Also, as historians have recently shown, the Southern

1. Paul L. Haworth, *The Hayes-Tilden Election* (Cleveland, 1906), 51-56.

states yielded in the expectation that the Republican-dominated Congress would appropriate substantial funds for internal improvements.²

In Florida, the gubernatorial election was held at the same time as the presidential election. The state elected a Democratic governor, ending Republican control of that office through the political process. George F. Drew of Ellaville in Madison County was peacefully inaugurated on January 2, 1877.³ Although Drew was elected by the Democratic party, many economically influential Republicans were satisfied with him.⁴ The effect of this Democratic victory was summed up by an elderly Negro observer of the inauguration who remarked prophetically, "Well, we niggers [*sic*] is done."⁵

For a time during the election campaign it had seemed that violence might break out in Florida. The people were aroused over this election as never before. Scarcely an honest election had been held in the state during the past ten years. Both parties were experienced in assaulting ballot boxes and each was alarmed that the other might "steal" the election. The parties were nearly equal in voting strength and only a few votes could determine the election's outcome. The Republicans were mostly Negroes with a small number of Northern whites and a few Southerners. Many of the white Republicans were federal or state office holders, but others were engaged in various economic activities. The Democrats, with few exceptions, were white natives or property-holding whites recently arrived from the North.

Bitter press attacks and violent, incendiary speeches were delivered by both sides and added to the tense situation created by mutual suspicions of fraud. William Watkins Hicks, state superintendent of public instruction and editor of the Republican *Fernandina Observer*, and William U. Saunders, a Negro ex-barber from Baltimore, stumped the state for the Republicans, urging the Negroes to get out and vote "early and often." Other-

2. C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (Boston, 1951), *passim*.
3. *New York Times*, January 4, 1877; *Jacksonville Florida Sun*, December 31, 1876.
4. Frank B. Sherwin to William E. Chandler, January 3, 1877, Chandler Papers, Library of Congress; *Jacksonville Florida Union*, January 5, 15, 1877.
5. *Jacksonville Florida Sun*, January 4, 1877; *Savannah Morning News*, January 5, 1877.

wise, Hicks and Saunders warned their Negro audiences, they would be returned to slavery by a Democratic victory.⁶

In reply, the Monticello *Constitution* wrote that the Democrats were prepared for any emergency, "and if these Radical hounds want blood, they shall have it." The Republican *Tallahassee Sentinel* conceded Democratic superiority in bloodletting,⁷ and recommended that Republicans vote even at the risk of their lives.⁸ Governor Marcellus L. Stearns warned Negroes that Democratic success would result in war and that all their schools would be abolished because whites did not want to educate them with their tax money. The *Floridian* insisted that such intimidating statements were grounds for indictment.⁹ L. G. Dennis, Republican boss of Alachua County, advised Alachua Negroes to carry their guns on election day.¹⁰

In Columbia County where the parties and the races were nearly equal in number, a group of white men accosted some Negroes on an isolated road near Lake City and prepared to hang them. After placing a rope around one Negro's neck they calmly discussed the proper method of hanging. They finally agreed to release him and the others after they promised to withdraw from the local Republican club and actively campaign for the Democrats.¹¹ For the first time since 1868, Columbia County went Democratic in the election.¹² Republican State Senator Robert Meacham of Jefferson County, a mulatto ex-slave, was fired upon about a week before the election by unidentified assailants. The Democrats disclaimed knowledge of this act and offered a reward for the bushwhacker. The *Floridian* charged that this was "entirely too thin" a subterfuge, claiming that it was only a trick to create evidence of violence which the Radicals were intending to commit on election day.¹³

6. Tallahassee *Floridian*, April 11, October 18, 1876; John Wallace, *Carpetbag Rule in Florida: The Inside Workings of the Reconstruction of Civil Government in Florida after the Close of the Civil War* (Jacksonville, 1888), 335.

7. *Tallahassee Sentinel*, July 15, 1876, quoting the Monticello *Constitution*.

8. *Ibid.*, October 28, 1876.

9. Tallahassee *Weekly Floridian*, November 14, 1876.

10. *Ibid.*, December 5, 1876.

11. *Senate Report No. 611, Part 2, 44th Cong., 2nd Sess.*, 17, 241.

12. *Ibid.*, 17.

