

STARS

Florida Historical Quarterly

Volume 17
Issue 2 *Florida Historical Quarterly, Vol 17,*
Issue 2

Article 1

1938

Florida Historical Quarterly, Vol. 17, Issue 2

Florida Historical Society
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Recommended Citation

Society, Florida Historical (1938) "Florida Historical Quarterly, Vol. 17, Issue 2," *Florida Historical Quarterly*. Vol. 17 : Iss. 2 , Article 1.

Available at: <https://stars.library.ucf.edu/fhq/vol17/iss2/1>

Volume XVII

October, 1938

Number 2

The
FLORIDA HISTORICAL QUARTERLY

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The Florida Historical Society

Published quarterly by
THE FLORIDA HISTORICAL SOCIETY
Rose Building, Tallahassee

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FLORIDA'S FIRST CONSTITUTION By JAMES B. WHITFIELD

The constitution of 1838-1839, formulated by representative delegates and adopted at the polls, represented the dominant will of the people of the Territory of Florida in emerging from a status of territorial dependence upon the Federal government into that of a sovereign State subject only to the Federal constitution.

The leading purpose of the learned and experienced men composing the convention was to organize a State government economical and efficient but suitable to a vast area, sparsely settled, with little means of communication. The constitution as framed proved to be what was needed and many of the general principles of state government contained in that instrument have been continued by later organic law. It provided for a state government with general but limited powers and ample safeguards of the fundamental rights of citizens against oppression by arbitrary acts of any official or governmental body.

The constitution itself contained provisions for its submission "to the people for ratification at the election for Delegate" to Congress on the first Monday of May 1839, and for the president of the convention to make proclamation of the result. It was adopted by a majority of only 119 votes.

Also, it was provided that "in case the Constitution be ratified by the people, and immediately after official information shall have been received that Congress have approved the Constitution, and provided for the admission of Florida, the President of this convention shall issue writs of election" for "an election to be held for Governor, Representative in Congress, and Members of the General Assembly on the first Monday after the lapse of

sixty days following the day of the date of the President's proclamation" provided, however, that in case of the absence or disability of the President of the Convention or its Secretary, "a committee consisting of five, towit: Leigh Read, George T. Ward, James D. Westcott, Jr., Thomas Brown and Leslie A. Thompson, or a majority of them, shall discharge the duties herein imposed" on the president or secretary of the convention. Due to the death of the president and the absence of the secretary, it devolved upon Messrs. Ward, Westcott and Brown to carry out these duties.

But Florida was not admitted as a state until March 3, 1845, when an act of Congress enacted that "the States of Iowa and Florida be, and the same are hereby declared to be States of the United States of America, and are admitted into the Union on equal footing with the original States, in all respects whatsoever."

With sundry variations the first constitution contained most of the essential provisions of a representative democracy that are included in the later ones, though a few provisions peculiar to that period appear in it. The differences between the first and subsequent constitutions manifest the development and modernizing of the dominant political thought of the State as its citizens were influenced by advancing social and material needs.

The general outline of governmental provisions and principles are in accord with those contained in the subsequent constitutions. Such variations as there are in the later instruments grow out of the disappearance of the institution of slavery, the desire for an extension of the suffrage, to eliminate duelling, for direct election of officers, for better education ; also for the regulation of public services

such as common carriers and public utilities, the need of better highways, for protection of health, for internal improvements and adequate transportation and communication facilities, for greater authority in municipalities, for the enforcement of criminal law; also for fair treatment and encouragement to those who have been given their freedom and the electoral franchise ; and numerous other objects in the advancement and development of the State and the welfare of its people.

The constitution of 1838-1839 was divided into seventeen sections, all of which are similar to the divisions of later ones, except that there were articles on public domain and internal improvements, and on banks and other corporations, which do not appear as separate articles in the constitutions of 1868 and 1885.

The Declaration of Rights contained twenty-six sections stating principles of representative democratic government and concludes with the following :

“27. That to guard against transgressions upon the rights of the people ; we declare that everything in this article, is excepted out of the general powers of government, and shall forever remain inviolate ; and that all laws contrary thereto, or to the following provisions, shall be void.”

This last-quoted provision is also in the constitutions of 1861 and 1865. In its stead the constitutions of 1868 and 1885 contain the following:

“This enunciation of rights shall not be construed to impair or deny others retained by the people.”

The Preamble of the first constitution expressed a purpose of “the people of the Territory of Florida . . . to form ourselves into a free and independent State.” No issue seems to have been made when Florida was admitted as a state as to the meaning of the last four quoted words with reference to the

relation to the Union of states admitted into the Union under Section 2, Article IV, Constitution of the United States.

The general concept now is that the states of the Union are not "free and independent States" in the sense that they are separate nations having entire sovereignty within their limits with power to deal with other nations; but that each state of the Union is a sovereign whose authority within its borders as to general external relations and stated internal matters is subordinate only to the paramount authority of the government of the United States within its spheres of operation in or upon the states, as is granted or conferred and limited by the constitution of the United States. The Federal authority within its limits is supreme as to interstate and foreign matters and as to contract and other personal and property rights and other matters defined in the Federal constitution.

Unlike the constitutions of 1839, 1861, and 1865, Section 2 of the Declaration of Rights of the constitutions of 1868 and 1885 contain the following:

"All political power is inherent in the people. Government is instituted for the protection, security and benefit of the citizens, and they have the right to alter or amend the same whenever the public good may require it; but the paramount allegiance of every citizen is due to the Federal Government, and the people of this State have no power to dissolve its connection therewith."

A material difference between the oath of office contained in the first constitution and in the constitution of 1885, is that the latter includes the obligation to "support, protect and defend the Constitution and Government [!] of the United States and of the people of Florida." Prior to 1868 the organic oaths of office did not include the words "and Government."

Only freemen were then given franchise and other political rights, including the right to acquire, possess and protect property; though, like subsequent constitutions, the first Declaration of Rights ordained "that all courts shall be open, and every person [!] for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law; and right and justice administered without sale, denial or delay."

In some respects the constitution of 1839 was more advanced, than some of the later ones, e.g. perpetuities and monopolies were disapproved ; the collection of more revenue than was required for necessary governmental expenses was expressly forbidden, the creation and operation of banking and other corporations were limited and regulated. (In fact, in the convention-as it had been and was later in the Territorial Council-that was the subject of the sharpest division of opinion and the greatest controversy.) Legislative divorces, which had often been granted by the Council heretofore, were forbidden. Some provisions were archaic: ministers of the gospel were forbidden to hold an executive or legislative office, nor was an officer of a bank eligible; only male freeman had a right to vote and to keep and bear arms for the common defense.

All State officers except the governor, members of the General Assembly, and delegates to Congress were elected by the General Assembly. But amendments required some of these to be elected by the people. This principle was ignored by the constitution of 1868, but was made general by that of 1885.

In 1845, under the first constitution, the electors were "every free white male person of the age of twenty-one years and upwards-a citizen of the United States who shall have resided . . . in Florida for two years . . . and in the county for six months

and who shall be enrolled in the Militia . . . No soldier, seaman or marine in the regular Army or Navy of the United States, unless he be a qualified elector previous to his enlistment shall be considered a resident of the State." Those participating in a duel were not eligible to hold any post of honor, profit, trust, or emolument, civil or military, legislative, executive, or judicial under the State government.

The legislative power of the State was vested in a General Assembly which was to hold annual sessions. (The first amendment adopted provided for biennial sessions.) There were seventeen members of the Senate and forty-one members of the House. Each senatorial district had one senator except the district of Leon county which had two. The membership of the House was: Escambia 3, Walton 1, Washington 1, Jackson 3, Franklin 2, Calhoun 2, Gadsden 4, Leon 6, Jefferson 3, Madison 1, Hamilton 1, Columbia 2, Alachua 2, Duval 2, Nassau 1, St. Johns 3, Mosquito (afterwards Orange) 1, Dade 1, Monroe 1, Hillsborough 1.

It was provided that no legislative bill "shall have the force of law until on three several days it be read in each house, and free discussion be allowed thereon, unless in cases of urgency, four-fifths of the house in which the same shall be pending, may deem it expedient to dispense with the rule." Under the present constitution a bill may be introduced and passed at any time on being read in full on final passage, the rules being waived by a two-thirds vote at each step.

The first four State administrative offices were provided for, viz. Secretary of State, Attorney-General, Comptroller, Treasurer. The Superintendent of Public Instruction and the Commissioner of Agriculture were added by subsequent constitutions.

Like the present constitution the first organic law limited the governor to one term of four years and there was no lieutenant-governor. But the State officers except the governor were chosen by the General Assembly.

The judicial power of the State was vested in a supreme court, courts of chancery, circuit courts, and justices of the peace. Chancery courts not being organized, equity jurisdiction was exercised by the circuit courts. Corporation courts were authorized, but their jurisdiction was not to extend to capital offences. Originally it was provided that the circuit judges should be elected by the General Assembly for five year terms and should act as supreme court judges until the establishment of a supreme court. After the first five years the justices of the supreme court and the circuit judges were to be elected "for the term of and during their good behavior." Later the constitution was amended so that the circuit judges and also the justices of the supreme court and chancellors should be elected at the polls for terms of six years. For a time the sittings of the supreme court were not, as now, held only at Tallahassee. The constitution of 1839 provided that "The Supreme Court when organized shall be holden at such times and places as may be provided by law. An act of 1851 required four terms of the court per year, one each at Tallahassee, Jacksonville, Tampa, and Marianna-one term in each of the four circuits, Western, Middle, Eastern, and Southern.

Officers could be removed by the concurrent act of the governor and the General Assembly. The present organic law provides for the impeachment of the governor, the administrative officers of the executive department, justices of the supreme court, and judges of the circuit courts for any misdemeanor in office. All other State and county officers may

be suspended by the governor, or may be removed by the governor and the senate, and the governor may fill vacancies in office by appointment. Thus the governor now has more power over officers who are not subject to impeachment than under the first constitution.

The governor alone had the power to grant pardons and reprieves. Under the constitution of 1885 the three justices of the supreme court were members of the Board of Pardons with the governor and the attorney-general. An amendment of 1896 provides that the governor, comptroller, attorney-general, and commissioner of agriculture, or a major part of them, of whom the governor shall be one, may upon conditions grant pardons after conviction, commute punishment, and remit fines and forfeitures.

There is a distinct tendency of the Legislature, caused by the enormous growth of the State and a corresponding need for a more intimate administrative regulation and supervision of many professional, business, and industrial enterprises and occupations, to create and enlarge the authority and duties of administrative boards and commissions in addition to those created by the constitution.

However, it was under the constitution of 1839, which had an article on internal improvements, that the Internal Improvement Act of January 6, 1855 was passed for the administration of the millions of acres of swamp and overflowed lands and other lands which were granted to the State by the act of Congress of September 28, 1850. Under these acts the original railroad system of the State was constructed and other internal improvements encouraged.

There was an article on education, but its provisions relate to the conservation of the lands do-

nated by the Federal government for school purposes. There was then no system of public schools. Since then the development of public schools has more and more become one of the leading purposes of the State government. It is believed that the first public school supported by taxation in Florida was in the city of Tallahassee under the guiding influence of David S. Walker, afterwards State land commissioner and *ex-officio* Superintendent of Public Education, before becoming governor in 1865.

An article on homesteads and a section on married women's property first appear in the constitution of 1868, and articles on married women's separate property and on public health first appear in the constitution of 1885.

While the first three constitutions contain no express provision with reference to the separate property of married women, the first constitution did contain the following :

"The General Assembly shall declare by law what parts of the common law and what parts of the civil law, not inconsistent with this Constitution, shall be in force in this State."

A Territorial act, approved December 23, 1824, provided "That all the rights and privileges of husband and wife, established or derived by marriage under the civil laws of Spain, while this State was under the jurisdiction of that government, shall be held, possessed, and exercised by the husband and wife respectively in this State, and each shall be permitted to sell, succeed to, dispose of, and convey by sale, devise, or will their goods, chattels, lands, and tenements, in the same manner as they could or might have done under the laws of Spain. . . ."

An act approved March 6, 1845, three days after the act of Congress admitting Florida as a state,

provided in detail for rights of married women in property acquired by them either before or after their marriage.

Thus the separate property rights of married women and the protection of the home for the family and for the widow and heirs of the homestead owner have been steadily extended and preserved for the public social welfare.

Many of the contrasts between the first and present constitutions indicate a general purpose to increase the reserve powers of the people through election of officers and by correspondingly curtailing the legislative and executive powers, and at the same time extending the executive powers in suspensions from office and the filling of vacancies temporarily.

The original constitution provided that no convention of the people should be called unless by the concurrence of two-thirds of each house of the General Assembly. It provided for amendments to the constitution by two-thirds of each house at two succeeding sessions, the second to be after six months notice of the first vote.

The present constitution authorizes amendments to it upon a three-fifths vote of each house, and adoption at the next general election after the required publication. A revision of the constitution may now be had by a two-thirds vote of the members of each house and approval at the next general election, when the succeeding legislature shall provide for such convention to revise the constitution.

Several amendments were adopted to the first constitution, mainly to define the qualifications of electors and officials and to make State judicial and other officers elective by the people instead of by the General Assembly.

The eminent men who framed the constitution of 1838-1839 foresaw the future of Florida as evidenc-

ed by the wise and appropriate provisions of that organic law under which the State was admitted to the Union in 1845.

From 1845 to 1861 under the first constitution there was steady growth in population and material development in Florida. Then came the Civil War and the convention* which adopted the Ordinance of Secession as well as the constitution of 1861-1862 which amended the first charter of the State in order to conform to that ordinance and to permit cooperation with the Southern Confederacy. These were adopted without submission to the electorate.

As an immediate result of the War, the constitution of 1865 was formulated pursuant to a proclamation of President Andrew Johnson, by delegates** chosen by those who had theretofore been electors of the State and "who are [were] loyal to the United States." A State government was formed with David S. Walker as governor. But this was not satisfactory to the Congress of the United States, and under acts passed over the veto of President Johnson the convention of 1868 was called under military authority to frame a constitution to accomplish the congressional theory of reconstruction-the delegates being representative of the new electorate as determined by those acts, through which a majority was created of recently emancipated colored men, prior to the adoption of the 14th and 15th amendments to the Federal constitution.

Thenceforward the people of Florida suffered from arbitrary and inefficient government until the Conservative-Democratic party of the State resumed control and elected George F. Drew as governor in 1876.

*Five of the members of that convention had been delegates to that of 1838-1839, viz. James G. Cooper, S. B. Stephens, Jackson Morton, John C. McGehee, and George T. Ward.

**Benjamin D. Wright and Thomas Baltzell, delegates, had been delegates in 1838-1839.

ST. JOSEPH, AN EPISODE OF THE ECONOMIC
AND POLITICAL HISTORY OF FLORIDA*

By JAMES OWEN KNAUSS

PART I

[No subject within the wide range of Florida's history has stirred a greater interest than St. Joseph. Because of its quick rise to importance, its still more rapid decline, and the double tragedy of its extinction, an aspect of romance has settled upon the dead town, heightened through tradition and a haze of unreality engendered by the lack of definite records of its life. Dr. Knauss, searching out and bringing together these scanty records, gives us a light, for the first time, to penetrate that mist. - Ed.]

Florida has a number of places within her borders that were once the sites of flourishing settlements of which nothing remains at the present time except overgrown ruins. None of the others that flourished since the beginning of the American occupation equal in human interest and historical importance the town of St. Joseph, located on the bay of the same name, a short distance west of the Apalachicola River. Here there occurred one of the most stirring fights made by man in a courageous but futile effort to surmount overwhelming natural and human obstacles. A study of the struggle reveals many important events in the state's history. Here the first steam locomotive in Florida was operated ; probably the first (surely the second) railroad of the region led to the town ; the first and only constitutional convention in territorial days was held here; and the first important reportorial work by Florida journalists was done in connection with this meet-

*This article is reprinted from an early issue of the *Quarterly* (vol. V. no. 4, April, 1927) because it is still the one comprehensive account of the town, and because that issue was exhausted at once and has been in greater demand since than any other. Part II appeared in the following number (July, 1927) of which larger numbers were printed, and copies may be obtained from the editor or the librarian of the Society. *Ed.*

ing. In addition to these pioneer events, a consideration of the town's history sheds light on the economic conditions of the Apalachicola region (extending into Georgia and Alabama) in the late thirties and early forties of the nineteenth century, on the financial outlook of the territory during this period, and on the political problems engaging the attention of the inhabitants. It would, therefore, seem well worthwhile to attempt to sketch the circumstances surrounding the growth and decline of St. Joseph.

The real history of the town may be said to begin on March 17, 1835, when the Supreme Court of the United States gave a unanimous decision in the case of *Colin Mitchell et al. v. the United States*.¹ This case was concerned with the question of the ownership of 1,250,000 acres "of land in Middle Florida. A commercial house, Panton, Leslie and Co., starting activities in Florida when England had possession of the territory between 1763 and 1784, had later obtained permission of the Spanish government to purchase this large tract of land from the Indians in order to indemnify the company for losses suffered. This transaction with the natives was completed by a series of treaties between 1804 and 1811. When Florida became territory of the United States, the question of the legality of these purchases arose. After litigation extending over a period of seven years, first in the Superior Court of Middle Florida and then in the Supreme Court of the United States, a decision was made, as stated

1. 9 Peters 711-762. It of interest to note that this was the last case which the greatest of all the Chief Justices, John Marshall, helped to decide, and that the last words written by him in his official capacity were those refusing the plea of the Attorney General for continuation of the case.

of a rival town on St. Joseph's Bay," some twenty-eight miles to the northwest. Since Apalachicola was at the extreme western limit of the Forbes Purchase,⁶ the new settlement would not be within the jurisdiction of the hated 'company. It was, however, located in such close proximity to the river that the enthusiastic malcontents believed they could divert the stream's commerce and thus ruin the old town.

The project was one that might have made reasonable men in more normal times hesitate. It was not only a question of erecting a new town, with wharves and other trading facilities, but means of easy and cheap transportation had to be devised between the river and the bay. A bayou, called Lake Wimico, extended from the river to within a distance of eight miles from the proposed city. This lake, it was believed, would furnish an easy passage for steamers, after some dredging had been done. The intervening land could be crossed either by canal or by railroad. In addition to these obstacles there also seemed some doubt whether the bay 'was deep enough for ocean steamers. However, the promoters were undaunted, and began the most remarkable undertaking that Florida had seen

5. The bay had been the scene of earlier settlements. At least one fort had been erected there by the French. (See Roberts: *An Account of the First Discovery and Natural History of Florida*, London, 1763, p. 12.) According to G. M. West: *Old St. Jo*, St. Andrews, Florida, 1922, p. 4, the earliest interment in the St. Joseph cemetery was in 1831, the date found on one of the few remaining gravestones. This may prove that there was a straggling village here before 1835 or it may simply mean a removal of these bones from some other place (let us say Apalachicola!) and a reinterment at St. Joseph.

6. The land belonging to the tract bought by Panton, Leslie and Co. from the Indians was called the Forbes Purchase, because the name of the company was changed to John Forbes and Co. after the decease of Panton, John Forbes now becoming the senior member of the firm.

above, by the latter tribunal in favor of the successors of Panton, Leslie and Co.

In the fourteen years of American sovereignty over Florida before the case was finally adjudicated, immigrants had settled in the disputed area, apparently without paying any attention to the claims of the company. The chief settlement in the contested district was Apalachicola, of whose history prior to 1835 very little is known.² Its location at the mouth of the Apalachicola River seemed to insure a great future for the infant town, since the stream appeared destined to become the main commercial outlet for the rich cotton district of western Georgia and eastern Alabama. The enthusiastic settlers probably dreamed of a city that would rival New Orleans. In May, 1833, a newspaper, *The Advertiser*, sure sign of a boom in those days, was started by R. Dinsmore Westcott.³ Commerce increased so rapidly that forty thousand bales of cotton were shipped from the harbor in 1835⁴ and numerous steamers plied up and down the river.

The bustling, thriving, and optimistic Apalachicolians were not inclined to pay tribute to the people to whom the United States Supreme Court had allotted the land. They looked about for a way to escape supporting the Apalachicola Land Co., an organization started by the successors of Panton, Leslie and Co., and yet not lose the profitable trade of the region. Somebody suggested the founding

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2. We know that a settlement was there in 1826, since 500 bales of cotton were exported from St. Andrews Bay and Apalachicola during the season ending Sept. 30, 1826. (See *Pensacola Gazette*, October 27, 1826).
 3. See James O. Knauss: *Territorial Florida Journalism*, DeLand, 1926, pp. 29, 109. It is unfortunate that not a single copy of this paper can be located. *The Advertiser* would give many details about the origin of St. Joseph.
 4. *Apalachicola Gazette*, March 10, 1836.

up to that time, or was destined to see for many years to come.

Even before the decision of the Supreme Court was given, the Lake Wimico and St. Joseph Canal Co. had been incorporated by the Legislative Council of Florida to connect the lake with the bay.⁷ Now the work was rapidly pushed. In May, 1835, parties were dispatched to explore the lake, and naturally their reports were very favorable. Another party began sounding the channel of the bay. At about the same time surveyors' started to lay out the new town, which was to be called St. Joseph. The plan of the place provided for wide streets, "in order to give a free circulation to the sea-breezes", which would make it healthy and salubrious.⁸ The streets were laid out at right angles and had such characteristic names as Bay, Commerce, Palmetto, Magnolia, Washington and Columbus.¹⁰

On June 13 the subscription books of the canal company were opened at Apalachicola, and in a few minutes the entire stock was taken. It is significant that the Apalachicolians held three-eighths of the stock, the merchants of Columbus, Georgia, another three-eighths, while remaining quarters was bought by Tallahasseeans.¹¹ This shows clearly the chief interests backing the project. In addition to the discontented residents of the old town, the support of the commercial powers of western Georgia was a potent factor in the development of St. Joseph. We can readily imagine why they were interested.

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7. 1835 Acts,
 8. According to one account, the site of the city was chosen by a Capt. Gottsborough.
 9. All this information is found in an article in the *Pensacola Gazette* of June 20, 1835, copied from *The Advertiser of Apalachicola*.
 10. West, *op. cit.*, p. 13.
 11. *Jacksonville Courier*, July 2, 1835, quoting the Tallahassee *Floridian*.

Their investments in Apalachicola were threatened by the decision of the Federal tribunal, and hence their feelings were similar to those of the residents of that city. The purchase of one quarter of the stock by persons in Tallahassee proves that the venture was also a child of the economic conditions then prevailing over the entire country. This was one of the recurring periods of intensive speculation and overdevelopment, which economists now recognize as one of the phases of a business cycle. Everywhere there was a wild orgy of real estate development, aided by cheap paper money issued by banks with enormous capitals. The chief financial institution of Florida was the Union Bank, with headquarters at Tallahassee. With its large apparent assets, any project which interested its stockholders was bound to be a success, even if temporary and fictitious.¹² The interest of the banks in St. Joseph is often brought to light. Thus in 1836 it was claimed that the Presidents of the Union Bank of Florida, of the Bank of Columbus, and of the Commercial Bank of Apalachicola, and the ex-President of the Bank of Marianna, were financially interested in the town.¹³ In the same year Ben Chaires, a banker and planter of Tallahassee, was president of the Lake Wimico and St. Joseph Canal and Railroad Co.¹⁴ This close connection between the banks and the town must always be remembered by those who wish to understand its history.

12. For banking in Florida, see Caroline Mays Brevard: *A History of Florida from the Treaty of 1763 to Our Own Times*, edited by James Alexander Robertson, DeLand, 1924, Vol. I, pp. 202-227.

13. *Apalachicola Gazette*, May 4, 1836. This authority may be doubtful as the did everything to discredit the St. Joseph undertaking.

14. *St. Joseph Times*, October 24, 1838, in an advertisement dated August 13, 1836. The words "and Railroad" had been added by the Legislative Council, 1836 Acts, p. 8.

The next steps taken by the promoters were tire construction of a railroad from Lake Wimico to the bay, and the erection of terminal facilities at both ends. Towards the close of October, or at the very beginning of November, 1835, it was reported that one hundred carpenters and two hundred laborers were employed on the railroad and that two or three hundred more were daily expected from the north.¹⁵ The exact date of the completion of the railroad is not known, but in an advertisement dated August 13, 1836, it was announced that the storage houses and wharf on Lake Wimico were completed, that those on the bay were almost finished, and that the railroad with passenger and freight cars, and two improved Baldwin locomotives were ready for work.¹⁶ It may be that the road had been completed in the spring, and that mule power had been used as a means of locomotion at first, but it is improbable that much business had been done, as the advertisement specifically stated that the directors of the company had refrained until then "from fixing a date for the completion of the works of the company."

The formal opening of the new road probably occurred on Monday, September 5, 1836, for the newspapers of Florida and Georgia give an account of the events of that day thus -¹⁷

LOCOMOTIVES IN Monday, the 5th inst., a Locomotive drawing a train of twelve cars containing upwards of 300 passengers passed over the railroad, connecting the flourishing town of St. Joseph with the Apalachicola River. The trip, a distance of eight miles, was performed in the short

15. *Pensacola Gazette*, November 14, 1835, in an article from *The Advertiser*.

16. *St. Joseph Times*, October 24, 1838.

