

EDITOR'S NOTE

This issue of the *British Journal of American Legal Studies* is the latest in our series of occasional “special issues.”¹ It focuses on Key West, Florida, the southernmost city in the continental United States, during its first 50 years as an American possession (1821-71). Of course, over four of those years (1861-65) the Confederate States of America (“CSA”) and the United States battled each other in what remains the country’s bloodiest war.

The issue opens with a triptych of articles by Professor Robert M. Jarvis (Nova Southeastern University). Jarvis begins his exploration of the “island city” with an 1859 murder trial. Presided over by William Marvin, Key West’s legendary federal judge, the case arose from a mutiny aboard the schooner *Enterprise*. Because most of the court’s records were destroyed in the Great Key West Fire of 1886, Jarvis’s account is the first to pull together the affair’s myriad details and present them in one place. In doing so, Jarvis adds to our knowledge of capital punishment by reporting on a previously unknown execution (the second in the city’s history).

In his second offering, Jarvis describes the Confederacy’s 1861 effort to establish a maritime court at Key West. The CSA’s plan failed, however, because the city remained in Union hands throughout the war. Once again, Jarvis adds to our knowledge by locating a photograph of Judge McQueen McIntosh, who the CSA had tapped to run the court.

Jarvis finishes with a biography of a lawyer-turned-doctor named Daniel W. Whitehurst. Born in Virginia in 1807, Whitehurst moved to Key West in 1845 (the year Florida, previously a U.S. territory, became a U.S. state). A slaveholder and ardent secessionist, Whitehurst was targeted throughout the war by Union troops but managed to remain in the city. After hostilities ended, he was elected to the Florida Senate and later served as Key West’s mayor. In January 1872, he died at his home in what Jarvis points out may have been a suicide.

Jarvis’s three articles are accompanied by five essays “inspired” by his research. In the first, Professor James M. Denham (Florida Southern College) recounts Marvin’s early years in Key West, the result of his 1835 appointment as the territory’s U.S. Attorney.

Next up is Professor Steven F. Friedell (Rutgers University). His essay looks at Marvin’s celebrated treatise on the law of salvage. Published in Boston in 1858, it cemented Marvin’s reputation as one of the United States’ leading experts on maritime law.

Professor John Paul Jones (University of Richmond) then examines how the Confederacy went about handling prize cases during the Civil War. As he explains, the Union’s naval blockade severely limited the CSA’s opportunity to capture prizes. But on those rare occasions when they did hear prize cases, Confederate judges applied the same law as U.S. judges.

Shifting gears from the domestic to the foreign, Professor Sean T. Perrone (Saint Anselm College) summarizes the work of Spain’s consular service. Florida was part of

1 Our previous special issues have examined, respectively, judicial recusal (Spring 2015); forensic evidence (Fall 2015); free trade agreements (Fall 2016); the career of U.S. Supreme Court Justice Antonin Scalia (Spring 2017); and the intersection of American politics, history, and law (Fall 2019).

Spain's "New World" empire from 1513 to 1763 and again from 1783 to 1821. As Perrone explains, soon after King Ferdinand VII sold Florida to the United States (1819; consummated 1821), Spain opened a consulate in Key West to keep an eye on its interests in the region.

The final essay, by Professor Michael J. Slinger (Widener University), tells the story of the Confederacy's unsuccessful effort to convince Great Britain to become its ally. At the start of the war, the CSA's leaders were convinced that Britain's need for cotton would force it to support the South. But as Slinger details, the British public's aversion to slavery, coupled with the expansion of cotton production in Egypt and India, resulted in Britain refusing to take sides.

Following the five essays is an annotated bibliography compiled by Professor Robin C. Schard (University of Miami). Those who wish to learn more about Key West during its early years will find it to be a first-rate guide, collecting as it does general, legal, and popular culture works. Readers who are new to the subject are encouraged to start with Schard's bibliography to gain a handle on the topics discussed by Jarvis and the other contributors.

Professor Canter Brown, Jr. (Fort Valley State University) wraps matters up with a review of two recent books about Key West's role in the Civil War: Mike Pride's *Storm Over Key West: The Civil War and the Call of Freedom* (2020) and John Bernhard Thuersam's *Key West's Civil War: "Rather Unsafe for a Southern Man to Live Here"* (2022). As Brown reports, although both tell the same story, they do so from vastly different perspectives (Pride from the North's and Thuersam from the South's).

On behalf of all of us, we hope you enjoy this special issue of the *Journal*.

Dr. Anne Richardson Oakes
Editor-in-Chief



Aerial view of Key West (c. 1850)
Photograph courtesy of the State Archives of Florida / Florida Memory PR05945