13. Tallahassee *Weekly Floridian*, October 31, 1876.

There was also economic intimidation of voters. Here the Democrats had the advantage since they owned most of the land on which the Negroes lived. Also, the merchants on whom Negroes depended for advances of provisions were usually Democrats. This device was not new in 1876, but the Democrats gave the appearance of having gotten the idea from the Republicans. The Jacksonville, Pensacola, and Mobile Railroad had been recently taken over by the state and its managers were accused of discharging employees for attending Democratic meetings. It was also charged that railroad officials were levying political assessments on those employees who wished to keep their jobs.¹⁴ Charles E. Dyke of the Tallahassee *Floridian* urged property owners to adopt this measure introduced by state authorities.¹⁵ Accordingly, planters and merchants of Jefferson County set up a priority system for renting land and granting credit. First preference would go to those voting Democratic, second to those not voting at all, while those voting Republican would be considered last.¹⁶ The Florida Central Railroad Company handed numbered Democratic ballots to its employees in Nassau and Duval counties and kept a check list of the numbers and the recipients' names. The employees were told that the ballot must show up on election day or they would be discharged.¹⁷

Excitement increased about two weeks before the election when Malachi Martin, chairman of the Republican state executive committee, announced that he had reliable evidence that Democratic armed bands from Georgia intended to invade Florida on election day.¹⁸ There was, however, no known large-scale plan to use outside force to intimidate Republican Negroes in North Florida counties. Martin may have been misled by hostile editorials appearing in South Georgia newspapers, along with reports from Thomasville that the Thomasville Cornet Band was planning to accompany Benjamin H. Hill, John B. Gordon, and other Georgians to Florida for speaking tours. On one such occasion, in October, the band and four hundred Georgia citizens attended a meeting in Monticello.¹⁹

14. *Quitman* [Georgia] *Reporter*, September 14, October 12, 1876.

15. *Tallahassee Weekly Floridian*, September 19, 1876.

16. *Senate Report* No. 611, 46.

17. *Jacksonville Daily Florida Union*, November 14, 1876.

18. *Tallahassee Sentinel*, October 28, 1876.

19. *Thomasville* [Georgia] *Times*, October 28, 1876.

The Democrats denied the existence of any conspiracy to bring in outside assistance.²⁰ A group called on Republican Governor Marcellus L. Stearns and made suggestions about obtaining a peaceful election. William D. Bloxham, later governor of the state and a member of this delegation, recalled later: "The Governor met us in the cabinet room and asked what he could do for us. Colonel [Robert H.] Gamble replied 'We have come sir, to put you on notice that if a single white man is killed in Leon County on election day, there are 300 of us who have sworn that your life shall pay for it.' We retired leaving Stearns white as a sheet."²¹ Governor Stearns issued a proclamation on October 31, calling on all citizens to "temper their zeal with discretion."²²

Inadequate election laws, together with poor transportation facilities and great distances involved, were major causes for much of the agitation. There were numerous ways in which fraud which threatened both parties, could be perpetrated. There was no standard ballot and the parties issued their own. The only requirement was that all candidates voted for by an elector had to appear on the same ballot. The election laws provided no precinct divisions within the counties.²³ Since an elector could vote anywhere there was abundant opportunity for duplicate voting.

Three poll inspectors were to supervise the voting and count the ballots. They were to forward a certificate of the poll returns to a county board. This board, composed of three members, counted the poll returns and forwarded a consolidated certificate to the state canvassing board which counted the returns and declared the final results.²⁴ At each echelon in the election machinery there was opportunity for fraudulent counting.

The law provided that anyone residing in the county one year who had declared his intention of becoming a citizen could register and vote. This created a problem in Key West where many Negro laborers from the Bahamas and Cuban exiles from their revolution-torn homeland were registering for the election.

20. Jacksonville *Daily Florida Union*, November 2, 1876.

21. Albert Hubbard Roberts, "Florida and Leon County in the Election of 1876," *Tallahassee Historical Society Annual*, IV (1939), 90.

22. *Appleton's Annual Cyclopaedia and Register of Important Events*, 1867, 42 vols. (New York, 1877), XVI, 296.

23. James Owen Knauss, "The Growth of Florida's Election Laws," *Florida Historical Quarterly*, V (July, 1926), 9-10.

24. *Florida Acts and Resolutions*, Fifth Session, 1872, 19.

It was impossible to determine whether the aliens had come to reside permanently and work in the expanding cigar industry. Since their political affiliations were uncertain, Florida political parties were reluctant to oppose registration of these aliens. Several hundred Cubans voted in the presidential election, but apparently votes were cast for both parties.²⁵

The party controlling the election machinery had a tremendous advantage. When the Republican speakers called on Negroes to vote "early and often," the Democrats were alarmed because it was possible for this to be done. The rumors of armed assistance from out of state alarmed the Republicans because duplicate voting could be prevented if the roads were closely patrolled. One advantage of the incumbent party was its ability to designate polling places. In a public letter to Governor Stearns, State Democratic Executive Committee Chairman Samuel Pasco protested that county commissioners were removing polling places from areas which were heavily Democratic without corresponding reductions in Republican precincts. The result was that whole neighborhoods would either be deprived of their vote or would have to travel as much as fifty miles to a polling place. According to Pasco, this was not accidental but had the mark of policy directed from high authority.²⁶

Some county officials were apprehensive that consolidation of precincts in the towns would create a violent situation. A Democratic committee urged Governor Stearns to divide the precincts in Tallahassee and other towns according to party. When he failed to issue such an order, Jacksonville Democrats and Republicans agreed on a plan to divide the city's six precincts according to party. In some Jackson County precincts there were provisions for alternate voting during the day to prevent concentration of antagonistic voters at the polls.²⁷

False registration was another means whereby public office could be used to thwart the election process. It was alleged that Negroes from Georgia were being registered in the border coun-

25. *Key West Key of the Gulf*, July 1, 1876; George D. Allen to George E. Lapham, November 27, 1876, Box 13, Tilden Papers, New York Public Library, New York City.

26. *Tallahassee Weekly Floridian*, November 7, 1876.

27. *Jacksonville Daily Florida Union*, November 6, 1876.

ties. The Monticello *Constitution* warned that any caught registering in Jefferson County would be "registered on the criminal docket at the proper time."²⁸ Both sides registered minors in several counties. Many of them were challenged at the polls, but others were allowed to cast their ballot.

Since many Republican voters could not read, their ballots had an easily identifiable emblem printed across the top. The Democrats saw a golden opportunity in this and printed ballots with a similar emblem and inserted the Democratic slate of candidates below it. These ballots were distributed to Negro voters and several such ballots were cast in Jackson and Columbia counties.²⁹

In spite of the spirited feelings aroused during the campaign and the many predictions of violence, election day passed in comparative quiet. No armed Georgians appeared in the state. Duplicate voting in Leon County was surreptitious and limited rather than open. It was not until several days after the election that charges of illegal activities began to be reported. Some of the reports were undoubtedly true, but by that time, Florida had been caught up in the disputed presidential contest and many of these reports were either magnified or were completely false.

Although it would be many days before county returns reached the capital, both parties claimed victory almost immediately. Their claims were based on incomplete returns and partisan estimates. The Republicans feared that returns from outlying counties might be tampered with on their way to Tallahassee and accordingly sent couriers to the various county seats to obtain duplicates of the certificates. A train carrying some of these couriers was wrecked and Governor Stearns announced that it had been "ku-kluxed" by Democrats who wanted to alter the returns before the Republicans reached the county seats.³⁰

28. *Quitman Reporter*, July 27, 1876, quoting the Monticello *Constitution*.

29. William W. Davis, *The Civil War and Reconstruction in Florida* (New York, 1913), 697, 703.

30. *Quitman Reporter*, November 9, 1876; *Savannah Tribune*, November 13, 1876; *New York Tribune*, November 9, 1876; *New York Times*, November 11, 1876; Edward C. Williamson (ed.), Marcellus L. Stearns, "The Election of 1876 in Florida," *Florida Historical Quarterly*, XXXII (July, 1953), 83; *Jacksonville Florida Sun*, January 30, 1877.

After the train wreck, reports of fraud began appearing in partisan newspapers. The *Savannah Tribune*, a Negro journal, denounced George H. Davis, a Negro formerly of Savannah, for chartering a train and carrying five hundred Negro men to Jacksonville. According to the *Tribune*, Davis forced the Negroes to vote the Democratic ticket. How he carried out this formidable feat, the paper did not say. The precinct returns in Hamilton County were reportedly stolen by Democrats after the election and finally turned in just before the county canvassing board met. A Republican legislative candidate complained that a ballot box was removed from the polls in Monroe County before the ballots were counted. The Democrats were accused of destroying a ballot box in Jackson County and changing a large Republican majority to a majority for the Democrats. When a number of Democrats from Georgia were alleged to have voted in Jackson County, the Tallahassee *Floridian* said the report came from a man destitute of truth. A group of more than a hundred Democrats, accused of repeating their votes at Cedar Key in Levy County after voting elsewhere, seized the ballot box and kept it until November 13 when the county canvassing board was scheduled to meet. They announced that they were holding the ballot box to prevent Republicans from tampering with it. One Democratic railroad man sent a gang of Negro workmen into Alabama and their train "broke down" there until after the election. At Waldo precinct in Alachua County, a train stopped while the passengers got off and cast votes for both parties.³¹

The Democratic Jacksonville *Press* was angry because Negro prisoners were released from jail to vote. Democrats complained that Negro women forcefully prevented Negro Democrats from voting in Jefferson County. An ingenious plan was attempted in Leon by Joseph Bowes, Republican county superintendent of public instruction. He had printed a number of small ballots on thin paper and planned to have voters fold them inside the regu-

31. *Savannah Tribune*, November 24, 1876; *St. Louis Dispatch*, November 14, 1876, quoting the *New York Times*, and November 15, quoting the *New York Herald*; *Jacksonville Daily Florida Union*, November 13, 14, 18, 1876, John Friend to John Sherman, November 15, 1876, Sherman Papers, Library of Congress; letter of J. F. McClellan, November 18, 1876, in *Tallahassee Weekly Floridian*, November 21, 1876; *New York Times*, November 11, 13, 1876; Davis, *Civil War and Reconstruction in Florida*, 708.

lar ballot. This plan was not carried out, but Bowes, who was also a poll inspector, placed seventy-four of these "little jokers" in a ballot box himself. He was later indicted for this, but not before he had gone to Washington where he obtained employment in the treasury department. The Republicans were accused of altering the returns from Archer precinct in Alachua County by adding 219 names to the registration lists. Green Moore, a poll inspector whose integrity was later impeached, entertained his colleagues in the store which served as the Archer polling place while Democratic ballots were being replaced by Republican ones in a back room. L. G. Dennis was supposed to have dressed Negro women as men and sent them to the polls in Alachua and Bradford counties.³²

Baker County Judge Elisha Driggers managed to obtain a Republican majority in that county by simply excluding two of the four poll returns which were heavily Democratic. His announced reasons for excluding the returns were that he had heard that a man had been deprived of the right to vote at one polling place and there were rumors that some illegal votes had been cast at the other.³³ He did not say which party had benefited from the alleged votes. When one of the county canvassers refused to accept this interpretation, Driggers obtained the appointment of a new justice of the peace from Governor Stearns. Then, in collaboration with the new appointee and the county sheriff, he completed a return while the county clerk and others sent a return which included the Democratic precincts. The state canvassing board accepted the Driggers version which gave the Republicans a majority of forty-three on the state count.

There is no way to determine the truth or falsity of the various accusations. There were probably other incidents which were

32. *Jacksonville Daily Florida Union*, November 9, 11, 1876; *New York Tribune*, November 11, 1876; *Quitman Reporter*, November 16, 1876; *Nation*, XXVI (June, 1877), 408, and XXVII (July, 1878), 9; *Senate Report No. 611*, Documentary Evidence, 10; *House Miscellaneous Document No. 31*, Part 1, 44th Cong., 2nd Sess., 492-95, *passim*; Harry Gardner Cutler, *History of Florida, Past and Present: Historical and Biographical*, 3 vols. (Chicago and New York, 1923), I, 158-59.
33. *House Miscellaneous Document No. 35*, Part 1, 45th Cong., 3rd Sess., 294-96; *Miscellaneous Document No. 143*, Part 1, 44th Cong., 2nd Sess., 3-5; *Congressional Record*, 44th Cong., 2nd Sess., V, Part 2, 1537; Albert M. Gibson, *A Political Crime: the History of the Great Fraud* (New York, 1885), 67.

never reported, but these were limited because observers from both sides watched closely at every polling place. The vote in Florida was 24,337 for the lowest Hayes elector to 24,294 for the highest Tilden elector.³⁴ Since Florida's presidential election was decided by a margin of less than fifty votes, it is impossible to determine whether one or all of these incidents changed the outcome of the presidential election.

The state canvassing board was charged with responsibility for counting returns and declaring the results. It performed this function in the midst of extreme partisan pressures. Its members were offered many kinds of bribes and promises of government office. There were two Republicans and one Democrat on this board and evidence is substantial that they all operated in a purely partisan manner, though apparently none of them accepted a bribe. Votes were excluded for various reasons and always the benefit of the doubt went to the Republicans. Most historians agree that the Florida electoral vote rightfully belonged to Samuel J. Tilden rather than Rutherford B. Hayes.³⁵ However, the state canvassing board's Republican majority was much more responsible for changing the election's outcome than any one of the several perpetrators of fraud and intimidation at the county or precinct level.

Fraudulent activities in Florida during the election of 1876 were most notable for their mildness. At a time when the political parties and the nation were divided over bitter sectional and racial issues, when other areas such as Louisiana and South Carolina were holding bloody elections, when inadequate election machinery invited fraud, and the people of Florida were living under near frontier conditions, most people were at least willing to abide by the forms of the democratic process. In all probability, Samuel J. Tilden should have received Florida's electoral votes and the presidency, but the nation peacefully accepted the decision which seated his opponent.

34. *Senate Report No. 611, Part 2, 17.*

35. Woodward, *Reunion and Reaction*, 20.