17. *Georgian of Savannah*, September 24, 1836, taken from the *Floridian of Tallahassee* of September 17.

space of twenty-five minutes. The engineer is confident, from the superiority of the road and engine, that the route can be accomplished in eight minutes.¹⁸

While the railroad was being completed, the promoters were not idle in other directions. The shoals at the mouth of Lake Wimico were removed and the channel widened.¹⁹ The sale of the lots of the new town was announced for December 14, 1835.²⁰ The settlement was incorporated by an act of the Legislative Council of 1836. This provided for the establishment of a free school, for the support of the port, for the regulation of taverns, markets and quarantine, in addition to prescribing the form of government.²¹ The Bank of St. Joseph, with a capital of \$1,000,000, and the St. Joseph Insurance Co., with a capital of the same amount, were also incorporated by this session of the council.²² It must be added, however, that both of these enactments were annulled in July, 1836, by the United States Congress.²³

The necessity for advertising for the successful development of the new enterprise was not forgotten. The home office of the publicity department was apparently *The Advertiser* of Apalachicola, still in the hands of R. Dinsmore Westcott. In November, 1835, he issued the first number of the *St. Jos-*

18. Whether this road or the one from Tallahassee to St. Marks was the first one in Florida is not known, although Brevard, *op. cit.*, Vol. I, p. 176, gives precedence to the St. Marks venture. This seems to be made without sufficient proof. There is no doubt whatsoever which road employed the first steam locomotive. The locomotive at St. Joseph antedated by more than a year the first one at Tallahassee, which began operations either in November or December, 1837. (See *Floridian*, December 30, 1837).

19. *St. Joseph Times*, October 24, 1835.

20. *Pensacola Gazette*, October 21, 1835.

21. 1836 Acts, p. 25.

22. 1836 Acts, p. 49 and p. 57, respectively.

23. Brevard, *op. cit.*, Vol. I, pp. 220-221.

eph Telegraph, although he probably still had his publication office in Apalachicola. Soon afterwards the two papers were merged, if indeed the old journal was not permanently suspended before the new one appeared. Sometime before March 10, 1836, the *Telegraph* was moved to St. Joseph.²⁴ Westcott and his superiors were extremely energetic in advertising the town, and, it must be admitted, their rival, the Apalachicola Land Co., was just as industrious in decrying it, with the result that every Florida newspaper of the period and many in the adjacent states were filled with material relating to the enterprise. So many communications poured in on the editor of the *Floridian* of Tallahassee that he gave notice that he would publish no articles about Apalachicola and St. Joseph except as paid advertisements.²⁵ Before the end of July, 1836, Westcott was superseded by Peter W. Gautier, Jr., a man whose name was destined to become so closely allied with St. Joseph in the popular mind, that whenever people spoke of the one they also thought of the other.²⁶

Gautier was the son of Peter W. Gautier, a Methodist Episcopal minister of Georgia, who had settled on St. Andrews Bay in 1827. Later the family moved to Marianna, where the son practiced law and became active in politics. At the same time he conducted a hotel at that place. In March, 1836, we find him proprietor of the City Hotel in Apalachicola. What induced him to become editor of the *Telegraph* is not known, but he was undoubtedly the right man for the place. He was the best stylist among the newspaper men of the territory; he was keen, shrewd and decidedly not over-scrupulous.

24. *Apalachicola Gazette* March 10, 1836.

25. *Floridian*, March 19, 1836.

26. Practically all of the material on the newspapers and the editors is obtained from Knauss, *op. cit.*, pp. 29, 30, 31, 32, 76, 77, 111, 113.

His paper, the name of which he changed to the *St. Joseph Times* in November, 1836, became the most quoted sheet in Florida, chiefly because of his wit and cleverness.

A description of living conditions in St. Joseph at the height of the boom has come down to us. R. J. Moses, the secretary of the railroad, wrote an account of his experiences²⁷ when he tried to secure living accommodations in the town in 1837 or 1838. After he had unsuccessfully attempted to rent a house for six hundred dollars a year, he had one made to order at Charleston, South Carolina, for three hundred dollars. However, wages were so high in St. Joseph that the final cost of the house after erection was four thousand dollars.

When men of prominence and influence engage in a costly undertaking and enter into such bitter rivalries as did the Apalachicola Land Co. and the promoters of St. Joseph, the scene of action will almost inevitably be at times transferred to the political arena. The "Saints" as they were popularly called, immediately attempted to retard the development of the old town through legislative enactment. With the representative, E. J. Wood,²⁸ of Franklin County, which at that time included in its boundaries the two towns, taking the lead, a bill was rushed through the Legislative Council of 1836, removing the county seat from Apalachicola to St. Joseph.²⁹ This was undoubtedly a case of "cast-

27. A copy of a part of this journal is in the possession of J. C. Yonge, Pensacola. According to internal evidence, the original was written more than thirty years later, after the Civil War. It must accordingly be handled with caution as historical source material.

28. Wood was one of the leaders of the St. Joseph project. He was a director of the Lake Wimico and St. Joseph Canal and Railroad Co., one of the incorporators of the St. Joseph Insurance Co., and of the St. Bank. He built Convention Hall in which the Constitutional Convention met in December, 1838. (See *Apalachicola Gazette*, December 5, 1838).

29. 1836 Acts, p. 1.

iron nerve" on the part of the Saints, for the construction of their town had hardly begun at the time when the law was approved on January 17, 1836. But alas! sometimes fortune does not favor the bold ; the national Congress annulled the law. Probably the chief cause of this annulment was the activity of Joseph M. White, the territorial delegate to Congress who was interested in the Apalachicola Land Co., being one of the trustees appointed to sell its lands. ³⁰ White did everything in his power to thwart the growth of St. Joseph. ³¹ His activity in this direction may have been one of the causes of his retirement in 1837 from the position of territorial delegate, an office that he had held for twelve years. His successor, Charles Downing, was less hostile to the town. ³²

The attempt of 1836 was not the last one to remove the seat of county government from Apalachicola. The bill was reenacted in 1837 with the following caustic preamble : "Whereas the Legislative Council of the Territory of Florida at the last session upon a petition of the inhabitants of Franklin County enacted and declared the city of St. Joseph to be the public site of said County, and whereas, the said Act has been annulled by the Congress of the United States, contrary to usage and the local rights of the people of Florida ; and whereas a large majority of the citizens of Franklin County at a recent election have expressed by vote their preference as to the location of the

30. *Apalachicola Gazette*, March 17, 1836.

31. See, for instance, his long letter to a gentleman in New York, published in the *Apalachicola Gazette* of March 10, 1836, and another one in the same paper of March 31, 1836.

32. See his letter in the *St. Augustine News* of May, 1840, in which he urges the U. S. Congress to appropriate money for the erection of and courthouse at St. Joseph.

county seat.³³ The United States Congress apparently remained obdurate, and Apalachicola continued to be the seat of government for Franklin County.

The next political move was the annual election of a delegate to the Legislative Council of the territory. St. Joseph proposed Peter W. Gautier, Jr., while the opponents put up Hiram Manley.³⁴ The former, well-known and popular, was elected, much to the consternation of the supporters of the old town.³⁵ However, during the next session of the Council he displayed as much wisdom as shrewdness. The two important bills passed by the body which related to St. Joseph were in all probability sponsored by him. The first one provided for the formation of a new county, to be known as Calhoun, from portions of Franklin, Washington and Jackson counties. St. Joseph was chosen as the county seat. It was probably the wisest thing that could be done under the circumstances and was so recognized by the Apalachicolians, whose public spokesman, the *Apalachicola Gazette*, commented thus: "The Legislative Council will thus be free (if their powers should prove equal to the task), to legislate their city into something like nominal im-

33. 1837 *Acts*, p. 3. The part of this article relating to the political game may, in its emphasis on the role played by the leading individuals, not do justice to the influence of public opinion. This undoubtedly in favor of St. Joseph at first. In 1836, E. J. Wood declared that four-fifths of the enfranchised inhabitants of Franklin County had voted for him, after he had openly pledged himself in favor of St. Joseph. (See *Apalachicola Gazette*, April 9, 1836.) On the other hand, the loyal citizens of Apalachicola drew up in 1836 a petition beseeching the Legislative Council not to remove the seat of government,—a petition that did not arrive in Tallahassee until the bill had been approved. (See *Apalachicola Gazette*, March 10, 1836.)

34. *Apalachicola Gazette*, October 4, 1837.

35. *Apalachicola Gazette*, November 11, 1837.

portance, without running foul of our rights and interests." ³⁶

THE CONSTITUTIONAL CONVENTION

The other law mentioned above designated St. Joseph as the meeting place of the convention that was to draw up a constitution for Florida. ³⁷ This may be considered the greatest political triumph ever won by the Saints. In the passage of the bill, Gautier's hand appeared more than once. The opposing *Gazette* quoted a letter from him in the issue of February 7, saying that the bill was now up for the third reading. On the 19th, after the law had passed, the same paper declared, "Says Fizzy ³⁸ to Peter, scratch my back and I'll tickle your elbow." Since the proposition suited the fancy of both parties, Peter scratched the bank and Fizzy tickled the town. Honors did not come singly to Gautier, for almost coincidentally he was appointed by the United States Government, Marshal of the Western District of Florida. ³⁹

After St. Joseph had been chosen as the convention town, the promoters and inhabitants began to make active preparations for the reception of the notables. E. J. Wood had charge of the erection of a building in which it was hoped that the meetings would be held, ⁴⁰ although the edifice of the Methodist Episcopal Church was also available. ⁴¹ Wood's place, which was called Convention Hall, had its

36. *Apalachicola Gazette*, January 27, 1838.

37. *Apalachicola Gazette*, February 19, 1838.

38. Probably Richard Fitzpatrick, member of the Council from Dade County.

39. *Apalachicola Gazette*, March 5, 1838. He had clerk of the U. S. District of Middle Florida in 1836. (See *Apalachicola Gazette*, July 27, 1836.)

40. See note 28.

41. See *Journal of the Proceedings of a Convention of Delegates to form a Constitution for the People of Florida, held at St. Joseph, December, 1838*. (Hereafter to be referred to, as *Journal*), St. Joseph, 1839, p. 12.

interior walls hung with portraits of famous statesmen,-that of Washington being placed above the chair of the presiding officer, and those of contemporary living statesmen on the side walls.⁴² The energetic Gautier, sensing the importance of the occasion and realizing the money value of complete reports of the convention, made thorough preparations to secure full accounts of the proceedings. He engaged another man to assist him in taking notes while the Convention was in session.⁴³ This was the first real reportorial work of any magnitude attempted in Florida. The portions of these reports that are still in existence form a valuable part of our knowledge of the convention.⁴⁴

The voters of Calhoun County also showed a wise interest in the approaching event by electing as delegates two men who in prestige and ability ranked among the foremost in the gathering of the territory's representatives. One was William P. Duval, a native of Virginia, who had come to the territory in 1821 as first judge of East Florida,⁴⁵ and had been governor from 1822 to 1834. In a thorough knowledge of Florida's problems and needs, he was the outstanding figure of the convention. The other member from Calhoun was Richard C. Allen. He had been closely associated with St. Joseph almost from its beginning, having been one of the directors of the Lake Wimico and St. Joseph Canal and Railroad Company as early as 1836.⁴⁶ At the time of his death in 1841, he was judge of the United States Court, District of Apalachicola.⁴⁷

42. *St. Joseph Times*, March 23, 1839.

43. *Floridian* of Tallahassee, December 15, 1838.

44. Most of Gautier's reports that are preserved are found in Knauss, *op. cit.*, pp. 129-226.

45. Brevard, *op. cit.*, Vol. I, p. 72.

46. *St. Joseph Times*, October 24, 1838.

47. *Star of Florida*, of Tallahassee, August 18, 1841.

We can imagine the tense excitement of the Saints as Monday, December 3, the day set for the opening of the convention, approached. When the delegations from East and Middle Florida arrived on the steamer *New Castle* from St. Marks, either late on Saturday or some time on Sunday,⁴⁸ the residents of the town knew that the long awaited day was at hand. When the meeting was called to order at twelve o'clock noon on December 3, forty-six members were present⁴⁹ out of a total of fifty-six.⁵⁰ After a temporary organization had been perfected, one of the residents of St. Joseph, the Rev. Peter W. Gautier, opened the convention with prayer. Little work was done on the first day, except to examine the credentials of the members. Then the convention adjourned until the next day, thus giving the delegates and the inhabitants a further opportunity to get acquainted.⁵¹

The Saints learned to know some of the most influential men in the history of American Florida prior to 1870. There were present at least two, probably three, future governors of Florida: Robert Raymond Reid, at the time of the convention United States Judge of the East District of Florida and within a year destined to succeed Richard K. Call as territorial governor; William Marvin of Key West, who more than twenty-five years later was chosen provisional governor at the close of the Civil War; and Thomas Brown of Leon County, probably

48. The *New Castle* left St. Marks with the delegations on Saturday (see *Floridian*, December 8, 1838), but whether the steamer entered St. Joseph Bay or Lake Wimico is not known.

49. *Apalachicola Gazette*, December 5, 1838.

50. *Journal*, p. 4. This number includes the delegates from Hillsborough Co., from which no returns had been received.

51. This article will discuss the famous convention from one angle only, namely, the viewpoint of the residents of St. Joseph. It is the second most notable political gathering in Florida's history, the Convention of 1861 alone being more important.

the same man who was governor of the state from 1849 to 1853. The first three United States Senators from Florida were members of the convention: James D. Westcott, Jr., David Levy Yulee,⁵² and Jackson Morton. The last mentioned was destined to be chosen as a delegate to a convention historically much more important than any gathering ever held in Florida, the famous convention held in Montgomery, Alabama, in February, 1861, which drew up the provisional constitution of the Confederate States of America and elected Jefferson Davis to the presidency of the Confederacy.⁵³ Five of them sat in the Secession Convention which declared the state no longer a member of the Union, in January, 1861: John McGehee, who became president of the Secession Convention,⁵⁴ George T. Ward, Samuel B. Stephens, Jackson Morton, and James G. Cooper. E. Carrington Cabell became a Florida representative in the United States Congress. At least five members of the future Supreme Court of the state were members of the St. Joseph Constitutional Convention: Walker Anderson, Benjamin D. Wright, Thomas Baltzell, Leslie A. Thompson, and Albert G. Semmes. The first three became chief justices. Not only were the future political and judicial leaders of the state at this gathering, but the two greatest newspaper editors of territorial Florida were delegates: Benjamin D. Wright, the able editor and publisher of the *Pensacola Gazette*, and Cosam Emir Bartlett, the clever and kindly leader of the *Apalachicola Gazette*, who was no stranger in St. Joseph, and who was respected if not liked there. Another able editor, Joshua Knowles of the *Florida Watchman* of Tallahassee, was chosen secretary of the

52. His name at this time was David Levy.

53. Brevard, *op. cit.*, Vol. II, pp. 51-52.

54. See the April and October numbers (1926) of the *Quarterly* for material on Judge McGehee.

Convention, but he was of course not a delegate. Later he became an eminent publisher, minister of the gospel, and public man in Georgia. All in all, it may be truthfully said that never before nor since have so many able men been gathered at one time in a Florida town, and that town not four years old.⁵⁵

The people of St. Joseph had ample opportunity to become acquainted with these celebrities, as the convention continued in session to January 11, - a duration three times as long as had been anticipated.⁵⁶ Though the proceedings ordinarily were of little interest to the populace, there were occasions when the attention of almost everybody was aroused. Their delegate, Duval, lost the chairmanship of the convention by one vote to Judge Reid,⁵⁷ but as a partial compensation for this disappointment he was made chairman of the committee on the executive department, and Allen of the committee on the judicial department.⁵⁸ Through all the sessions, these two men played very prominent parts. During the final days, when the outlook for the successful completion of the constitution was very dark, when the convention had come to an apparent stalemate over the adoption of the important Article XIII on "Banks and other Corporations" after long, tedious and acrimonious debates, then Allen saved the day by proposing on January 5 the fourteenth section of the article, which was immediately adopted by an overwhelming vote.⁵⁹ With the signing of the completed document on the afternoon of

55. Most of the information the subsequent activities of the delegates was obtained from the works of Brevard and Knauss, and from Rowland H. Rerick: *Memoirs of Florida*, Atlanta, 1902.

56. See *Journal*, p. 118, in the presiding officer's farewell address.

57. *Journal*, p. 6.

58. *Journal*, p. 12.

59. *Journal*, p. 86.

January 11, 1839, St. Joseph was assured of a prominent place in the annals of Florida.

It is unfortunate that we do not know how the inhabitants viewed this long stay of the delegates. Doubtless there were social events, but no record of them has come down to us. In fact, these events may have not been so numerous as one imagines, for the sessions were long and arduous, and beginning with the week of December 24, the convention took no holiday except Sundays. If the occasion may have been disappointing from a social standpoint, it must certainly have been a success for economic and advertising purposes. The merchants and printer undoubtedly profited. The latter, Peter W. Gautier, Jr., not only did the miscellaneous work, such as printing two hundred copies of the rules of order of the convention,⁶⁰ but also published one thousand copies of the Journal and five hundred copies of the constitution.⁶¹ This ranks St. Joseph with Pensacola and Tallahassee, the only three places where official territorial pamphlets and books were published.

No matter how eager the inhabitants of Calhoun County had been to have the convention meet in its borders, they were not satisfied with the results of the delegates' deliberations. This dissatisfaction was plainly manifested when the voters of St. Joseph in the election held in the following May cast but fifty votes in favor of the constitution and two hundred and thirty-three against the instrument—the largest adverse majority recorded.⁶² What were the causes of this overwhelming opposition cannot be determined. It may have been due to the fact that

60. *Journal*, p. 10.

61. *Journal*, p. 67.

62. *Quincy Sentinel* February 19, 1841. official report of Gov. Reid to the legislature. The territory as a whole, however, adopted the constitution by a very small majority.

the banks of the territory were not well protected by the constitution, or too well protected. Both of these apparently contradictory reasons were advanced by the opponents of the instrument. It seems probable that many of the Saints believed that the constitution did not safeguard the financial interests sufficiently, for we must remember that the future of the town was, in their opinion, to a large extent dependent upon the banks. This supposition is strengthened by the fact that the Apalachicolians, who were not so closely connected with the banks, were almost evenly divided on the question of ratification.⁶³

After the convention, politics was not to any great extent used as a means to advance the interests of the town. It is true that Peter W. Gautier, Jr., after having been elected without opposition to the Florida House of Representatives in the fall of 1840,⁶⁴ was chosen speaker of that body in 1841.⁶⁵ This honor, however, was bestowed upon him, not to help St. Joseph, but to show the esteem in which he was held by his colleagues.

63. *Apalachicola Gazette*, May 11, 1839.

64. *The Commercial Advertiser*, October 17, 1840. This issue also declared that Gautier was "decidedly one of the most agreeable and correct writers in the Union. We add no more, for praise often spoils youths of promise."

65. *Pensacola Gazette*, January 16, 1841, *et al.*

THE RECEPTION OF THE ST. JOSEPH CONSTITUTION

By EMILY PORIER

When Florida framed her first constitution the principle of submitting constitutions to the people had been generally established. By January 11, 1839 the St. Joseph convention was ready to submit the fruit of its labors to the people for their approval or rejection. The date set for voting on the question was the first Monday in May 1839, coincident with electing a delegate to Congress.

Getting the people to ratify the constitution was indeed a problem. It met from the outset with very strong opposition, and the attacks were as varied as the points of the compass. Arguments for and against ratification were ably set forth by their supporters, but the friends of the constitution triumphed after a very exciting political campaign.

Charles Downing was elected delegate in opposition to Thomas Baltzell, who was a "loco foco" or radical opponent of the banks. Baltzell's platform was the "Constitution, Florida a state and entire".¹ The bank issue was prominent, and Downing declared that a repeal of the bank charters would break the legislative faith and ruin the credit of Florida.

About a month after the election sufficient returns had come in to indicate the election of Downing, but the fate of the constitution still hung in the balance. East Florida, so it was reported, had cast only ninety-four votes for it. A majority of sixty-six votes for ratification was claimed by the St. Augustine *Herald* in July. By September the consensus of opinion was that the constitution had

1. Roland H. Rerick: *Memoirs of Florida*, (Atlanta, Ga., 1902) Vol. I, p. 172.

been ratified by a small majority. Below is a tabulation of the returns:²

Counties	Con.	No. Con.	Counties	Con.	No. Con.
Escambia			Madison		
Pensacola	27	116	San Pedro	13	38
Navy Yard	3	27	Court House	38	16
Calhoun			Hamilton		
St. Joseph	50	233	Bell's House	16	45
Iola	15	33	Bell and Jack-		
Chipola	8	9	son's Store	3	6
Washington			Columbia		
Jones' Store	12	18	Mineral Springs	11	33
Hickory Hill	3	3	Sapp's Store	3	34
Roche's Bluff	0	32	Fort Call	24	15
Walton			Alligator's Tackers	3	40
Pea River	10	0	Carver's H.	0	17
Court House	28	27	Nassau		
Jackson			Court House	0	17
Ochesse	39	0	King's Ferry	0	28
M. C. Nealey's	5	9	Alachua		
Cambellton	40	41	Newnansville	42	6
Webbville	2	15	Fort Clark	16	0
Marianna	103	46	Fort Crane	24	0
Brown's Ferry	58	3	Fort White	18	0
Franklin			Fort Harlee	0	26
Apalachicola	94	117	Duval		
Gadsden			Cedar Creek	3	0
Sadbury's	10	0	Mandarin	24	18
Chattahoochee	33	0	St. John's Bluff	0	28
Thomas' Store	20	28	Whitesville	7	108
Quincy	141	67	Jacksonville	8	147
Leon			St. Johns		
St. Marks	91	17	St. Augustine	24	224
Magnolia	42	2	North River	56	4
Shell Point	24	0	Mocasin Branch	11	18
Micosukie	83	14	Dade		
Tallahassee	252	109	Indian Key	59	0
Jefferson			Key Vaccas	5	0
Precinct 1	175	13	Munroe		
Precinct 2	14	38	Pine Key	6	7
Precinct 3	34	0	Key West	91	11
Precinct 4	33	0	Hillsborough		
Precinct 5	34	0	Tampa Bay	56	49
Precinct 6	5	0			
Precinct 7	32	0			
Total for Constitution				2072	
No Constitution				1953	

Majority in favor of Constitution 119

From the above statement 26 votes, returned from Fort Harlee, in Alachua County, "No Constitution" should be deducted ;

2. *Senate Journal*, 1845, p. 45.

they were for "No State". The following irregular returns have not been admitted into calculation:

At Parishes's, Columbia County, "No State"	22
At Fernandina, Nassau County, "No State"	14
At Fink's, Nassau County "No State"	9
At Kirkland, Nassau County "No State"	

A mistake has perhaps occurred in the returns from Fort Crane—the vote may have been 14, instead of 24, for the Constitution.

The provision of the Constitution, under which the above votes must be rejected, is as follows: "Each qualified voter shall express his assent or dissent to the Constitution, by directing the managers of said election to write opposite his name on the poll book, either the word "Constitution" or "No Constitution." Of course, votes not in this form thus prescribed, are void.

(Signed) Robert Raymond Reid³

As soon as it was ascertained that the popular vote was in favor of the constitution, Robert Raymond Reid, president of the St. Joseph convention, as required of him by the 17th article of the constitution issued the following proclamation :

A PROCLAMATION⁴

After careful examination of the votes returned to me, I hereby Proclaim and Declare that the Constitution adopted by the Convention lately held at St. Joseph, has been Approved and Ratified by the people of Florida. Given under my hand at St. Augustine, Florida, this 21st day of October, 1839.

Robert Raymond Reid,
President of the Convention
lately in session St. Joseph.

After ratification by the voters it was submitted to Congress for approval ; but Congress withheld approval for six years, during which time the movement for statehood grew stronger.

It was claimed by the editor of the St. Augustine News and the East generally that the following facts would inevitably be disclosed and appear in the canvas :

Fort Harlee precinct, East Florida, 33 votes for "No State", were rejected by the President of the Convention, R. R. Reid. They should, of be counted by authorized canvassers against the Constitution.

3. *Ibid.*

4. *Ibid.* p. 46.

From 20 to 30 votes at Alligator precinct, Columbia County, East Florida, given for "No Constitution" were never by the County Clerk.

18 votes given at a precinct in Nassau County, East Florida, were never returned.

From 40 to 50 votes were given at the North River precinct, East Florida, for the Constitution by non-resident timber cutters who had not been in the territory a sufficient time to make them legal.⁵

According to the News the constitution was defeated by at least one hundred votes.⁶ The News called upon the Legislative Council to put the canvas before the people :

The canvas, gentlemen of the territorial council, the canvas-let the people have the canvas of every precinct in Middle, West, and East Florida, that they may see and know the vote given for and against the St. Joseph Constitution even should the result show it strangled in the birth.⁷

A letter from Charles Downing to D. W. Whitehead, of St. Augustine, shows very clearly his views on the constitution. He said that on coming into public life it was his opinion that the majority of the people had the sole right to decide on all weighty matters, and that by their decision he would govern his conduct. He goes on to say that it was entirely impossible to please them all, as some were for a state, some wished to remain as they were, some were for division, and others were against it. He also stated that when the vote was taken on the constitution framed at St. Joseph he understood and believed that in the contest several votes were given for "No State", which were rejected by the president of the convention, and which if they had been accepted and counted would have resulted in the rejection by the people of the St. Joseph constitution. He believed all the votes of that sort, viz, "No State", were meant and intended to be votes against the constitution. And so believing he op-

5. Quincy *Sentinel*, Jan. 8, 1841 (From *St. Augustine News*.)

6. *Ibid.*

7. *Ibid.*

posed the admission of Florida into the Union under the St. Joseph constitution.⁸

After the constitution had been adopted in 1839, "State" and "No State" became the slogans of the opposing factions, for many were unconvinced of the desirability of entering the Union.

Although the Democrats had been able to secure a majority of the members of the Legislative Council in the election of 1839, thereby wresting control of that body from the Whigs, many of them joined with the opposition in attempting to defeat the newly-formed instrument of government. There seemed to have been mixed motives in taking such a position. Some were afraid that taxes would be higher. The Seminole war was still in progress and this made others feel that Florida was too weak to stand alone. Bank advocates, of course, opposed the banking provisions of the new constitution; another class thought that the banking laws were not strong enough, for the ideas of Andrew Jackson with regard to banks and other corporations were held by a large number. Some held that the governor had too much power; others, that he did not have enough. A few objected to the apportionment of representation as made by the constitution; they claimed that it was a specimen of the "rotten borough" system. Some claimed that no railroads or canals would ever be built in Florida because the state could not and private corporations would not undertake such enterprises owing to the restrictions imposed by the constitution.

Statehood and the constitution found its strongest support in Middle Florida and especially in Jackson County. East Florida was whole-heartedly united in favor of division of the Territory. When the Legislative Council of 1838 issued the call

8. *Ibid.*

for the St. Joseph convention, the friends of division bestirred themselves to keep Florida from coming into the Union as one state. They claimed that the treaty did not contemplate one state, but in language that could not be misunderstood it secured to the inhabitants of the territories of East and West Florida the right of admission as separate states, as soon as should be consistent with the principles of the Federal constitution. The citizens east of the Suwannee looked upon that river as the natural dividing line. They claimed that the union of the Floridas seemed unnatural and that their geographical position would present a most awkward state, thus creating a controversy and conflict of interest which would forever destroy that harmony so essential to the prosperity of a political body. The East looked upon division as an advantage and benefit not to the East alone, but to the interest of the people of each section, and especially regarded it as deeply involving the highest interest of the South in maintaining the balance of power in the Senate of the United States, to which they looked for protection against encroachment upon their constitutional rights.

Many people of West Florida believed that statehood should be postponed, as great pecuniary distress and embarrassment prevailed in the Territory tending to paralyze industry, retard improvement, and destroy confidence. The condition of Florida was not such as to meet the expenses of state government. The people of the Territory were embarrassed—those of the middle section were suffering under pecuniary losses, while those of the East had been particularly afflicted with the miseries of the savage and desolating war, meriting the sympathy as well as the forbearance of their fellow citizens

in other parts of the Territory who were not acquainted with the evils and afflictions which grew out of that unhappy conflict. Neither was the West from its limited resources entirely free from consequences of the pressure which had gripped the whole country for several years ; they believed that a few years would relieve the Territory of its distressed conditions, and that the responsibility of statehood could then be assumed. They did not wish to press admission until they were fully assured that the point could be attained, so desirable to all-that they could assume a respectable and prominent position in the Union, and that their government be one of efficiency and energy.

The Legislative Council of 1843 agreed with those who thought that statehood should be postponed, and they instructed the Territory's delegate in Congress to suspend action on Florida's application until otherwise instructed.

One of the most interesting sources of information concerning public opinion in regard to statehood is the resolutions drawn up and adopted at public meetings over the Territory held solely for that purpose. There is record of such gatherings in the fall of 1840 in the following counties : Gadsden, Jackson, Washington, Franklin, and St. Johns; and in 1842 in Escambia, Santa Rosa, and Leon counties. No similar meetings have been met with during the year 1843, but in 1844 public gatherings again made their appearance, and were held at least in St. Augustine, Palatka, and Fort King.

Quincy had the distinction of holding the first of these. The citizens of Gadsden County met at the court house on the 18th of August. Col. D. I. Kenon was elected chairman and Archibald Smith, Jr.,

acted as secretary. The following resolutions were adopted :

Resolved, That we are greatly desirous of admission into the Union as a sovereign state; and view any attempt at a division of the Territory as a measure calculated to postpone our admission, and as tantamount to a rejection of our application.

Resolved, That in order to carry out the above resolution that a committee be appointed to select and report to this meeting Delegates to the Democratic Convention to assemble at Monticello on Saturday 22nd inst., and that the following persons constitute said committee, viz: Uz Wood, A. K. Allison, Issac Furger-son, Sr., M. Morgan, Jabez Fletcher, and Jas. A. Gilchrist.

On November 31st. a large and respectable meeting of the citizens of Jackson County and a portion from Washington County held a barbecue. Wylie Clarke, of Jackson, was called to the chair, and D. P. Everitt, of Washington County, was appointed secretary.

Charles Howard offered a preamble and resolutions which were unanimously adopted, setting forth the right of the people to assemble peaceably and to petition the government for redress of grievances caused by the long drawn out Indian War, prosecuted with increasing fury against the welfare of the people, and to the detriment of emigration to Florida. They urged Congress to use every means to speedily terminate the war, so that a large contemplated emigration might locate in the Territory and lighten the burden of taxation which a state government might impose. The delegate in Congress was directed to urge speedy admission and no division of the territory. The main object of the meeting was to aid the nomination of Major George T. Ward (Whig) for the next delegate to Congress, and to elect him at the next congressional election, over the incumbent, David Levy (Yulee) (Democrat) .¹⁰

9. *St. Augustine News*, Aug. 21, 1840.

10. *St. Augustine News*, Nov. 27, 1840.

A meeting at Apalachicola on November 28 was attended by numerous highly respected citizens of the town. Col. G. S. Hawkins was called to the chair, and Daniel J. Day appointed secretary. After organization a committee was appointed to draw up a preamble and resolutions for the consideration of the meeting. They reported that according to the treaty with Spain, Florida was entitled by her population and extent to be admitted into the Union, and thereby the balance of power between the North and South would be more effectually preserved. Copies of the resolutions were sent to the delegate in Washington to be presented to Congress and to the governor of each slave-holding state with the request that the same be sent to their delegate in Congress with an appeal for aid.¹¹

Within a few days after the Jackson County meeting Gadsden County held a similar meeting at Quincy and drew up a set of six similar resolutions which were adopted. This meeting was a duly organized body with Dr. Beacham as chairman and J. Clisby as secretary. The committee appointed to draw up resolutions were: R. B. Houghton, A. J. Forman, S. B. Stephens, Wm. Forbes, and Wm. McCall. The resolutions adopted urged a speedy admission of Florida into the Union as an object of great anxiety, second only to the conclusion of the Indian War. They also endorsed Major Geo. T. Ward, of Leon County, for the next delegate to Congress, believing that he could unite in his behalf a larger vote, not only of the Whig party but of the people of Florida at large, than any other man.¹²

The Quincy *Sentinel* stated that it had heard but one reason which appeared to them worthy of any consideration at all why Florida should not be ad-

11. Apalachicola *Gazette*, Dec. 3, 1840.

12. Quincy *Sentinel*, Nov. 27, 1840.

mitted into the Union immediately, and that was founded upon objections to the constitution adopted at St. Joseph. For, say the objectors, (1) The framers of that constitution, were in the outset, apportioned, not to represent people but space. (2) The instrument framed by them was decidedly objectionable in some of its restrictions, and was never ratified by the people. Admitting the justice of the above the *Sentinel* asked, are they after all sufficient reasons? For (1) that constitution can be amended. (2) We are in a condition far more unfavorable for forming a new constitution than we were at that time ; and if the convention found difficulty in agreeing then, there would be still more now. (3) Another convention would be attended with considerable, and perhaps profitless expense. (4) It would cause three or four years additional delay. (5) A proposition has already been before Congress to admit Florida under the constitution framed at St. Joseph.¹³

The *News* was the division organ of the East, and the reasons that it constantly urged for division were as follows:

The disastrous Indian war which had so long raged had thrown back the eastern section of the Territory so far that several years under the most favorable circumstances could not restore it-plantations were laid waste, houses and improvements destroyed. Far from being in a condition to meet the expenses of a state government many of the impoverished citizens could not command bread, but existed through the benevolence of a few who had yet some support left. There was but little interest in common with the West; the East being mostly dependent for their intercourse and commerce on the Atlantic and its waters, while those

13. *Ibid.*

from the Suwannee west looked to the Gulf of Mexico, and its tributaries for trade. East Florida in extent and fertility, the *News* contended, was capable of forming, at no distant day, a wealthy and populous state. The Indians once removed-peace, cultivation, and wealth, would in a few years attract numerous enterprising and intelligent emigrants. If the Suwannee River was established as the boundary between the East and the West, each section would become a state, adding much to the political influence of the South.

While the middle district was at work, making every effort to secure the admission of undivided Florida into the Union, the *St. Augustine News* was calling on the friends of division to awaken throughout the Territory and hold meetings on this important subject-prepare memorials and obtain signatures, in order that they may not be harnessed as beasts of burden to the car of state independence. The *News* asked these questions:

“Will state sovereignty close the war-will it enable the emigrant to go into the woods, and the residents of deserted counties to return to their overgrown fields-will the Indian cease his work of death under the magic name of statehood?”

The *News* also urged the East to combine, and resist this disregard of their welfare. It pleaded with the people to lay facts before Congress. It stated further that in eastern Florida the call for the convention was opposed, and that the constitution was defeated by an almost unanimous vote.

The only public meeting held in East Florida during the month of November, 1840, was at St. Augustine on the 27th. It was entitled a “Great Democratic Meeting”.

The importance of this meeting is easily seen not only in the large body of citizens present, but in

the men who guided it. General James M. Hernandez was appointed chairman and David R. Dunham, secretary. The principal speaker of the evening was Colonel Gad Humphreys.

On motion of Major B. A. Putman a committee of five was appointed by the chairman to prepare resolutions for the occasion. The committee, composed of the following: Colonel Gad Humphreys, Hon. Joseph L. Smith, Major Ben A. Putman, Dr. Frederick Weeden, and Captain Bartele, submitted the following resolutions which were adopted with enthusiastic acclamation :

Resolved, That it behooves the friends of Division of Florida to continue on the alert, and to be alive to the movement of the opponents of this important measure.

Resolved, That our delegate in Congress, the Hon. C h a s . Downing, be requested to introduce into the House of Representatives of the United States as early in the approaching session as practicable a bill for the division of Florida, in a manner heretofore urged by the friends of the measure and to oppose any and every attempt that may be made in Congress to erect the whole territory of Florida as one state.

Resolved, That a copy of the foregoing resolutions be transmitted to General William Henry Harrison, president elect of the United States.³⁴

On December 5, speaking editorially, the News said :

It's a well known fact that a plan was formed in Washington more than two years ago, to force the whole of Florida into the Union as a single state, under the conviction that her electoral vote could be secured for Van Buren at the last election. Her inability to support a State Government was to be disregarded.

The News went on to say that the main object now of the party was the spoils that would fall to them in the formation of a new state—a governor, a secretary, United States senators, etc. East Florida, it maintained, would never consent to be forced into the Union as one state with Middle and West Florida. She claimed her right, under the Spanish treaty to form a state of herself in her own

14. News, Dec. 14, 1840.

good time. If an attempt should be made this winter (1840) to consummate this outrage, she would ask her friends in Congress to call for the full and true returns of all the votes given for and against the constitution, for it was on the assumption that the constitution had been adopted by a majority of the votes of the people of Florida, that any action by Congress must be based.¹⁵

The grand juries of East Florida presented the necessity for division. That for the District of East Florida, in and for the counties of St. Johns and Mosquito, made the following presentment at the October term, 1840, in favor of division:¹⁶

That a division of the territory is a subject of deep and absorbing solicitude to the inhabitants of East Florida whose most important and even vital interests depend on the measure, and they therefore respectfully urge upon the Delegate in Congress and upon our immediate representatives, and ask in the matter, the cooperation with them of the entire delegation from the East, in the Territorial Legislature, to give their exertion in furtherance of said matter.

H. B. Gibbs, Clerk

Antonio Alvarez, Foreman
M. H. Tucker, Secretary

The grand jury of Duval County made a similar presentment on the subject of division. Disconnected from the Middle and West in business, in sympathy, and in feeling they regarded a separation from them territorially as a subject of great concern to the whole of East Florida because additional taxes and responsibilities attendant upon statehood would beget evils and sufferings which they were reluctant to encounter.¹⁷

In January 1841 the citizens of East Florida presented to Congress a memorial which showed very clearly their views on the subject of statehood and the constitution. They claimed that the course tak-

15. *Ibid.*, Dec. 5, 1840.

16. *Ibid.*, Dec. 18, 1840.

17. *Ibid.*, Jan. 4, 1841.

en by the citizens of Middle Florida in calling the convention, framing the constitution, and adopting other preparatory steps towards procuring the admission of Florida into the Union as one state had been preceded in, not only without their concurrence, but also in direct opposition to their views and wishes, and in derogation of the rights of their section. They asserted that East Florida elected to the convention only individuals who were pledged against, or believed to be opposed to, one state; and that the constitution framed by the convention was rejected by the people, chiefly by the inhabitants of East Florida, who had thus at every stage of that premature and ambitious scheme evinced their decided dissent from it, while they had ever expressed their entire willingness that the people of the middle and western district should unite for the purpose of forming a state and entering the Union when it suited them.¹⁸

One of the strongest advocates of division was ex-governor William P. Duval. Probably no one man aided more in the development of the state and in laying the foundations of statehood, and preparing the Territory for its new duties, than Duval. In 1839, he was elected from Calhoun County a member of the senate of the Legislative Council and was unanimously chosen president of that body. For some reason Duval resigned from the senate in 1841; and addressing the senate said that many thought, since the members from the East voted for the constitution in the convention, their constituents should be bound by their acts. If this was true in part, it was not the whole truth; for the people of the East shortly rejected the constitution by an overwhelming vote, thus proclaiming to the country that they had been misrepresented in their wishes and opin-

18. *St. Augustine News*, Jan. 15, 1841.

ions by those they had trusted. If the Eastern members had not voted for the constitution, it would have been rejected in the convention.

Duval further stated that the steady and continued opposition of the East to statehood was entitled to consideration. If Florida was forced as a whole into the Union no concert of action could be expected from the East, they would be indignant from a deep sense of wrong and injustice and angry and hostile feelings would be fastened on the East which would increase with their strength and be embittered by years.

He claimed that the moment Florida was admitted into the Union the national treasury would be closed against it, and it would be oppressively taxed to raise the means to carry on and support the State. He did not think that the whole Territory could meet so heavy a demand. He said that it was true that the people would, by the change, be permitted to elect their governor and members of the general assembly, and the legislature would be permitted to elect judges and other officers named in the constitution, but for that privilege they would pay some \$50,000 annually. Duval did not oppose Florida becoming a state, as a whole, when the people could meet the expense, provided Congress would enact a special provision, permitting East Florida to become a separate state, whenever she was ready and in a situation to accept the privilege.¹⁹

The agitation in the Territory was soon reflected in the Legislative Council and on February 21, 1844, the following resolutions were passed:

Whereas, present indications admonish us, in the most significant manner of the necessity of preserving a just balance of power or influence between the slave-holding and non-slave-holding states, and that the true interest of the Floridas should come into the Union as two states, whenever they are admitted,

19. *St. Augustine News*, June 11, 1841.

and to that end as well as for the convenience, better government, and general welfare of the Territory, and the establishment of two separate Territorial Governments, would be highly proper and satisfactory to the people.

It seems to be suggested by its practicability and expediency and because it is strongly promotive of Southern policy and tends to our own political good. Each of the Territories are larger than several of the States, and each capable of receiving and sustaining a much larger population. The present union appears to be unnatural, and their geographical position will present a state of a most awkward shape creating a controversy which will forever destroy that harmony so essential to the prosperity of a political body. This seems to have been the view taken of the Floridas by every other government which has had dominion over them.

Originally, as Spanish Provinces they were separately governed and were independent of each other. In this way they were ceded by Spain to Great Britain in 1763. They continued as separate provinces under that Government; and when they were receded by Great Britain to Spain in 1783, no change was made.

By the Treaty of Cession in 1819, between Spain and the United States, they were ceded as separate Territories known as East and West Florida. The government of the United States seems to have regarded them in this light for immediately after their cession, although General Jackson, clothed with the authority of Captain General of Cuba, was appointed to govern them; yet two separate officers denominated Lieutenant Governors, were appointed to each of these provinces, and their present union was originally a measure only of temporary convenience.

It is most manifest that the treaty does not contemplate the admission of the Floridas as one State, but in language that cannot be misunderstood, it secures to the inhabitants of each of these Territories the right of admission as a separate State, as soon as shall be consistent with the principles of the Federal Constitution.

Therefore, be it resolved by the Governor and the Legislative Council of the Territory of Florida, That our Delegate in Congress urge, and use his utmost exertion to procure the passage of a law dividing the Territory of Florida, and establishing two separate Territorial Governments, to be called respectively East and West Florida—commencing on the Gulf of Mexico at the mouth of the Suwannee River, and running up the main branch of said river to the Georgia line; and all west of said river to constitute the territory of West Florida.

And be it further resolved, That after this preamble and resolutions shall have passed the Senate and House of Representatives, and have been signed by the Governor, copies of the same be made and duly authenticated by the proper officers, and one copy be sent to our Delegate in Congress, and one to the Speaker of the House of Representatives of the Congress of the United States.²¹

20. *Senate Journal*, 1844, p. 103.

21. *Ibid*, p. 48.

The citizens of St. Johns county met in the court house at St. Augustine on March 27, 1844, to take into consideration the resolutions adopted by the Legislative Council in favor of division. Thomas Douglas was selected as chairman and B. A. Putnam, secretary. Douglas stated the object of the meeting in a brief and pertinent address, after which the resolutions adopted by the Legislative Council of 1844 in favor of division were read by the secretary. In a forcible address, ex-governor Duval stated the great advantage that would result from a division of the Territory; and the following resolutions were unanimously adopted :

Resolved, That we hail the adoption by the Legislative Council at its late session, of resolutions for the Division of the Territory as a most auspicious event.

Resolved, That we ratify and confirm each and all of said resolution.

Resolved, That a committee of five be appointed to prepare a suitable memorial to the National Congress praying for a speedy division of the Territory in accordance with the resolutions of the Legislative Council of Florida.

A committee composed of B. A. Putnam, D. W. White, Jno. M. Fontaine, D. R. Dunham, Wm. H. Simmons, was appointed by the chairman to prepare a suitable memorial to the Congress of the United States.

At an adjourned meeting ²² the committee reported that they concurred in the resolutions which had been adopted by the Legislative Council at its last session, in relation to division, yet there were other reasons which they thought demonstrated the necessity for division. In the first place there was the great inconvenience of the existing government and their inability to participate in, or derive any benefit or protection from it. These inconveniences and disadvantages resulted from the geographical formation of the territory, from the great distance they

22. *The Florida Herald* of St. Augustine, April 2, 1844.

were from Tallahassee, from the dissimilarity in the habits, pursuits, and commercial relations of the people of the two Floridas. They considered the Suwannee river as the natural dividing line, and that East Florida, containing about 24,000,000 acres of land, capable of sustaining a population of over half a million, was so remote from the present seat of government that it was almost inaccessible to them on account of bad communication by road or mail. They claimed that the city of New York was easier of access than Tallahassee, and that the pursuits of the East never called them west of the Suwannee. They stressed the new point that the products west of the Suwannee were sent to the ports on the Gulf for exportation. On the other hand the products of the East were brought to the St. Johns and thence to market on the Atlantic coast.

Another argument was that the removal of the Indians and the extension of white settlements to the Southern portion of the Territory made division more than ever necessary, as it would aid in improvement and settlement, and would enable the people to make such laws as were best suited to their condition.

Finally they suggested to their southern friends in Congress, that the Floridas should be kept separate, and eventually brought into the Union as two states and not one in order to balance Iowa and Wisconsin, which were soon to be admitted into the confederacy.²³

In July 1844 conventions were held at Fort King and Palatka in which nearly all of the counties east of the Suwannee were represented. The two conventions made a strong appeal for division and passed resolutions in its favor.²⁴

23. *Florida Herald*, April 9, 1844.

24. *Ibid*, July 2, 1844.

In 1842 there was an unsuccessful movement in Middle Florida to reassemble the constitutional convention and adopt measures for the organization of a state government without previous action of Congress. During that year a special requisition was made by more than one-third of the members upon the special committee created by the St. Joseph convention to reassemble the convention under a resolution of that body which provided for its reassembling in the event of the rejection of the constitution by Congress.

A meeting of the citizens of Escambia County was held on May 28th, to ascertain the sense of the people on the question of state government. Charles Evans was selected as chairman and R. A. Mitchell was appointed secretary. Walker Anderson made a speech in favor of state government and offered resolutions in favor of it. He was replied to by C. E. Parsons, who offered resolutions against state government. After much discussion and argument pro and con, Anderson's resolutions were rejected by a large majority. In the resolutions adopted at this meeting the people expressed themselves as being strongly against the reassembling of the St. Joseph convention, and they deemed it premature to adopt any measures towards establishing a state government and urged the people in other parts of the Territory to hold similar meetings.²⁵

The reassembling of the St. Joseph convention was the object of another public meeting in Milton on June 11, 1842 by the citizens of Santa Rosa County. The meeting was organized by the election of Jas. W. Warnest as chairman and E. S. Amos, secretary. The chairman stated the object of the meeting and forcibly and impressively presented his views in favor of state government.

25. *Pensacola Gazette*, June 4, 1842.

Walker Anderson of Pensacola, after an address setting forth the advantages of a state government and answering objections of the opponents, presented the following resolutions which were adopted almost unanimously :²⁶

Resolved, That it is desirable for the people of Florida to establish a state government at the earliest practicable period.

Resolved, That our delegate to the Constitutional Convention be instructed to use all constitutional means to effect the early admission of Florida into the Union as an independent state.

A public meeting was held at Tallahassee, June 1, 1845, and a committee appointed to consider the most suitable measures for forming a state government recommended the reassembling of the St. Joseph convention and the organization of a state government to go in operation the next fall.²⁷

However, the call was not made by the authorized committee of the convention, as it was said that reliance upon the justice of Congress was not yet exhausted.

While Florida was passing through this storm David Levy of St. Augustine, who was delegate at the time, came forward as the champion of statehood. He had been elected to Congress in 1841 to succeed Downing, and in 1843 was re-elected over the Whig candidate Geo. T. Ward. Levy was fairly swamped with memorials, petitions, and resolutions from those favoring division, and looking to the admission of two states. But he had strong opinions of his own, and issued a pamphlet which perhaps did more than any other one thing towards securing a majority for statehood among the citizens of Florida.

The proposed constitution provided that a liberal system of internal improvements should be encouraged by the state government, and it should be the

26. *Pensacola Gazette*, July 10, 1842.

27. *Floridian*, Tallahassee, June 2, 1842.

duty of the general assembly as soon as practicable, to designate proper objects of improvement as roads, canals, and navigable streams; also to provide for suitable application of such funds as may be appropriated for such improvements. Upon admission as a state, Florida would receive 500,000 acres of land for internal improvements, and the sixteenth section of school lands alone would yield an education fund of two and a half million. From these facts Levy took his cue. He argued that half a million acres of internal improvement lands would build a railroad from ocean to gulf and the profit would support the state government. His arguments were sustained by elaborate statistics, and the attractive picture of the results to be obtained had a strong effect in ultimately securing a decisive majority for statehood.

In laying the circumstances before the people he said, "The free territory of Iowa comes forward for admission. Florida had been looked to as the counter-poise for her. If they enter the Union together, the equilibrium is preserved. If not, the North comes at once into supremacy in the Senate."

In the Council of 1845 the subject of statehood was referred to a joint committee of both houses. The committee was unable to agree upon this burning issue, so two reports were made to the Council. The majority of the committee, realizing that Iowa was coming into the Union anyway, reported in favor of admission so that the balance of power would be maintained in the senate of the United States; the minority of the committee set forth in their report the usual arguments against state government and supported division. Various and sundry resolutions on the subject of statehood were offered, and many heated debates took place. An attempt was made also to submit the constitution again to the people ; however, such proved futile.

At length the following resolutions²⁸ were passed, and Florida became a state on March 3, 1845.

Whereas, the admission of Iowa as a sovereign State of the Union, would in our opinion, (if Florida is not admitted at the same time,) give an undue preponderance in the national councils to the northern and non-slaveholding states, and tend to destroy the balance of power which ever ought to prevail between the conflicting and sectional interests of the republic.

And whereas we are warned by facts and circumstances most significant that the interest and institutions peculiar to ourselves and the South generally, will be assailed with renewed vehemence, and that it is a duty which we owe our southern brethren of the Confederacy generally, as well as to ourselves, to seek and gain admission into the Union as an independent state, in order that we may have our due weights and just share of influence in the Congress of the United States and although the individual interests of the people of Florida, who are just recovering from the desolating and ruinous effects of a protracted Indian war, as well as from very general and severe pecuniary embarrassments, might perhaps be better advanced by remaining still longer in a territorial government, yet, in view of the more important and paramount interests above suggested, and believing that the people of Florida are ready and willing to make any and all reasonable sacrifices for the general good; Therefore,

Resolved, That it is expedient and proper, in our opinion that Florida should be brought into the Union as an independent and sovereign state, at the same time Iowa shall be admitted.

Resolved, That our delegate in Congress be requested, in case Iowa comes into the Union, to use his utmost endeavors to procure the passage of a law admitting Florida also into the confederacy and to introduce into the same a provision for the future division of the State which will secure to us the right of ultimately forming two states out of the present Territory, as was contemplated and secured to us by the treaty of 1819 with Spain.

W. A. Forward,
Speaker of the House of Rep.
B. W. McRae,
Pres. of Senate

Adopted by Senate, Jan. 23, 1845
Thos. F. King, Sec'y
Adopted by House, Jan. 25, 1845
H. Archer, Sec'y.

28. *The Senate Journal*, 1845, page 130.

THE ST. JOSEPH CONVENTION
The Making of Florida's First Constitution
(The fourth and last installment)
By F. W. HOSKINS

After the convention had adjourned and most of the members had departed, one of the delegates remained over for a few days, and before leaving wrote the following letter to the editor of the *St. Joseph Times*. It was reprinted in the *St. Augustine News* of March 2. The writer's identity will probably never be known, for he used a nom de plume, signing himself "Ruminator". He wrote as follows :-

"*Mr. Editor*, - The Convention, after a laborious session of six weeks, has at length, adjourned. We have, at last, reached the long-sought land, and I, as John Randolph would say, am now willing to sing my political 'nunc demittis'. The movements of that body, observed with such interest by all, have terminated, and the result of its labors is to be submitted to the people, the final arbiters. We launch this piece of our political workmanship upon the ocean of human affairs, and leave its destiny to Time.

"Whatever that destiny be, we cannot but anticipate it with solicitude; the humblest artisan looks with interest upon the work of his hands, and the fond father, with all the partiality of affection, caresses and praises his offspring. Such are the feelings of those who claim the paternity of the Constitution of the State of Florida, but doubtless they will yield their preferences to 'that sober second thought of the people, which is never wrong'.

"Ten years hence, said I today, pointing to the Convention house, that building will be an object of interest. Yes, *Mr. Editor*, that interest which association throws around an object marking an era

in history, after it has been hallowed by time. Whatever is ancient is venerable—such is the charm that antiquity lends Independence Hall in Philadelphia. And so, of your Convention Hall in St. Joseph: it will be a deeper source of interest ten or twenty years hence, than now.

“ ‘Tis to be regretted that monuments of political eras cannot be more permanent than they are—after the lapse of years, they crumble into ruin. But what is it that is permanent amid the circle of increasing change? Nothing is steadfast but the Law of Nature: nothing uniform but the progress of Time. Fifty years hence, yonder building will have fallen to decay, the gray heads of the convention hall shall sleep beneath ‘the clods of the valley’, and many an aspirant to political honors, now in manhood’s prime, shall have fallen into ‘the sear and yellow leaf’, or be strewn, like the leaves of autumn, by the moaning winds. Thus it is to be.

“Yet the beautiful bay shall expand itself along the shores, the sparkling beams of yon monarch of the heavens shall still dance upon its splashing waters, and the evening breezes still gently waft its cooling waves to the shore, while on that beach will be heard the ringing laugh, or joyous song, of another generation. Such are the vicissitudes of human affairs ; such the mutations of Time; such the history of the sons and daughters of men.

“But, my dear friend, I find I am growing as sentimental, magniloquent and philosophical as any convention orator, so I’ll close. But apropos of orator—a word. There was one in that convention, a real orator. There was, in that body, many men of comprehensive understanding and sterling talent and great information, but I speak of this one as an orator. If I might venture a comparison, I would liken him to an ancient Grecian column, hewn

out of pure Parian, the pedestal of perfect proportion. The shaft presenting masses of plain surfaces, yet chastened by those far-famed Corinthian capitols, wrought by the most exquisite skill into forms that seem to match a grace beyond the need of Art, 'Captivating the eye and ravishing the taste'. Do you ask who he is? Can it be any other than the Hon. Robert Raymond Reid, president of the Convention? From the first day I heard him in the convention, speak of the sufferings of the afflicted East, I have thought of Aeneas, relating the story of his country, and his own perilous adventure, before the assembled court of the beautiful and accomplished Carthaginian queen.

"If I might presume to offer an epitaph for him, it should be one selected from Sterne, an author, who, I believe, is admired by the judge, himself, for what judge, Mr. Editor, but must admire him, It is this:

Men of genius, tread lightly on his ashes,
For he was your brother'.

"But I wish he may 'live a thousand years', or at least that it may be long, aye, long, before it shall devolve on anyone to perform over him, that sacred office.

"But, Mr. Editor, I perceive I have dashed off a longer article than I intended. I mean it only as a brief adieu from an old friend. Accept it, then, as a memento mori, should we never meet again, I leave you, wielding your editorial scepter, while I stroll down the bay to look once more upon the sun as he sinks in his glory 'o'er St. Joseph's broad billows'."

In the interval between the convention and the submission of the constitution to the people at the next election, the press and the public discussed the question of adoption from all angles. It is evident

that the small majority by which the constitution was approved (119 votes) was furnished by those who did not approve but despaired of ever getting one which suited them.

The Pensacola *Gazette* (doubtless from the pen of B. D. Wright, a member) said (May 4) :

“Monday next is the day fixed by law for the election of delegates to Congress for this Territory. We beg leave again to call attention to the duty which will then devolve upon the voters to decide upon the acceptance or rejection of the new Constitution. For our own part, we look on it with more favor than we did at first. That it has defects, is certain, but the main question for the people to decide is not whether the Constitution is perfect, but whether they will be likely on a second trial to get a better, and one so much better as to justify another expenditure of \$26,000.00 in the preparation of it. It is to be remembered that the expediency of going into a State government is not now in question. All that is to be decided is whether, when we do get into a State government, it should be moulded and conducted in the manner prescribed in the Constitution prepared at St. Joseph. If not, a new convention must be called, and a new constitution framed, which in its turn will, of course, be submitted to the people for approval; if they reject it, a third convention will be consequence, and so on till the ‘crack of doom’. For our part, looking to the uncertainty of getting a better constitution hereafter, and to the certain evil of being obligated, in case of the rejection of the constitution, to pay the expenses of another convention, we are inclined to hope that the vote of the people will be one of approbation.

“It is not to be disguised that there are serious objections to the Constitution, but as a whole, it is

probably as good as we would be likely to get upon a second trial, and it is probably-

‘Better to bear the ills we have

Than to fly to others we know not of.’ ”

Many years after, when another convention was assembled in Tallahassee, framing the constitution of 1885, Joshua Knowles, secretary of the St. Joseph convention, and now at an advanced age, wrote the editor of the Tallahassee *Floridian*:

“Dear Sir ;-In your excellant paper of the 11th. inst., you published an article which calls up from the misty past interesting memories and events of other days. In 1836 the writer established in Tallahassee, the Florida Watchman, which, I believe, was the first paper which advocated the organization of that Territory into a State. It was backed by most of the prominent and leading men throughout the Territory, and the measure was adopted. The Convention was called to meet in St. Joseph in December, 1838. Hon. Robert Raymond Reid, of St. John’s County was elected President, and the writer secretary, with messrs. Buckingham Smith and Chandler Yonge as assistants.

“The Convention met in the Methodist Church,, and the Rev. Peter Gautier, a venerable and eloquent minister of that church officiated as Chaplain. I do not think a more able or conservative body of men ever assembled for a similar purpose than the one which met on that occasion, and I believe that the first Constitution of Florida, framed in the midst of Indian depredations and alarms, will compare favorably with the fundamental law of any of her Federal sisters.

“But sadness oppresses me as I write these hasty lines and think that the framers of the instrument, with few exceptions, have all passed away. In my visit to Florida last winter, I could hear of but two that have survived the ravages of Time-Hon. Wm.

Marvin, of New York, and the Hon. D. L. Yulee (formerly Levy) of Washington City. In the list of members now assembled for a similar purpose, I am rejoiced to notice the familiar names of some of their noble sons. For eight years, in early life, a resident of Middle Florida, I have never ceased to regard with affection her noble and patriotic people.

“May God bless the work of their hands, yes ‘the works of their hands establish thou it’ “.

Very Respectfully Yours

JOSHUA KNOWLES.

Greensboro, Ga. June 15, 1885.

The seeming disagreement between Mr. Knowles and the records and references quoted above as to where the convention met might be accounted for by the suggestion that the various committees met in one building and the public sessions of the convention were held in the other. Indeed, it would be easy to imagine that more than one building was used for committee meetings, as there were eighteen standing committees.

* * *

THE MONUMENT

The city of St. Joseph was abandoned a few years after the date of the convention and for half a century or more nothing remained standing on the site, it being marked only by a few piles of broken brick, moss-covered and overgrown by the native woods.

At its session of 1921 the legislature passed an act authorizing the erection of a monument on the site. This was erected during the following year and was dedicated on January 11, 1923, the celebration being sponsored by the citizens of Port St. Joe and Apalachicola. Many attended from all parts of the State, including a number of State officials. Governor Hardee delivered the address of dedication and he was followed by Judge Rivers Buford.

The monument stands a short distance from the shore facing the bay, and is inscribed with the flag and seal of Florida, an inaccurate list of the delegates who signed the constitution, numerous other names, the date of erection, and the two following inscriptions :

This Memorial is to commemorate the birth of the State of Florida, and the assembling of the first Constitutional Convention, of this State. Convened in a building then standing upon this spot,* in the year of our Lord, 1838.

“All men are equal before the Law, and have certain inalienable rights, among which are those of enjoying and defending life and liberty ; acquiring, possessing, and protecting property, and pursuing happiness, and obtaining safety.”**

- Five sets of names are inscribed upon the monument, viz:*
- (a) *The members of the State Constitutional Memorial Commission who erected the monument.*
 - (b) *The members of the Joint Legislative Commission to locate the site.*
 - (c) *The members of both houses of the Legislature who introduced the bill authorizing the monument, together with its number, chapter and date.*
 - (d) *The names of the chairman and the other members of the Local Committee who assisted the Commission.*
 - (e) *A list of approximately three-fourths of the delegates and the secretary of the convention. - Editor.*

The names of the following delegates regularly elected and certified are omitted from the list on the monument: Samuel Parkhill, John Taylor, Thomas Brown, Samuel B. Stephens, Richard J. Mays, Samuel T. Garey, James G. Cooper, Richard Fitzpatrick, Jackson Morton, Benjamin D. Wright, Thomas M. Blount, A. G. Semmes, William P. Duval. It appears from the journal of the convention that two of these, Nays and Cooper, probably did not attend. The others were in attendance and assisted in framing the constitution but did not sign it.

The name of John Knowles appears in the list on the monument. There was no member of that, or similar name. - Ed.

*The site of the building erected for the convention and in which it sat is unknown today.—Ed. Ed.

**This quotation is not from the constitution of 1838-39 but from that framed by the convention of 1885.

A ST. JOSEPH DIARY OF 1839

Reverend Peter Haskew, of the Methodist Episcopal Church, while serving on the "St. Joseph Station and Apalachicola Mission" in 1839 wrote the diary from which extracts follow. It has been edited with notes by Mr. F. W. Hoskins, in whose possession it is.

The Reverend Mr. Haskew was born in Alabama in 1803. He was licensed to preach on September 4, 1834. Joining the Alabama Conference on trial in the following December, he was admitted in full connection on January 4, 1837. His first appointment was the Cedar Creek Circuit, Mobile District, for 1835; followed by Monticello, Irwinton District, for 1836; Green, Greensboro District, for 1837; Winchester, Mobile District, for 1838. He was appointed to St. Joseph Station and Apalachicola Mission by the Conference in Montgomery, Alabama, January 4-6, 1839. When he reached St. Joseph is unknown. The day begins on April 24, but possibly earlier leaves have been lost. After leaving St. Joseph near the end of 1839 he served other appointments in the Alabama Conference until 1848 when he was transferred to the Arkansas Conference. Here he served on various appointments and as Presiding Elder until late in 1858 when he located at his own request.

April 25. But few at meeting last night. Some of the members are attending the phrenologist's lectures. His first two were public. His others are private, and for such as pay him-for eight lectures, ten dollars. If anything is to give way and make room it must be religion, or religious worship. So the members who attend the lectures leave the church to attend there. This is thinning the congregation. I fear the members are not all right. We have so little intense feeling. Religion seems low.

April 26. In my visits yesterday, at the first place I went I had a considerable cross. It seemed that all was forced. I felt ashamed, my mind was not ready but at a loss to utter words. I had but few in my visits with whom I prayed yesterday. At the first place I had one man, one woman, and two small girls. At the 2d. one woman and one small girl, at 3d. one woman and one small boy, & I think he left before prayer was over. At this last I should, perhaps, have had some more but the class-leader who

is a scholar in the phrenologist's room went & took [some], some left before I got there.

April 28. Yesterday was my usual fast day. I know not that I felt anything peculiar from it. I suppose I did not pray enough. I was at prayer meeting last night. Beside the coloured members there was but one member, and that a female, out of some 20 odd. Some, and the most too, I suppose, were at the phrenologist's school. For this the members desert their prayer meetings.

This morning I start for Apalachicola. The Lord knows whether any will be converted, or not, but I go.

April 30. I have returned from Apalachicola. Stayed this time with Mr. Baker. He seemed to be very kind, but I fear he is irreligious. I had but a small congregation. Preached again in the Episcopalian church, no sacrament, preached only twice, left at 9 o'clock Monday. I still have to mourn over my poor barren soul and the unfaithfulness of the members. Some of the sisters I fear will well nigh leave if the discipline be acted out.

May 1. My box of books has come which I sent for for the brethren. One set of Clark's Comment for Rev. P. W. Gautier who says he did not send for them which I think he most positively did. If I can sell them I suppose it will not make much difference.

May 3. I did not feel quite so bad yesterday, at bro. Pease in our social prayer meeting, as I did last Thursday was a week. In the evening yesterday, I went to Mr. Green's, where we are in the habit of having prayer meeting. - coldly received. I mentioned prayer-we had prayer but it was in vain, I fear. I know not, now, if there was the slightest thought of continuing the prayer meeting.

In the evening, and quite late, I had a talk with bro. Geo. Stewert concerning the end accomplished, or the good of punishment in Hell.

May 6. Preached last night from Rev. 3d.20. Saw no visible marks of religion, but all was cold and dull.

May 7. Last night attended a meeting for the purpose of raising a choir in the church to sing. The evening was dark and few attended.

May 8. I was in my visits yesterday but nothing peculiar took place. I fear I am not full enough of the fire of thy holy love by which to fire up others with whom I pray.

May 10. In my visit among the sisters in the lower part of the town, yesterday, I found more Godliness in appearance than I had seen.

May 13. I endeavoured to preach twice yesterday; I mistake, I preached but once and read Mr. Wesley's sermon on evil speaking. I hope it had a good effect. Three joined the church, two coloured and one white.

May 14. Time seems to be going and the church is in a cold state. The leader said to me yesterday he thought they all began to see it. I hope we shall all feel it and then we, perhaps, will bestir ourselves to do better.

May 16. Yesterday was a dull day with me. Ate a hearty dinner and while eating drank three tumblers of ice water.¹ Rose from supper and went to church. Neither of the persons where I now board went, they having an acquaintance from Columbus, Georgia.

May 17. This is fast-day. How few are there to keep a regular fast, and sometimes it is a cross to me. Yesterday evening attended a funeral of a

1. The ice used in St. Joseph was shipped from the New England States in sailing vessels.

poor woman, but perhaps rich in the enjoyment of grace. Here, perhaps, is my condemnation-I did not go to see her before she died. This is the sixth white person who has died since I have been in this place.

May 20. On Saturday, 19th. was called to attend a funeral. On Sunday at 4 of the clock, the same time of day, was called to attend a funeral again. At this time, while at the grave, there was something serious about the appearance of the woods around the grave. The woods to the east was rather open and descending from the grave while to my right stood the two parents of their only child, weeping, clad in black.²

The sickness which seems now to be raging is extreme dysentery, with pains in the bowels. Up to this there have been 8 deaths.

Our meetings yesterday were not lively as some, but I hope they were profitable. In the morning I endeavoured to preach from Matt. 18,3d.-at night from 1st.Thes.5,19.

May 21. I walked out on the beach where I picked up a small piece of timber. I thought I would go down to bro. Byron's shop and make a rule of it. When there I sat down to reading, when a volley of oaths began pouring forth from some beings on the opposite side of the street. I felt alarmed and thought I would leave, which I soon did.

May 22. Where I visited yesterday morning I found one more that belongs to our little prayer meeting. My next place I found none but the woman of the house and the two little children. These little ones met me before I got to the house. The next place there came in a gentleman. He did not, at first seem to be possessed with very good man-

². This description fits the scene as it is at the present time when standing in the old section of the cemetery.

ners, for he came in and commenced his compliments and talking while I was. I waited and as soon as he stopped, I commenced again and he sat still till I got through.

May 23. Studied the scriptures yesterday morning till near one in the after part of the day. Had liberty last night to preach a little.

Aug. 11. I have thought hard of the Stewards for not obtaining a privilege to go to my appointment at Apalachicola. I thought, though, it was providential for in the morning in which I should start, I was unwell with a bowel complaint. But I do not like not going.

Last Sabbath we had a collection taken up. I suppose they do not know for what reason it was taken up, having only said to them it was taken up for expenses. But I wished some money, as I was so near out, that I was fearful, having no place to stay at, horse and all. Expecting to board my horse at the tavern, I wished some change but missed it. As yet the Stewards have not given me anything, and I am nearly out.

Aug. 12. The Elder³ is still with us, and preached for us yesterday from. Col.1st;28. We had no stir, all seemed cold and dead, but last night I fear everything was killed. I tried to preach from Heb.18,10. but all seemed to be so dead and dry.

Aug. 15. Last evening was a dull night at meeting, for numbers. Not one of the white members were there. But of the coloured I suppose there were fifteen or twenty. So these can come if the whites will not.

Aug. 17. Lost a few minutes in bed and mending my pantaloons, for I have but one pair, and when anything is the matter I have to sit without and mend. I have one old linen pair which needs

3. Rev. Green Malone, Presiding Elder of the District.

mending, or patching on the knees, and I have but a little money some two dollars & 87 1/2. Our prayer meeting was better attended than the meeting before.

Aug. 18. Attended the Bible Class last night. There were but four of us met. The ground was so wet and so much water on the top. Found Mr. Green at home. The Class had been made up in his absence. I said, "I suppose there is no objection," He said, "No." I then asked him would he take a hand among us. He replied "No, thank you." and retired from the room.

Bro. Hamilton is sick, and very sick, and if he does not mend the Doctor or Doctors will have a pretty good fee. Doctor Scott is a drunken sort of a man, hardly ever clear of the effects of spirits. Those who drink spirits much are liable to a great many evils, for a day or two ago bro. Gautier hired out one of his negro women at, I suppose, a very excellent place. The family consisted of a mother and two twin daughters. Here there was to be no fuss. The negro was to do what she saw to do, I suppose, but the drunken creature must have her dram, drink and sleep, and she was turned off.

Aug. 19. Bro. Hamilton is dead. He was one among the best members we had. He has no family, no one is made to weep by that relationship. There was an old bro. by the name of Seely who was in company with bro. Hamilton. They received letters from me in the name of the church. Both started together, first to go to Shewany Springs,⁴ in middle Florida. Seely was to go to the northward, and was left at Tallahassee, to sail first opportunity, from St. Marks, and bro. Hamilton returned to this place, but it has so happened that Seely has returned too. Hamilton is dead, and Seely is very low-

4. Suwannee Springs, near the Suwannee River.

was taken off the ship, or schooner, in which he came yesterday, being speechless. If this place will be sickly I suppose it may now follow from the great fall of rain which we have had.

Later, Seely died at half past eleven of the clock, the other died at 12 minutes after three, both in the A.M.

Aug. 20. Monday. The funeral of the above brethren was preached at the hour of 4 P.M. and buried in the same grave. The funeral was preached from 2 Samuel 1:23, by P. W. Gautier, and truly it was from it for there was but very little that could be said to come immediately from the subject. I thought once he was preaching the funeral of Judge Clayton. As we both scatter, the people have scattering preachers.

Aug. 22. Thursday. The people turned out, a little better than usual, last night. It was a bright night. Bro. Gautier exhorted. I was in bathing last night, near the wharf.

Aug. 23. Bro. Gautier was taken ill yesterday, or sick, having some premonitory symptoms some days. He is taking medicine from the doctor, and I fear now he will be sick indeed. Nature might as well beat her way through as to have a doctor upon his back, unless they are better at the practice than I conceive. I was at bro. Pease's at 10 of the clock, Prayed with them and for their son who was with them. At Mr. Green's bro. Byron was there and prayed. Went across the street to see sister Trumble, if she would not attend. She said she did not know that there was regular prayers kept up at Mr. Green's

Aug. 24. The doctor has, I suppose, managed the case of bro. Gautier well, and he is doing better.

Aug. 25. Went to see if Mrs. Hardin would send her children to our Sunday School, and let us try

and do the children some good. She says they have a sabbath School at home, and did not seem much inclined to send, and I did not feel much desire that they should come, and so left without getting a member for either the school or Bible Class. I fear my constant application to my books and reading are provoking to bro. Gautier, and perhaps should be, as I ought to visit more.

Aug. 27. Yesterday evening, for the first time; I started for to see every family in town. Consequently I was at six.

Aug. 30. Visited a Mrs. Scott, also met a Presbyterian sister. I asked her if she would not join our church. She made objections and then said she thought she could enjoy the privileges of the Methodist Church, and that she liked the Methodist discipline. This is my fast-day.

Aug. 31. Yesterday was my fast-day, and I had some comfort in fasting, but I should say rather, in secret prayer. I called on Mr. Lockey, yesterday, or at his house, for him to take up his note, He was not there but soon followed me down and paid up and took his note. I have gotten two dollars quarter-age from Mrs. Trumble, and I am so needy for money I do not intend to give it to the stewards-only return to them the amount, as they took up a public collection some near six weeks ago and I, have gotten none yet. Lord, help me to do thy will, money or no money, if I can possibly get along.

Sept. 2. I returned this day from Apalachicola. But few out at church. Preached in the morning in the church, the Episcopalian, in the evening in the widow Roan's house, here we had but few. One hour after, to the negroes. There were not as many out as has been, and some of them did not seem to like the preaching much. One joined. I got in just before dark Saturday evening, and left before break-

fast Monday morning and was charged on the bill six dollars, but I think it was a mistake. I had, on the way, for my breakfast a piece of rye bread, I think scarcely as large as a hand, and a little sweetened water. The bread was old as I had taken it with me.

Sept. 4. Visited bro. Shuttlezer today. One of the sisters has left her regular attendance at both meetings, prayer and class. What can be the reason I know not, but I fear, being poor, she cannot come in the style she wishes.

Sept. 5. Visited none yesterday. Tried to preach last night from 'Except your righteousness', etc. had a considerable company compared with companies we have had.

Sept. 9. Monday. Our meeting yesterday was rather profitable to my soul. How much it done I know not, the Lord only can tell. None joined us in the white class, but two joined in the coloured, and one was turned out for going to a dance. I hope no more will be guilty. I think the coloured class is a tolerable passable class, taking so many together. I think there are something like 48. Oh Lord, help these poor coloured people to live and be faithful.

Sept. 10. Having recieved my papers yesterday, and having company-Dr. Gibson, and I also being slothful, I did not visit any.

Sept. 11. Wednesday. Passed about a little yesterday, Gave out some tracts. Last evening we endeavoured to meet, in counsel for the Sabbath School. Tinney is Librarian.

Sept. 13. Two deaths in town yesterday: one a sailor and another a small child of Mr. Afflick's. The child they wish funeralized in the old Presbyterian style. Whether they will get it done or not I do not know.

Sept. 14. Bro. Gautier attended the funeral. He was quite feeble, but yet made out to sing, pray and exhort the people. I passed about yesterday evening, gave away some tracts.

Sept. 15. Sabbath evening. The Sabbath School was attended to as usual. I took a small class and tried to attend to them. I, then, at eleven, tried to preach but foundered toward the close of the text. To the negroes bro. Gautier preached, and I again this evening. I again foundered at the close of the service. Now what shall I do? I have thought again and again, would it not be better to wind up at about one-half hour. I think I will try and do better for the time to come.

Sept. 16. I have gone out of doors but little this day, to do good. I took a walk to Mr. Copeland's. He is absent on a journey to S. Carolina.

Sept. 23. My absence to the Mission-Apalachicola has caused a chasm in my little book. I have gone down on Saturday and returned Monday morning, having to pay my way at the tavern where they charge me six dollars for day and a half for myself and horse, and this time there was so much cursing and noise that I could not rest well until they got down and quiet. I was a little fearful they would break into my room. Such conduct about a house must have a deleterious effect; if they continue so it surely will sink. People will hunt for board somewhere else. This is, in its present garb a cruel place; even the hostler was drunk.

I preached four times yesterday.

Sept. 25. The day passed with some visits. I found a sick man who disbelieved that anything could be known of a future world, or that God cared anything about the actions of man in this present life. After talking a little, I left. He invited me to return and see him again. I promised to do so.

Sept. 26. I again visited Mr. Clark who is very sick but wishes not to converse about religion; That, he says, will do for persons who are in health, that he now is too weak, and, that if religion be true, and a person, until forty years should have neglected it, they ought to suffer. He seems, from all that I can learn, to be a diest, and denies all certainty of knowing anything of our future condition, and thus he lies very low.

This day I distributed some tracts, found a woman very sick and too poor to fee a physician. I came home and asked bro. Gautier if he would like to attend. He wished not, but I suppose was instrumental in getting a doctor who would not charge.

Sept. 29. Yesterday was Saturday. In my visits I found a lady sick in her bed and trying to prepare mustard plasters for her feet. I took the plate and fixed them and she put them on.

Sept. 30. Heard today that a man was dying, We went to see him who is the same Clark mentioned above. But when we got there he was found too low. Bro. Gautier asked him if he thought anything of the future. He said "No, that it all seemed like a dark thing and that his thoughts were unsettled. "But," says bro. Gautier, "I think your mind could take hold of some promise of the Saviour's." He wished him not to confuse him, so he was let alone.

Oct. 1. The coloured friends had prayer meeting tonight, and if they will learn to do right, and be humble, I think it will be a blessing to them. This day I made but one visit where I found three women together, read, talked and prayed with them. I now hear a shout from my room. I suppose it is one of the negroes who attended prayer meeting this evening.

Oct. 3. This evening passed about from place to place distributing tracts. Went into a man's house

by the name of Hughs. Offered him, or rather told him I was giving tracts and asked if he wished one. They were not much account, he said, and would not have one, and we parted.

The Elder has come.⁵ Oh Lord, bless this Quarterly Meeting, to all.

Oct. 4. Just returned from love feast among the blacks, and, with some few exceptions, it would have done well for the white class. I think the coloured members are doing well. This morning visited the prisoners, talked with them, but read more, sung with them and prayed with them. In the prayer had some liberty, and had liberty tonight in the love feast. Tomorrow will be our Quarterly Meeting and love feast for the whites, at 9 of the clock.

Oct. 5. One day of the Quarterly meeting is gone. At love feast we had eight with the P.E., who preached to us at eleven, from Rev. 22:17. It was a plain, clear-footed sermon. There were but few more at preaching than at love feast. In Quarterly Conference there were but three. At night eight grown whites and a considerable number of blacks.

Oct. 6. This morning our beloved bro. Byrne left St. