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Announcement of Awards Presented by the Florida Historical Society

The Florida Historical Society annually awards three literary prizes for original work done in Florida history. The awards for 1993 were announced at the annual meeting held in Pensacola on May 20-22, 1993.

The **Arthur W. Thompson Memorial Prize in Florida History** was awarded to Dr. Donald W. Curl, Florida Atlantic University, Boca Raton, for his article, "Joseph Urban's Palm Beach Architecture," which appeared in the April 1993 issue of the *Florida Historical Quarterly*.

The **Rembert W. Patrick Memorial Book Award** went to Dr. Edward A. Fernald and Dr. Elizabeth Purdum, Institute of Science and Public Affairs, Tallahassee, for their book *Atlas of Florida*, which was published by University Presses of Florida.

The **Charlton W. Tebeau Book Award** was presented to Dr. Robert E. Snyder and Dr. Jack B. Moore, University of South Florida, Tampa, for their book, *Pioneer Commercial Photography: The Burgert Brothers, Tampa, Florida*. Their book was published by University Presses of Florida.

The Florida Historical Society also recognizes outstanding essays in Florida history submitted by graduate and undergraduate students. The **Leroy Collins Prize** went to Patrick Riordan, a graduate student at Florida State University, for his paper, "Finding Freedom in Florida: African Americans, Indians, and Escape, 1739-1816." The winner of the **Caroline Mays Brevard Prize** was Heath Nailos, an undergraduate student at the University of South Florida, for her paper, "Tarpon Springs and the Great Depression." The **Frederick Cubberly Award** for the best high school essay went to Mia Bich from Zephyrhills High School for her paper, "Down and Dirty: Claude Pepper versus George Smathers." And the **Frederick Cubberly Award** for the outstanding high school teacher was presented to Jean McNary of Zephyrhills High School.

The Society awarded two **Golden Quill Awards**, which are given for outstanding media participation relating to Florida history. The recipients are: Patricia Kemp, WUSF FM 89.7, Tampa, for "The Child of the Sun"; and *Florida Living Magazine*, Gainesville, for "Our Florida Heritage" series.

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COVER PHOTO: Priscilla Doctor in traditional Seminole dress, holding an Indian doll, c. 1940s. This issue of *Broward Legacy* contains two articles relating to Broward County's Seminole history — "A Well-Connected Man: The Career of Marcellus A. Williams," beginning on page two, and "Three Tequesta and Seminole Hunting Camps on the Eastern Fringes of the Everglades," beginning on page thirty-one.

A Well-Connected Man:

THE CAREER OF

MARCELLUS A. WILLIAMS

by Joe Knetsch

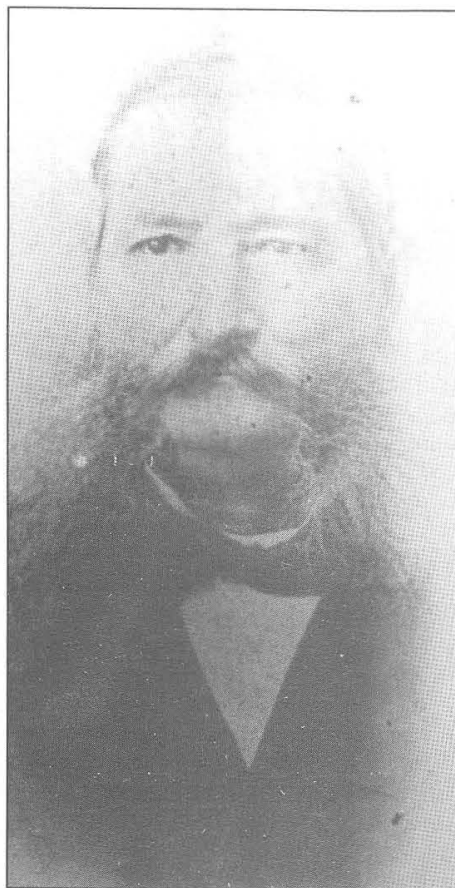
When the early history of Broward County is discussed, invariably the names of William Cooley, Frank Stranahan, Captain Bill Valentine, or the Bryan family come to mind. With the exception of Cooley, almost all of these brave pioneers of the south Florida wilderness were preceded by someone few in Broward County know, U.S. Deputy Surveyor Marcellus A. Williams. Though he began his career in surveying about the same time as George MacKay, another who trekked the wilderness of south Florida, Williams did not draw his lines in Broward until the 1870-71 surveying season. It is the Williams surveys upon which many of today's south Florida property lines depend. Yet, this man of motion was not one dimensional; he also became one of the founders of a famous land agency, Williams, Swann and Corley, and was one of the men responsible for the first attempt at establishing an intracoastal canal. He was one of the leading proponents of the drainage of the Everglades and produced some of the strongest arguments for this cause. Thus, although his surveying career led him to the swamps and mosquitoes of south Florida, he was important to the development of the lower peninsula in ways not yet explored by the historical community.

Born in North Carolina in about 1818, Williams settled in the neighborhood of Palatka and began rearing his family some time in the mid 1850s.¹ The details of his early life and move to Florida are unknown at present; however, we do know that in 1847 he had joined the crew of U.S. Deputy

Surveyor Arthur M. Randolph, who strongly recommended young Williams to the Surveyor General as a qualified surveyor. In Randolph's words, "Mr. Williams has for eighteen months past been employed with me in locating State lands and in executing my existing contract with

In Broward County and along Florida's Gold Coast, Marcellus A. Williams is best remembered as the man upon whose surveys most property descriptions are based. As this article points out, Williams' career in Florida spanned over forty years and covered much of the peninsula. Equally at home in the wilderness and in the world of business, Williams became a partner in one of Florida's foremost land selling firms, a position which often put him in the thick of the state's unsettled political and financial scenes during the Reconstruction and Gilded Age decades. Significantly, his various activities allowed him to make the acquaintance of many of nineteenth century Florida's leading figures, and these contacts, in turn, led to additional opportunities. Williams' remarkable vision for the future of the south Florida wilderness, his diverse interests, and the fact that he was indeed a very "well-connected man" make him one of the more remarkable characters to pass through the pages of Broward County history.

Dr. Joe Knetsch, whose work is familiar to most *Broward Legacy* readers, works as historian for the Florida Department of Natural Resources in Tallahassee, and is a leading authority on Florida land history. He is also a former Broward Countian and served as a county Historical Commissioner.



Marcellus A. Williams

Government for the survey of Private Claims in the course of which he has acquired a competent knowledge of the theory of our profession and an ample and correct acquaintance with the operations in the field."² He was also recommended for the job by General Benjamin Hopkins of the Florida Militia, who referred to Williams as "My friend."³ Williams had, by 1849, won the admiration of his immediate boss, Randolph, and one of the more powerful frontier personages in Florida, Hopkins. This knack for knowing the right people was to be characteristic of Williams' career and life in Florida.

In his early years as a U.S. deputy surveyor, Williams handled many private claims along the St. Johns River and the east coast of Florida. By 1851, he was a regular surveyor getting steady work in the field and beginning to receive contracts across the state. In 1851, he was at Mellonville when the mail rider was reported to have been shot at by two Indians on the route from Mellonville to Tampa Bay. He describes the incident as follows: "When I first heard of this matter I disbelieved it altogether but on Friday I saw the man, examined his clothes, and the slight injury received by him, and it leaves me no room to doubt that he was actually shot at by some persons, whom he does not pre-

tend to say himself. . . . He says that he has frequently seen Indian signs in that region, knows that they frequent that neighborhood, that it is visited by white persons, and that he is satisfied that they were Indians who shot at him."⁴ This report, along with others from the area, almost convinced the state government that the Indians were ready to attack the settlements again; however, the rider eventually admitted fabricating the story to cover his drunkenness.⁵ But, before this admission, the panic along the frontier was, again, well on the way to causing a major disturbance. Because of this incident, Colonel John Winder, commanding at Fort Myers, insisted upon another meeting with Chief Billy Bowlegs. Bowlegs, who knew most of the particulars, was not in a mood to listen to removal talk from the U.S. Army and rejected Colonel Luther Blake's attempts to discuss the matter with him. Williams, while informing the Surveyor General of the generally peaceful intentions of the Indians, decided to leave the fields of southern Florida and survey some private grants in the Lake George region.⁶ He did this after consulting with Captain John Casey, the former Indian agent who may have been more negative towards the prospects of peace than the situation warranted.

In February of 1852, Williams reported upon another incident which happened to cause alarm along the frontier, the alleged attack of Captain Aaron Jernigan upon some Indians and the death of a captured squaw. This attack Williams labelled as "nothing but pillage," and stated that Jernigan had run off about 120 hogs and butchered and sold some of them for personal profit. He added that the attack also netted Jernigan some Indian ponies and other goods which should have been turned over to the proper authorities. He then quoted Henry A. Crane as saying that the attack was "altogether unnecessary and improper."⁷ As historian Brenda J. Elliott has recently pointed out, some of the people Williams relied upon for information in reporting this incident are questionable in their veracity and had motives of their own for castigating Jernigan. Williams did note, however, that he had discussed the death of the older Indian woman with Mrs. Jernigan, who told the surveyor that the woman had "expressed repugnance to being sent to Bowlegs."⁸ As a witness/reporter of these two incidents of frontier life, Williams' letters played a role in keeping the authorities in St. Augustine and Washington informed about the dangerous conditions in the more remote areas of Florida. Unfortunately, his sources were not unbiased, and his reports reflected the constant ri-

valries of various factions on the Florida frontier of 1850-52.

Marcellus Williams did not escape the usual problems faced by the surveyors of Florida's frontier, problems such as high water, illness, and occasional Indian troubles. On February 23, 1852, Williams reported to Surveyor General Benjamin Putnam:

For the last two months I have laboured under greater difficulty in prosecuting my work than I have ever encountered before, and more I imagine than has often befallen any surveyor. The region of Country bordering on the Kissimmee is a perfect labyrinth of Lakes, Marshes, Swamps, Hammocks and Prairies. The difficulty in getting a pack along in running Township lines has caused me much delay, and to make matters still worse I could not procure any supplies from Tampa, and but for the Kindness of Capt. Grafton at Fort Meade I should more than a month since have been Compelled to Quit the field in Consequence of the want of provisions.⁹

Nearly two months later he continued in this vein: "A large portion of this work was inaccessible by pack horse and had to be done by taking supplies upon our backs, on several occasions we had to work in this way for more than a week. I am satisfied that taking the whole of the above work together has been none worse in the State, or that was rendered by its location more difficult of Survey."¹⁰ On August 5, 1853, Williams wrote from Fort Capron that his chainmen were sick and that he would have to suspend operations in that area until he could procure others to take their place.¹¹ Added to the volatile Indian situation which he reported, Marcellus Williams' troubles mirrored the experience of most of the U.S. deputy surveyors who laid out the lines of the original government surveys of Florida at great risk to life and limb.¹²

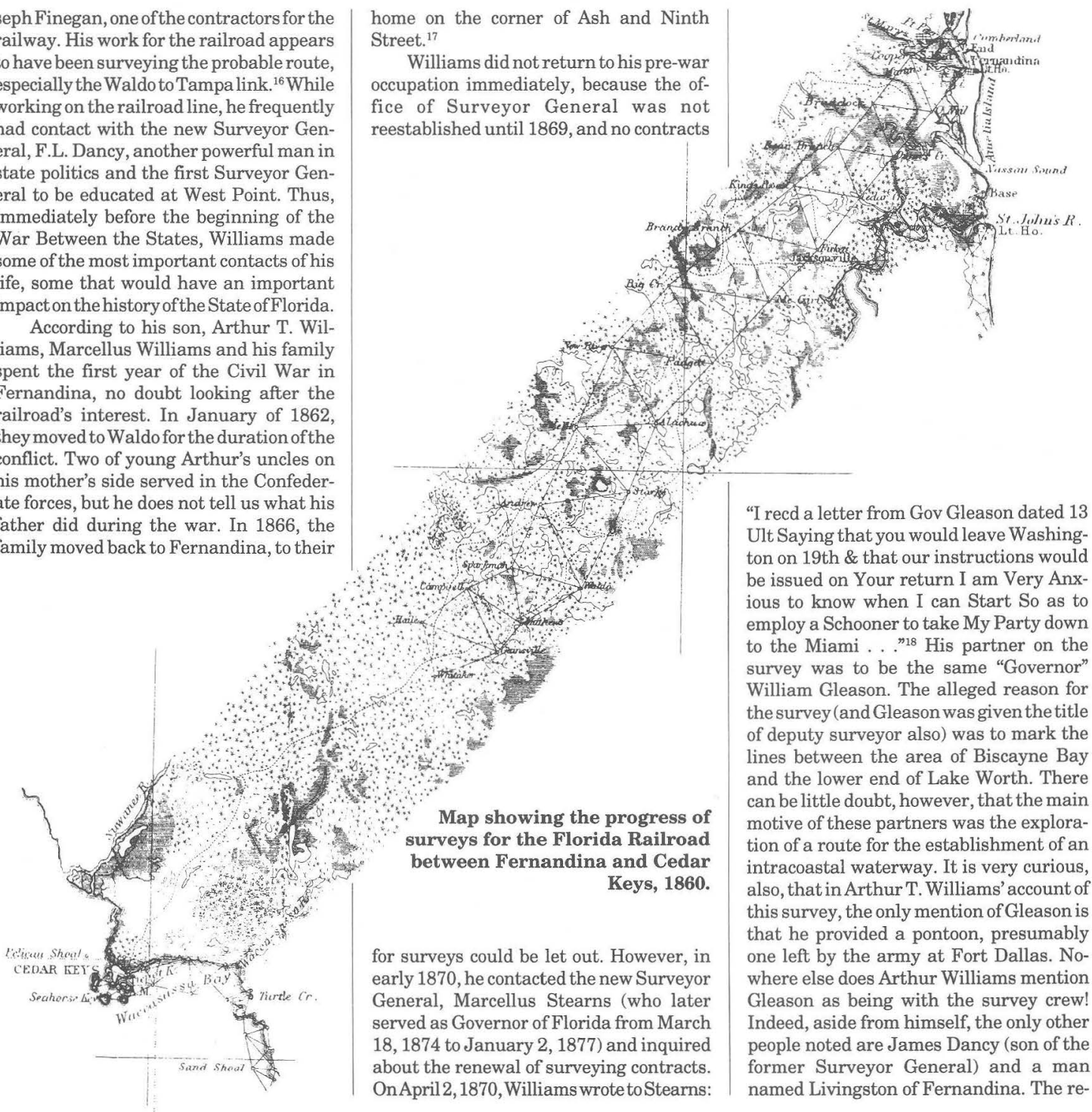
Under the term of Surveyor General John Westcott, Williams conducted surveys of private grants in the Duval County area, especially on the St. Johns River near today's downtown Jacksonville.¹³ He was also involved in the survey of St. George Island, off of Apalachicola, in the late 1850s, which exposed him to the difficult task of coastal surveying.¹⁴ Just prior to the outbreak of the Civil War, Williams began work for the Florida Railroad of David Levy Yulee, moving from Palatka to Fernandina in 1859 to facilitate working on this important line.¹⁵ In working on this railroad, he came into contact with Samuel Swann, the treasurer of the line, and Jo-

seph Finegan, one of the contractors for the railway. His work for the railroad appears to have been surveying the probable route, especially the Waldo to Tampa link.¹⁶ While working on the railroad line, he frequently had contact with the new Surveyor General, F.L. Dancy, another powerful man in state politics and the first Surveyor General to be educated at West Point. Thus, immediately before the beginning of the War Between the States, Williams made some of the most important contacts of his life, some that would have an important impact on the history of the State of Florida.

According to his son, Arthur T. Williams, Marcellus Williams and his family spent the first year of the Civil War in Fernandina, no doubt looking after the railroad's interest. In January of 1862, they moved to Waldo for the duration of the conflict. Two of young Arthur's uncles on his mother's side served in the Confederate forces, but he does not tell us what his father did during the war. In 1866, the family moved back to Fernandina, to their

home on the corner of Ash and Ninth Street.¹⁷

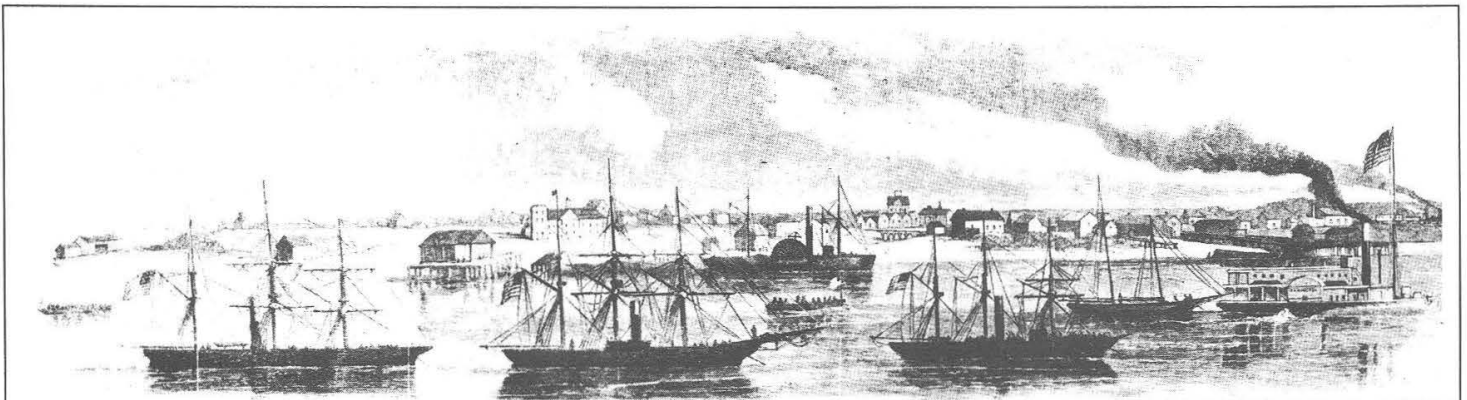
Williams did not return to his pre-war occupation immediately, because the office of Surveyor General was not reestablished until 1869, and no contracts



Map showing the progress of surveys for the Florida Railroad between Fernandina and Cedar Keys, 1860.

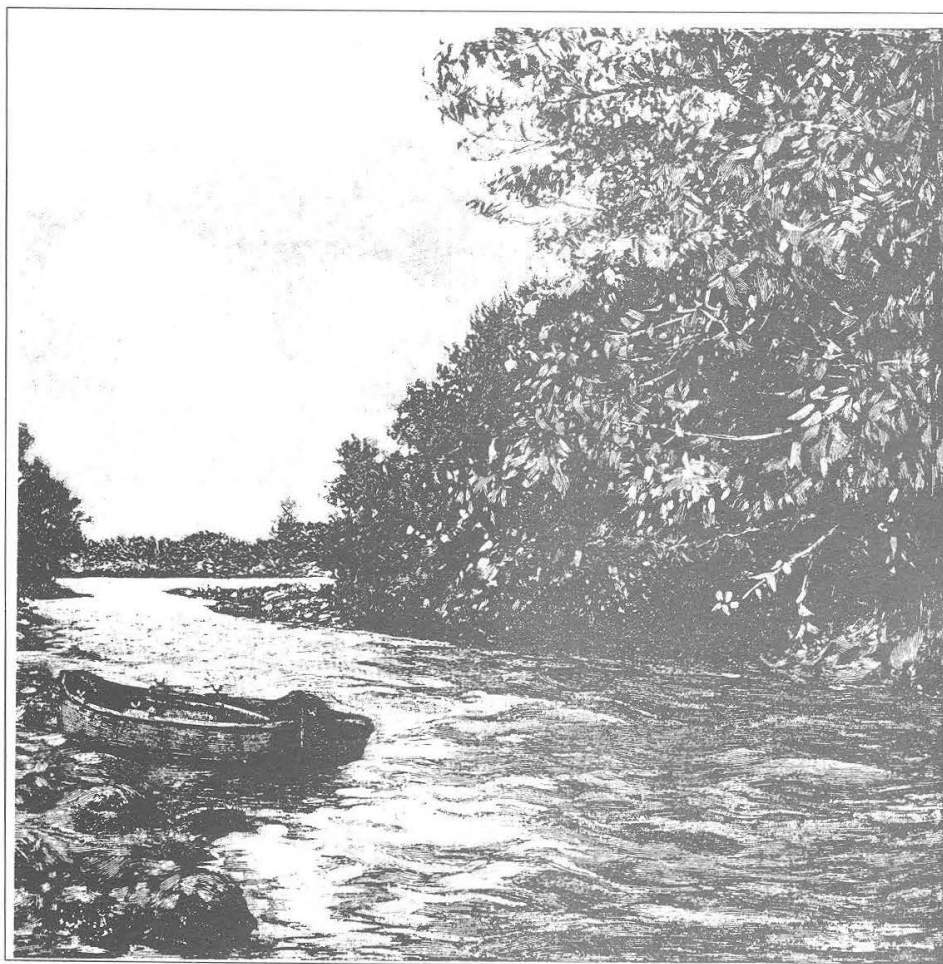
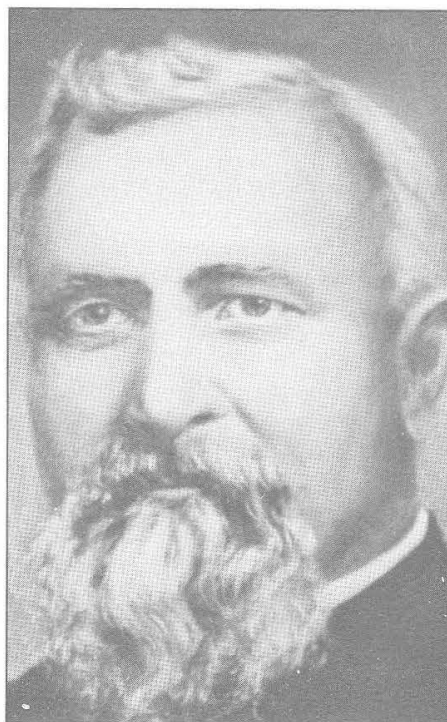
for surveys could be let out. However, in early 1870, he contacted the new Surveyor General, Marcellus Stearns (who later served as Governor of Florida from March 18, 1874 to January 2, 1877) and inquired about the renewal of surveying contracts. On April 2, 1870, Williams wrote to Stearns:

"I recd a letter from Gov Gleason dated 13th Ult Saying that you would leave Washington on 19th & that our instructions would be issued on Your return I am Very Anxious to know when I can Start So as to employ a Schooner to take My Party down to the Miami . . ." ¹⁸ His partner on the survey was to be the same "Governor" William Gleason. The alleged reason for the survey (and Gleason was given the title of deputy surveyor also) was to mark the lines between the area of Biscayne Bay and the lower end of Lake Worth. There can be little doubt, however, that the main motive of these partners was the exploration of a route for the establishment of an intracoastal waterway. It is very curious, also, that in Arthur T. Williams' account of this survey, the only mention of Gleason is that he provided a pontoon, presumably one left by the army at Fort Dallas. Nowhere else does Arthur Williams mention Gleason as being with the survey crew! Indeed, aside from himself, the only other people noted are James Dancy (son of the former Surveyor General) and a man named Livingston of Fernandina. The re-



Fernandina at the time of the Civil War.

At right is Marcellus L. Stearns, United States Surveyor-General for Florida and later Governor (courtesy Florida Photographic Archives). Below is the entrance to the Everglades at the head of the Miami River as it appeared in the late nineteenth century.



mainder of the crew, with the exception of George Norman, were unnamed blacks, presumably from the Fernandina area.¹⁹

Young Arthur T. Williams was only thirteen at the time of this important survey and was anxious to view the wilderness of south Florida. In his *Memories*, he tells us, "It was the one desire of my life to see a sure enough live Indian." This desire was accomplished before they left the W.H. Hunt residence on Biscayne Bay, and Arthur, as all young boys might, felt the urge to run at the first sighting. He did not, however, and stayed around the Indians long enough to make some short-term friendships.²⁰ These newly found friends, particularly Young Tiger Tail, helped to smooth over the now well-known incident which took place because of Marcellus Williams' inappropriate lighting of a pipe in the presence of Old Alec (or Alex). This story is too famous in south Florida lore to bear repeating here.

After this incident at the camp on Snake Creek, the party made its way to New River. There, according to Arthur Williams, they camped, "about where the City of Fort Lauderdale is now." "At that time," he continued, "there were two families living on New River — a Mr. Brown on the north side of the river with his wife, two grown sons, two grown daughters, a boy about 3 and another probably 14 or fifteen; and on the south side of the river opposite Brown's place was a Mr. Hall with his wife, a son and a daughter. These were the only people living between Biscayne Bay and Jupiter Light House — a distance of about 80 miles."²¹ In his later *Memories*, the younger Williams added the following about these settlers: "Hall had a little farm, but Brown seemed to make his living by wreck and beachcombing. He owned a little schooner, which was manned by his two grown sons."²² At this camp the surveyors made their last sighting of Indians on this trip to south Florida.

The second camp of the Williams party on New River was located near "Old Fort Lauderdale," on a strip of beach between the sound and the ocean. Arthur Williams noted that a grove of coconuts was growing there, probably, he speculated, planted by the soldiers during the Third Seminole War. He also adds, interestingly: "At this time the inlet to New River was about five miles South of this camp, the New River Sound paralleling the ocean for this distance, but after Fort Lauderdale was settled, someone cut a ditch across from where we were camped, and it is now the inlet to New River. The place where we camped is now probably in the middle of the inlet."²³ A third camp was made on New River, "... down at the mouth not far from where the town of Hollywood now is."²⁴

Arthur Williams also recalled a very pretty tropical hammock situated between New River Sound and Lake Mabel (Port Everglades) which so fascinated him that eleven years later James A. Harris and he purchased this land. Lake Mabel, he tells us, was named after Harris' then girlfriend and later wife, adding that the name first appeared on a map that he made with Major J.W. Bushnell.²⁵ The 1870 surveying crew, according to Arthur Williams, subsisted mostly on wild turkey and fresh turtle eggs which he procured from the plentiful turtle nests on the beach, which, he noted, were, "on an average of every 200 feet . . ."²⁶

The surveying party left New River and headed northward through the inland passage to the Hillsboro River, where they set up camp near the mouth. The second camp on this waterway was near a point where the river turned towards the west and exposed a small promontory, "... just about opposite to where the East Coast Canal comes into the river now." At this camp, young Arthur passed his thirteenth birthday and also lost his little yellow hen, which had been bitten near the head by a rattlesnake. The young boy stayed with his pet, giving it small doses of spirits of ammonia. The lad stayed up until about 10:00 o'clock in the evening dosing his feathered friend and thought she might survive, but this was not to be. She died very early on the following morning before young Arthur awoke.²⁷

Following the inside passage, the party headed further northward and soon arrived at Lake Boca Ratones. The crew continued to work hard and finished the surveys of this marshy area in a few days time. They then went up to the area of the old "Orange Grove Haulover" and finished the contract in that place. The trip to Jupiter Inlet proved to be a very lengthy

one, lasting over ten days because of unfavorable winds. Upon their arrival at the inlet, the party was nearly swamped by the breakers. Arthur Williams credits one of the hired help with going to get the lighthouse keeper to guide them through the treacherous waters.²⁸ By early September the crew had arrived safely back at Fernandina after "a Very laborous Summers work."²⁹

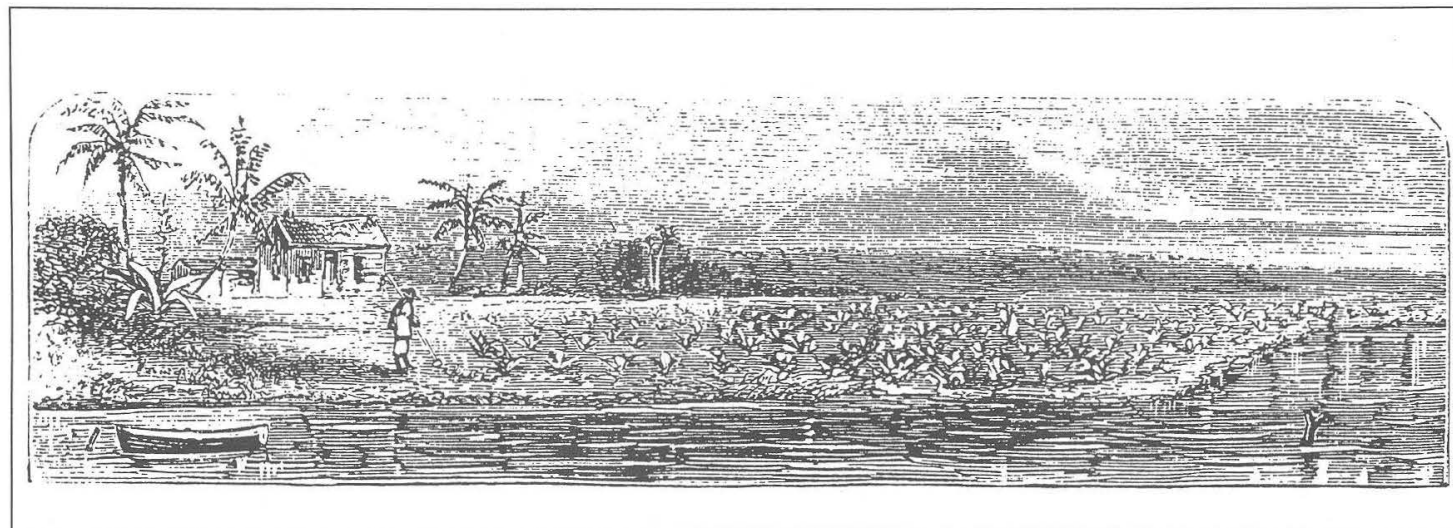
That surveying, as a profession, was rewarding is common knowledge; however, like modern businesses that have to rely on the government for payment, the rewards were often slow in arriving. Though Marcellus Williams had turned in his work in mid-September, by February 7, 1871, he was writing the Surveyor General: "Will you do Me a great Kindness by Sending the next in immediately as I greatly need the money to pay the debts incurred for the Survey."³⁰ To help tide himself over between the federal contracts, Marcellus Williams continued to work for the railroads. In February of 1871, David L. Yulee wrote to Stearns asking for his approval to have the salt marsh area near Fernandina surveyed by Williams on behalf of the railroad, which would assume the cost of this survey.³¹ This extra work was useful in helping fend off creditors.

That Williams remained close to Samuel Swann and other railroad men can be seen in a letter of April 24, 1871. In this letter, M.A. Williams asks the Surveyor General to send his instructions to Swann, who would forward them to him at Indian River, where he was performing a survey for the state. At this point in time, he was again headed down the coast to survey the lands between Lake Worth and Jupiter Inlet.³² The Lake Worth survey, according to Williams, would have been financially disastrous had it not been for the state work he did on the trip down the coast. He

lost his boat, the greater part of his supplies, and nearly drowned because of a "hard blow" that forced him to beach his craft. To make matters worse, he had to pack the gear and supplies which remained into one of the worst sawgrass areas he had ever seen and face a hot south Florida sun, which forced him to abandon the work. Because of these problems, he had to request an extension of time on his contract and purchase two mules to complete the work in such difficult terrain.³³

Marcellus Williams was not finished surveying in south Florida. In 1872, he received the contract to survey Key Largo and other islands in the northern Keys. Even this survey was delayed by a serious sickness in his family, which delayed the start of the survey by nearly twenty days. Williams left Fernandina in the first week of February of 1872 (not 1874 as his son has written). He finished his work on this difficult contract in mid-May of 1872 and wrote to M.L. Stearns: "I have gotten home quite exhausted, and wish for a few days rest. . . . I send you two pine apples gathered from My Survey, and will as Soon as I can get it Made Send you a walking cane made of Crab wood which was also cut upon My Survey."³⁴ Williams' survey of the upper Keys was not the most thorough of jobs. Years later, when the Florida East Coast Railway was extending across the Keys to Key West, the engineers of that marvelous feat found an "inland sea" which they called Lake Surprise because it was not on the Williams survey of Key Largo. In all fairness to Marcellus Williams, it should be noted that his notations of the upper Keys observe a vast amount of mangrove and buttonwood on the islands, which would be impossible for a crew of four (which is what he could get) to cut through to find an "inland sea" like Lake Surprise.

A change of Surveyor Generals,



A pineapple clearing on Key Largo, 1871.



Surveyors crossing the Everglades.

Stearns having become Lieutenant Governor under Governor Ossian Hart, did not bode well for Williams. On October 5, 1873, we find Williams soliciting the aid of General Horatio Jenkins, Jr., to intercede for him with the new Surveyor General, J.W. Gilbert. Jenkins, who was obviously well acquainted with Williams, had agreed to intercede and had written a glowing letter of recommendation on September 15, 1873, but this letter did not have the desired effect, hence the letter of October 5th. A second letter to William L. Apthorpe, Chief Clerk in the Surveyor General's Office seems to have gotten the correct response.³⁵ More important, however, was the enclosure to one of the Jenkins-Apthorpe correspondence. The telling enclosure was Marcellus Williams' "Rough Notes" on why the Everglades should be surveyed.³⁶ Because of the significance of these notes, both as description and prophecy, a large selection of them follows:

The United States Surveys particularly on the Atlantic Coast have closed upon the Everglades except in a few instances where they penetrated a few miles into its borders.

Under Act of Congress Sept. 28th 1850 all this region will inure to the State of Florida, but under the ruling of the Genl Land Office at Washington no patents are issued to the State until the

land is Surveyed.

Now with the present and increasing desire to engage in tropical productions, particularly in fruits and Sugar Cane, it becomes of paramount importance to the best interest of Florida, that this section of the country should be acquired in order that it may be utilized by grants from the State or otherwise in reclaiming this vast region, or at least partly so, and thus opening to profitable cultivation the only really tropical portion of the United States.

That it can be at least partly reclaimed is beyond question. All of the many streams flowing from the Everglades have considerable fall at or near the drain of the same, indeed the fall in some instances is so considerable as to amount to almost a Cascade. By deepening these streams at the point from which they flow from the Everglades would let off an immense volume of water. It would in fact require comparatively no great amount of labour, and no very large expenditure of money to reclaim a large area of the richest Marsh (interspersed with hammock islands) in the State. To reclaim these lands and

render them Cultivable would add immensely to the wealth of the State.

The Everglades are fed chiefly from the valley of the Kissimmee, the waters from which Valley emptying into the great Okeechobee Lake, which lake at its South border overflows into the Everglades. It would be practicable and desirable to cut a Steam boat Canal from Okeechobee to navigation on the St. Lucie river, a distance of 20 miles, the effect of which would be to reclaim and render productive an immense area of the richest Sugar land in the State, and at the Same time give Steam boat Navigation for more than 100 miles up the Kissimmee river from the Okeechobee and give Steam boat navigation from the head of navigation on the Kissimmee, Down the same and through the Okeechobee and by canal into St. Lucie, which connects with Indian river and thence up Indian river to the St. Johns river near its mouth by the Hillsboro Halifax, San Sebastian, North river and Pablo would require Comparatively but little excavation to make the most attractive Steam boat route in the United States.

To Survey parallel lines across the Everglades 6 miles or a Township apart, would give the topography Sufficiently accurate to establish the character of the country . . .³⁷

Williams also asked that the survey be done at a higher rate per mile than that normally paid to surveyors because of the difficulty involved in such a territory. The difficulty he foresaw could not be denied; however, before he could get on with this arduous task, he was asked to survey more of the eastern Everglades.

In mid-July of 1874, Williams wrote the Surveyor General that he had, "... returned yesterday from the hardest and most expensive Survey that I ever had during more than 20 years experience." What had occurred in south Florida was one of the longest dry spells in nearly twenty years, and the surveyor had extreme difficulty in getting to the area to be measured. The canoes he had hired were of little use to him under the circumstances, and this meant walking and packing the equipment on the backs of his workers and himself. He began by trying to retrace the survey lines of John Jackson, an earlier deputy surveyor, and found the task very difficult because the water level was so low

as to preclude rapid work in the Everglades, where canoes were normally used. However, he persevered and completed most of the contracted lines in a few months. Still, the hard work seriously drained his energies and caused him some financial difficulties.³⁸ Not until September 26, 1874, a full two months after he had returned home to Fernandina, was he able to transmit his notes to the Surveyor General for inspection.³⁹

Horatio Jenkins joined Williams in his contract to survey the Everglades in early 1875. They would have started their survey earlier, had the Commissioner of the General Land Office in Washington authorized the project sooner than he did. The duo, therefore, had to request an extension of time on their contract until August 31, 1875, to complete their contracted work.⁴⁰ By July 17, they were reporting to the Surveyor General that they had completed the task and had run their lines to the islands in Charlotte Harbor, particularly Pine Island and Sanibel. However, "The parallel or connecting line between Townships 50 and 51 S. connecting the survey east of the Everglades was not done." They rationalized their action of not finishing this line by stating that the rainy season was approaching and that they had decided to "hasten to the Western borders, with a view of surveying this line first . . ."⁴¹ Again, they found the territory too dry to use their canoes; indeed, the land was so dry that "A party of Miami Indians were detained on the West side being unable to cross."⁴² The failure to run this line was the beginning of difficulties in aligning the township lines, a difficulty that is still apparent to the casual viewer of any Florida map depicting the area of the central Everglades.

On July 23, 1875, Williams and Jenkins wrote to Surveyor General LeRoy Ball that there were still enough significant unsurveyed areas in the Everglades and the surrounding islands to make more contracts worthwhile. They noted that the Everglades contained roughly 3,000,000 acres of land that may be made useful by competent drainage and that the islands along the west and southern coasts of Florida were potentially very productive. Their reasoning included the significant detail that many of the "Thousand Islands," including Cape Sable, were already being cultivated and were very productive. They further stated that this rich land was "... almost as Much unknown as Central Africa." Therefore, the duo argued that more work needed to be done in the area.⁴³ Of course, the surveyors most qualified and knowledgeable to do this work would be Williams and Jenkins.

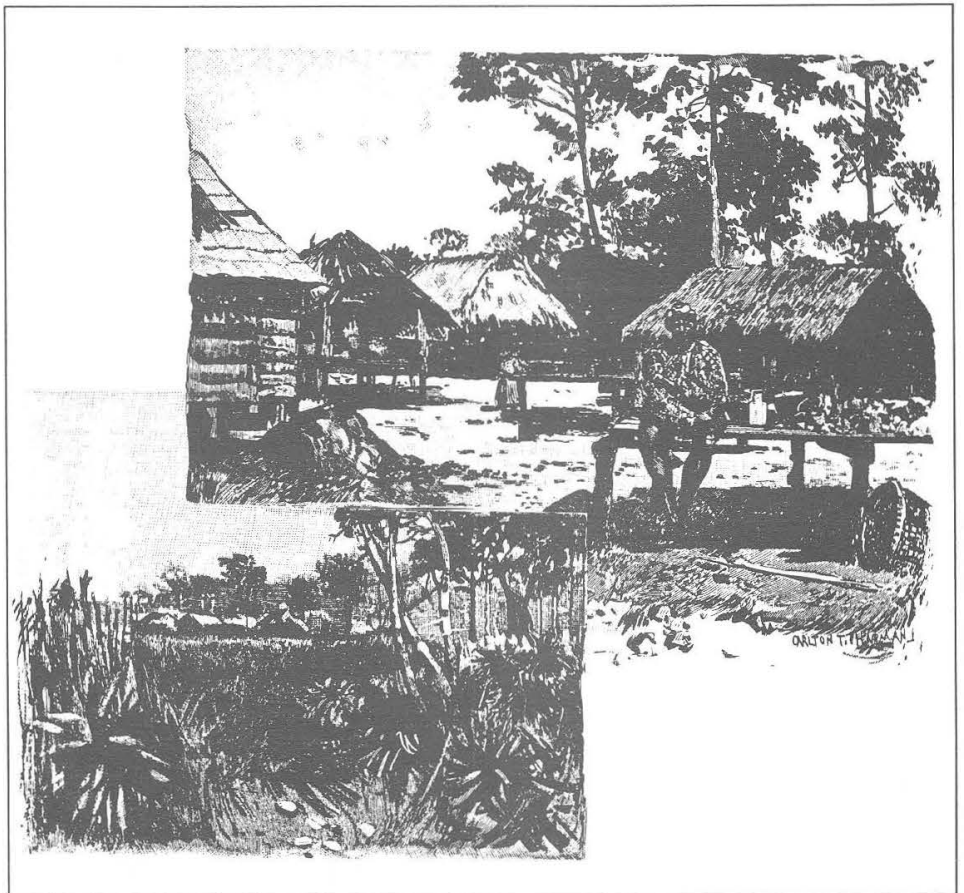
One of the more agreeable aspects of

the surveying of the Everglades, from Arthur Williams' point of view, was the renewal of friendship with Old Tiger Tail, whom the younger Williams noted, "seemed to have entirely gotten over his suspicion of us and was in our camp very frequently."⁴⁴

This late survey, which commenced in the 1874-75 surveying season, was also the last survey on which both father and son worked as a team. By this time, the elder Williams had entered into the lucrative field of land sales with Samuel Swann, the former treasurer of the Florida Railroad, and Hugh Corley, the register and receiver of lands before and during the Civil War, always an active promoter of immigration, and later Commissioner for Land and Immigration for the State of Florida. The contacts with their old Seminole "friends" would soon mean little in the plans of Marcellus Williams, as one of his first moves in the land investment field was to apply to the Board of Trustees of the Internal Improvement Fund for the right to sell lands south of the Caloosahatchee River which had not yet been patented to the state and were the center of Indian interests in southwest Florida.⁴⁵

The firm of Williams, Swann and Corley was one of the principal actors on the stage of land sales, or attempted sales, in the State of Florida, then struggling with the injunction placed upon such sales

by Francis Vose. Vose, who held the majority of the bonds for the defunct Florida Railroad and other failed, state-underwritten enterprises, had persuaded the courts to restrict the sale, granting, and purchase of lands by the State of Florida, through the Trustees of the Internal Improvement Fund. These injunctions were often at odds with the goals of the state in encouraging immigration into the unsettled portions of its lands, and the government tried various means to get Vose to cooperate. The firm of Williams, Swann and Corley was given the contract to work with Vose and try to sell as much of the state's lands as possible under the restrictions imposed by the courts. The major thrust of the firm's action was to sell as much land as possible, at prices sufficient to reduce or eliminate the debt certificates held by Francis Vose. The firm, having been appointed agents for the Trustees, had to report to the receiver, the noted lawyer Aristides Doggett, and to the Trustees all transactions and return to the receiver all monies collected from the sale of lands. After examination, a receipt would be given the firm for return to the state treasurer, who would then pay them from the Internal Improvement Fund account. The court ruling in the affairs of the Trustees initially allowed the firm to sell for prices that they, not the Trustees, considered fair market value, and the pro-



Indian village in the Everglades, c. 1893.



Arthur T. Williams, c. 1880s (photo courtesy of Fort Lauderdale Historical Society).

vision that the approval for such sales was in the hands of the court-appointed receiver meant that the Trustees had no control over lands of the state. This state of affairs led to another round of legal battles, with the firm of Williams, Swann and Corley in the middle of the in-fighting.⁴⁶ This complicated portion of Florida's history need not detain the story of Marcellus A. Williams, except to note that these legal battles took up much of the time and effort of the firm and delayed the expected profits from their ventures.

What is unique about Marcellus Williams' role in the affairs of the 1870s is his ability to be an active partner in a major land selling firm and, as noted above, conduct his business as a U.S. Deputy Surveyor. The melding of these roles is a remarkable fact and leaves Williams open, in modern judgement, to charges of conflict of interests. However, his career in the field of surveying allowed him to view, first hand, the lands known as swamp and overflowed and make judgements which no other person in the state could. That he used this knowledge to benefit his firm and the interests of the Trustees, as seen by the mores of his day, is very obvious. This, in the contemporary viewpoint, did not

violate any sensibilities, as almost all of his work, both as a surveyor reporting to the Surveyor General and as a land agent, reporting to the court-appointed receiver and the Trustees themselves, was done in the open and was available for public inspection. Throughout the era, many other competitors attempted to underbid, out-sell, and promise great changes which, they implied, the Williams, Swann and Corley firm could not bring about. The uncertain world of Reconstruction Florida politics was made even more uncertain by such attempted manipulations.

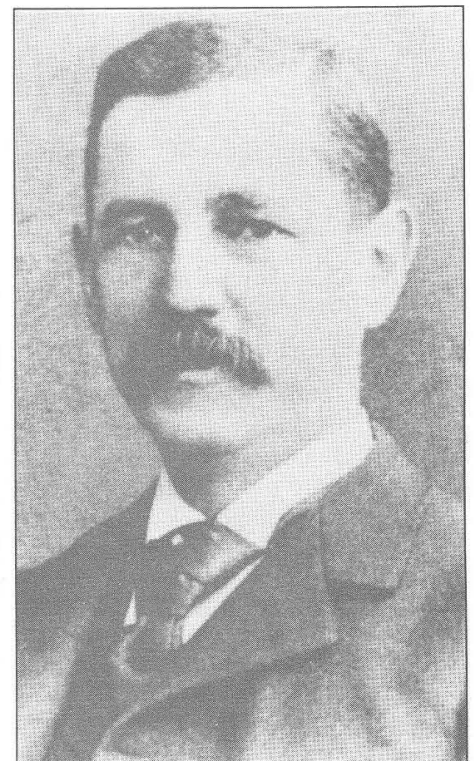
The firm went through many transformations during the 1870s and 1880s, including a number of name changes and shifting of the main partners. The only constant among the principals was Marcellus Williams. As an added incentive for the father, the son, Arthur T., joined the firm as a clerk in 1876, in the Jacksonville office of Williams and Corley (not Cauley, as written in the WPA typescript of Arthur Williams' "Incomplete Notes"). Young Arthur noted that he was entrusted with the task of collecting notes due to the firm in such frontier areas as Polk County and that most of the money taken in was "Spanish gold doubloons." Arthur worked for the firm until Marcellus Williams decided to close the Jacksonville office in 1881.⁴⁷

The firm had been in the forefront of selecting swamp and overflowed lands for the state and had sold thousands of acres under various contracts with new settlers. During its existence, the various manifestations of Williams, Swann and Corley played an important role in trying to work out the problems of land settlement, the financial burden of the Vose decisions, and the attempts to return the Internal Improvement Fund to solvency. Only in the former were they partially successful. Even as late as 1886, the firm's letterhead boasted that it owned 370,000 acres of prime mid-Florida land. And they were still writing the Trustees, asking for that august body to remit payments due to the firm for contracts as old as 1873. As Marcellus Williams pointed out to the Trustees: "Nine years is a long time to await such decision — on an ordinary debt the interest would nearly double it."⁴⁸ The problems caused by the political nature of the Trustees meant that many of the firm's best efforts were unrewarded or rewarded in land which, in turn, had to be sold to realize a profit. Fortunately, Marcellus Williams' first hand knowledge of the lands of southern and central Florida allowed him to select wisely on behalf of the firm.

Williams also had an important role in the famed Disston sale, which freed the Internal Improvement Fund from the Vose

injunctions and allowed the state to get back into the land-granting business. The Disston sale, as most are aware, was the purchase of 4,000,000 acres of swamp and overflowed lands for the price of twenty-five cents per acre. Within four months of this sale, Hamilton Disston sold half of this land to a syndicate headed by Sir Edward James Reed, a name which appears on thousands of south Florida abstracts. Reed hired Marcellus Williams to make many of his selections, which would amount to 2,000,000 acres. Hugh Corley, it will be noted, was also hired by Reed to manage his sales office, and Corley hired Arthur T. Williams as his clerk, thus reuniting the old firm one more time. This arrangement lasted for about a year, at which time Corley resigned and Arthur Williams was appointed in his place. Thus, the Williams family played an inconspicuous, but highly important, role in the settlement of south Florida as the selecting agent and sales manager of the Reed interests in Florida.⁴⁹

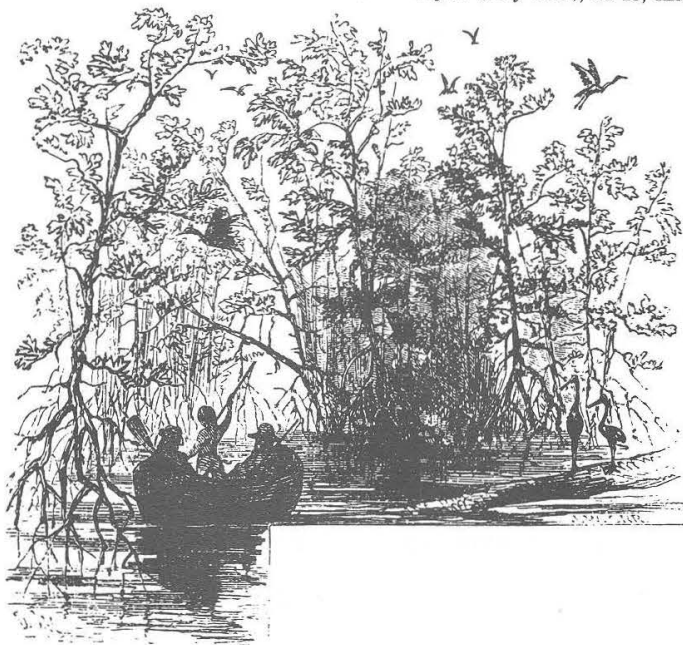
Marcellus A. Williams passed from this world on July 2, 1888. In his will, he left two lots and buildings in Fernandina to his family, and the remainder of his estate, which was unspecified in the probate records, was to be divided equally among the surviving family members. His sons Arthur T. and Herbert P. were named executors, and his wife, Emma, was the principal beneficiary. Named in the will are Arthur T., Herbert P., Marcellus A. and Edwin R., the sons, and daughters



Hamilton Disston

Kate, Emma, and Fannie, along with his wife, Emma.⁵⁰ In a not too uncommon confusion, the 1870 census listed his wife's name as Anna (aged thirty-four) and included another daughter named Sally, not named in the will.⁵¹ No solution to this little mystery will be offered here, except to note that, as modern experience has recently taught us, census records are not always the most accurate documents.

As a minor player on the Florida stage, Marcellus A. Williams had an important impact on the development of south Florida, especially Broward County. His surveys and descriptions of the land constituting most of the county are still the basis of almost all property holdings in Broward. His promotional ability led to the settlement of some of the areas of the county. Williams' ties to the Reed interests definitely had an impact on the peopling of the region. Finally, through the many important contacts he had, Yulee, Swann, Corley, Reed, etc., his role as a non-resident promotor of south Florida can hardly be denied. Marcellus Williams may have been a minor character in the grand play of Florida history, but his connections make him more significant than many more well known pioneers.



Notes

1. The census of 1870 notes Marcellus A. Williams as being fifty-two years of age at that time (Page 400, Nassau County, Florida Census). It also states that he was from North Carolina. Arthur T. Williams, in his "Incomplete Notes," (WPA Transcript, State Library of Florida) writes that he, Arthur, was born in Palatka in 1857, the second child of the family (page 1). The census is available at the Florida State Archives, Department of State, Tallahassee, Florida. The author would like to thank Mr. Chris Myers of the Florida State Archives staff for his assistance in obtaining the census and probate records used in this article.
2. Letter of April 25, 1849, A.M. Randolph to B.A. Putnam, Surveyor General, Applications for Employment, Volume 2: 1845-56, Land Records and Title Section, Department of Natural Resources, Tallahassee, Florida, 193.
3. *Ibid.*, 197.
4. Letters and Reports to Surveyor General, Volume 2: 1848-56, 865-66, Land Records and Title Section, Department of Natural Resources, Tallahassee, Florida (Hereafter L & R, vol. # and page #).
5. *Ibid.*, 873-79.
6. *Ibid.*, 869-70.
7. *Ibid.*, 873-79.
8. Brenda J. Elliott, "Aaron Jernigan: Alleged Frontier Vigilante," *Proceedings of the 90th Annual Meeting of the Florida Historical Society* (Tampa: Florida Historical Society, 1993), 121-34; L & R, 2, 873-79.
9. L & R, 2, 873-79.
10. *Ibid.*, 885.
11. *Ibid.*, 899.
12. Joe Knetsch, "A Surveyor's Life: John Jackson in South Florida," *Sunland Tribune*, 13 (November 1992), 3-8; Knetsch, "The Forgotten Pioneer: Florida's Land Surveyors as Pioneers," *Plumb Lines*, Florida Society of Professional Land Surveyors (July 1991), 11-18; Knetsch, "False and Uninformed Charges: The South Florida Surveys of Sam Reid," *Florida Surveyor*, 1 (February 1993) 3-6.
13. Miscellaneous Letters to Surveyor General, Volume 2: 1849-56, 1079, Land Records and Title Section, Department of Natural Resources, Tallahassee, Florida (Hereafter, MLSG, vol. #, P. #).
14. Drawer: U.S. Deputy Surveyors N-Z, File: U.S. Deputy Surveyor, M.A. Williams, Contracts and Bonds, Land Records and Title Section, Department of Natural Resources, Tallahassee, Florida.
15. Arthur T. Williams, "Incomplete Notes" 1.
16. MLSG, 3, 409.
17. Williams, "Incomplete Notes," 1.
18. MLSG, 4, 62.
19. Williams, "Incomplete Notes," 6.
20. Arthur T. Williams, *Memories* (privately printed, c. 1928-30), 5-7.
21. Williams, "Incomplete Notes," 7.
22. Williams, *Memories*, 13.
23. *Ibid.*
24. Williams, "Incomplete Notes," 8.
25. Williams, *Memories*, 14.
26. Williams, "Incomplete Notes," 8-9.
27. *Ibid.*, 9.
28. *Ibid.*, 10.
29. MLSG, 4, 91.
30. *Ibid.*, 108.
31. *Ibid.*, 113.
32. *Ibid.*, 127.
33. *Ibid.*, 136.
34. *Ibid.*, 166.
35. *Ibid.*, 225-230.
36. *Ibid.*, 233.
37. *Ibid.*; The remainder of the Rough Notes concern mostly surveying matters, including a recommended rate of \$12 per mile.
38. *Ibid.*, 273.
39. *Ibid.*
40. MLSG, 5, 18.
41. *Ibid.*, 30.
42. *Ibid.*
43. *Ibid.*, 34.
44. Williams, *Memories*, 19.
45. *Minutes of the Board of Trustees Internal Improvement Fund*, Volume 2 (Tallahassee: T.B. Hilson, 1904), 82.
46. *Ibid.*, 50-58.
47. Williams, "Incomplete Notes," 18-19.
48. Letter of February 1, 1886, Marcellus Williams to Trustees, Miscellaneous Box (broken) "Salesmen Certificates," Land Records and Title Section, Department of Natural Resources, Tallahassee, Florida.
49. Williams, "Incomplete Notes," 19-20.
50. Probate Record, July 23, 1888, Nassau County, Book 1, 142-43 (Microfilm: Florida State Archives, Department of State, Tallahassee, Florida).
51. 1870 Census, Nassau County, 400.

THE END OF OUR INNOCENCE:

The Chillingworth Murder Case

by Donald G. Lester

Florida's "Crime of the Century" took place on the night of June 14-15, 1955, with the abduction and murder of Fifteenth Judicial Circuit Judge and Mrs. Curtis E. Chillingworth of West Palm Beach. This ghastly crime was the region's first noteworthy experience with the northern urban gangster world of contract killings and hit men. The fact that there was no connection between the men who actually committed the murders and the Chillingworths made the case extremely difficult to solve, and, as the years went by, the case seemed destined to join the list of "unsolved mysteries." The case was finally solved more than five years after the Chillingworths' disappearance with the arrest and conviction of former West Palm Beach Municipal Judge Joseph A. Peel.

The Fifteenth Judicial Circuit in 1955 included both Broward and Palm Beach counties, and Judge Chillingworth presided over many trials and hearings in Broward County. When Broward was created in 1915, it was put into the Eleventh Judicial Circuit along with Dade and Palm Beach counties. In 1917, Broward and Palm Beach counties were placed in the newly-created Fifteenth Judicial Circuit

with E.B. Donnell of West Palm Beach as judge. Then, in 1923, Curtis E. Chillingworth of West Palm Beach became the circuit judge.

The population of Broward County was only about 5,000 in 1920, but as a result of the boom period during the middle part of that decade, the population of the county increased tremendously. Consequently,

the Broward County Bar Association clamored for a new judicial circuit that would include only Broward County. Their efforts bore fruit in 1927, when the Florida Legislature passed a bill creating the Twenty-second Judicial Circuit. Governor Martin signed the bill into law and then followed the recommendation of the Broward County Bar Association by ap-

The Chillingworth murder case made statewide, and even national, headlines between 1955, when the murders took place, and 1961, when accused murderer Joseph Peel was convicted. Although the murders took place in Palm Beach County and the trial in St. Lucie County, and most of the leading figures were Palm Beach County residents, the case was significant to Broward County because the murdered judge, C.E. Chillingworth, presided over the Fifteenth Judicial Circuit, of which Broward was a part, and he and most of the other major individuals involved were familiar figures in Broward's legal circles. Furthermore, as author Donald G. Lester emphasizes, the case marked a decided shift in the nature and perception of criminal activities in southeast Florida as a whole, a shift which continues to have a strong impact on the region thirty years later.

Donald G. Lester is Assistant Professor Emeritus of History and Political Science at Middle Georgia College in Cochran, Georgia. His family has lived in Fort Lauderdale since 1925. He is a graduate of Fort Lauderdale High School and the University of Miami. He now lives in Glades County. A frequent contributor to *Broward Legacy*, Professor Lester has written on a number of topics concerning Broward County's political and legal history. He was recently honored as a Distinguished Lecturer at Middle Georgia College, and presented a paper on the Chillingworth case.



Circuit Judge and Mrs. Curtis E. Chillingworth
(Mrs. Chillingworth's photo courtesy of the Fort Lauderdale *Sun-Sentinel*).

pointing Fort Lauderdale attorney Vincent C. Giblin, possibly the most brilliant lawyer ever to practice in Broward courts, as the judge. Also following the recommendation of the bar association, Martin appointed Fort Lauderdale Municipal Judge Louis F. Maire state attorney of the newly-created circuit.

Vincent C. Giblin impressed the vast majority of Broward lawyers with his legal brilliance. Many seemed mesmerized by the depth of his legal knowledge. Giblin proved to be a tough, no-nonsense judge who took his duties as well as himself very seriously, and his high-handed tactics aroused criticism in many quarters. Giblin seemed headed for his day of reckoning if a suitable opponent could be found for the forthcoming 1928 election. Fort Lauderdale attorney George W. Tedder, Sr. accepted the challenge and filed against Giblin. The vast majority of Broward County Bar Association members supported Giblin, but two Fort Lauderdale lawyers, Dwight L. Rogers and John E. Morris, became Tedder's campaign managers. The Giblin forces stressed the incumbent's legal knowledge and his high standing with the bar, while Tedder engaged in an old-fashioned American populist campaign and stated that he would be a "people's judge and not a lawyers' judge." Tedder overcame the opposition of the vast majority of Broward

County lawyers and scored an impressive victory. Because of a Giblin challenge, he did not assume office until 1929.²

A referendum held at the time of the 1934 general election resulted in the number of Florida judicial circuits being reduced from twenty-eight to fifteen. As a result, in 1935, the Florida Legislature put Broward County back into the Fifteenth Judicial Circuit with Palm Beach County. This time, however, the circuit would have two judges, one holding court in West Palm Beach and one in Fort Lauderdale. Thus Chillingworth and Tedder remained in office with the same duties as before, but with jurisdiction over the enlarged circuit. The two state attorneys were to complete their current term and then run for reelection over the enlarged circuit. Louis F. Maire had just been reelected state attorney in the Twenty-second Judicial Circuit. In 1939 Phillip D. O'Connell of West Palm Beach became state attorney for the Fifteenth Circuit, and Maire stepped down to the position of assistant state attorney, but with the same duties as before. As a result of the population increase during the years following World War II, the circuit was awarded two additional judges—Joseph White in West Palm Beach and Lamar Warren in Fort Lauderdale.³

Until 1948, the position of circuit judge rested upon gubernatorial appointment,

but the tradition had long been established that the governor would appoint the winner of the Democratic primary and that the appointment would be subject to the approval of the Florida Senate. The offices of state attorney and supervisor of registration followed the same procedure.⁴

Curtis Eugene Chillingworth was born in West Palm Beach October 24, 1896, two years after the incorporation of the town and thirteen years before the creation of Palm Beach County. He was the son of Charles Curtis Chillingworth, the first municipal attorney in West Palm Beach. He was the grandson of Richard J. Chillingworth, the first mayor of West Palm Beach, who had also served from 1896 to 1901 as sheriff of Dade County, of which Palm Beach County was then a part. Curtis E. Chillingworth graduated from Palm Beach High School in 1913 and four years later received a law degree from the University of Florida. Upon his graduation, Chillingworth and his father formed a partnership under the name C.C. and C.E. Chillingworth. By this time the United States had entered World War I, and so the young lawyer answered the call to the colors and served in the navy as an ensign. After the Armistice, he was discharged from the navy, although he remained in the naval reserve. He returned to his law practice in 1919. In

1920, at the age of twenty-four, Curtis E. Chillingworth was elected county judge. In 1922 he entered the Democratic primary as a candidate for judge of the Fifteenth Judicial Circuit. He told the voters, "I am not a politician, and I know nothing of politics, although I am, always have been, and will continue to be a Democrat." Chillingworth won the Democratic primary and in due time was appointed judge of the Fifteenth Judicial Circuit by Governor Cary A. Hardee. Approval of the Florida Senate soon followed. At that time Chillingworth was the youngest man to hold the position of circuit judge in the history of Florida. He was reelected to that post throughout his life, having with one exception no opposition for the position. He obtained a leave of absence from his duties during World War II, in which he served with distinction as a commander on active duty in the United States Naval Reserve. Judge Chillingworth was an active member of the Masons and Shriners, the Elks, the American Legion, the Rotary Club, and various bar associations. He performed invaluable work as a member of the Florida Judicial Commission in redrafting the Florida rules of criminal procedure. On November 6, 1920, Judge Chillingworth married Marjorie Croude McKinley. Three daughters were born of that marriage. Judge Chillingworth was one of the most distinguished public ser-

vants in Florida history. As a judge he was wise, sagacious, utterly impartial, and of impeccable integrity. He brought to the court a brilliant mind and developed a reputation as a legal statesman as well as a legal giant. He was often cited as the ideal judge, an example of how a judge should conduct himself. However, as the second half of the twentieth century got underway, there was another judge working on the periphery of Florida's judicial system that took the opposite approach, the road of crime and plunder. So the Chillingworth tragedy can also be called "The Story of Two Judges."

Joseph Alexander Peel, Jr. was born in West Palm Beach September 24, 1924, the son of the owner of a small hotel. The Peels were well liked and respected; there was no evidence of any future scandal that would scar the family name. Joseph Peel received his secondary school education at Riverside Military Academy in Gainesville, Georgia, a school which at that time had winter quarters in Hollywood, Florida. After graduation, Peel served three and one-half years in the infantry during World War II, most of that time in combat in the South Pacific. After his army discharge, he entered Stetson University. While his grades were somewhat above average, Peel's great success came as a campus politician. He was the chief organizer and promoter of the Stetson Veterans Club. His winning personality enabled him to make many friends at the university. Joseph A. Peel, Jr. graduated from Stetson University with a law degree in 1949, and, after admission to the bar, started his law practice in West Palm Beach in association with John R. Beacham. Beacham, who had served in the Florida Senate since 1933 and was president of that body in 1941, was one of the most powerful politicians in Florida.

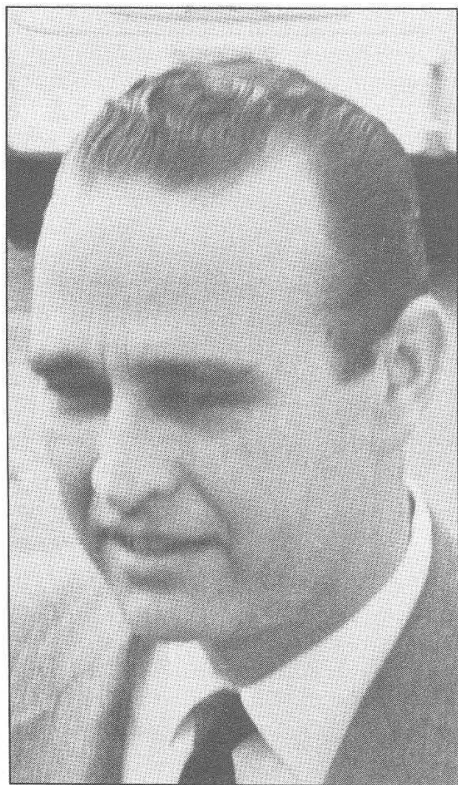
Peel's association with Beacham gave him a chance to form many useful contacts, and at that early age he seemed headed for a successful political career. John R. Beacham died suddenly on October 21, 1950, at the age of fifty-two. In May 1950, Peel had been appointed Ad Litem (alternate) judge of the West Palm Beach Municipal Court. He resigned that position in 1951 to accept an appointment to the newly-created position of city prosecutor. In 1952, Joseph Peel decided to try his hand at electoral politics and announced his candidacy for the position of judge of the West Palm Beach Municipal Court. One of his campaign workers was a new arrival from Oklahoma, Floyd A. (Lucky) Holzapfel, who was to play a very important part in Peel's future career.

Peel took advantage of his many per-

sonal contacts, his winning personality, his impressive appearance, and his impeccable manners to win support. He proved that he knew how to gather in the votes. On election day, he rode the crest of a wave of personal popularity to score a landslide victory, receiving a clear majority over the combined votes of his four opponents. In fact, Joseph A. Peel, Jr. received the largest vote ever received by a candidate in West Palm Beach history, and seemed certain to be at the start of an impressive political career. In 1951, Peel had married a college schoolmate, the beautiful Imogene Clark of Lake City. Since service during World War II had delayed Peel's entry into college, Imogene graduated from Stetson ahead of him. She then taught school until their marriage.⁶

The position of municipal judge was a part-time job, and the incumbent received only a small stipend, so while holding that position Peel continued in the private practice of law. At the same time, he let greed and utter lack of moral fiber get the best of him, and soon became involved in the bolita, moonshine, and prostitution rackets in West Palm Beach. In his position as municipal judge, Peel would sign search warrants, and then, for a price, notify those establishments to be searched. In 1953 he received a stiff public reprimand from Judge C.E. Chillingworth for representing both sides in a divorce case. The reason that the punishment was not more severe was that Chillingworth took into consideration Peel's youth and inexperience. In spite of that public embarrassment, Peel was reelected municipal judge by a substantial majority, proving once again that he knew how to "gather in the votes." However, quite a number of unsavory characters kept showing up in his office, a situation which became so noticeable that a number of West Palm Beach lawyers cautioned Peel that he needed a "better class of clients."⁷

Shortly after Peel's impressive reelection victory, he was again in trouble because of his mishandling of another divorce case. This time the potential trouble for Peel was far more serious, in that he had to face disbarment proceedings. There is also a general belief that Judge Chillingworth was becoming suspicious of possible racketeering activities on Peel's part. State Attorney Phillip D. O'Connell of West Palm Beach was also suspicious of Peel, because the municipal judge displayed such an affluent lifestyle. While Peel received a small stipend for his public office, and while his private practice consisted mainly of the less wealthy elements of society, both Negroes and poor whites, he seemed to be living



Judge Joseph A. Peel, Jr.
(photo courtesy of the
Sun-Sentinel).

"high on the hog." O'Connell naturally wondered as to the source of his additional income. William Barnes, then chief of detectives, remained mystified as to why, after receiving such good tips on the location of illegal operations and securing proper search warrants, nothing could be found. He knew that there must be a "leak," but at that time did not suspect the municipal judge as the source of the "leak." During his career as municipal judge, Peel also formed a business arrangement with two undesirable characters. They were Floyd A. (Lucky) Holzapfel, who had worked in Peel's successful 1952 election campaign, and George D. (Bobby) Lincoln, a prominent Negro from Riviera Beach.⁸

Floyd A. (Lucky) Holzapfel was born in Emporia, Kansas, on June 19, 1924. At an early age he moved with his family to Oklahoma City. He attended school in that state before serving as a paratrooper in the Eighty-second Airborne Division in Europe during World War II. He received the Purple Heart for wounds received during military action. After receiving an honorable discharge, Holzapfel attended college first at Central State (Oklahoma) College, then at Oklahoma City University. Apparently during this time he had ambitions of becoming a lawyer, but his unsavory character would deny him that goal. During a vacation he was arrested in



Floyd A. (Lucky) Holzapfel
(photo courtesy of the
Sun-Sentinel).

Los Angeles and sentenced to sixty days for bookmaking. His college career was completely derailed when, in 1947, he was sentenced to five years in prison after arrest and conviction for armed robbery. Holzapfel was pardoned in 1949 and moved to Florida. He became friends with Joseph Peel after Peel represented him on a false arrest charge and won a small settlement for him.⁹

Floyd Holzapfel in the meantime worked as a salesman, a carpenter's helper, a service station attendant, and became active in the Jaycees and the Young Republican Club. He further became involved in politics by campaigning hard for Joseph Peel in Peel's first successful effort to become municipal judge. Holzapfel was also reported to have been a leader in the Cub Scouts.

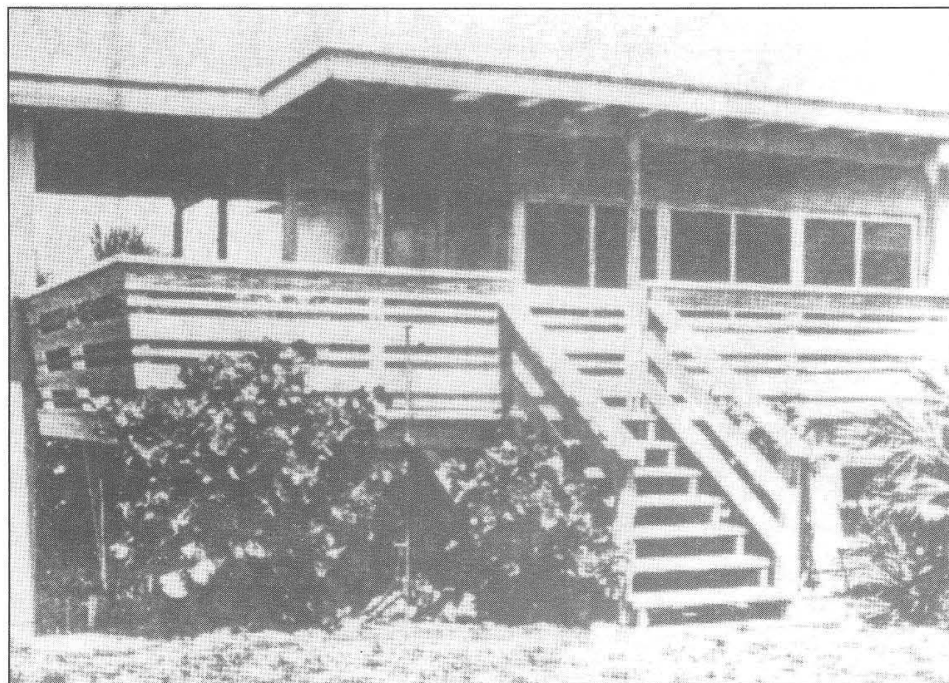
The third member of the gruesome trio that was central to the racketeering that was taking place in West Palm Beach was George D. (Bobby) Lincoln. About the same age as Peel and Holzapfel, Lincoln operated two pool rooms and a small taxi cab business. Expanding his activities, he became involved in moonshine activity as well as the numbers racket. Lincoln was considered the boss of his neighborhood, and many black people were afraid of him. As he continued to expand his illegal activities, Lincoln moved some of his operations to West Palm Beach. While enjoying profitable enterprises, Lincoln found himself under the jurisdiction of Municipal Judge Joseph A. Peel, Jr. Lincoln first met Peel in 1954, when Holzapfel approached him and told him in no uncertain terms that if he expected to stay in business, he would have to buy protection from Peel. So Judge Peel and moonshiner Lincoln had a meeting during which Lincoln agreed to pay Peel \$50 a month. So Peel, Holzapfel, and Lincoln formed an informal business association to make a substantial profit from the various vice operations that were taking place in West Palm Beach.

Joseph A. Peel lived in a world of fantasy. He seemed to assume that by continuing his racketeering activities he could be assured of a financial base that would enable him to climb to the top politically. He entertained hopes of becoming county solicitor or state attorney, and assumed that achieving either of those positions would enable him to control all of the local vice operations. He also seemed to assume that the wealth thus gained would propel him into the governor's chair in Tallahassee. This ambition was sheer fantasy, because even had Peel been able to achieve the status of "boss" of Palm Beach County there is no reason to believe that he could have kept state and

especially federal officials "off his back." During the decade of the 1950s the federal government was taking much interest in the misdeeds of local officials. In fact, the decade began with the Kefauver investigations that resulted in the downfall of Sheriff Walter R. Clark of Broward County. So if Peel was at all realistic, he would have realized that he should be more cautious and show more restraint.¹⁰

In spite of his high ambitions, Joseph Peel soon became concerned that his crime operation was beginning to unravel. After the public reprimand in 1953, a number of people were becoming suspicious of Peel's activities. As mentioned previously, State Attorney Phil O'Connell of West Palm Beach wondered how Peel could afford such an affluent lifestyle on his meager public salary and the financial caliber of his known clients. Chief of Detectives William Barnes was frustrated because after Judge Peel signed one search warrant after another, police raids time and time again turned up empty. On November 18, 1954, a Lincoln sedan owned by Peel and driven by Floyd Albert Holzapfel, skidded into a parked car at a traffic light at Dixie and Twelfth Street in West Palm Beach. Holzapfel was charged with reckless driving and causing an accident by failing to have his car under control, and causing personal injuries. He was scheduled to appear before Judge Peel a few days later, but no report on the disposition of the case is contained in the files. At that time Holzapfel listed his age at thirty years and his occupation as a carpenter. Criticisms of the municipal court operations under Peel led to a verbal blast from City Commissioner L.W. Kelloway, which resulted in Peel filing a \$10,000 slander suit against Kelloway. The case never came to trial. In 1955 Peel was facing a second set of charges of professional misconduct, for mishandling a divorce case. Judge Curtis E. Chillingworth took the initiative in investigating Peel's performance, leaving Peel concerned that Chillingworth's investigation would result in his disbarment. Peel was also afraid that Chillingworth was becoming aware of the Peel criminal enterprises. The hearing on Peel's mishandling of the divorce case was scheduled for June 10, 1955 before Circuit Judge Joseph White of West Palm Beach. Peel put in an appearance before Judge White that day. The second hearing was scheduled for the fateful and infamous day of June 15, 1955. Peel failed to show up.

Judge Curtis E. Chillingworth and his wife Marjorie were spending the summer months at their beach house in Manalapan, just south of Lake Worth. On the night of June 14, 1955 the



**The Chillingworth beach house at Manalapan
(photo courtesy of the *Sun-Sentinel*).**

Chillingworths attended a party in Palm Beach. The judge was scheduled to hold a hearing at 10:00 the following morning. A building contractor went to the Chillingworth's beach house at 8:00 A.M. on June 15th to keep an appointment with the judge regarding some minor repairs, but the usually punctual judge was not there. After a fruitless search of the premises, the contractor called the judge's office, but the jurist was not there either. When Judge Chillingworth did not show up for the 10 A.M. hearing, the courthouse officials sensed that something was wrong since the judge was very punctual and always took his duties very seriously. Circuit Judge Joseph White, then the only other circuit judge in Palm Beach County, received word of the mystery and immediately activated local law enforcement agencies. Now began one of the most grueling and intensive investigations in law enforcement annals and perhaps the only murder case in which not a single bit of remains was ever found.

As the investigation began, officers swarmed over the Chillingworth property. The house itself seemed to be in order, and the couple's two cars were in the garage. The porch light had been smashed, and the officers found two partly-used rolls of adhesive tape. There were blood stains on and around the wooden stairs leading to the beach. Laboratory analysis determined that the blood on the stairs was the same blood type as Mrs. Chillingworth's.

Investigators soon learned that the

Chillingworths had attended a party in Palm Beach the night before, and left the party about 9:30 P.M. to drive home. The couple would have arrived home about 10:00 P.M. Between that time and the contractor's discovery about ten hours later, something unspeakably gruesome had occurred. But what was it? Officers were sure that some kind of violence had befallen the couple—robbery and abduction at least, or possibly kidnapping for ransom? But no ransom demands ever arrived, leading authorities to consider the strong possibility of abduction murder.¹²

When the news of the Chillingworth disappearance was announced, the public was stunned. Fort Lauderdale attorney John E. Morris, Sr., a friend of the jurist for many years, said that he was "shocked and distressed" when he received the news. "I feel quite concerned as a lawyer and a citizen and would be glad to make a contribution to a reward for the capture of the guilty parties, if that would be acceptable to the law enforcement authorities. We ought to do anything and everything possible to see that justice is done in this shocking affair," he said. Another Chillingworth friend of long standing, Fort Lauderdale attorney Hugh Lester, said of the missing jurist, "He is the best judge in Florida." Broward Circuit Judge Emeritus George W. Tedder, Sr. recalled that he and Judge Chillingworth began their judicial duties on the same day. "We were inducted into office the first Monday in January 1923, he as county court judge of

Palm Beach County, and I went in as county court judge of Madison County." The jurists had met only a few times while they served on their respective county court benches, but after Judge Tedder moved to Broward County in 1925, they developed a close friendship. "His disappearance is certainly a shock for many reasons. I loved him almost as a brother." Judge Tedder cited the missing jurist "as having one of the keenest legal minds that I know of. He was one of the finest men that I ever became associated with. We worked completely without friction."¹³

In this estimation, Tedder was in complete agreement with his ancient enemy Dade Circuit Judge Vincent C. Giblin.¹⁴ The Dade jurist said that he had known Chillingworth for more than thirty years, and added, "I think that he is one of the most respected and beloved judges in the entire state. It would be a great loss to the state if his keen knowledge of the law, his experience, and his understanding were lost." Judge Giblin said that he considered the missing jurist "one of my best friends." During a recent session of the legislature, Giblin had worked closely with the West Palm Beach judge in seeking an extension of the period of residency for divorce action from ninety days to one year. Judge Chillingworth was interested in the matter as head of the judicial council, while Judge Giblin was interested as head of the group's legislative committee.

The missing Circuit Judge Curtis Eugene Chillingworth lacked just three weeks seniority to rank as the dean of Florida's circuit judges. The day before his disappearance, Chillingworth had started his thirty-third year as a circuit court judge, having been appointed to the bench on June 14, 1923. Judge L.I. Parks of Tampa, the dean of Florida's circuit judges, was appointed May 15, 1923.¹⁵ Also slightly ahead of Judge Chillingworth in seniority was Judge W. T. Harrison of Bradenton, who was appointed June 6, 1923.¹⁶

In the weeks surrounding the Chillingworths' disappearance, the career of Judge Joseph A. Peel, Jr. took a dramatic downward turn. Already under suspicion by Judge Chillingworth, State Attorney Phil O'Connell, and Chief of Detectives William Barnes, Peel remained in trouble for the mishandling of another divorce case. Fifteen days after Peel's failure to appear before Judge Joseph White on the fateful day of June 15, 1955, White ordered additional court action against Peel. Phil O'Connell filed disbarment proceedings on July 7th. Hearings were then held before Judge Lamar Warren of Fort Lauderdale, who handed down a ninety day disbarment for "dishonest

conduct and unprofessional acts.” Two weeks afterward, Peel resigned from his own judgeship. After Peel’s departure from the municipal bench, Chief of Detectives William Barnes noticed that with Peel’s successor signing the search warrants, the ensuing police raids were now successful. Thirty-seven years later Judge Warren recalled his impressions of Peel. “He was of average height, somewhat slender, fairly good looking, and he dressed well. On the occasion above he was respectful, courteous, gentlemanly, and exhibited an easy going manner. I remember that much about the hearing because there was some tension in the air with which I was not familiar.”¹⁷

After Peel’s ninety day suspension period was completed, he was back in the law business. In 1956 he formed an association with thirty-year-old Harold Gray. Peel’s dark side now began to emerge. His actions from this date forward caused law enforcement officials such as State Attorney Phil O’Connell, Sheriff John Kirk, and Chief of Detectives William Barnes to speculate as to the possibility that Peel might be implicated in the Chillingworth disappearance. Through insurance salesman James Yenzer, Peel took out a \$100,000 life insurance policy on Gray, with himself as the sole beneficiary. Peel did not notify Gray of the policy. Gray noticed that a steady stream of unsavory characters kept coming into Peel’s office. Particularly noticeable was Floyd A. (Lucky) Holzapfel. Gray complained to Peel about the undesirables frequenting the office, pointing out that this type of client was giving the office a bad name. After Gray’s complaint, Holzapfel’s visits became less frequent.

It was a cold, rainy December 12, 1956, when Joe Peel and Harold Gray decided to stop at the Chi Chi Club in West Palm Beach. The club was closed temporarily because of a court dispute. Peel said that he wanted to buy some liquor for the holidays, and produced a key to the place. While Peel hung back, Gray went inside to find a light switch. Suddenly someone jumped out of the dark and started landing blows on Gray’s head with a blackjack. The blows kept coming. Peel held back and made no effort to assist Gray, who finally recognized his assailant as Holzapfel. The plan was botched when Gray was able to escape the murderous assault by running outside the club. Realizing that the murder plan had failed, Holzapfel did not follow the victim to the street. People passing by were alerted by the noise, and Peel was alarmed. Only then did he decide to show support for Gray, so he drove his luckless partner to a hospital. Peel’s excuse for his slow re-

sponse was that he was trying to telephone for help. Holzapfel turned himself in and was charged with attempted first degree murder by County Solicitor Charles Nugent. At the trial Holzapfel claimed self defense in a normal fist fight, brought on by Gray’s remarks against Holzapfel and his wife. Then came a surprise witness, Francis Camarida, who gave a local address and testified that he was in the Chi Chi Club and witnessed the fight. The witness backed Holzapfel’s contention that the fight was just an ordinary argument. The testimony of the surprise witness had its desired effect — the six man jury acquitted Holzapfel. After the trial, the surprise witness, who had given a phony address, disappeared and has not been seen since.

Eventually, the authorities learned of the \$100,000 life insurance policy on Gray issued to Peel. With this new evidence, Nugent decided to take the insurance fraud route and charged Peel with being a principal in the secondary degree to assaulting Gray with intent to kill. Peel and Holzapfel were charged with conspiring to commit the murder. In a separate case, James Yenzer, the insurance agent who sold the \$100,000 life insurance policy to Peel, was charged with an August 1, 1956 attempt to kill Gray in a conspiracy with Peel. This alleged attack occurred in Gray’s West Palm Beach apartment, when Gray was slugged from behind and pushed into a bathtub full of water. In the meantime, the insurance company cancelled the insurance policy and fired Yenzer.

Holzapfel and Peel were charged with an attempt to kill Gray in one indictment; another charged Peel with assault to kill by aiding, abetting, and otherwise procuring Holzapfel to commit the assault upon Gray. Joe Peel and Lucky Holzapfel, along with James Yenzer, also were charged with planning the murder of Gray, with Yenzer providing the insurance policy. Solicitor Nugent charged that Peel and Holzapfel needed the cash to satisfy a gambling debt of several thousand dollars.

After lengthy legal arguments on the day of the trial, Criminal Court Judge Edward G. Newell sustained a motion to quash the single case against Peel, ruling on a close point of law. Nugent appealed the ruling and won a reversal. Suddenly, in 1959, Joseph A. Peel resigned from the bar in face of disbarment proceedings. His withdrawal left no chance of reinstatement. Peel gave as his reason his involvement in the construction industry. Nugent then dropped the murder case, as he had the others. A crucial witness had turned reluctant.¹⁸

Nevertheless, the Gray attempted

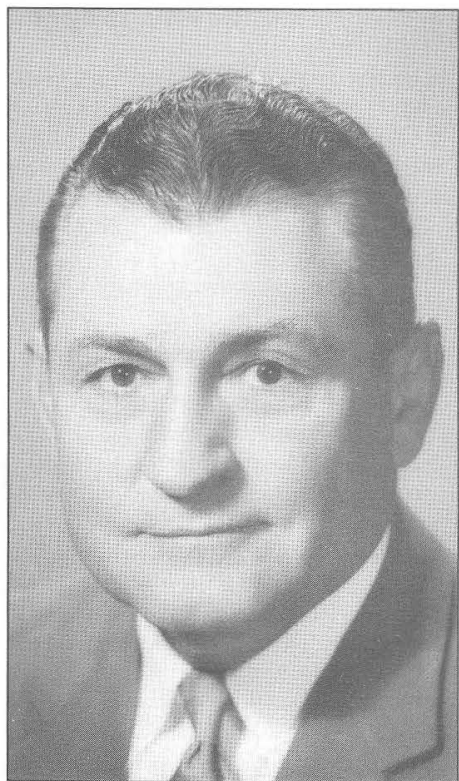
murder episode convinced State Attorney Phillip D. O’Connell and certain police officers that there was a definite dark side to Joe Peel. Behind his affability, smile, and warm handshakes; Peel had a mean streak, even a cruel streak. O’Connell and some police officers soon became convinced that Joe Peel and Lucky Holzapfel were probably involved in the yet-unsolved Chillingworth case.

The Chillingworth mystery dragged on year after year. Many people were beginning to doubt that the case would ever be solved. However, certain law enforcement officials remained determined to solve the case. This group included Sheriff John Kirk, William Barnes, the former chief of detectives who had become chief of police, and State Attorney Phil O’Connell of West Palm Beach. Phillip D. O’Connell was a long time friend of the missing jurist, and above all a dedicated public servant. More than any other single individual, Phil O’Connell was determined that the Chillingworth case would be solved.

Phillip D. O’Connell was born in Macon, Georgia, October 1, 1907. His father was a farmer, who also bred horses for racing. Phil attended public schools in West Palm Beach and Macon, graduating from Lanier High School in Macon in 1925 and from the University of Florida with a Bachelor of Law degree in 1931. O’Connell was a star on the boxing team during his student days. He was Southern Conference boxing champion in 1929 - 1930, captain of the boxing team in 1930, and boxing coach in 1931. At the University of Florida, he was also a member of the Blue Key honor society and the Alpha Tau Omega fraternity.

In order to finance his law school expenses, O’Connell turned to professional boxing. He boxed professionally for two years and had a very impressive record. He piled up a record of sixty fights, amateur and professional, without a defeat. In due time he reached the main event class. O’Connell’s big chance came in 1931 when he faced the highly regarded Willard Brown, an Indianapolis welter weight. Early in the bout Brown landed a vicious punch which resulted in a broken jaw for O’Connell, who lasted the ten rounds, but lost the decision by a wide margin. Thus O’Connell suffered his only boxing defeat. He was rushed to the hospital. As a result of this experience, he decided that boxing was a terrible way to make a living and went back to full time law studies.

O’Connell established his law practice in West Palm Beach in 1931. He was elected Municipal Judge of West Palm Beach the following year and served in that position from April 1932 until 1936.



State Attorney Phillip D. O'Connell
(photo courtesy of the
Sun-Sentinel).

For a while during the decade of the 1930s, O'Connell "kept a hand" in the boxing business by refereeing various fights. On July 23, 1934, he refereed the Joe Knight-Clyde Chastain fight in Miami. That bout was between two light heavyweights that were ranked in the world's first five. O'Connell became assistant state attorney of the Fifteenth Judicial Circuit in June 1937 and served in that capacity until 1939. On July 1, 1939, O'Connell became state attorney. During World War II, Phil O'Connell received a leave of absence and entered the United States Army as a first lieutenant on March 1, 1942. He was released on January 26, 1946, as lieutenant colonel, after having served overseas in the European Theater of Operations. He received the Bronze Star medal and the French Croix. After discharge from active duty, O'Connell remained a colonel in the United States Army Infantry Reserve.²⁰

While O'Connell searched for answers in the frustrating Chillingworth case, Lucky Holzapfel had been frequenting Miami. He was discovered as security chief at a big hotel in Miami Beach, with James Yenzer as his assistant. An investigation by the Dade County state attorney resulted in their discharge.

As the years went by, it looked as though the Chillingworth case would remain unsolved. However, Phil O'Connell

refused to give up. As mentioned previously, he had suspected that Joe Peel and Lucky Holzapfel were heavily involved. He also suspected George D. (Bobby) Lincoln because of the latter's close association with Peel and Holzapfel. So, O'Connell increasingly focused on the unsavory triumvirate of Peel, Holzapfel, and Lincoln. He hoped that it would be possible to turn each of the suspected culprits against each other.

O'Connell was not the only one to suspect Peel and Holzapfel. Soon after the investigation started, William Barnes, then chief of detectives, asked Detective Sergeant "Doc" Weishaar, who was known for his "street savvy", "Doc, if Judge Chillingworth had been home (in West Palm Beach) when he disappeared, who do you think we would pick up first?" Weishaar replied, "Mr. Barnes, I'd pick up the same s.o.b.s that you are thinking about." Barnes asked, "Well, who am I thinking about, Doc?" The reply, "Mr. Joseph Peel and Floyd Holzapfel." Barnes said, "That is exactly who I would pick up."²¹

Eventually Lucky Holzapfel was arrested for the theft of a cache of guns in Dade County. Metro police also feigned an attempt to arrest Holzapfel's partner in crime, James Yenzer. The authorities had begun using Yenzer in an attempt to crack the Chillingworth case by turning Peel and Holzapfel against each other.

The investigators' strategy began to work. Yenzer soon yielded to pressure and decided to save himself. He began to talk. He told the authorities that Peel was fearful that Holzapfel had too much on him and so must be eliminated. Peel had tried to talk Yenzer into killing Holzapfel, but Yenzer claimed he was not willing to go that far in aiding Peel's criminal activities. However, Yenzer had previously been willing to play a part in the attempted murder of Harold Gray. No doubt, Yenzer thought that Holzapfel would be too tough to handle. However, in spite of his expressed doubts concerning Holzapfel's reliability, Peel had formed a business connection with Holzapfel. They set up a fraudulent securities operation in central Florida. But Holzapfel, once convicted of the arms theft in Miami and free on bond during appeal, fled to Brazil, which had no extradition treaty with the United States.

P.O. (Jim) Wilber, a bail bondsman and former cop, was another friend of Peel and Holzapfel. They had become acquainted when Peel was serving as municipal judge. The authorities were able to convince Wilber to cooperate in their investigation of the Chillingworth case, and put him to work in an attempt to

lure Holzapfel back to the United States. Wilber, at state expense, telephoned Holzapfel many times in the following months, hinting that Peel had been seen with Holzapfel's wife and was swindling him in their securities business.

Months after he flew to Rio de Janeiro, Holzapfel returned to Florida, this time to a motel room in Melbourne. At the motel Holzapfel's love of liquor set the stage for his undoing. There he was reunited with his old friends Jim Wilber and James Yenzer. The three men drank heavily and talked about old times. State investigators Ross Anderson and Henry Lovern were in an adjoining room. Holzapfel, Wilber, and Yenzer were talking into a hidden microphone, while Anderson and Lovern were taping the conversations next door.

The set up in the Melbourne motel room was fantastic and required cooperation from the manager and the night telephone operator to succeed. Both knew that Room 127 was "bugged" and that Anderson and Lovern were in adjacent Room 129 with recording equipment.

A major problem was a ventilating fan in Room 127. Preliminary tests showed hidden microphones would not pick up conversation if the fan was turned on. After two days of drinking, Holzapfel be-



**Florida Sheriff's Bureau
Investigator Henry Lovern**
(photo courtesy of the
Sun-Sentinel).

gan to talk about the Chillingworth murders. Lovern was listening to the ear phones, when someone in Room 127 turned on the fan. Desperate, Lovern picked up the telephone and called the next door room. Holzapfel answered. Impersonating the motel manager, Lovern asked to have the fan shut off because the guests in the adjoining rooms were complaining about the noise. "Shut off that g— d— fan," Holzapfel shouted. Someone did, and the recording rolled on loud and clear.

Holzapfel went on with his drunken talk and told of the Chillingworth abduction and murder. The state authorities then went into Room 127 and grabbed Holzapfel, who did not resist. Now, with Floyd Holzapfel in custody, the state authorities began to subject him to intensive questioning. Finally Holzapfel confessed his part in the Chillingworth murder. The account was as follows:

Judge Joseph Peel of the West Palm Beach Municipal Court was afraid that Judge Chillingworth was aware of Peel's involvement in the various rackets that were taking place in West Palm Beach at that time. Peel was afraid that Chillingworth was about to disbar him. So Peel contacted Holzapfel and George D. (Bobby) Lincoln to dispose of the menacing judge. The night of June 14-15, 1955 was clear, and the ocean was calm. Holzapfel and Lincoln set out from a dock in Riviera Beach in a small inboard motor boat. Offshore they went south to Manalapan and the Chillingworth home. After beaching the boat and keeping the motor running, the two made their way to the house. Holzapfel, wearing a yachting cap and blue shirt, aroused the sleeping Chillingworths by knocking on the door. He was prepared to gain entry by claiming his boat was in trouble. When the judge opened the door, Holzapfel drew a pistol. Holzapfel whistled to Lincoln, concealed in the shrubbery, and ordered him to knock out the porch light. Holzapfel was chagrined to find Mrs. Chillingworth present. Peel had told him that Mrs. Chillingworth would not be there. The killers fastened nooses around the couple's necks, binding their arms behind them. Tape was used to gag them. In the bedroom, Holzapfel took two ten dollar bills to make it appear as a robbery.

Lincoln led the judge out toward the boat. Holzapfel followed with Mrs. Chillingworth. As she descended the stairs, her gag worked loose and she screamed. Holzapfel struck her with his pistol, opening wounds and dropping blood into the bushes lining the stairway. The killers put the victims into the boat and sailed out into the ocean. When they got far enough from shore, the killers fas-

tened weights around Mrs. Chillingworth and pushed her overboard. She sank from sight. The killers continued with the murderous task and pushed Judge Chillingworth overboard. The judge's own weights failed to pull him under, and he struggled to swim. The killers grabbed him and beat him with a shotgun and then tied an anchor around his neck. This time he sank from sight and disappeared forever.

The killers estimated the time at just past midnight. With the motor stalling, it took them hours to return to Riviera Beach. Several guns, unused rope, unused gloves, and everything else that was used in the crime were dropped overboard. After their return to Riviera Beach, Holzapfel telephoned Peel. "I fixed the motor," he said. Those words were the prearranged signal to announce the completed murder.²²

At the preliminary hearing, Holzapfel took the witness chair and dramatically, at times in a choked voice, confessed that he and Lincoln murdered the Chillingworths, and that Peel later told him that he had to kill Phil O'Connell. "As the political boss of Palm Beach County," Holzapfel said, O'Connell stood in the way of Peel's rise to political power and influence. Holzapfel said, "A couple of days before my arrest in Melbourne I sat and told Jim Wilber that people who had done what I had done and what Joe Peel had done and what Bobby Lincoln had done, should be stomped out like cockroaches, because they aren't fit to live with decent people."

Joseph A. Peel was now in a securities business with J. Donald Miles, a thirty-one year old Eau Gallie plumber. As James Yenzer had told the authorities, Peel, who had been concerned that Judge Chillingworth would thwart his career, now decided that Holzapfel was a "loose end." "He had too much on me," Peel was later quoted as saying. So, Peel decided that Holzapfel must be eliminated. Peel and Miles decided that, to protect themselves, they must hire someone to kill Holzapfel. Peel contacted James Yenzer and asked him to do the job. Yenzer agreed to do the job for a price. But what Peel did not know was that Yenzer had already agreed to work as an undercover agent for the Florida law enforcement officials, and, as previously noted, reported the transaction to law officers.

Joseph A. Peel and J. Donald Miles were arrested October 5, 1960, and were charged with plotting the murder of Floyd A. Holzapfel. Peel first seemed ready to talk, Phil O'Connell later reported. He seemed to be ready to trade immunity for testimony against Lucky Holzapfel and

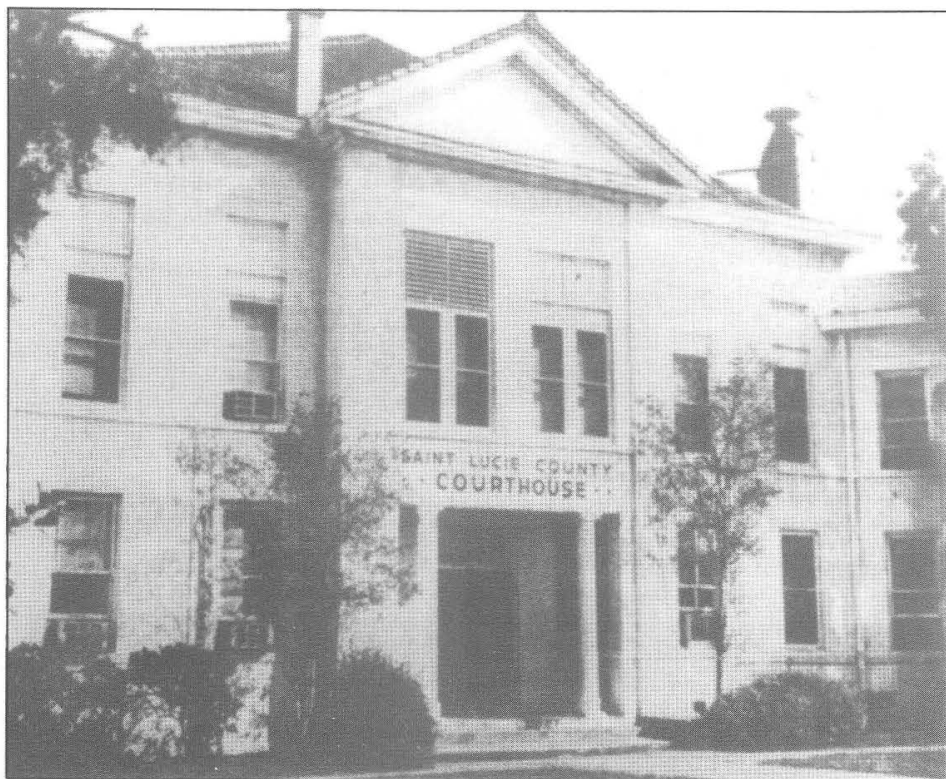
Bobby Lincoln, concerning the Chillingworth murders and possibly other murders as well. O'Connell would not deal.²³

Bond was set at \$25,000 each. The two suspects put up the required amount and were released. Peel then dropped out of sight. The authorities had no idea where he was or how to reach him.

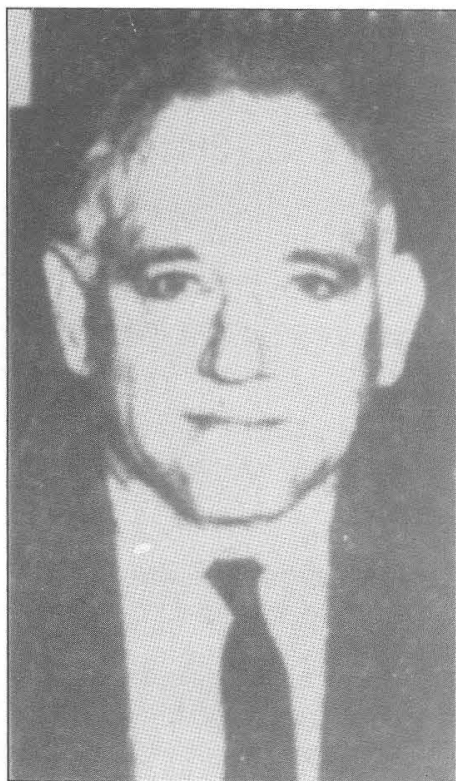
In the meantime, Phil O'Connell was putting the solution of the Chillingworth case together. He was able to get a complete confession from Holzapfel, but he wanted further evidence. O'Connell wanted to be sure of a conviction, when he went to trial. Considering each of the gruesome trio of Peel, Holzapfel, and Lincoln, O'Connell decided to go after the least of them first. He focused his attention on George D. (Bobby) Lincoln, who was serving a three year sentence in the federal penitentiary for moonshining. O'Connell offered Lincoln complete immunity in exchange for his cooperation and testimony against Peel and Holzapfel. Lincoln accepted the offer.²⁴

Floyd Holzapfel was indicted by the grand jury on three counts of murder: the Chillingworths' and that of Jacksonville moonshiner Lew Harvey. By this time Phil O'Connell was ready to close the case. He was ready for trial, but there was one problem. The chief culprit, the boss of the whole criminal operation, "the biggest fish of all" was nowhere to be seen. The law officers determined to locate Peel and take him into custody had one contact with the elusive former judge — Peel's partner, J. Donald Miles of Eau Gallie. The officials put pressure on Miles. They let him know that he was about to be left "holding the bag." They impressed upon Miles that unless he cooperated with the efforts to locate Peel, he would have to bear the full weight of the prosecution all by himself. So Miles decided to be practical. He decided that it was more important to save himself than it was to protect Peel, and agreed to work with the law enforcement officers.

Joe Peel's travels took him to many cities: Macon, Atlanta, Charlotte, and New York City. Miles got in telephone contact with Peel and arranged for a meeting at the Patton Hotel in Chattanooga, Tennessee, in order to talk over mutual problems. Miles got to Chattanooga by means of a Trailways bus and arrived at the hotel a day ahead of Peel, who travelled by plane. Peel checked in at the hotel, but shortly thereafter was seized by a contingent of law enforcement officers led by Sheriff John Kirk of Palm Beach County, Florida, and Sheriff John B. Turner of Hamilton County, Tennessee. Peel was placed in the local jail and



The St. Lucie County Courthouse in Fort Pierce, where the Peel murder trial was held (photo courtesy of the *Sun-Sentinel*).



**Circuit Judge D.C. Smith
(photo courtesy of the
Sun-Sentinel).**

awaited extradition. When he waived extradition, he was flown to West Palm Beach.²⁵

News of the arrest of former Municipal Judge Joseph A. Peel for the Chillingworth murders created a sensation in the local, state, and national news. Many people came to the airport to look at what seemed to be an unlikely suspect. Peel strode from the plane looking more like a returning celebrity than an accused felon. One woman onlooker exclaimed, "He doesn't look like a killer. He looks like a school teacher."²⁶

Peel promptly proclaimed his innocence. He said that his travels around the country should in no way be construed as an attempt to evade the law. He added that he had kept in touch with his bail bondsman.

Now with Peel and Holzapfel in local custody and Lincoln secure in federal custody, Phil O'Connell prepared the formal charges to be presented to the grand jury. Holzapfel and Lincoln gave their testimony concerning the brutal crime. Peel attempted to gain his release by claiming that Holzapfel's confession was not sufficient reason to hold him. Palm Beach County Judge Robert Robbins denied the motion. Joseph A. Peel, Jr., former West Palm Beach municipal judge, was

then indicted on two counts accessory before the fact of first degree murder, one for the murder of Judge Curtis E. Chillingworth, the other for the murder of Mrs. Marjorie Chillingworth.

Now came one important matter that needed to be settled — where the trial should be held. With the widespread publicity surrounding the case, the widespread acquaintanceship of so many people with the Chillingworths, and the familiarity of so many people with Joe Peel, a trial in Palm Beach or Broward counties was out of the question. Probably none of the Fifteenth Judicial Circuit judges would be acceptable to the defense. With the seeming impossibility of securing judge or jury in the judicial circuit, a change of venue was obviously in order. O'Connell suggested Okeechobee as the trial site. Finally the change of venue was granted, but Fort Pierce was selected as the city to hold the most sensational murder trial in Florida's history.

The Peel murder trial took place in the fifty-year-old St. Lucie County courthouse with Judge D.C. Smith of Vero Beach presiding. Judge Smith was born in 1906, when his mother was on a visit to Pennsylvania. Soon after the birth, his mother returned to Florida. Judge Smith had spent his entire life in the Fort Pierce-Vero Beach area. Graduating from the University of Florida Law School in 1929, Smith had started his law practice in Fort Pierce. He had served for ten years on the St. Lucie County Commission, before moving to Vero Beach in 1950. He became prosecuting attorney for Indian River County in 1952 and retained that position until he was appointed judge of the Ninth Judicial Circuit in 1957. Smith was elected to a two-year term in 1958 and reelected to a full six-year term in 1960. He had a reputation of being learned in the law and of complete judicial fairness. Smith was determined that Peel would receive a fair trial.²⁷

Heading the team of prosecutors was long-time state attorney Phil O'Connell of West Palm Beach. O'Connell had a bull dog tenacity and was absolutely certain of Peel's guilt. He was determined to secure a conviction and was going to seek the death penalty. To shore up the prosecution and to make sure that there were no slip-ups that might result in a mistrial or, even worse, an acquittal, O'Connell obtained the services of Eugene Spellman, assistant state attorney in Dade County, who was considered an expert in the process of cross examination.²⁸ O'Connell was also assisted by Assistant State Attorney Charles R.B. Brown of Palm Beach County.

The chief defense attorney was thirty-

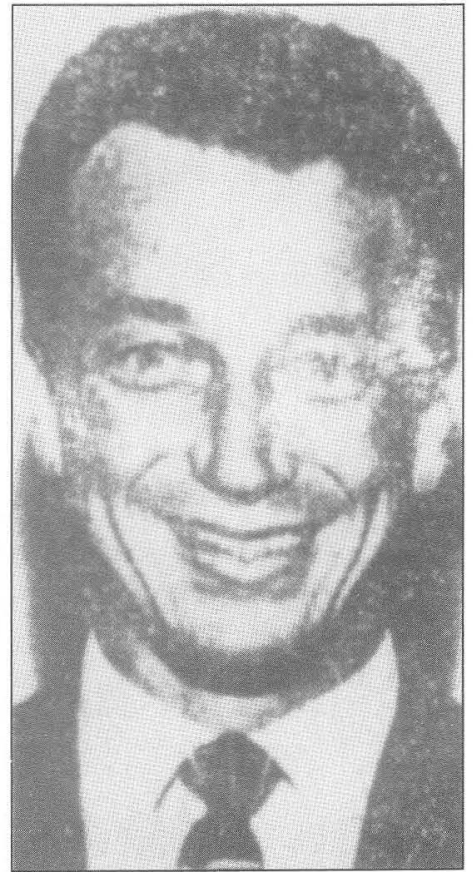
eight-year-old Carlton L. Welch of Jacksonville, who was a college mate and fraternity brother of Peel during their Stetson days. At first Welch was asked by the Peel family to secure a lawyer for their embattled kinsman. After a fruitless search for a lawyer who was both willing and able to handle Peel's defense, Welch reported to the Peel family that he was unable to find an attorney who was willing to take the case. The Peel family then asked Welch to take the case himself. Welch felt that he was under obligation to Peel, because of a personal favor Peel did for him during their Stetson days, and so he agreed to take the case. He took the case pro bono, since the Peel family said that they lacked the financial resources to pay the usual fee.²⁹

Carlton Welch was a veteran of World War II. He had left college in 1941 to join the Canadian Air Force, and in 1943 transferred to the American Army Air Force. He was shot down over Germany and spent some time in a German prisoner of war camp. After the war ended, Welch reentered Stetson University and graduated with a law degree in 1950, after which he "hung out his shingle" in Jacksonville. As he took the case, Welch emphasized that he was not a criminal lawyer. He secured the services of Fort Pierce attorney Jack L. Rogers to aid in jury selection.³⁰

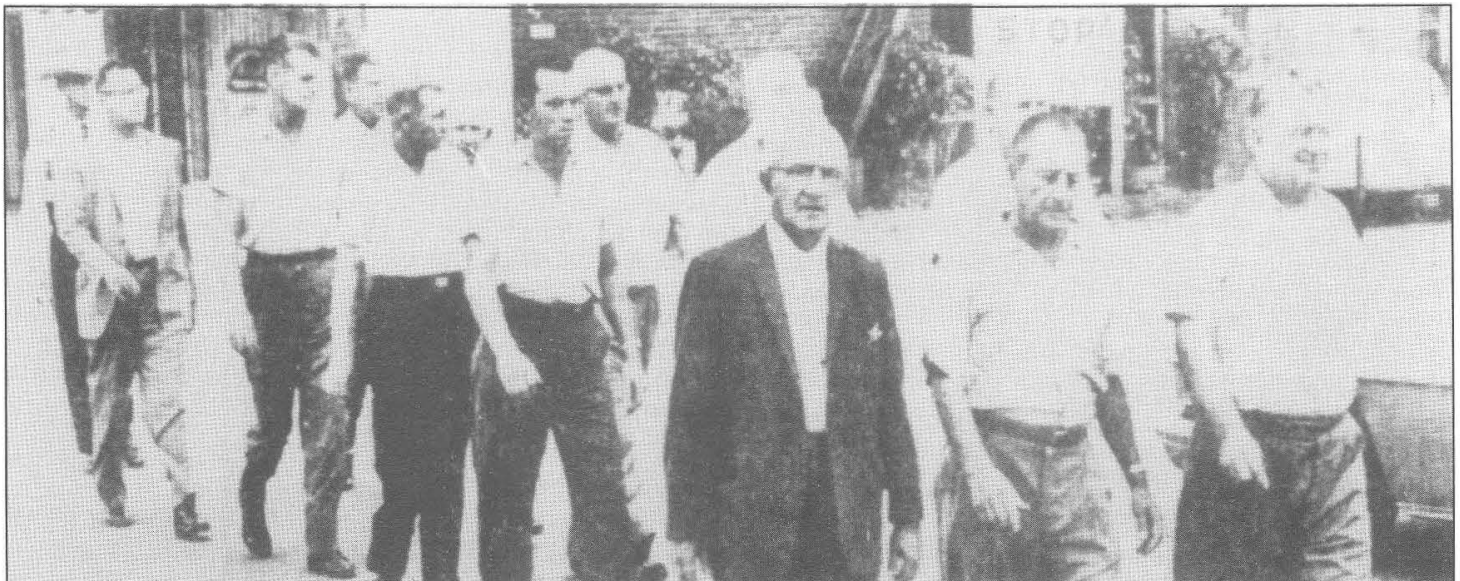
As so the trial of former West Palm Beach Municipal Judge Joseph A. Peel, Jr., Florida's most sensational murder trial of the century, began on Monday, March 6, 1961, at the fifty-year-old St. Lucie County courthouse with Judge Smith presiding. Jury selection began

with the call of 124 prospective jurors to report to the courthouse on March 6. Of that number twelve jurors and two alternates were to be selected. The prosecution and the defense were each allowed ten peremptory challenges, that is they could excuse ten prospective jurors without explanation. Any number of the prospective jurors could be challenged for cause, which could include expression of prejudice, relation to any one of the participants, etc. Also in a murder case, such as the Peel case, where the prosecution was demanding the death penalty, opposition to capital punishment would be considered sufficient cause to excuse a prospective juror. It took almost two days before twelve jurors and two alternates were seated. Carlton L. Welch for the defense used nine peremptory challenges and Phillip D. O'Connell for the prosecution used seven. The fierce exchanges between O'Connell and Welch that were to continue until the conclusion of the trial started early during jury selection. Welch, while addressing a prospective juror, complained about the prosecution demanding the death penalty. Welch called O'Connell "bloodthirsty" for expressing such an attitude. O'Connell immediately jumped to his feet, but before the state attorney could say anything, Judge Smith said, "objection sustained." The judge then admonished Welch on proper court room behavior.³¹

The jury selection process resulted in the seating of an all male jury. Interestingly the jurors finally selected included a number of State Road Department employees—two of them brothers—and an assortment of farmers, small business-



Defense attorney Carlton L. Welch
(photo courtesy of the *Sun-Sentinel*).



The jury which heard the Peel case. Foreman Ruhl L. Day is at far right
(photo courtesy of the *Sun-Sentinel*).

men, and retirees. The original jury pool was reduced from 124 to 107 when seventeen were unable to serve for one reason or another. When the twelve jurors and two alternates were seated, twenty-five prospective jurors were left out of the 107. Members of the twelve man jury included: Charles B. Cook, a retired Coast Guard officer; Herschel Carlisle, a road department worker; Stanley W. Hill, a cement block manufacturer; John Ellston, a road department guard; Ray Cantrell, a supervisor for the Florida Power and Light Company; Elmer F. Hansen, a self-employed carpenter; Cyril Gies, a retired teacher; W. Durward Maddox, a construction worker; Ruhl I. Day, a tomato grower; William I. Evers, a furniture dealer; I.W. Harmon, a service station manager; and Fred Carlisle, a brother of Herschel and also a road department employee. The two alternates were: Ralph W. Dart, grocer; and Earl D. Abler, a retired Washington, D.C. police lieutenant.

With the jury selection finally completed, the trial was ready to begin. A rumor suddenly circulated that Holzapfel was offered a \$100,000 bribe to change his testimony. O'Connell wanted Holzapfel called as a court witness so he could be cross examined on the alleged bribe offer. Welch objected to Holzapfel being called as a state witness and added that he saw no reason for Holzapfel to change his testimony now. He said that Holzapfel had been kept under heavy guard and "away from the Peel family or any part of it," and that there was no way for anyone to approach Holzapfel with a bribe offer. The rumor was found to be without substance, and the issue dropped from sight.

The first witness called was Robert L. Force, a West Palm Beach carpenter, who told the court about going to the Chillingworth home with his boss at 8:00 A.M., June 15, 1955 to repair a window in the beach house. "The Judge who usually met us in front of the garage wasn't there," he related. "We looked in the garage and the cars were there. We tried the door and found it unlocked and we hollered in." Force said that he and his employer entered the house and found it empty. "We had a premonition that something wasn't right, because the judge was punctual." He continued, "When you had an appointment with Judge Chillingworth, you had better be there. He was there waiting for you and that was it." Force said that the bed had been slept in and the covers were turned back as they would be when a person arises. The rest of the questions and answers proceeded along the same lines. Force was excused after testifying about thirty minutes. The next witness was Sam R. Quincey, a West Palm Beach



Joseph Peel arriving at the St. Lucie County Courthouse for his murder trial (photo courtesy of the *Sun-Sentinel*).

photographer, whose appearance touched off a battle between O'Connell and Welch.

Defense attorney Welch had obtained a copy of Holzapfel's grand jury testimony. Welch's purpose was to impeach Holzapfel, since he had perjured himself during grand jury testimony years before. Throughout the trial the jury "beat a steady path" from the jury box to the jury room as O'Connell and Welch wrangled over several points of law and Welch's constant motions for a mistrial. On one occasion the jury had just returned to the jury box and was seated just three minutes when Welch made another mistrial motion. Once again the jurors walked "the familiar path" back to the jury room. At one occasion Welch moved for a mistrial on the grounds that O'Connell was prejudicing the jury against his client. It would seem that was what O'Connell was supposed to do. Judge Smith denied the motion. However, Welch did score one significant victory when he finally got Judge Smith to reverse himself and order the release of the tapes that contained Holzapfel's motel conversation, as will be detailed later in this account.

Lucky Holzapfel testified that he and Bobby Lincoln had murdered the Chillingworths. He said they committed the barbarous act because of the orders of Joe Peel. Holzapfel said that Peel was afraid that Chillingworth was suspicious of Peel's racketeering activities, and was

afraid that Chillingworth would ruin him. He added that "we did it for Joe." Holzapfel said that he had admired Peel very much and added, "I hunted with him, I campaigned for him, and I worked for him." Holzapfel had to face vigorous cross examination from Welch, who attempted to prove that Holzapfel had previously lied under oath, therefore his present testimony should not be accepted at face value. Holzapfel admitted previous acts of perjury, but insisted that his present testimony was the whole truth. During the cross examination, Welch said, "Peel didn't push anybody overboard, did he?" Holzapfel answered, "No! He got other people to do it for him."

As the trial progressed, Welch's strategy started to become clear. He was ready to admit that Peel was engaged in racketeering enterprises as a judge. He was willing to admit that Peel was engaged in criminal conduct in his post judicial career. He was even ready to admit that Peel plotted to arrange for Holzapfel's murder, but Carlton Welch was going to insist to the end of the trial that Joe Peel had nothing to do with the murders of Judge and Mrs. C.E. Chillingworth.

Carlton L. Welch charged that a mysterious figure aided in the Chillingworth murder, that a car was parked behind the Chillingworth house to prevent the couple's escape, and that Bobby Lincoln was not even present during the murder-

ous event. Holzapfel denied all of Welch's contentions. Welch asked Holzapfel, "Isn't it a fact that Lincoln was not actually along, but just a pay-off man for you?" Holzapfel denied the contention. Then Welch tried a different approach. He asked if Holzapfel's hatred of Peel was based on a rumored illicit affair between his wife and Peel. O'Connell made a thunderous objection, which was sustained.³²

P.O. (Jim) Wilber, a West Palm Beach bail bondsman, a former cop, and an erstwhile friend of both Peel and Holzapfel testified that Peel admitted to him once that he got rid of Chillingworth because the judge "was out to get me." Wilber said that he asked Peel why he had done the job on the judge. The reply was: "It was either that s.o.b. or me." Wilber testified that he was retained by Peel to bail out any member of his operation. So that he would know who were his clients, Wilber issued cards to about two dozen bolita (numbers) pushers and sellers.

Norman Hart, a twenty-eight-year-old West Palm Beach advertising man, testified that he had rented a back room of his shop to Peel and Holzapfel for several weeks, for use in counting the proceeds of a bolita operation. Hart was selected as the Junior Chamber of Commerce "Man of the Year" in West Palm Beach in 1957 for his work as the general chairman of a festival. Peel had been "Man of the Year" in 1954.³³

William Tennant of Jupiter, who testified that he sold the boat used in the murder to Holzapfel, told how Holzapfel sat in his car in the bright sunshine and near the rolling surf of the Atlantic and calmly stuffed lead sinkers into the pockets of an army surplus cartridge belt two days before the Chillingworths disappeared. Assistant prosecutor Eugene Spellman asked, "Did you ask him why he was doing that?" The witness replied, "He said that he was going skin diving. He had a speargun, snorkel (underwater breathing device), and a mask on the seat."

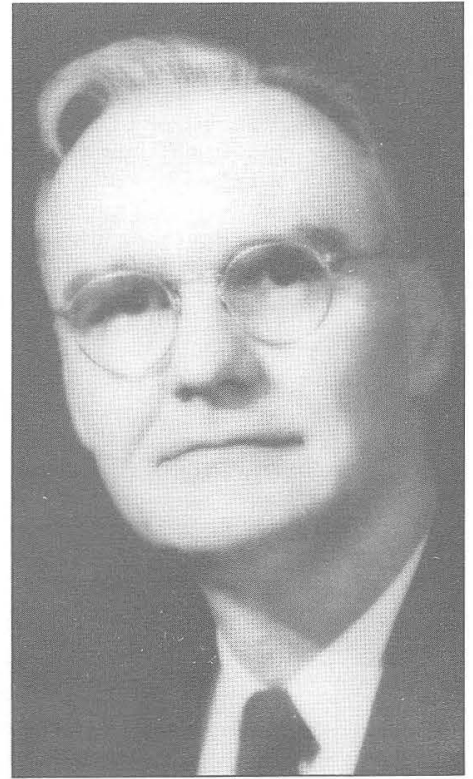
Other witnesses were W.H. Lawrence, former Palm Beach County deputy sheriff, who was sent to the Chillingworth house when the two carpenters reported the house empty and the usually punctual judge missing, and John B. Hiatt, West Palm Beach lawyer and former F.B.I. agent, who was in charge of the federal investigation in the county at the time of the murders. Lawrence told of finding evidence that something had occurred during the night at Manalapan. He said that he found clothing of the judge on one chair and that of his wife on another, blood stains on the stairway, and barefoot impressions in the sands left wet by high tide. Hiatt identified spools of adhesive

tape used to bind and gag the couple before their deaths.

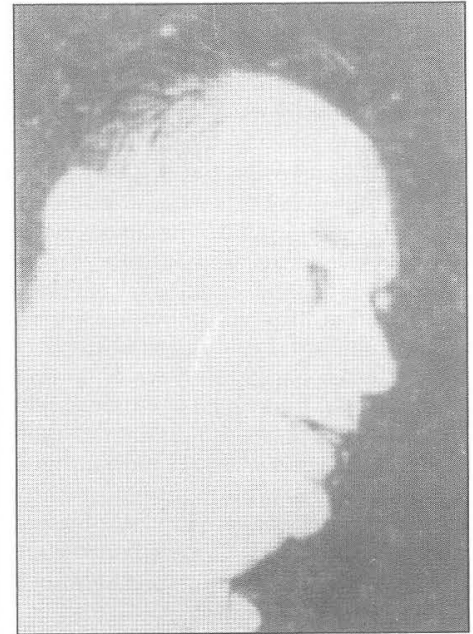
Throughout the trial, Carlton Welch maintained that someone other than Bobby Lincoln was in the murder boat with Holzapfel, that Holzapfel committed the murders under orders from someone other than Peel, and that Holzapfel identified Peel in order to please O'Connell. Welch claimed that by cooperating with O'Connell, Holzapfel hoped to escape the electric chair. Welch pounded on the point that Holzapfel confessed and implicated Peel to escape execution for the 1958 death of Jacksonville moonshiner Lew Harvey, for which Holzapfel had been indicted. Welch demanded to know why Holzapfel had not been brought to trial for the Harvey murder. "If it were me," Welch continued, "I'd likely confess to nine murders to be declared insane or to attract leniency. This goes to the very element of the case as to why he is testifying here today. The jury is still waiting for an enlightenment as to why a man would plead guilty to two murders of such a heinous nature." O'Connell replied, "He has pleaded guilty to two capital crimes. What more can a man plead to?" O'Connell said that he gave the Chillingworth case precedence over the Harvey case because he considered it more important.

Circuit Judge Joseph White testified about the disbarment proceedings against Peel. Judge White related how a woman client complained that Peel had told her that she was divorced when in fact she was not. She had subsequently remarried thinking she was divorced. Because of the complaint Judge White started an investigation, and explained to the jury that, in circuit court of Palm Beach County, one of the two judges makes an investigation in such proceedings and submits a recommendation to the other jurist, who gives the decision. Peel was to have appeared in court June 15, 1955, the day of the murder, but he failed to appear. His attorney also failed to appear. Judge White was asked if he knew Peel. "Yes, I know Joseph," was the reply.

Carlton Welch touched off anew the angry clashes with O'Connell by the framing of his questions as he tried to get Judge White to affirm a deposition he gave the defense February 22 on his association with the Peel disbarment proceedings. "That was a silly answer," said Judge White in a self reprimand, "I am in no position to say how Judge Chillingworth would have acted." Welch persisted for a reply and in his attempts to have Judge White confirm that a pretrial hearing scheduled before Judge Chillingworth on the morning of his disappearance was a factor in the case. The



Circuit Judge Joseph White.



P.O. (Jim) Wilber
(photo courtesy of Sun-Sentinel).

case was an appeal for retrial of a Negro found guilty of murdering a Belle Glade policeman. Welch charged that it was a probable motive for another to kill Judge Chillingworth or to have him slain. O'Connell roared, "Let's go into every criminal trial since Judge Chillingworth went on the bench in 1923!"

The jury was directed by Judge Smith to leave the room for the third time in four hours when Welch announced after the exchange that "I want to make the same motion that I made yesterday." He had unsuccessfully moved for a mistrial the previous day. Welch requested the second motion after he had attempted to question Judge White about the 1955 fall grand jury investigation in Palm Beach County, saying the probe began after Peel had resigned from the bench and gambling became flagrant in West Palm Beach. O'Connell roared that the comparison was absurd, noting that the then-county solicitor was involved, that Joseph Peel was investigated and that Holzapfel did not tell the whole truth to the grand jury.³⁴

Carlton Welch then moved for a mistrial on grounds that O'Connell made an effort to prejudice the trial jury against Peel. The motion was denied, and the judge recalled the jury. The defense counsel resumed his efforts to have Judge White affirm making the statement about the outcome of the disbarment proceedings, and the prosecution again raised vigorous objections. Welch once more asked to have the jury excused. The jurors had been seated only three minutes. Welch made his second mistrial motion in a few minutes, protesting that O'Connell was guilty of misconduct for framing statements in the form of questions and seeking to harass the defense. Welch said, "He jumps up to interrupt me before I finish a question. He does everything to interrupt me." Judge Smith denied the motion and, saying that he was not chastising either side, suggested that the lawyers show more restraint. Welch finally got an answer from Judge White that White must have made the statement about Judge Chillingworth's disappearance having no effect on Peel's disbarment proceeding.

This bitter wrangling between O'Connell and Welch continued until the end of the trial. At one point the exchange became so heated that O'Connell called Welch a liar in open court. Judge Smith sustained the objection, before Welch had a chance to object. The judge again advised the lawyers to calm down and show more restraint.

A surprise witness created a sensation when he testified that Joseph A. Peel, Jr. attempted to get him to poison Floyd A. (Lucky) Holzapfel. Robert E. Johnson, a

former Palm Beach County jail inmate, testified that, "Joe Peel told me that if he could get rid of Floyd, he could beat the murder rap." Johnson said that he was given a fliptop cigarette pack by Peel, who handed it to him between the bars of the former city judge's cell number 305 in the Palm Beach County jail, where Peel had sent prisoners as a magistrate. The witness said the incident took place about November 15, 1960, and related that Peel said the pack contained a "deadly poison," which he wanted sprinkled on the food or milk served Holzapfel. As a trusty, Johnson served food to the prisoners. He served time for assault and battery and drunkenness. For a reason not made clear by the witness, he said that Deputy Sheriff Gene Ellis had taken him from his trusty's duties on or about December 20, 1960, and asked him about the poison. Johnson said that he had hidden the pack in a cement block of a wall separating the two bathrooms and gave it to the deputy, wrapped in the paper napkin he said Peel had folded around the pack before giving it to the trusty.

Carlton L. Welch made two unsuccessful attempts to gain access to the taped conversation of Holzapfel, Wilber, and Yenzer which were recorded at the Melbourne motel just prior to Holzapfel's arrest. Welch's third attempt to gain access to the tapes proved successful, when Judge Smith reversed his two previous rulings and granted access. The prosecution had vigorously opposed Welch's motion. Phil O'Connell and Eugene Spellman maintained that granting access to the defense would set a bad precedent and compromise future "bugging operations." Since the prosecution did not present the tapes in court, there was no reason for the defense to hear the tapes. Welch said that he wanted to find out if Holzapfel's testimony was consistent with what he had said during the Melbourne motel room conversation.

Judge D.C. Smith recessed the trial for four days, so that the defendant and attorneys could listen to the tapes. The jury in the meantime was just "marking time."

Drama returned to the Peel murder trial as a Negro moonshiner sat in the witness chair and calmly told of a night of silence, love, and murder; the final hours of Circuit Judge Curtis E. Chillingworth and his wife Marjorie. This account was told by George David (Bobby) Lincoln, the second man to finger former West Palm Beach Municipal Judge Joseph A. Peel as the mastermind of the double murder nearly six years before. "He looked at me for a long time, then tossed the lady out of the boat." With that sentence, Lincoln described how Lucky Holzapfel dumped

Mrs. Chillingworth, weighted and alive, into the ocean off the couple's Manalapan home. The story of the judge going to his doom was equally horrifying in its cold bloodedness. Lincoln said that Holzapfel pushed the judge overboard, and claimed that he did not know that he and Holzapfel were on a murder mission. Lincoln said in his testimony that Holzapfel had told him that they were going to grab the Chillingworths and take them to a large boat that would be waiting for them. He said that he was surprised and horrified when Holzapfel pushed the couple overboard. Lincoln related how the judge and his wife expressed their love for each other just before they went to their doom. Lincoln's recounting of the gruesome murder of the Chillingworths differed in some detail from the shocking confession of Holzapfel the previous week. Lincoln said that Holzapfel pushed Mrs. Chillingworth overboard, while Holzapfel said they both threw her over. Holzapfel said that Lincoln hit the judge with Peel's shotgun. Lincoln refused to admit that much involvement. Under cross examination by Carlton Welch, Lincoln said that he was granted complete immunity for the Chillingworth murders, and also for the murder of Jacksonville moonshiner Lew Harvey. Welch wondered if Lincoln agreed to accuse Peel as the mastermind of the Chillingworth murders so he could receive immunity for three murders. Lincoln said emphatically, "I would tell the truth and the whole truth in court, and would take a lie detector test." Welch objected to the lie detector reference, but was overruled by Judge Smith.³⁵

After Lincoln's testimony was complete, he was returned to the federal prison in Tallahassee to complete his three year sentence for moonshining. After Lincoln's return to the federal prison, Carlton Welch, in a surprise move, recalled Lincoln to the witness stand. This meant that Lincoln would have to be returned from Tallahassee and that the court officials would have to go through the necessary red tape once again. Until this unexpected move by Welch it was expected that the defense would soon be able to rest its case, but with the unexpected delay the trial would likely last one week longer.

The next witness in the chair was a young former cellmate of Peel in the Palm Beach County jail. Rayno Lee (Rocky) Davis, nineteen, looked at Peel and said the defendant helped plot an escape from the county jail, November 27, 1960. Davis related that Peel told him on "five or six" occasions, "if he could get Holzapfel out of the way, there wouldn't be much of a case against him." Rocky said Peel showed him a pack of cigarettes in their jail cell

and told him it contained deadly cyanide potassium. The young prisoner, a minister's son, doing eighteen months for breaking and entering and larceny, said it was his impression that Peel wanted to poison Holzapfel through his food, as a trusty had previously testified. Rocky said Peel informed him, "with Holzapfel out of the way, Lincoln could be persuaded over to my side and there would be no case." Rocky said that he escaped as planned on November 17, 1960, but that Peel did not go along. He said that he gave himself up in Jacksonville, when he learned that his wife, an employee of the Palm Beach County sheriff's office, was to be arrested for aiding his escape. He insisted that she had no connection with him leaving the jail by walking through an unlocked outside door. Why the outside door was unlocked never has been explained.³⁶

James Yenzer, West Palm Beach born and a 1947 graduate of Palm Beach High School, former insurance salesman and former crony of Peel and Holzapfel, testified that Peel told him a plan to locate the Chillingworth bodies and thus claim the \$10,000 reward. Yenzer said that Peel gave him a detailed description of where he thought the bodies could be found. He said that Peel was to use his share of the reward money to pay Yenzer for a plot to shoot Floyd A. (Lucky) Holzapfel. Yenzer said he rented an aqua lung and a sea bed in 1959, but never made it clear whether he actually made a search for the bodies.

James Yenzer, who has been described as "the fresh faced personality boy of the state's retinue of witnesses," told of his frequent meetings with Peel, beginning in March or April 1959. Yenzer also told of his efforts as an undercover agent for the Florida Sheriff's Bureau to draw from the former judge a confession that he had hired Holzapfel to kill Judge Chillingworth, because the judge threatened to disbar him as a lawyer and expose a lucrative moonshine racket and bolita operation. Yenzer said that he warned Peel in August 1959 that Holzapfel "was a threat" to the former city judge, and could implicate him in the Chillingworth deaths, if he was ever so inclined. Yenzer related that the story was part of a scheme he had cooked up with special agent Henry Lovern to crack the Chillingworth mystery. Yenzer went on to say that he told Peel in October 1959, "if he decided to hit Floyd, then contact me." James W. Yenzer, erstwhile associate of Peel and Holzapfel, was obviously trying to clean up his record. His agreement to work as an undercover agent had a two-fold purpose; to save himself from criminal prosecution and obtain a sufficient degree of respectability so that he would be accepted in law



Witnesses James Donald Miles (left with wife) and Rayno Lee (Rocky) Davis (photo courtesy of the Sun-Sentinel).

school. Yenzer's ambition at that time was to become a lawyer. He gave damaging testimony concerning his motel room conversation with Lucky Holzapfel, in which Holzapfel confessed his part in the Chillingworth murder and implicated Peel.

Harold Gray, Joe Peel's former law associate now practicing in Miami, testified that while he was associated with Peel, Holzapfel was a constant visitor to Peel's office. Gray said that he knew of Holzapfel's unsavory reputation and added that he told Peel that the constant presence of Holzapfel was damaging the reputations of both of them.³⁷

A damaging witness against Peel was James Donald Miles, a plumber from Eau Gallie and Peel's business partner in a suspected crooked eight-percent investment firm in Orlando. Miles told how he participated with Peel in an attempted murder plot against a former pal. He said that Peel stated, without any emotion that his own kid brother John would have to be gunned down too, if he were present when the gunman, who was actually a state undercover agent, struck. Miles said that Peel admitted to him that he was involved in the Chillingworth deaths, and the only way out was suicide. Peel, he said, discussed taking poison, then decided, for insurance reasons, that taking an airplane and bombing it in the air would be better. No such attempt was made.

One by one, some twenty-one state witnesses took the stand to say they knew Joe Peel was operating a moonshine protection racket yielding income up to \$3,000 a month, that he boasted of the

Chillingworth murders, that he operated a bolita racket, that he attempted on at least two occasions to have his sidekick who actually committed the Chillingworth murders, "rubbed out" by a "gun for hire."³⁸

Bobby Lincoln, having been returned from the federal prison in Tallahassee, was recalled as a witness. He went through vigorous cross examination by Welch. The chief defense lawyer tried without success to have the jury told of the murder of Lew Harvey, a twenty-one-year-old Jacksonville moonshiner, who allegedly was killed by Holzapfel when he was mistaken as a federal informer on Bobby. Welch contended that if Lincoln could admit to the Chillingworth deaths, which he had, and was involved in the Harvey slaying, he would have no qualms about "swearing the life of Joe Peel into the electric chair." At one time during questioning, Lincoln was asked about the last time he talked to Peel. Lincoln's reply: "He called me and asked how am I feeling? I said, 'How do you think I am feeling? I am on my way to jail!'" That response brought some laughter from the overflow crowd in the court room.

The exchanges between Phil O'Connell and Carlton Welch continued to be bitter throughout the trial. During one exchange, Welch said Peel and Holzapfel were counting the money received from their bolita operations "in the Harvey building, under the nose of the state attorney." O'Connell rose and made a thunderous objection, adding, "If that were true, neither of them would be able to be in court now." Welch immediately called for a mistrial. Once again the jurors took the accustomed march back to the jury room, while the

lawyers engaged in another legal wrangle. Welch claimed that O'Connell was threatening people with bodily harm, and therefore the trial could not continue in such an atmosphere. Judge Smith denied the motion, and once again the jurors were called back to the jury box.³⁹

The defense side of the case opened in a very shaky and unusual manner. The first witness angrily stated that he "was on Mr. Peel's death list." The charge was made by Robert E. Hawkey, a West Palm Beach radio commentator, who added, "For three years I lived within arm length of a gun while this man (pointing to Joe Peel at the defense table) lived in West Palm Beach. I never got in my car without lifting the hood first and checking the wipers." Hawkey's testimony stunned the spectators jamming the small courtroom. Welch opened the defense portion of the sensational murder trial by calling Hawkey to the stand and asking him if it were not true the radio commentator told last November that he would be a hostile witness if subpoenaed. "Will you say the reasons for my being hostile, Mr. Welch?" the witness demanded. O'Connell suggested the witness be permitted to give the reasons for his attitude, and Hawkey said he thought Welch would be hostile too if he were on Peel's death list. Welch demanded to know who told Hawkey that he was on such a list, and the witness said he was so informed by Henry Lovern, a special agent for the Florida Sheriff's Bureau. The jury was not in the room during the angry exchanges between Welch and Hawkey, and between the defense attorney and O'Connell. Welch excused Hawkey when it became evident that he was truly a hostile witness, and the court denied a defense motion to have him sworn as a court witness. Hawkey virtually stomped from the witness chair and walked past Peel. He did not look at the seated defendant as he stepped past the court railing, his teeth clenched in undisguised anger. Peel did not look at him either. Why Welch called Hawkey as a witness was not explained.⁴⁰

Carlton L. Welch called often-convicted jewel thief, Ted Rinehart to destroy the credibility of P.O. (Jim) Wilber, the West Palm Beach bail bondsman and former cop, who had been one of the prosecution's star witnesses. Rinehart was spirited to Fort Pierce the night before from the state prison at Raiford and lodged in the city jail, instead of the county lockup, an apparent security measure against any escape attempt. Defense counsel Welch subpoenaed Rinehart to testify about his knowledge of a gun incident involving P.O. (Jim) Wilber. The defense aim was to destroy Wilber's credibility as a witness.

Wilber had given damaging testimony for the prosecution, stating that Peel had admitted to him that he was responsible for the calloused murders of Circuit Judge and Mrs. Curtis E. Chillingworth. Wilber was with hired gun Floyd A. (Lucky) Holzapfel most of the time during the four day drinking spree in Melbourne during which Lucky confessed to actually committing the murders. In his earlier testimony, Wilber admitted that he had given Rinehart a false affidavit that he had placed a revolver in the jewel thief's luggage without Rinehart's knowledge. The affidavit was used to free Rinehart of federal charges of transporting a firearm across a state line. The prosecution, however, showed that Wilber was an undercover agent for the F.B.I. and that he was keeping an eye on his "pal" for the federal agency.

Rinehart created a sensation when he claimed that Peel was framed as the mastermind of the Chillingworth murders. Rinehart made the electrifying disclosure that he was offered a sinister swap of a picture of himself in the nude, which would be kept from the F.B.I., in return for helping frame Peel. Rinehart never got around to explaining from the witness stand how he would be involved, and what the frame-up would be. Why the F.B.I. would be interested in the nude photos was never explained. Rinehart made his statement in the absence of the jury, which was out of the courtroom because Rinehart was being interrogated under a "proffer," a court procedure to

determine out of earshot of a jury what the witness intends to say and its relevance to the case. Rinehart's testimony was barred from the jury when Judge Smith sustained a prosecution objection to Welch's proffer on grounds the testimony was irrelevant and immaterial. But the judge explained that while he could not accept the proffer in its entirety, Welch could ask pertinent questions that would draw from Rinehart remarks about the "frame."

The jury was summoned back to the jury box, and Welch started questioning Rinehart. The first question, "Were you ever photographed by Wilber in an embarrassing situation in a Palmetto Street apartment at West Palm Beach?" "I remember that," Rinehart stated. "It was about March or April 1959." Welch asked, "After this photo was taken, I don't mean the exact circumstances, but when this photo was taken . . ." He was cut off by a prosecution objection which was sustained. But Welch continued to ask the question anyway. "After this photo was taken, did Mr. P.O. (Jim) Wilber make any threat or statement to you?" Rinehart answered, "He said if I would help him frame Joe Peel, he would not turn this photograph over to the F.B.I." Rinehart talked between arguments by the prosecution and defense for nearly an hour in the jury's absence. He said that he and Wilber became pals after the bondsman obtained his release from jail in Palm Beach County on February 25, 1958, and claimed Wilber wanted him to form a burglar team with Holzapfel. Rinehart said, "There was a safe in Miami with a lot of gold smuggled into this country. He wanted us to take it right away because a burglar alarm was being installed. And he had a couple of houses in Palm Beach to rob and then some in Miami." Rinehart said Wilber telephoned Holzapfel and then put him on the line to speak to the hoodlum. Rinehart said, "I took the phone and said a few words. There's not much you can say to a man I never met."

Rinehart's testimony could have been the first major break for the defense effort to save Peel from the electric chair, if presented to the jury in its entirety. It might have destroyed Wilber's credibility as a witness because of the fact that the bondsman had previously lied under oath and because of Rinehart's description of Wilber as a common crook. But, on the other hand, Rinehart faced credibility problems of his own. He was often arrested and often convicted. In fact, Rinehart was arrested in Fort Lauderdale in December 1958, while he was on the F.B.I.'s "ten most wanted list." He was turned over to Collier County authorities,



Ted Rinehart
(photo courtesy of *Sun-Sentinel*).

tried for a \$16,000 jewel theft in Naples, and sent to prison. No doubt, Rinehart would face vigorous cross examination from Phil O'Connell.⁴¹

The squabble over the proffer became bitter and at times extremely heated. Welch protested the court's ruling against the proffer as a whole, and questioned whether the court was interested in the innocence of the defendant and his being framed. O'Connell roared, "Leave the court out of this. You've framed everybody else, leave the court out of this thing." Judge Smith then explained in a sharp tone that Welch could question Rinehart, for the impeachment of Wilber, through normal questioning. A few minutes later, the defense bitterly complained that the prosecution had threatened defense witnesses "who have the courage to come before this court and stand up before the prosecution's threats." Judge Smith was not going to allow that incriminating blast go by without a correction. He said, "Nothing has occurred in the court to impede even in the slightest degree the lawful and tender treatment of witnesses during the trial." Welch declined to question Rinehart further after the judge's ruling.

Mrs. Imogene Peel, the attractive wife of the defendant, took the stand in behalf of her embattled husband. She stated that the shotgun described in Holzapfel's testimony as belonging to Peel, which was broken when it was used to hit Judge Chillingworth on the head, was definitely not her husband's gun. Mrs. Peel said that her husband had only one shotgun and it was never taken from the house during the episode in question. She said that it was still in the possession of the family. Welch produced a shotgun which Mrs. Peel identified as belonging to her husband.

Carlton L. Welch then called a "surprise" witness: John Tedesco, a Miami Beach bartender and muscle man. Welch's purpose was to prove that someone other than Peel may have masterminded the Chillingworth murder. Welch was trying to "pin it" on the late Samuel (Barney) Barnett, described by the Dade County law officers as a "labor goon." Barnett, who had "conveniently" died in 1960, was described by the defense as a Dade County crime boss. In describing him this way, the defense seems to have elevated Barnett to a far higher position than seems warranted. Welch told the court that Tedesco approached him in his Jacksonville office under "strange circumstances" and told him that he overheard Holzapfel plot the murder with his boss, Samuel (Barney) Barnett. But when Tedesco took the stand in a preliminary examination to determine if his information was relevant to

the Peel trial, he said he overheard "Lucky" conferring with Barnett at the end of the bar at the Harem Club at Miami Beach in April or May 1955. The prosecution proved equal to the situation. A quick check was made on Tedesco's background, and the discovery was made that Tedesco started work at the Harem Club eight months after the alleged Barnett-Holzapfel conversation took place. O'Connell asked Tedesco if he did not actually start work at the Harem Club February 8, 1956, some eight months after the Chillingworth disappearance. The tough-talking witness said that he could not remember the exact date, and stated, "I am not on trial," adding "I was in and out of the (Harem) bar, and when I wasn't doing anything I was always at the bar." Assistant prosecutor Eugene Spellman made a motion to reject Tedesco's testimony because the latter could not remember vital dates. The motion was upheld by Judge Smith. When the broken-nosed voluntary witness left the courthouse with a muscular pal, he was trailed by a Florida Highway Patrol officer.⁴²

Joseph A. Peel, Jr., former West Palm Beach Municipal Judge, finally took the stand in his own defense. Because of the constitutional prohibition against self-incrimination, a defendant in a criminal case is not required to testify. However, if the defendant elects to testify under oath, he is subject to cross examination by the prosecutor. In his testimony Peel admitted to being involved in various activities. He even admitted to plotting Holzapfel's murder. But Peel emphatically denied having anything at all to do with the Chillingworth case. When he finished his testimony, Peel had to face the blistering cross examination from the determined Phil O'Connell. During the cross examination, Peel emphatically denied that he had sought immunity for the Chillingworth case. He did admit that he had "speculated" with Yenzer at a bowling alley in the middle of June 1960, about the Chillingworth case. "We speculated about chains and burlap bags being used. I was wrong. I had speculated about that with Yenzer at Eau Gallier." The defendant admitted that he was indirectly associated with Holzapfel in the Orlando firm, but he denied any partnership with him.

At no time was Peel asked point blank if he masterminded the murders of Circuit Judge and Mrs. C.E. Chillingworth nearly six years before, but he was asked if he did not plot to have Lucky Holzapfel gunned down, because Lucky had threatened to name him as the instigator of the killings. Again Peel made a flat denial. He emphatically denied another charge by



Mrs. Imogene Peel
(photo courtesy of *Sun-Sentinel*).

O'Connell that he was involved in the gang-style murder of Lew Gene Harvey, the twenty-one-year-old Jacksonville moonshiner, in 1958. Peel insisted the only reason he plotted Holzapfel's demise with a Florida Sheriff's Bureau undercover agent was that he feared Lucky would harm his daughter, Victoria, out of revenge. O'Connell continued his fiery cross examination, hammering continuously at Peel about his associations with shady characters, his suspected business operations, and his reported rackets interests while he was a city judge in West Palm Beach. Then at 11:25 A.M., "like a fierce tropical storm," the interrogation ended as abruptly as it had begun. O'Connell left Peel hanging with a denial that he ever sought immunity in return for testimony in the Chillingworth deaths. Then he said, "I have no further questions," and Peel's ordeal ended. O'Connell had previously indicated that he would tear at Peel's claims of innocence and being the victim of a deadly frame-up. Defense attorney Welch said the abrupt ending caught him without any witnesses waiting to take the stand because he had excused those subpoenaed for Saturday until Monday. The Saturday session of the court was then recessed until Monday.⁴³

When the trial resumed, Carlton L. Welch called Frank Maynard, Lake Park attorney and friend of Peel, to take the stand. Whatever good Maynard was able to do for Peel during direct examination by Welch soon vanished under the blast of

a fierce cross examination by the fiery State Attorney Phillip D. O'Connell. The defense witness admitted that Joseph A. Peel told him that "anybody who knows about the Chillingworth case don't live long." Maynard also admitted, under the hammering cross examination by O'Connell, that he was "suspicious of Joe Peel" when Circuit Judge and Mrs. Chillingworth disappeared on June 15, 1955. Maynard was called to the stand by Welch to testify that he never heard Peel say that he had gotten rid of Chillingworth and that O'Connell would be next. But once Welch had finished his direct examination, Maynard had to face the blistering broadside of questions from the state attorney. A tall, tottering man, Maynard shook almost uncontrollably in the witness chair as the prosecutor hammered at him, attempting to draw an admission that Maynard was a lawyer with a bolita-selling clientele, and had represented that element before Joe Peel, then a city judge in West Palm Beach. His hands trembling fiercely, Maynard glared at O'Connell and said that he had defended just one bolita suspect, who was convicted. He denied that George (Bobby) Lincoln had sent him the client. O'Connell vigorously and persistently questioned Maynard if he had not asked Peel about the Chillingworth case when the two were driving to Miami, demanding, "Didn't Joe Peel say to you, 'Anybody who talks about the Chillingworth case don't live long?'" Maynard said that he had volunteered the information to O'Connell on November 14, 1960, at a hearing in West Palm Beach which charged the former judge with masterminding the Chillingworth murder.⁴⁴

The Peel trial was front-page news throughout the state. The press described the Peel operation as the "Murder Unlimited Gang." Such designation was followed by a list of murders completed, murders attempted, and murders planned. The contents of the list were as follows:

Murders completed:

1. Judge Curtis E. Chillingworth, 1955
2. Mrs. Marjorie Chillingworth, 1955
3. Lew Gene Harvey, 1958

Murders twice attempted and twice botched:

1. Harold Gray

Murders planned:

1. State Attorney Phillip D. O'Connell
2. Floyd A. (Lucky) Holzapfel

A prospect:

1. James A. Yenzer

Yenzer had said that he was hired to kill Holzapfel, but tipped him off instead. Holzapfel testified that Yenzer feared that he was on the execution list if he gunned down his old chum.⁴⁵ As Florida's most sensational murder trial approached its conclusion, Joseph A. Peel had made three possibly incriminating admissions, which were as follows:

1. He had plotted with Yenzer and Miles to have Lucky Holzapfel slain.

2. He admitted that he had a revolver and blackjack owned by Lucky thrown into a canal, because he thought that they were used in the gangland-type slaying of Lew Gene Harvey, the young Jacksonville moonshiner mistakenly shot in 1958 as a federal informer.

3. He had scouted the prospects of obtaining immunity as an accessory after the fact in the Harvey murder, although he emphatically denied seeking immunity in the Chillingworth case.

As the trial wound down, Florida Sheriff's Bureau investigators testified. Special agent Henry Lovern, credited with cracking the Chillingworth case by tracing the 1958 gangland slaying of Lew Gene Harvey to Holzapfel, told the court that he was in an adjoining room when O'Connell and Peel had their conversation. He heard Peel ask the state attorney for immunity in the Chillingworth case, and he also heard O'Connell's flat refusal of the request. Ross Anderson, Deputy Director of the Florida Sheriff's Bureau, testified that Peel came voluntarily to Room 129 of the Holiday Inn in Melbourne,

which the FSB was using as a listening post for Room 127, and requested in writing that he be taken to West Palm Beach to confer with O'Connell, with whom he had once shared a law office. "Mr. Peel discussed several matters, including the Chillingworth case, and in the Chillingworth cases he requested immunity in return for his testimony. Mr. O'Connell flatly refused."⁴⁶

"Jukin George" Fisher, a prisoner at Raiford who was serving a four year term for bolita operations, pointed to Peel's general direction when he was asked by the prosecution to point out the defendant. Fisher testified that Peel called him to his office sometime in 1955 and offered him protection for his bolita business for fifty dollars a week. He suggested "Jukin George" became "a big operator" and buy out his (Peel's) own bolita operation.⁴⁷

Other prosecution rebuttal witnesses testified about Peel's close relationships with Holzapfel. Other prosecution witnesses testified to the close association of Peel with Holzapfel in West Palm Beach.

As Florida's most sensational murder trial was nearing its final conclusion, defense attorney Carlton Welch made two more motions that sent the jurors traveling back to the jury room. One motion called for a mistrial on the grounds that the court was prejudiced against the defendant. The other motion called for a directed verdict of not guilty on grounds that the state had utterly failed to prove its case. Judge Smith denied both motions.⁴⁸

Peel Trial Story Fantastic

Murder For Murderers

FT. PIERCE.—The fantastic tale being unfolded by the Peel trial here is a weird story of a Murder Unlimited gang that also had some of its own on the death list. Here's a rundown.

THE DEAD:

Circuit Judge Curtis E. Chillingworth.

Mrs. Marjorie Chillingworth, the jurist's wife.

Lew Gene Harvey, Jacksonville moonshiner, slain in gangland style in November, 1958. Gunman Floyd A. (Lucky) Holzapfel, who has confessed the Chillingworth murders, has been indicted as Harvey's killer. His body was found in a Palm Beach canal.

THE SURVIVORS:

State Atty. Phil D. O'Connell. Chief prosecutor in the trial of Joseph A. Peel, who is accused as an accessory to the Chillingworth killings. O'Connell was reported to be on Peel's death list.

Floyd A. Holzapfel. The state has charged Peel sought twice to have him killed, once by an old-pal triggerman, and on another occasion by a prison trusty who said he was given cyanide by Peel to slip into Holzapfel's food.

Harold Gray, an attorney of West Palm Beach. Listed as co-insured on a \$100,000 insurance policy, supposedly without his knowledge, Gray was beaten severely by Holzapfel in a night club. Peel was absolved. Holzapfel won a self-defense acquittal.

A PROSPECT:

James W. Yenzer, a pal of Holzapfel who turned undercover agent. Yenzer said he was hired to kill Holzapfel, but tipped him off instead, then obtained a confession to the Chillingworth killings from him. Holzapfel has testified that Yenzer feared he might be next on the execution list if he gunned down his old chum.—William A. Mullen.

The Fort Lauderdale News synopsis of the "Murder Unlimited Gang" and their targets.

THE WEATHER

Partly cloudy through tomorrow. Widely scattered showers beginning late this afternoon or tonight. High today middle 80s. For complete weather information see Page 18-A.

FORT LAUDERDALE NEWS

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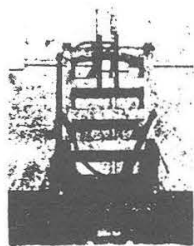
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FORT LAUDERDALE, FLORIDA, FRIDAY, MARCH 31, 1961

72 Pages

PRICE FIVE CENTS



HE CHEATS DEATH
... in Raiford chair

Peel Guilty Of Murder; Escapes Electric Chair

For his final summation before the jury, State Attorney Phillip D. O'Connell had an overwhelming amount of evidence on his side. He had the direct testimony of Lucky Holzapfel and Bobby Lincoln, the two culprits who actually committed the murders. He had the testimony of several people who had repeated in court incriminating statements Peel made after the murders. Also O'Connell had direct testimony from two reliable witnesses that Peel, in spite of his denials, did seek immunity in the Chillingworth case in exchange for his testimony. O'Connell also established, without any chance of serious doubt, a clear motive for Peel to plot the murder of Judge Chillingworth, and he clearly proved a close working relationship between Peel, Holzapfel, and Lincoln. In his summation to the jury, O'Connell said the case was about two judges. Judge Chillingworth was an example of the ideal judge, a dedicated public servant who was stern but fair. Chillingworth was opposed to corruption in any form and was a definite threat to the evil-doers. On the other hand, Joseph Peel was an example of everything that a judge should not be. Peel was a judge who was totally corrupt, the type who used his judicial position as a way towards power, wealth, and plunder. In the end, Peel saw his racketeering domain unraveling and became certain that Judge Chillingworth was suspicious of his conduct. So Peel masterminded the terrible crime, having two willing agents, Floyd A. Holzapfel and Bobby Lincoln, commit the ghastly killing. In his summation, O'Connell called on the jury for a verdict of murder in the

first degree with no recommendation for mercy. Phillip D. O'Connell left no doubt that he was absolutely convinced of Peel's guilt.⁴⁹

Defense attorney Carlton L. Welch had a difficult task. The overwhelming amount of evidence was against his client, and he decided not to have Peel take part in the summation. Welch continued with the defense strategy of showing that people other than Peel had both motive and means to mastermind the Chillingworth murders. The defense was at a disadvantage in that it had conceded to much wrongdoing on Peel's part. But on the other hand, Welch probably did not have much choice in the matter, since the evidence that the defendant had been a racketeering judge was so overwhelming. So, while conceding many of Peel's shortcomings, the defense emphatically denied that the defendant had anything to do with the Chillingworth murders. Instead the defense tried to focus attention on a shadowy character, Dade County underworld figure Samuel (Barney) Barnett, who by now was safely in his grave and could not be held accountable.

Carlton Welch stressed that anyone who would confess to committing such brutal murders (Holzapfel and Lincoln) would certainly be willing to lie under oath and implicate Joe Peel in order to please the prosecution and thus escape the electric chair. The defense thus claimed the whole prosecution case was a frame.⁵⁰

The summations being completed, Judge D.C. Smith gave his instructions to the jury. When that task was completed,

the jurors retired to the jury room to begin deliberations. The jury was directed to choose one of the three verdicts possible: guilty as charged with no recommendation for mercy, which usually meant the electric chair for the defendant; guilty, but with a recommendation for mercy, which usually meant life imprisonment for the defendant; or not guilty.

The jury returned its verdict on Thursday, March 30, 1961, after five and one-half hours of deliberations. The jury found Joseph A. Peel, Jr., the former West Palm Beach Municipal Judge, guilty as charged, but with a recommendation for mercy. The vote on the mercy recommendation was six to six. Thus Joe Peel escaped the electric chair by a margin of one vote. State Attorney Phillip D. O'Connell, who had demanded the death penalty, commented that he had "lived with the case for almost six years," and added, "I'm always happy when a jury of citizens finds a killer guilty of murder." Defense attorney Carlton L. Welch, who had bitterly contested every bit of legal ground with O'Connell, was philosophical about the verdict. Welch said that he considered the verdict a compromise: "The state wanted the chair, and we wanted exoneration. We got the between." After the verdict was announced, defense attorney Carlton L. Welch, who had taken the case as a favor to Peel for a favor received during their college days, and who had taken the case on a pro bono basis, announced that he was withdrawing from the case, and would not appeal the verdict. Welch explained that he could not afford the expense. He added that he had received about \$2,000

from the Peel family, but his expenses so far had been much more than that. Any appeal, or any future legal work concerning Peel would have to be handled by someone else.

After the trial was over and the verdict rendered, a strange episode took place which briefly threatened to "short circuit" the whole proceedings. Mrs. Alice Griggs of Fort Pierce, a repeat divorcee, said that she had seen Judge C.E. Chillingworth alive in Fort Pierce three months after his disappearance. She said that she knew Judge Chillingworth because he had handled one of her divorces and an adoption case many years before. She was called before Judge Smith, but she gave a faulty description of the late jurist. Judge White testified that he had handled one of her cases and that Judge Chillingworth was in the navy in 1944 when the other took place. Judge Smith ruled that the woman was mistaken, and so the court proceedings were not derailed. On April 26, 1961, Judge D.C. Smith sentenced former West Palm Beach Municipal Court Judge Joseph A. Peel to life imprisonment in the state penitentiary.⁵¹

In the meantime, the long-awaited sentencing of Floyd A. (Lucky) Holzapfel took place. State Attorney Phillip D. O'Connell urged life imprisonment in view of Holzapfel's cooperation in the Peel case. However, Circuit Judge Russell Morrow sentenced Holzapfel to death in the electric chair. Later however, Judge Morrow urged the sentence be commuted to life imprisonment, which was done.

Though convicted of first degree murder and sentenced to life imprisonment, Joe Peel's legal troubles were not over. He still faced trial in Titusville for plotting the attempted murder of Holzapfel, trial in Fort Pierce for the murder of Mrs. Marjorie Chillingworth, as well as a federal trial for stock fraud. Peel's troubles were compounded when he was left without a lawyer, with Carlton Welch's departure from the scene. Henry Fogle of St. Petersburg agreed to represent Peel in the forthcoming trials.

In the Titusville trial for plotting the murder of Holzapfel, Peel won acquittal through a technicality. Fogle raised the legal point that the one who was supposed to commit the murder was a state agent. James Yenzer, who Peel had hired to kill Holzapfel, was in spite of his checkered past at that time serving as an undercover agent for the Florida Sheriff's Bureau. So Peel "beat the rap" in that case.⁵²

Peel was back in Fort Pierce for trial concerning the murder of Mrs. Chillingworth, but the court was unable to seat a jury in that city, so the trial was

moved to Bartow. Once again the court experienced difficulty seating a jury. Then Peel suddenly changed his plea to *nolo contendere* and received a second life sentence, both to run concurrently. On April 3, 1962, Peel was convicted in federal court in Orlando on nine of eleven counts for stock fraud and was sentenced to a total of eighteen years in prison. The federal sentence would begin just as soon as Peel's state sentence ended. On May 22, 1963, the Second District Court of Appeals upheld Peel's murder convictions and sentence.

Eventually Mrs. Imogene Peel, who had stood by her embattled husband during the trial, divorced him. The children changed their names. In prison Peel occupied his time teaching classes conducted for the prisoners. Joseph A. Peel, who had such difficulty obtaining the services of a lawyer for his original trial, now was able to have several attorneys working in his behalf, including Hans Tenzer, the former mayor of Jacksonville. Over the all-out opposition of Phil O'Connell, Judge Joseph White, West Palm Beach attorney Charles Chillingworth (a nephew of the late jurist), and others, the Florida Parole Board decided to ignore public opinion and announced that Joseph A. Peel, Jr. would be released on parole December 23, 1979. Among the conditions for Peel's release was that he could not travel in Florida south of Gainesville.⁵³

Just after Peel's release, the federal authorities arrested him and he had to begin serving his eighteen year sentence for stock fraud. While in federal prison, Peel became critically ill with cancer, and because he was dying, was released June 24, 1982, over the bitter objections of Phil O'Connell, among others. Just before his release, Peel married the niece of his former wife, and they moved to Jacksonville. Near the end of his life, Joseph A. Peel, Jr. made a partial confession. He said that he knew at the time that the Chillingworth murder was planned and said that perhaps he could have prevented it, but Peel still put the blame on the late shadowy Dade County underworld figure Samuel (Barney) Barnett. To the end of his life Joe Peel refused to admit that he was the mastermind of that ghastly crime. It can be said that Joseph A. Peel, Jr. lived up to his end of the bargain; he died in Jacksonville July 3, 1982, nine days after his release from prison.⁵³

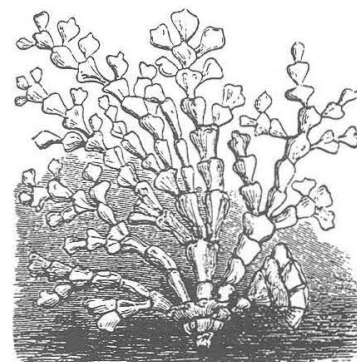
During the decade of the 1970s, there was a public relations effort to free Floyd A. (Lucky) Holzapfel. A lengthy newspaper article had for its title "Is Holzapfel Bad?"⁵⁴ Some prison psychiatrists thought that Holzapfel could be rehabilitated and could make a contribution to society.

Holzapfel even talked about working in a lawyer's office after his release. But those efforts failed. At the present time, Floyd A. (Lucky) Holzapfel is still in prison and is not eligible for consideration for release until the year 2009.⁵⁵

George D. (Bobby) Lincoln, the third member of the terrible trio that committed Florida's crime of the century, was released from federal prison November 9, 1962. Lincoln's wife, Henrietta, divorced him just before his release and was awarded custody of the children. Since his release Lincoln has apparently "gone straight." He has moved out of Palm Beach County, abandoned the rackets, and at last reports was preaching to the Black Muslims in Chicago.⁵⁶

Phillip D. O'Connell, the longtime state attorney for the Fifteenth Judicial Circuit, stepped down from his position in 1965 after twenty-six years in office. He went into the private practice of law with the firm O'Connell, Cooper, Parish and McBane. He remained a leading and respected citizen of West Palm Beach until his death, September 20, 1987, eleven days short of his eightieth birthday.

Florida's crime of the century also marked the end of our innocence. South Florida was a relatively peaceful area in 1955.⁵⁷ The Chillingworth murders were our first noteworthy experience with the northern urban gangster world of contract killings and hit men. The case also involved the story of two judges, Curtis E. Chillingworth, the ideal judicial statesman, and Joseph A. Peel, Jr., the racketeering judge. The case can also be called Florida's greatest judicial scandal. Even though the municipal judge was on the lowest rung of Florida's judicial hierarchy, the idea that one sitting judge would issue a murder contract on the life of another sitting judge was mind-boggling. Even today the Chillingworth murder case seems stranger than fiction, more like a scenario for a television drama than a real event that took place in the south Florida of 1955.



Notes

1. The author relied on the appropriate issues of the *Fort Lauderdale News*, *The Miami Herald*, *The Palm Beach Post*, and the *Palm Beach Times* for information concerning the various aspects of the Chillingworth murder case. For a characterization of Judge Curtis E. Chillingworth, the author is indebted to his father, Fort Lauderdale attorney Hugh Lester (1884 - 1957), who knew Chillingworth well. For an opinion of Judge Joseph A. Peel, Jr., the author is indebted to Broward Circuit Judge (Ret.) Lamar Warren, who presided at Peel's first disbarment hearing in 1955. The author depended on the archives of the Broward County Historical Commission and is also indebted to Dr. Nan Dennison, Director of the Historical Society of Palm Beach County, for her assistance in securing material on the Chillingworth case located in the society's archives. Some of the material is based on the author's personal knowledge.
2. For a full account of the bitter Tedder-Giblin election, see Donald G. Lester, "Broward Politics 1928-1938: Political Influence in Depression Era Broward," *Broward Legacy* 13 (Summer-Fall 1990), pp. 4-9.
3. The Broward County circuit court was again separated from the Palm Beach County circuit court in 1963. For the history of the Broward County courts, see James H. Gilbert, Jr., "History of the Judicial System of Broward County," *New River News*, January 31, 1967, pp. 1-6.
4. In 1948 the positions of circuit judge, state attorney, and supervisor of registration became elective offices.
5. It is probably difficult for people today to appreciate the tremendous respect and admiration enjoyed by Judge Chillingworth. The opinions expressed by the author are in line with the prevailing opinions toward this dedicated jurist. For biographical sketches see *Bench and Bar of Florida 1935* (Tallahassee, 1935), p. 162.
6. For a biographical sketch of Joseph A. Peel, Jr., see Ernie Hutter, *The Chillingworth Case*, pp. 15 ff.
7. Peel's racketeering activities were publicly revealed during his trial. Peel admitted that lawyers advised him to get a "better class of client."
8. Some of this material is based on a manuscript prepared for Palm Beach County Circuit Judge Emeritus James Knott. Copy is in the archives of the Palm Beach County Historical Society.
9. Hutter, *The Chillingworth Case*, p. 15.
10. In 1950 the Kefauver Senate Investigating Committee held hearings throughout the county to determine the link between public officials and organized crime. Broward County's longtime and legendary sheriff, Walter R. Clark, made some damaging admissions before that committee. As a result he was suspended from office by Governor Fuller Warren. Clark also had to face trial in the Broward Criminal Court and was acquitted. However, the Florida Senate upheld his suspension the following spring. By this time Clark was critically ill and died a few days after the senate's rejection of his reinstatement.
11. *Palm Beach Post-Times*, March 12, 1961.
12. Knott manuscript.
13. *Fort Lauderdale News*, June 16, 1955. Told to the author by his father, Fort Lauderdale attorney Hugh Lester. The year 1923 is incorrect. Chillingworth and Tedder each became county judge in 1921.
14. The animosity between Tedder and Giblin originated with the bitter Tedder-Giblin election for circuit judge in 1928. For a full account of that battle, see Lester, "Broward Politics 1928-1938." After his defeat, Giblin moved to Dade County, where he eventually became a circuit judge.
15. Judge Parks presided at the 1927 murder trial of W.A. Hicks in Fort Lauderdale. For a full account of the Hicks trial, see Donald G. Lester, "Justice of the Peace W.A. Hicks," *Broward Legacy*, 15 (winter-spring 1992), pp. 8-14.
16. *Fort Lauderdale News*, June 16, 1955.
17. Letter from Broward Circuit Judge (Ret.) Lamar Warren to Rodney Dillon, November 19, 1992.
18. Knott manuscript.
19. *Miami Herald*, July 22, 1934, ff. The Knight-Chastain fight received national attention. Joe Knight of Cairo, Georgia, had fought a fifteen round draw with Maxie Rosenbloom, the world's light heavyweight champion, in a championship bout. Clyde Chastain of Dallas, Texas, had won a ten-round decision over Rosenbloom in a non-title fight. The Chastain manager refused to accept a Miami referee. So Phil O'Connell, who was acceptable to both sides, received the assignment. Knight knocked out Chastain in the sixth round.
20. Ellwood C. Nance, *The East Coast of Florida*, 3 vols. (Delray Beach, 1962), vol. 3, p. 126.
21. Knott manuscript.
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Fort Lauderdale News*, November 20, 1960.
26. *Ibid.*
27. *Fort Lauderdale News*, March 5, 1961.
28. *Ibid.*; Eugene Spellman is now a federal judge in Miami.
29. *Ibid.*
30. The Peel trial was front-page news in the south Florida press. Excellent coverage of the trial proceedings can be found in the March 6-March 31 issues of the *Miami Herald*, *Fort Lauderdale News*, *Palm Beach Post*, and the *Palm Beach Times*.
31. *Fort Lauderdale News*, March 7, 1961.
32. Welch used the time-honored defense attorney strategy of putting someone other than the defendant on trial. Welch constantly probed the scenario that Judge Chillingworth was the victim of a murder plot masterminded by Dade County underworld figures.
33. In his cross examination, Welch tried to prove that Hart did not know anything about bolita.
34. Throughout the trial Welch continued to make objections. He objected to the introduction of Holzapfel's confession as evidence, to O'Connell's prejudicing the jury against the defendant, to O'Connell's constant objections, to O'Connell's constant interruptions, and even to O'Connell's loud voice. Welch made constant motions for a mistrial on various points of law. The jury was instructed to retire to the jury room while Judge Smith listened to the legal wrangling. All motions for a mistrial were denied.
35. Welch made a lot out of the grant of immunity given to Lincoln. He claimed that Lincoln was willing to commit perjury in order to save himself from the electric chair.
36. How Peel got hold of the poison was never explained. It was certainly a strange situation with Mrs. Davis working as an employee of the sheriff's office while her husband was serving time in the county jail. The outside door being left unlocked does not speak well for the security of the county jail.
37. Harold Gray has done well since he moved to Miami. Eventually he became associated with the prestigious law firm of Goodwin, Ryskamp, Welcher, Carrier, and Danoff. Kenneth Ryskamp is now serving with distinction as a federal judge in Miami. *The Martindale Hubbel Law Directory*, vol. 2, p. 2651.
38. *Fort Lauderdale News*, March 31, 1961.
39. *Miami Herald*, March 11, 1961.
40. Many of the defense witnesses failed to help Peel's case. For one thing, most of them wilted under O'Connell's fierce cross examination.
41. Both sides used unsavory characters as witnesses.
- The prosecution used, among others, Holzapfel, Lincoln, Wilber, Miles, and Yenser. The defense used Rinehart, among others. This should not be surprising since undesirable characters generally are the ones who know the most about serious crimes.
42. This was another attempt of Welch to put the blame for the Chillingworth murders on someone other than Peel. It must be remembered that Welch was holding a weak hand and was doing the best that he could under the circumstances.
43. *Fort Lauderdale News*, March 26, 1961.
44. Frank Maynard was another defense witness who failed to be of much help to Joe Peel.
45. *Fort Lauderdale News*, March 13, 1961.
46. *Ibid.*, March 28, 1961.
47. *Ibid.*
48. Welch continued his tenacious legal wrangling to the end of the trial. He was simply overwhelmed by the vast amount of evidence that accumulated against his client.
49. O'Connell was at his oratorical and dramatic best in his closing summation. He said, "The ghost of Judge Chillingworth will not rest until his killer is shoveling coal into the fires of hell and damnation."
50. Once again Welch stressed the loathsome character of both Holzapfel and Lincoln and emphasized that they made a deal to save themselves.
51. *Fort Lauderdale Daily News*, April 26, 1961; The \$100,000 reward offered in the case was divided as follows: James Yenser, \$55,000; P.O. (Jim) Wilber, \$37,500; J. Donald Miles, \$7,500.
52. *Palm Beach Times*, December 18, 1979.
53. *Palm Beach Times*, June 24, 1982; *Palm Beach Post*, July 4, 1982.
54. *Palm Beach Post-Times*, May 5, 1974.
55. The information the author received on Holzapfel's current status was dated October 1992.
56. The last information that the author was able to discover concerning Lincoln's whereabouts was a 1982 report.
57. The author has nostalgic memories of the "good old days" when he could walk from the family home in the Victoria Park-Holiday Park section of Fort Lauderdale to the downtown area any time of day or night without fear of being mugged, robbed, assaulted, or murdered. He remembers the days when citizens could keep their houses and cars unlocked without fear of being robbed. In the years following World War II, when he was a student at the University of Miami, the author could take a bus from Coral Gables to the downtown section of Miami and then walk several blocks from the bus terminal to a motion picture theater at night, without any fear of being mugged, robbed, assaulted, or murdered.
58. During the author's fifty years of studying and researching history and historical figures, Judge Joseph A. Peel, Jr. is perhaps the most unbelievable person that has come to his attention. He was certainly a "Dr. Jekyll and Mr. Hyde" character. He did not have any of the qualities that are now used to excuse criminal behavior. He was not poor, a loner, a school dropout, nor was he on drugs. He came from a good family, was well-educated, and had professional status. He was well-dressed, had a winning personality, impeccable manners, and knew how to deal with the public. Joe Peel certainly knew how to "gather in the votes." If Peel had taken the conventional path to political success, he could have "had it all." But instead he let extreme greed get the best of him and took the criminal short-cut to power, riches, and plunder. Joe Peel reached the limit of his criminal enterprise when he became the boss of the "Murder Unlimited Gang," which in 1955 was directed from the West Palm Beach Municipal Court.

THREE TEQUESTA AND SEMINOLE HUNTING CAMPS

on the Eastern Fringes of the Everglades

by Kenneth J. Hughes

A PRELUDE TO SOUTH FLORIDA HISTORY

Written history tells us very little about these people called the Tequesta. However, here they left their legacy. Along the inlets and the rivers deep and clear, they gathered; and in the hammocks bordering the Everglades — but never too far from the coast. Among the sawgrass plains they thrived, near flag ponds sometimes created from their borrowing sand to elevate the land. It is here where they nurtured their young. It is here where they crafted weaponry and tools to obtain sustenance for their people, and it is here where they buried their dead.

* * * * *

In Broward County, early man and woman inhabited a wide region, finding providence in the Everglades and along the coast. Yet, today, we know very little about them. It is obvious that these people possessed an immense tolerance in order to survive in such a primeval wilderness,

occupying numerous hunting and fishing camps. Furthermore, it is understood that these people were subjugated by the European explorers. But, for the most part, written history has very little to offer about the Tequesta Indians and their ancestors. These answers can only be found through years of archaeological research and interpretation.

Archaeologists have discovered that

Florida was occupied by man as early as 12,000 B.C. Theories reflect that big game hunters first entered the peninsula near the end of the Pleistocene geological period in pursuit of mammoths, horses, and large bison. Although attempts to pinpoint exact dates bring forth debate, some archaeologists believe that early man migrated to the North American continent sometime between 30,000 and 50,000 years ago. This

Although archaeology and history are often considered distinct fields of study, both share the common goals of rediscovering and presenting the past accurately to present and future generations. When the findings of archaeology and history can be used to confirm and reinforce one another, those goals are more fully accomplished. In "Three Tequesta and Seminole Hunting Camps on the Eastern Fringes of the Everglades," author Kenneth J. Hughes provides an overview of southeast Florida's Indian cultures from the appearance of the first humans in the region over 14,000 years ago to the arrival of the Seminoles in the Everglades during the first half of the nineteenth century. He also presents a detailed archaeological report on three Broward County Tequesta and Seminole sites collectively known as the Alandco sites, tracing the progress of the investigations there and relating the findings to the recorded history of the area.

Mr. Hughes, whose articles have appeared in past issues of *Broward Legacy*, is a former Broward County Historical Commissioner who has done extensive research, both historical and archaeological, into the county's past.

concept is based upon the land bridge theory, which points to an event believed to have occurred during the Ice Age.¹

Geologists believe the Ice Age lasted approximately two million years and resulted in major topographical changes. During this time, glacial ice advanced and withdrew at least four times across this continent. Temperatures dropped and the seas lowered, twice exposing a land bridge between Siberia and Alaska. It is generally believed that these bridges were exposed between 10,000 and 70,000 years ago, bringing early man into this continent.²

The Pleistocene era had to have had a great effect upon the cultural development of man's traditions. Deserts turned into swamps and meadowlands, then reverted back to deserts. Both man and game migrated across the continent as a means of surviving the encroaching ice. These changes necessitated an adaptation of hunting methods and weapons, prompting traditions which developed into the Paleo culture (12,000 B.C.-7,500 B.C.).³

Through methods of carbon dating certain cultural materials, archaeologists have discovered that Paleo traditions were already widespread across North America between 11,000 and 11,500 years ago. Stone points found at animal kill sites and the bones of large game are all that remain to signify the existence of Paleo man in Florida and elsewhere on the continent. Once again, natural changes, growth in numbers, and availability of providence necessitated continual adaptation.⁴

When larger game became extinct, man and woman in North America had to rely on smaller game and fish as a means of sustenance. Of course, these Indians also thrived upon natural subsistence provided by gathering roots, nuts, and berries, such alternate food sources being, for the most part, supplemental to their diet. Methods of obtaining woodland animals and fish, and methods of gathering wild vegetables resulted in improved weaponry and further adaptation of tools. Henceforth, the successive Archaic tradition (7,500 B.C.-1,000 B.C.) pronounces a noticeable complexity in man's cultural development.⁵

Some debate remains over the development of Archaic society. Some archaeologists believe it signified the activities of an unspecialized group of hunters and gatherers, while others suspect it merely developed out of the earlier Paleo traditions. However, all agree it exhibited increasing complexity. The development of early Archaic traditions were gradual from region to region, occurring while Paleo traditions were still in practice. However, Archaic traditions eventually became dominant across North America. Numerous

examples of this culture have been found across Florida.⁶

As Florida's early population increased, the traditional Archaic groups became more sedentary. We witness, through archaeological discoveries, the implementation of bone tools and the development of a greater variety of tools. This more settled lifestyle resulted from the more constrained ranging habits of the small game which these people hunted, the lesser distances to sources of wild vegetables, nuts, fish, and shellfish, and improved methods of harvesting. Nevertheless, local game and food sources can become depleted. Henceforth, the Archaic people did migrate to some small extent in search of new sustenance.⁷

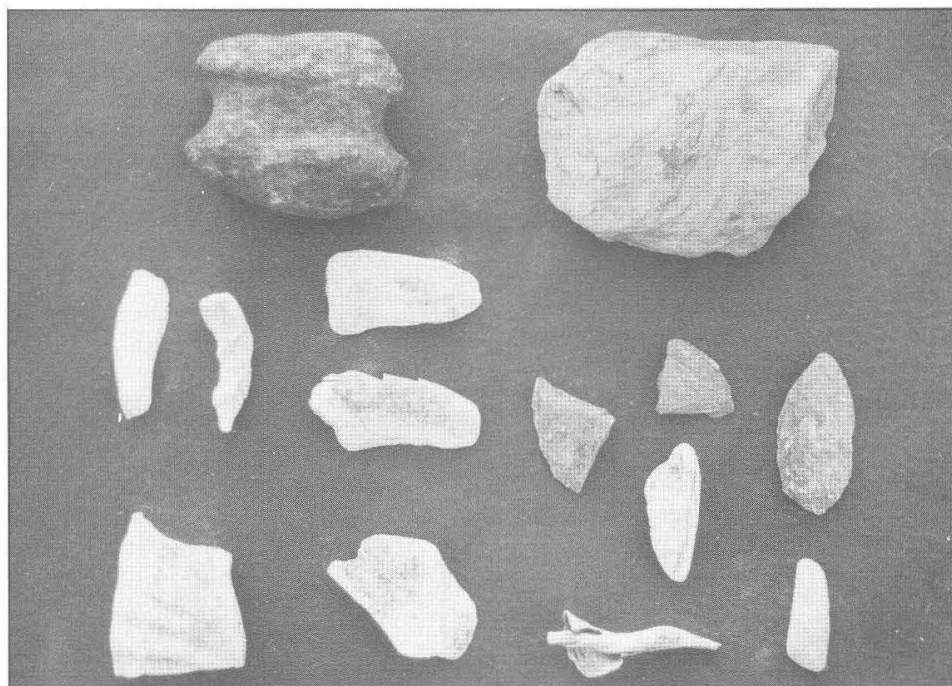
Early historical documentation provides little knowledge about south Florida's prehistoric Indians, yet it does provide numerous examples of changing patterns in our ecosystem — changes which have affected mankind through the years. For example, nineteenth century sources reveal that the ever-changing Everglades sometimes lashed out and flooded the coastal plains, thereby diminishing the pasturelands so vital to the deer. Droughts parched the glades, and fires diminished the vegetation. In effect, the deer population would either face starvation or would migrate. When such natural changes took place during prehistoric times, man would migrate too, or adapt to even smaller game as a source of food. In contrast, storms

along the coast often resulted in ocean surges, trapping fish in tidal pools, where they became easy prey for man and for wildlife such as the raccoon and bear. Thus, migration did occur, but within a somewhat stable territorial domain.⁸

These sedentary Archaic traditions developed into the Formative culture (1,000 B.C.-1,300 B.C.), and the establishment of more distinct cultural domains. In Florida, Indian cultures began to regionalize about 2,000 B.C., with subtropical Florida, the St. Johns Basin, and the northwest Gulf coast becoming distinctive cultural areas. The Indians in the southern part of the peninsula, and especially in the Circum-Glade cultural region of southeast Florida, continued to subsist by hunting, fishing, and gathering until the time of European contact, while the Indians to the north began to plant crops.⁹

Each cultural region was influenced by the other, from the gatherers and fishers of south Florida to the planters of Apalachee, and even northward to the most civilized culture in the United States, the Adena-Hopewell of the Ohio River valley. A review of current archaeological findings in our region reveals evidence of this territorial influence. Archaeologists have discovered materials in south Florida crafted from non-native stone which provide proof of trade and migration.¹⁰

Florida Indian culture during the early years of the Historic period consisted of



A contrasting variety of tools and weapons recovered from the eastern fringes of the Everglades reveals human ingenuity to manufacture essentials from shell and provides evidence of trade with northern cultures. Note the serpentine hammerstone (upper left), and metamorphic rock, chips, and partially formed point (upper and center right).



Sixteenth century Timucuan Indians preparing food as engraved by Theodore de Bry from an original drawing by Jacques LeMoyne. No original depictions of southeast Florida's Tequesta Indians are known to exist.

five major tribes. The *Apalachee* Indians ranged across north Florida, the panhandle, and southward toward the Suwannee River. The *Timucua* occupied the forests of central Florida and the Gulf coast as far south as the Tampa Bay area. In the south-central part of the peninsula, the *Ais* Indians lived along the Atlantic coast from the vicinity of southern Indian River County northward toward the Tomoka River in Volusia County. The *Caloosa* Indians ranged across southwest Florida, and the *Tequesta* occupied the lower east coast.¹¹

Dissimilarities among the Florida Indians as witnessed by the Spanish explorers enabled the latter to identify these five major tribes as well as numerous cultural sub-groups. These dissimilarities were determined by geographic boundaries, by dominion of leadership, and by characteristic traits. A few examples of dissimilar characteristics include variety of languages, diet, methods of obtaining food, and contrasting skills and craftsmanship.¹²

Sources of food for people in the forests certainly differed from those of coastal people. Likewise, materials for crafting weapons and tools varied in each region. Another example of regional variations can be found in pottery. Soil classifications vary greatly between some regions. Consequently, clay differentiation enables the archaeologist to determine the regional source of natural materials from which pottery is made.¹³

In south Florida, the *Caloosa* and *Tequesta* are noted for their immense shell

mounds, mainly constructed from conch and oyster shells. Those living directly along the seacoast were predominantly non-horticultural, not unlike the *Ais* tribe further up the Atlantic shore. Their sources of food from the sea were similar, and they were known as capable hunters. Fishing was commonplace among all the coastal tribes; however, the southern tribes, including the *Ais*, remained primarily gatherers, hunters, and fishers, while the *Apalachee* and *Timucua* tilled the soil in addition to hunting. In south Florida, and particularly at three inland hunting camps in Broward County, the *Tequesta* people ranged their territory while gathering and harvesting natural sustenance and hunting game to supplement a varied diet.¹⁴

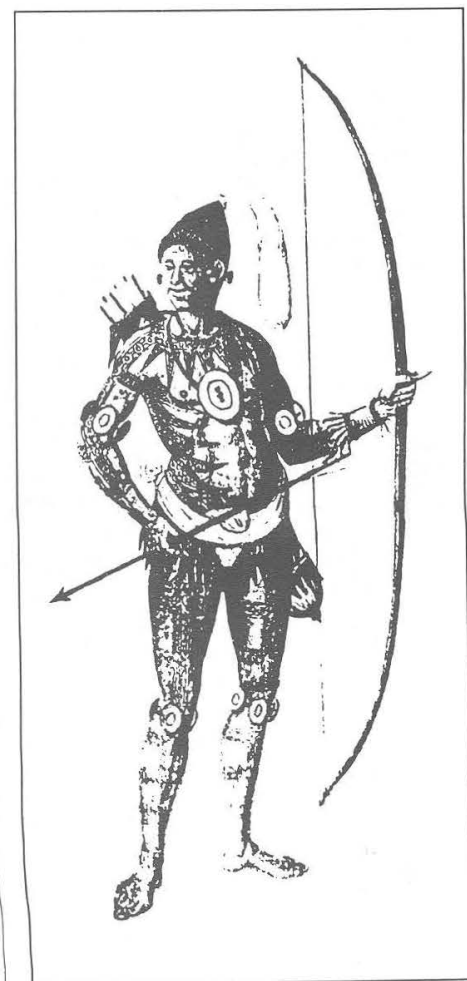
Topography along the eastern fringes of the Everglades in Broward County was comprised of sawgrass plains and elevated hardwood hammocks where the *Tequesta* people lived and hunted. These people also lived at locations along the coast such as the mouth of the Miami River, where, sometime between 1565 and 1572, Spanish explorer Pedro Menendez established a missionary community near their village. The *Tequesta* ranged across much of the Circum-Glades cultural region, from extreme southeast Florida northward as far as the present boundaries of Indian River County. They extended westward into the Everglades, while the Atlantic coast defined their eastward extent.¹⁵

These people received providence from both the Everglades and the coast. Deer,

small game, land turtles, birds, and snakes were hunted with bows and arrows and with hammerstone or shell clubs. Most often, projectiles were fashioned from bone points or shell material, and, more rarely, from a quality of stone brought into the region through trade or migration.¹⁶

Sources of material for bone points generally came from larger game such as deer. The points were first shaped, then placed in a fire to obtain hardness. Most bone points naturally assumed the round shape of the bone. However, some flat bone points have also been recovered.¹⁷

As mentioned previously, the *Tequesta* also obtained providence from gathering roots, acorns, fruits, and berries, and from harvesting the bounty of the sea. An examination of material from a variety of kitchen middens across southeast Florida has determined that the *Tequesta* consumed all varieties of fish, including shark, sailfish, and stingrays. Their diet also consisted of terrapins, sea turtles, and sea mammals such as the manatee and porpoise.¹⁸



Sixteenth century drawing of a Florida Indian by British artist John White.

One prime example of shark product manufacturing by the Tequesta was investigated by archaeologist Gypsy Graves in 1989. The New River Midden consisted of an oak ridge on the north bank of that historic estuary, nearly three miles from the present coastline. There, scientific excavation revealed possible evidence of a prehistoric beach site and a canoe landing where sharks were dragged ashore and processed.¹⁹

The industrious Tequesta people manufactured their tools from the strombus and busyon shells. Waste was virtually nonexistent. Each shell provided celts for cutting and skinning. The center columella served as a pounder or gouger, and the smaller pieces were drilled and worn as pendants or were manufactured into arrowheads and spearpoints. Drilled shark vertebrae and sometimes pieces of decorated pottery also served as pendants. In addition, olive shells were shaped and worn as ear bobs. Shell fragments, food bone, and refuse from manufacturing was discarded. Such everyday practice provided additional strength to the rich and verdant soil and supplied fill, thereby elevating the Tequesta villages.²⁰

Archaeologists have discovered evidence indicating that some of south Florida's Indians practiced ceremonial burials for their dead. The bones of the victims, once cleansed by time, were reinterred in neat bundle burials. Some burials also contained important ceremonial objects. Archaeologist Wilma Williams, the first president of the Broward County Archaeological Society, discovered one such grave, which contained a wooden canoe paddle, on the Margate-Blount mound in northern Broward County.²¹

Besides tools and weapons manufactured from shell, wood, and bone, the Tequestas also had access to items manufactured from non-native stone. The latter material entered this area through trade and/or by means of travelers and migration. Artifacts constructed from non-native materials are, as noted previously, not commonplace. Nonetheless, they have been found at various locations across south Florida. The availability of non-native materials such as metamorphic rock guaranteed durable construction. Unfortunately for Florida's native people, weapons designed through time-honored Archaic traditions, no matter the material, proved inefficient in battle against the Europeans.²²

Tribal wars, slavery, and the introduction of pestilence from Europe wiped out much of Florida's native population. This decimation began soon after the discovery and exploration of the peninsula in the 1500s. Spanish missions were established

at several locations to promote Catholicism, yet economics remained the primary factor as explorers conducted a continual search for mineral wealth. The very existence of the missions established Spanish claim to the territory, at the same time exposing the natives of the peninsula to European culture.²³

The first missions expanded northward along the coast from St. Augustine to the Carolinas. By 1606, a mission was established at Potano, among the western Timucuan tribe. All Timucuan towns had been brought under mission control by 1633, and the Spanish then began their expansion into the Apalachee territory, which encompassed the Florida panhandle. Notably, by 1674, Spanish Florida boasted thirty-two missions and 13,152 Christian Indians.²⁴

The demise of Florida's aborigines originated, in part, with the activities of English colonists in the Carolinas. These Europeans influenced several strong tribes to the north of Florida, and, beginning in 1690, directed hostilities against the Florida aborigines in an attempt to destroy Spanish influence in the peninsula.²⁵

British depredations in Florida during the early 1700s resulted in the capture, relocation and enslavement of many Florida Indians. Although the British were unsuccessful in their campaign against St. Augustine, the Apalachee province and the territory belonging to the Timucuas were laid to waste. These engagements all had an indirect effect on the tribes of south Florida.²⁶

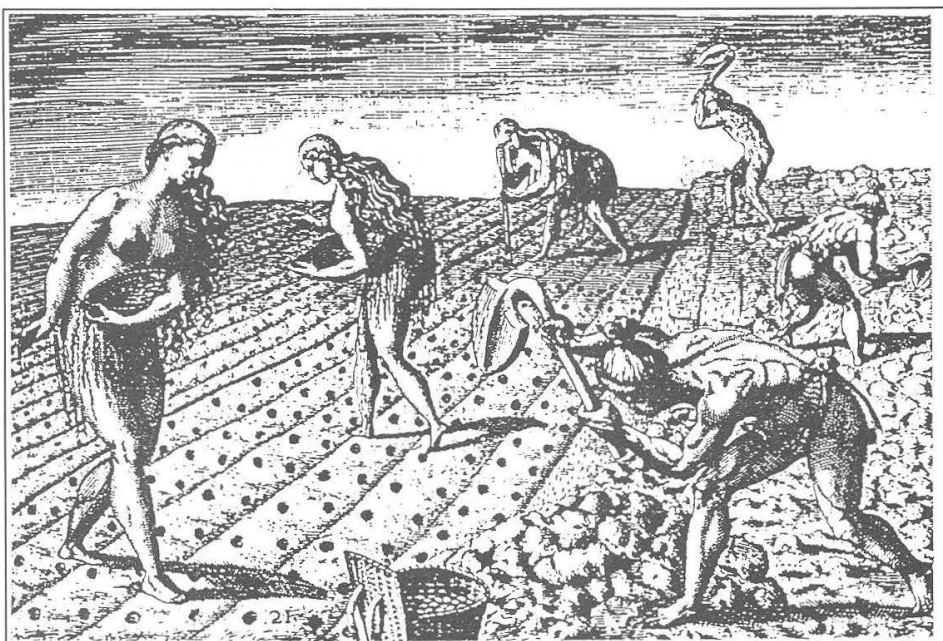
Spain's hold over Florida was gradually weakening by the time of the Seven Years

War. A subsequent British victory and treaty of submission resulted in the forfeiture of Florida in 1763. Brief accounts of these events indicate that the remnants of the Tequesta and other aboriginal tribes were shipped to Havana during the Spanish exodus.²⁷

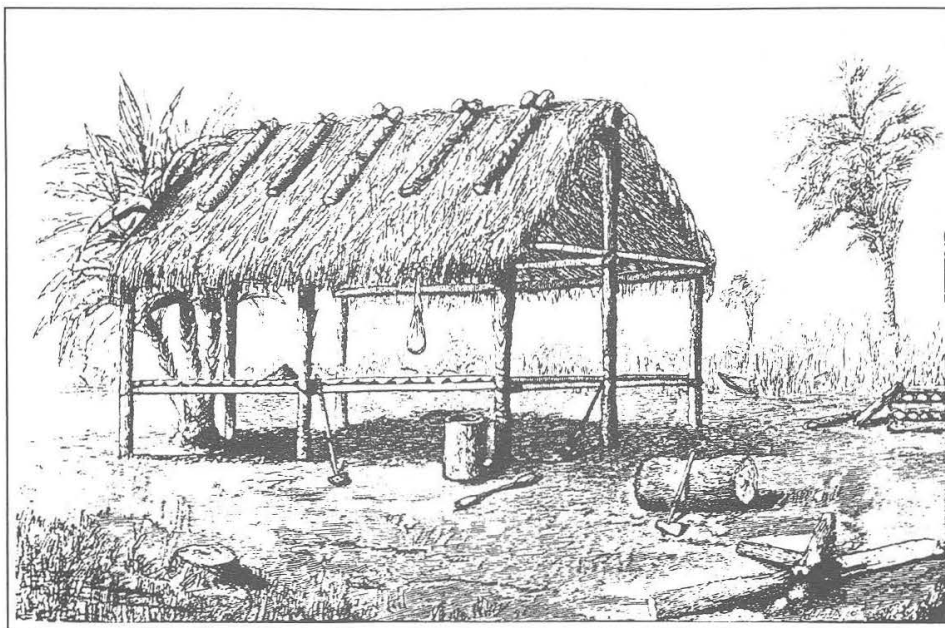
Over two hundred years of Spanish occupation in Florida had diminished most tribes, leaving the peninsula largely void of Indians even before the Spanish evacuation. Farther north, in the Georgia Territory, tribal wars between the Appalachian and Muskogean branches of the Creek Indians had caused new groups to migrate into the Florida peninsula. The Alachua Seminoles were established in Florida by 1750, and the Miccosukees, established from other prominent Creek bands, first came to Florida during the British period (1763-83). Later, other branches of Lower Creeks broke away from their tribe, establishing a strong Seminole culture in Florida by the early 1820s. The few Florida aborigines who may have remained after the Spanish evacuation were supposedly absorbed by these new tribes.²⁸

Both the Alachua Seminoles and the Miccosukees initially experienced complacency and growth in the Florida peninsula. They lived in peace with the British, who controlled Florida for twenty years, and they continued to expand after Florida returned to the Spanish flag following the American Revolution. However, Spanish influence in the late eighteenth and early nineteenth centuries was too weak to earn the trust of the Indians.²⁹

These two very different groups of Seminoles, speaking different languages,



LeMoyne-De Bry illustration of Timucuan Indians planting.



South Florida Seminole Indian chickee, late nineteenth century.

experienced similar threats to their existence when Florida became a United States territory in 1821. Both tribes strove to avoid the expanding American settlements and eventually migrated into southern Florida. Their common enemies insured a degree of unification.³⁰

The invincible Seminoles must have experienced the great Everglades of western Broward County in ways similar to those encountered by the Tequesta. As in former centuries, the condition of the swamps, often flooded but sometimes parched, could only warrant seasonal occupation. In fact, the Seminoles occupied many of the very camps formerly inhabited by the Tequestas. During wartime, the Seminoles sought the shelter of the Everglades islands. However, once spring and summer approached, they found seclusion along the mainland ridge and received their sustenance and materials from abandoned settlements and shipwrecks.³¹

THE ARCHAEOLOGY

The Tequesta Indians occupied the eastern fringes of the Everglades, both north and south of New River. Cultural evidence of their existence has surfaced in recent years as urban development has proceeded westward across the county. From an educational standpoint, these sites provide additional knowledge of the Tequestas and their ways. However, from a preservation standpoint, each midden, mound, and encampment has become threatened by sure destruction with the onslaught of growth.³²

The Alandco I, Alandco II, and Alandco

III middens (sites 8BD01447-8BD01449 on the Florida Master Site File) in Broward County are prime examples of seasonal hunting camps. These were first occupied by the Tequesta and then by the Seminoles. Each are located in natural low-lying ridges which support a growth of hardwoods such as oak, strangler fig, laurel, and palmetto bushes. This terrain, altered somewhat by regional dredging, was considered the eastern fringe of the Everglades during the nineteenth century.³³

Cultural material found on these three sites reveal temporary occupation. Zooarchaeological remains indicate that larger game was scarce, and the Tequesta were dependent upon sustenance from small birds, turtles, snakes, alligators, and opossums. Historical materials also reveal evidence of destitution among the mid-nineteenth century Seminoles who frequented the area.³⁴

Military reconnaissances on New River during the Second Seminole War (1835-42) and the Third Seminole War (1855-58) revealed that the Seminoles were in need of food, tools, and weapons. Shipwrecks along the coast were a main provider of such supplies. However, the Indians had to seek materials elsewhere when shipwrecks were non-existent.³⁵

An unidentified band of Indians destroyed the Cooley residence and nearby settlements in January 1836. Major William Lauderdale's abandoned blockhouse was torched sometime between May 1838 and February 1839, and the Seminoles destroyed an old mill along New River near the site of the Cooley plantation during the 1850s. One report reflected that the Indi-

ans destroyed the mill for the purpose of removing iron from the structure.³⁶

Notably, the seasonal hunting camps located three and one half miles farther up the south fork from the old settlement yielded historical evidence in the form of iron artifacts. Few of these represent tools of necessity. In addition, other evidence surfaced at these camp sites indicating Seminole occupation during the period between 1893 and 1911, as well as evidence of farming by the settlers who cultivated this area, known as the "Old Dania District," after 1911.³⁷

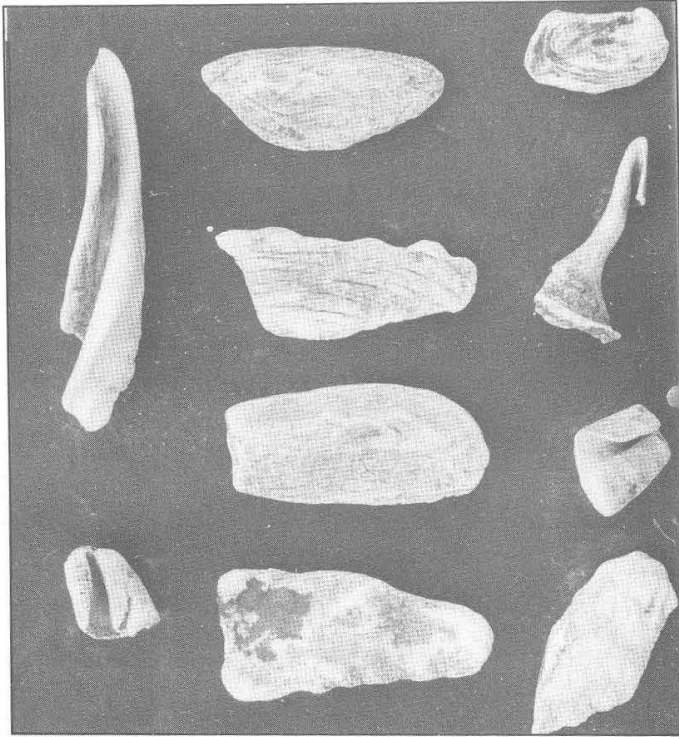
THE ALANDCO I MIDDEN (SITE 8BD01447)

Alandco I is a small oval midden along a three to four foot ridge elevation. High points of this encampment measure at five feet to five feet six inches. The area of the midden measures approximately twenty-five meters by thirty meters. The initial discovery and investigation of the site by the author under the South Florida Regional Planning Council Development of Regional Impact (DRI) guidelines, determined evidence of transitional occupation both before and after European contact.³⁸

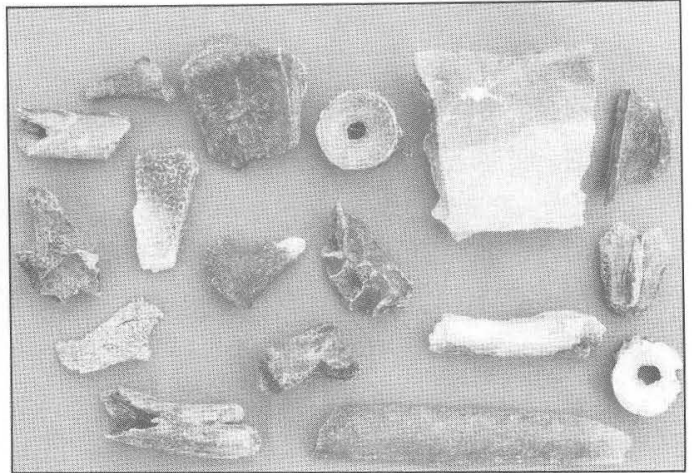
A minimal number of screened posthole tests along the elevated ridges within the tract yielded the discovery of each midden, and seven screened posthole tests determined the extent of the Alandco I site. The initial examination of cultural material yielded evidence of zooarchaeological material in the form of bird, snake, and small animal bones, fish and shark vertebrae, turtle shell, and a canine tooth. A bone arrow point, broken and unfired, was found in one posthole at twenty-five centimeters depth. The diligent craftsman may have been distraught over the loss of this projectile. However, sources of material to craft another were limitless.³⁹

Ceramic ware is another notable feature that surfaces from Tequesta middens. A variety of pottery was discovered in the screenings. Notably, years of comparison studies and scientific carbon dating of associated materials found with pottery have enabled archaeologists to use ceramics as a model in dating south Florida's hunting camps. Alandco I posthole screenings reveal a variety of pottery known as Glades Plain Ware.⁴⁰

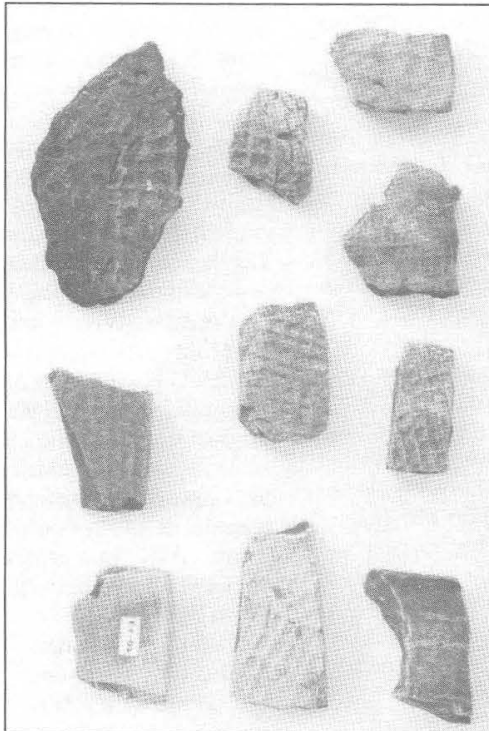
Later investigations of the site conducted by archaeological consultant William Gerald Kennedy, Ph.D., discovered four variations of ceramics: Glades Plain Ware, St. Johns Plain Chalky Ware, St. Johns Check Stamp, and Belle Glade Plain. The transect corridor surveys by Kennedy also revealed a variety of zooarchaeological remains from mammal,



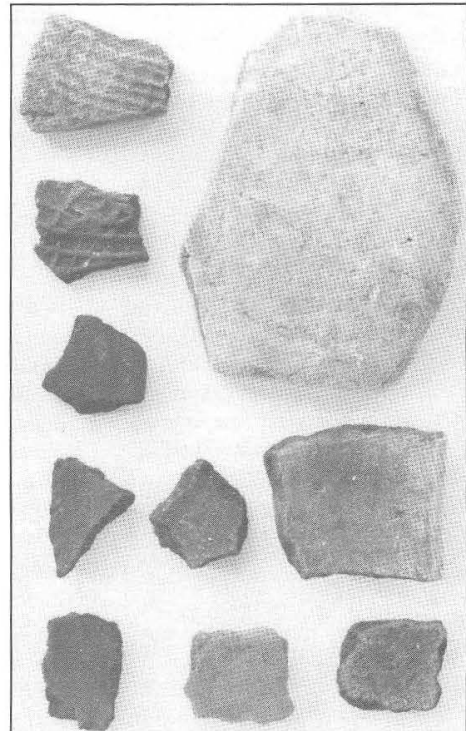
The Tequestas manufactured many useful tools and ornaments from shell. Four *Strombus Giga* celts (center) served as scrapers and cutters. The *Busycon Columella* (top left) makes a useful gouger and digging tool.



Midden refuse provides the archaeologist with an understanding of the Tequesta's diet. Shark, terrapin, fish, birds, snake, manatee, deer, and opossum provided a variety of protein.



A variety of Check Stamp pottery includes rim shards and a drilled piece, which most likely served to support a handle.



Natural clays provided early man with a material for making ceramic vessels — essential for storing and transporting food and water. The Glades Plain and the St. Johns Check Stamp pottery found on the Alandco middens date these sites between 500 A.D. and 1500 A.D.

reptile, amphibian, and fish species. One human tooth was also noted. The presence of burned and unburned zooarchaeological remains suggest the site's apparent use as a kitchen midden.⁴¹

The aforementioned preliminary investigation by the author also revealed historical evidence at Alandco I. A few iron square nails were discovered during the screened posthole tests. The source of this material may never be known. However, the quality of the metal and craftsmanship of the nail reveals that it predates the 1850s, probably dating closer to the 1830s. No evidence could be found suggesting that these artifacts were hand crafted by the Seminoles. Since further investigations by Kennedy did not reveal the presence of additional square nails, and since the quantity of nails were too few, we must rule out the possibility that a nineteenth century structure was once situated on the midden.⁴²

The next archaeological site was discovered on a hammock ridge east of the Alandco I Midden. Land east and west of this hammock, once covered with sawgrass plains, provided barriers, or even perhaps security, to the occupants. However, dry paths between each hunting camp could be found by following the hammock ridges to the north, where they eventually converge. Of course, communication between the camps may have been most accessible by means of canoe. In addition, the easternmost ridge connected directly with the north-south mainland ridge, thus allowing eventual access to the New River and the coast.⁴³

In effect, these hammocks served as highways to and from the mainland, the coast, and the eastern fringes of the Everglades. They provided partial shelter from the elements and had sufficient elevation to provide dry ground for camping. Moreover, the palmetto, with its seasonal bloom of berries, and other natural fauna attracted insects, reptiles, small game, and of course, man.⁴⁴

The natural food chain becomes endless in the Florida hammock, as insect, reptile, and mammal each becomes prey to the other. The bear, deer, and opossum, as well as the panther, rat, raccoon, and even man could not survive without this primeval storehouse.⁴⁵

Further examples of the food chain can be found in south Florida's abundant natural vegetation. Native plants provide food for man in the form of roots, nuts, and berries. In the hammock, as well as along the coast, the Tequesta could harvest the crab apple, the prickly pear, the cocoplum, and the pigeon plum. Here, man had an abundance of coontie, which could be obtained from the arrowroot plant, and a seasonal supply of nuts from the oak. The

sea grape and the wild grape were plentiful, as was the wild guava and the strangler fig. The latter, also known as the Indian rubber tree, is commonly found in elevated south Florida hammocks. The presence of these trees is a general indicator that an Indian camp or habitation once existed nearby.⁴⁶

THE ALANDCO II MIDDEN (SITE 8BD01448)

The first survey along the Alandco II ridge involved the placement and screening of nineteen postholes. These were located on the highest elevation in the northern part of the hammock, and along the western slope of the hammock to the south, where the higher portions became inaccessible due to pasture and holding areas still in use. Vegetation on the hammock consisted of oak, laurel, a few sabal palms, strangler fig, and palmetto. Notably, much of the western slope of the ridge was washed by runoff from an adjacent spoil berm. This berm, once elevated higher than the hammock, was created in former years by the excavation of a quarry pit, which was also located east of the hammock.⁴⁷

The procedures adopted during the first survey of this property were designed to determine positive evidence that archaeological sites existed there, and to cause the least disturbance to the hammocks. Postholes were generally excavated to forty-five centimeters in depth. All materials, including archaeological evidence minus a few samples, were returned to the postholes. In addition, most postholes were excavated at seventy-five to 100 feet apart, the exceptions being areas which yielded noticeable and unnatural changes in elevation. In these zones, postholes were established at twenty-five to fifty feet apart in an effort to determine the extent of the site.⁴⁸

The Alandco II site extended along 200 feet of north to south ridge. It may have actually consisted of two sites. However, disturbed portions of the ridge and runoff from displaced soil resulting from a much earlier quarrying operation, resulted in an intermixing of udorthents, or backfill soil, and artifacts. Subsequently, archaeological evidence, both displaced and in situ, were found during the survey along the entire western slope of the ridge. Yet, artifact concentrations were greater in the screenings taken from the northern and southern portions of the hammock. Only a scattering of cultural material was evident between these two locations.⁴⁹

The highest concentration of food bone and pottery found in the few screened postholes came from near an elbow of the

hammock where the high ridge turned slightly to the east. Further visual examination revealed this midden to be the largest, and therefore the most occupied, site on the tract. However, this site had, as previously mentioned, also received extensive damage during the 1950s and 1960s from the quarrying operation which cut away the eastern slope of the hammock and a small portion of the site. An interview with the dragline operator who originally excavated the quarry lake revealed that the quarry operators had no knowledge that an archaeological site existed on the property until this survey was conducted.⁵⁰

The greater portion of the disturbed site was located directly on the southwest berm of the quarry lake. Most of the disturbed material was either redeposited north and east along the shoreline or washed into the lake. Some redeposited material had washed back onto the hammock, thereby hindering accuracy in determining the site's extent. Further determination would require scientific methodology and larger scale trench excavation, which would ultimately disturb the natural hammock to a great extent and was therefore avoided within the tree areas.⁵¹

The next survey of the Alandco II site, conducted by William Kennedy, Ph.D., and an eight member field party, incorporated the same methodology to determine site locations and extent. This survey also employed mechanical augers to take samples for further study at Florida Atlantic University. Kennedy's survey identified the site as a scattered kitchen midden of approximately thirty meters north to south and thirty-five meters east to west. Sub-surface artifacts and zooarchaeological material, including charred bone, were thinly scattered and intermixed with more recent historical material such as common nails and shotgun shells.⁵²

The pottery found at Alandco II during the Kennedy survey was identified at Florida Atlantic University as Glades Plain Ware and a small percentage of St. Johns Chalky Ware. Although a lack of decorated wares makes it difficult to date the site, provisional placement when compared to neighboring sites places Alandco II in the Glades III period, which spanned the years from approximately 1300 A.D. to the disappearance of the Tequesta in the eighteenth century.⁵³

Ironically, many more examples of ceramics and a few examples of historical artifacts surfaced during efforts to ready the hammock and the neighboring quarry pit to meet Broward County's *Local Area of Particular Concern* (LAPC) preservation criteria. This resulted in yet another survey by the author, per authorization of the



Seminole man as illustrated in the 1887 MacCauley report.

Broward County Historical Commission and the Port 95 Commerce Park, to recover artifacts exposed outside the LAPC perimeter. Such cultural material, at that time being unknowingly displaced and exposed, would otherwise be destined for obvious destruction.⁵⁴

ALANDCO III MIDDEN (SITE 8BD01449)

An interesting variety of artifacts was recovered during the last survey near Alandco II, which provided more light on the importance of this midden. However, before concluding with these findings, we must first review the Alandco III site. Alandco I and II were situated on narrow hammock strands near sawgrass plains and most likely served as canoe landings and intermittent hunting camps. Alandco III is situated along a broad hammock ridge under an enormous covering of fauna. This site was first identified and noted on maps during the initial survey, yet, as a result of inopportune scheduling, no postholes were placed by the author to verify the extent of the midden. Subse-

quently, its existence was brought to the attention of those who would continue the survey.⁵⁵

The Alandco III site covers a larger area, and therefore may have provided sufficient shelter for a larger number of temporary dwellers. It was located along a possible trail that led south from Alandco II, and connected to a northern trail which may have intersected with yet another trail leading to Alandco I. Of course, if the surrounding sawgrass plains were flooded extensively, these trails would have been passable only with great effort or with the aid of canoes.⁵⁶

Doctor Kennedy's field crew determined the extent of Alandco III as fifty meters by fifty meters, which conformed to the shape of the hardwood ridge. The artifacts of ceramic and zooarchaeological material determined by the test holes were scattered, with the exception of some concentration near the higher elevation. Ceramics found at the site included the usual Glades Plain Ware and St. Johns Chalky Ware.⁵⁷

Kennedy's field crew did recover a Glades tooled rim shard which dates the occupation at A.D. 1400 to 1513, and a St. Johns Plain Ware piece altered to a semi-circular shape with perforation. The zooarchaeological material found at Alandco III consists of remains of mammals, reptiles, and fish. This site, like the former two, represents a kitchen midden, and was therefore classified as a temporary hunting camp. Modern glass and nails also found on the site indicate some disturbance, and are most likely evidence from farming and, more recently, from ranching.⁵⁸

ALANDCO II REVISITED

In an effort to preserve the natural beauty of the hardwood hammocks and the rare vegetation therein, designated LAPC zones were recommended and were eventually established by the Broward County Commission. These protection zones incorporated the three Tequesta hunting camps as recommended by the archaeological reports. Notably, further evaluation of the Alandco kitchen middens and other archaeological sites in Broward County revealed one outstanding feature which gave the Alandco sites an added importance.⁵⁹

Following the Alandco survey, efforts were made to upgrade the Florida Master Site File list for Broward County—a long-time recommendation of the late archaeologist Wilma Williams. Twenty-plus years of countywide growth and development had resulted in the destruction or partial destruction of several

archaeological sites which were formerly recorded on the state list. These losses, in the main, resulted from a lack of both public knowledge of the sites and a criteria for their preservation.⁶⁰

A one and one-half year review of Broward County's archaeological sites listed in the Florida Master Site File revealed an additional significance of the Alandco middens. In addition to their scientific importance, these three Tequesta middens, in fact, represent the few remaining Broward County archaeological sites east of U.S. Highway 441 in the eastern flatlands and along the Atlantic coastal ridge which have not been stripped of their native vegetation and which have not experienced major subsiding. Consequently, the landowners, the property developers, and preservationists cooperated as a single entity to ensure that these hardwood hammocks be preserved from destruction.⁶¹

The feature which gives these kitchen middens their significance guaranteed their ultimate preservation. Doctor Kennedy's report compared their similarities to another site located several miles southwest of the tract. In recent months, other areas of the property have endured a positive transformation to support a natural ecosystem. The LAPC plan which included the Alandco II site also required that the adjacent quarry lake berm be restructured and planted in native Florida vegetation, especially that associated with natural freshwater ponds and springs. These efforts at preservation resulted in an ironic discovery.⁶²

The initial excavation of the quarry lake in years past had caused significant damage to the Alandco II site. However, during those years, preservation concepts were lax, and the excavators did not realize that an archaeological site existed on the property. As a result, many artifacts were disturbed and redeposited in the berm. In addition, some undisturbed portions of the midden were capped by the berm. These areas were obviously unapproachable during the archaeological surveys which determined the significance of the site.⁶³

The recent restructuring of the lake berm according to LAPC criteria resulted in the unexpected redepositing of artifacts and cultural material for more than 100 feet north of the highest elevation of the adjacent midden and several feet east of the southwest corner of the quarry lake. Rainfall then uncovered additional artifacts which were intermixed with the udorthent soil, and a dredge backwash pipe spilled water onto the lake beach, uncovering a small area of undisturbed midden and revealing heavier artifacts resting in situ. Artifacts were also



Evidence of Seminole activity on the eastern fringes of the Everglades during the mid-nineteenth century is represented by these artifacts. The solid-shot cannonball, perhaps salvaged from a beached shipwreck or from one of the sites of Fort Lauderdale, most likely served as a tool for pounding the coontie root into an edible flour.

redeposited into the lake and could be seen resting in the shallow waters near the shoreline.⁶⁴

Once again, continuous monitoring of the preservation zones to ensure that they remained undisturbed, the full cooperation of the developers, and the approval of the Broward County Historical Commission resulted in a survey and recovery of redeposited artifacts which were not within the boundaries of the LAPC preservation zone. Considerations were implemented by the advisory staff of the Historical Commission to extend the preservation zone, however, such an extension was deemed impractical for the following reasons. First, the area had received extensive damage in years past; second, hardwood trees were nonexistent in this sector; and finally, the artifacts, including those in situ, were resting on a precariously sloped beach and would eventually wash into the lake.⁶⁵

The procedure to collect artifacts from the disturbed quarry lake berm east of the Alandco II LAPC preservation area was accomplished by placing and measuring ten reference stakes along the west and south shorelines. The corridor widths in both sectors were constant. However, the slope of the berm to the lake on the west beach was much more critical than that on the south beach. The artifacts were collected from between the reference points and recorded.⁶⁶

Although many artifacts were displaced,

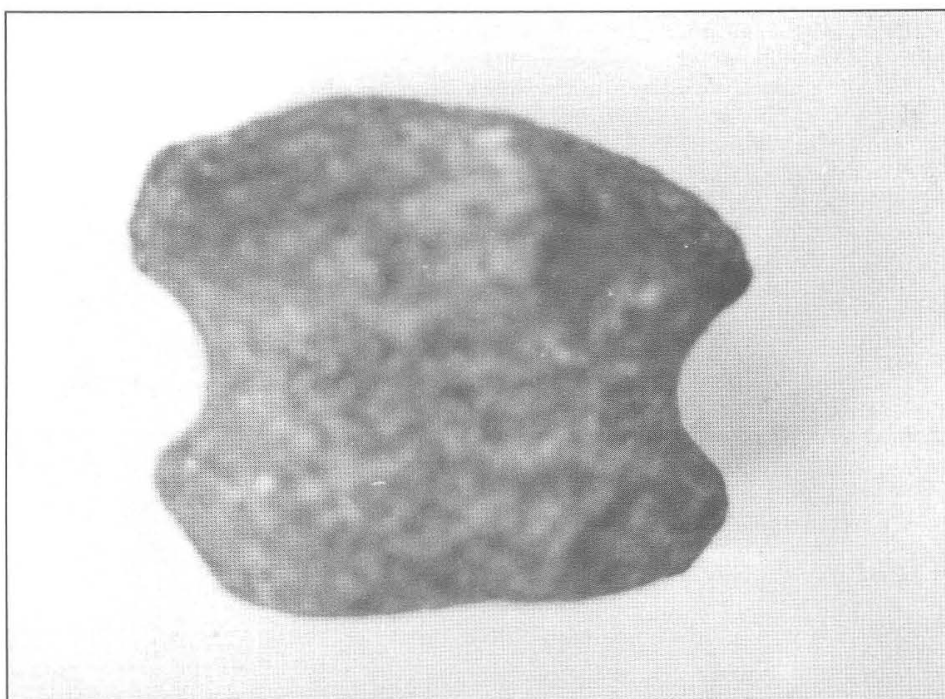
all were recorded in an effort to determine the eastward extent of the Alandco II kitchen midden before the quarry lake was excavated. Subsequently, by determining the percentages of cultural material found exposed on an x-y plane along the south and west beach, the percentage of the

midden still intact within the LAPC protection area could be averaged. An estimated thirty-five percent remained. In effect, the highest elevation of the midden had long since been removed.⁶⁷

Ofcourse, some artifacts were also found in situ along the lakeshore. One apparent survivor of the changed landscape was uncovered near the top of the berm on the south shoreline by a mild backwash from a dredge pipe that flowed back into the lake. Evidence of early tool making was exposed in a one-meter square area. A large slate rock, not native to south Florida, rested upon the berm, surrounded by smaller pieces of slate, slate flakes, and chips, and a partially tooled arrowhead. Most fortunately, the near-level natural grade near the adjacent udorthent berm prevented most of this cultural material from washing into the lake.⁶⁸

Historical evidence was also found exposed on both the south and the west shorelines. This included pieces of olive green nineteenth century glass shards and a few crude pieces of iron knife blades. The latter artifacts may have been damaged during an attempt to craft material into a blade, or they may simply represent worn and discarded tools. Discovery of these Seminole artifacts led to a decision to conduct an electronic survey outside the LAPC protection area, in the udorthent soil along the lake shoreline, for reasons that additional similar artifacts may have been dispersed and covered with backfill.⁶⁹

The electronic survey resulted in the recovery of additional pieces of worked



A serpentinite hammerstone, also known as a maul, was manufactured with a recessed center for attachment to a handle.

iron, or crude pieces of iron knife blade, a square spike, a square nail, and a six-pound solid shot cannonball. Most of these items were found in situ along the top of the berm corridor in a seven meter area, at an average depth of twenty centimeters. The cannonball was in situ below a root system, at thirty centimeters depth. These exciting discoveries, no matter how crude the artifact, have significant bearing in proving Broward County's history. They support the nineteenth century military correspondence which indicates the Seminoles were indeed burning the fort and settlement and destroying the old mill to obtain the iron for making tools and weapons.⁷⁰

The six-pound cannonball may have been found by the Seminoles at old Fort Lauderdale on New River, or at the later fort on the beach, and returned inland to their camp. Perhaps it was salvaged by the Indians from a wrecked vessel along the coast. We can only speculate as to its origin. However, the Seminoles' only possible use for such a weighty object would be to use it as a pounder, perhaps to pulverize coontie from the arrowroot plant.⁷¹

No evidence of a United States military camp was found at Alandco II during the initial survey or during this later survey near the site. It is highly unlikely that the cannonball represents a fired projectile. We do know that older draglines used surplus solid shot cannonballs as ballast. However, this artifact was located in situ, below a root system, and had been in the ground for quite a long time.⁷²

Additional historical artifacts surfaced during the electronic survey in the form of farming and ranching refuse such as old wire, nails, and an old rake. These exemplify the agricultural importance of the land as noted by the late Broward County Historian, Dr. Cooper Kirk, in this area, once known as the Old Dania District, beginning about 1911. Thus this site supported the Tequesta, the Seminoles, and Broward County's agricultural pioneers.⁷³

We also have evidence that the Seminoles either lived or camped, during the late nineteenth century, on the eastern part of the hammock where Alandco II is situated. The initial survey by the author revealed surface evidence of habitation in the form of refuse such as the remains of a tin washtub, old wire, and nails, all found in a clearing within a heavy tree area, but overgrown with understory vegetation. On first impression, it appeared that this site served as a cabin or work area for the Dania District farmers. This may be so. However, the site was also occupied by the Seminoles.⁷⁴

The disturbed udorthent lake shoreline opposite the hammock where the surface

refuse was discovered produced a few late nineteenth century or early twentieth century glass shards, a few pieces of broken glass bead, and an entire cobalt glass barrel bead. We know the source of the latter artifact and thereby know that it indicates late nineteenth century occupation.⁷⁵

Many redeposited artifacts were recovered from near the Alandco II midden. For example, decorated pottery shards, somewhat scarce during the original surveys within the LAPC preservation area, were quite commonplace in the adjacent udorthent spoil. In addition, many other artifacts were redeposited in spoil near the northern part of the Alandco II hammock. Here, several strombus giga shell celts were found, in addition to some Glades Plain pottery and a green serpentine hammerstone, also known as a maul.⁷⁶

These artifact discoveries raise the question as to whether or not there are two midden sites near each other, or just one continuous site through the Alandco II hammock. Once more, because the area adjacent to the LAPC area was heavily disturbed and for reasons of preservation preventing extensive scientific excavation within the LAPC zone, we can only speculate. The hammerstone provides another example of a tool or weapon brought into the Circum-Glade region of southeast Florida either through migration or trade. The nearest region where this material can be obtained is in the southern Appalachian mountains.⁷⁷

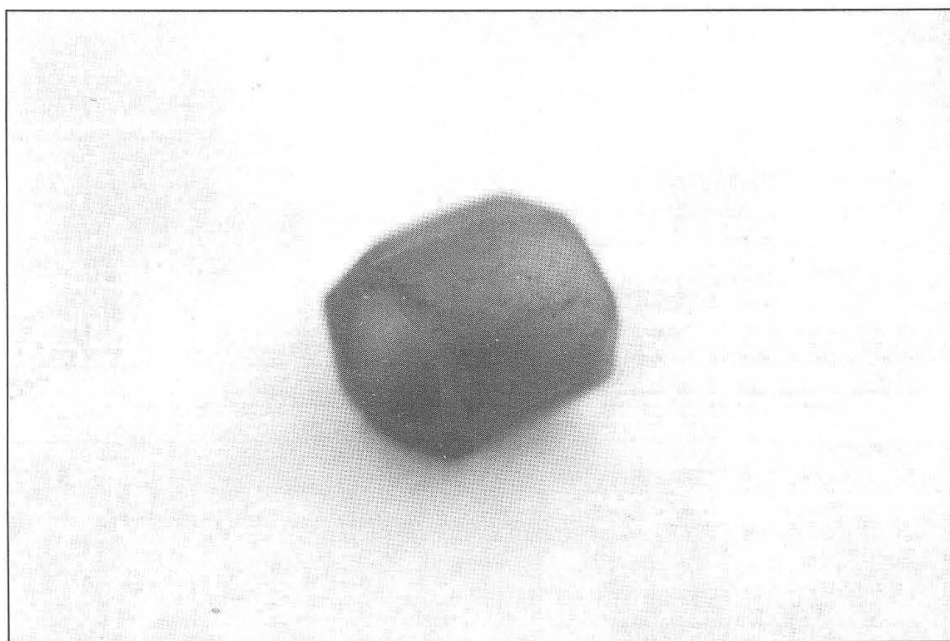
Following the survey to recover artifacts from the lakeshore, the site adjacent to Alandco II was continuously monitored

by the author according to the original guidelines set between the developer and the Broward County Historical Commission. The last task, to shape the lakeshore and plant it in natural vegetation, was followed by additional erosion, which resulted in the exposure of large bone pieces. The Broward County Archaeological Society, which has more than one experienced anthropologist on staff, was invited to study these and determine whether or not a burial had been exposed. These bones, however, proved to be from an alligator, another food source of the Tequesta. Following this discovery, the archaeological group was invited to place a few test pits outside the LAPC preservation area to determine if any burials exist in one questionable reference area below the udorthent spoil. The presence of a burial might warrant extending the LAPC zone or relocating the burial to within the LAPC area. However, no evidence of burials was discovered.⁷⁸

CONCLUSION

According to Dr. Kennedy's survey, the pottery components found on the Alandco I, Alandco II, and Alandco III middens reveal similarities between these hunting camps and that listed in the Florida Master Site File as Rolling Hills II (Site 8BD-0073). The Alandco sites served as hunting camps for over 1,000 years, yet the combined components place increased cultural activity there between A.D. 1400 and 1513.⁷⁹

The historical evidence recovered at



A cobalt-blue barrel bead from the late nineteenth century was recovered from near the Alandco 2 midden. It was most likely received in trade at the Stranahan Trading Post.

Alandco II, formerly separated from the isolated Alandco I midden by a flooded sawgrass plain, indicates nineteenth century Seminole activity. Furthermore, the recovery of a cobalt trade bead indicates Seminole presence sometime between 1893 and 1911. Notably, the trade bead is similar to a variety once sold or traded by Frank Stranahan on New River. Like examples were recovered by archaeologists at the site of Stranahan's trading post, and a similar example was found on Pine Island in 1989.⁸⁰

Once upon a time, the primeval forests sheltered early man from the ravages of the elements and provided a storehouse of sustenance for generations. These hammock lands along the eastern fringes of the Everglades brought providence to the Tequesta people, and then to the Seminoles. However, nature's forces and man's will to improve his lifestyle resulted in the unintentional loss of such places of repose. Most unfortunately, among those losses are numerous archaeological time capsules. However, today, man is wiser. Efforts are now underway to preserve and protect the few remaining archaeological sites in Broward County.⁸¹

The recommendation of archaeologist Wilma Williams to reassess existing archaeological sites and record additional discoveries has resulted in a renewed countywide interest in preserving such landmarks. Fortunately for all, the three Alandco sites and surrounding hammock lands received their salvation as part of LAPC protection areas. These places were important to the Tequesta and the Seminoles as temporary habitats and as staging camps for yesterday's hunting expeditions, and they are important, both today and tomorrow, as permanent green spaces, forever friendly to our environment.⁸²

It is most unfortunate that only a few such places remain near-natural landmarks. Many other archaeological sites in this region have been either altered considerably or totally destroyed. If we are to preserve the survivors and save those few representations of early man's activities in Broward County, we must not hesitate. These prehistoric and historic treasures must be preserved forever from inherent destruction. They must never be desecrated.⁸³



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DEDICATION of the Broward County Historical Museum Judge L. Clayton Nance Library AND Dr. Cooper Kirk Archives

Over 300 people were present at the opening of the Broward County Historical Museum and the dedication of the Judge L. Clayton Nance Library and the Dr. Cooper Kirk Archives on the evening of May 4, 1993. County Commission Chairman Gerald F. Thompson cut the ribbon officially opening the facility.

The museum, permanent home of the Historical Commission, contains exhibits illustrating the history of Broward County from the sixteenth century to the present and focusing on the establishment and formative years of the county government. Artifacts on display include a model of the 1839 Seminole War fort, memorabilia of Governor Napoleon Bonaparte Broward, and relics from the 1928 courthouse. Temporary exhibits on special topics will also be featured in the future.

The library was dedicated in memory of Judge L. Clayton Nance, whose behind-the-scenes activity brought to completion in 1972 the creation of the Historical Commission as a public agency designed to locate, acquire, catalog, interpret, and disseminate the untapped, unexamined, and undiscovered history of Broward County. In dedicating the library, Historical Commission Secretary William G. Miller, Jr., recalled his lifelong friendship with Judge Nance and summed up the judge's many contributions to Broward County, "I never knew a thing that Clayton undertook to do without doing it with great vigor and doing it very successfully. Whatever that undertaking



Historical Commission Advisor J.W. (Bill) Stevens (left) and County Commission Chairman Gerald F. Thompson cut the ribbon officially dedicating the Broward County Historical Museum.



Historical Commissioner Mary Smith, chairman of the dedication reception committee, welcomes guests.

might have been, he never seemed to be interested in money, but in doing good for his friends and his community."

The Cooper Kirk Archives, dedicated in memory of Broward County's first County Historian, contains priceless material assembled by Dr. Kirk during many years dedicated to the collection and dissemination of Broward County and south Florida history. One of Dr. Kirk's goals during his seventeen years as Broward County Historian, was the development of historical societies throughout the county. Today, twelve such societies exist in Broward County. Historical Commissioner Leonard Robbins, in his remarks, gave this definition of a historian, which is appropriate to Dr. Kirk's life and career:

A historian must be exact, sincere, and impartial; free from passion, unbiased by interest, fear, resentment, or affection; and faithful to the truth, which is the mother of history. He is the preserver of great actions, the enemy of oblivion, the witness of the past, the director of the future.

In the spirit of community service and the search for historical truth embodied by Judge Nance and Dr. Kirk, the Historical Commission invites the public to visit its facilities and make use of the material available in its museum, library, and archives.



Nella Kirk (left) and Dorothy Nance speak at the opening of the L. Clayton Nance Library and the Cooper Kirk Archives.

Guests view historical displays and listen to the evening's program.



**Left to right are:
Historical Commissioner Leonard Robbins,
sponsor Buddy Lochrie of SunBank, and
Historical Commissioner Lowell Showalter.**

~ Dedication ~

Special Thanks



Becker & Poliakoff

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Broward County Historical Museum

151 S.W. 2nd Street, Ft. Lauderdale, FL 33301

Judge L. Clayton Nance Library
and
Dr. Cooper Kirk Archive

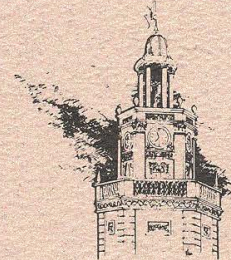
Broward County Historical Commission



This program was promulgated at a cost of \$69 or \$230 to provide information on the dedication of the Broward County Historical Museum. An equal opportunity employer and provider of services. (Minority/Female/Disabled/Veteran).

May 4th, 1993

5:15 - 7:30 p.m.



Broward County Board of County Commissioners

Scott I. Cowan
Suzanne N. Gunzburger
John P. Hart
Lori Nance Parrish
Sylvia Poltier
John E. Rodstrom, Jr.
Gerald F. Thompson

Broward County Historical Commission

F.K. Walker, *Chairman*
William G. Crawford, Jr., *Vice Chairman*
William G. Miller, Jr., *Secretary*

Robert Anderson
Ray Collier
Amy Felmley
Julia E. Jones
John Maseman
Leonard Robbins
Betty Roberts
Chris Ryan
Lowell Showalter
Jeffrey L. Siegel
Nancy Simons
Mary Smith
Annette Van Howe

J.W. "Bill" Stevens, *Advisor*
Helen Landers, *Historian*
Rodney E. Dillon, Jr., *Coordinator*
Dorothy E. Bryan, *Administrative Secretary*

Dedication and Museum Committee

Mary Smith, *Chairman*

Dorothy Bryan
Terri Chalnack
Claire Crawford
William G. Crawford, Jr.
Rodney Dillon
Amy Felmley
Dan Hobby
Helen Landers
John Maseman
Barbara Showalter
Lowell Showalter
Jeffrey Siegel
Laura Ward

~ Program ~

Mary Smith, *Presiding*

Welcome F.K. Walker
Chairman, Broward County Historical Commission

Invocation William G. Crawford, Jr.
Vice Chairman, Broward County Historical Commission

Introduction of Guests Mary Smith
Broward County Historical Commission

Historical Benchmarks Helen Landers
Historian, Broward County Historical Commission

Dedication Ceremony

Judge L. Clayton Nance Library William G. Miller, Jr.
Secretary, Broward County Historical Commission
Dorothy Nance

Dr. Cooper Kirk Archive Leonard Robbins
Broward County Historical Commission
Nella Kirk

Ribbon Cutting Gerald Thompson,
Chairman, Broward County Commission

Museum Tours and Refreshments

Greeters: Students from Dillard High School
Hostesses: Semi-Circle First United Methodist Church
Costumes by Jazazel
Plants provided by Broward County Parks and Recreation Division

EASTERN BROWARD COUNTY
ARCHAEOLOGICAL SITES
LISTED IN THE STATE MASTER SITE FILE

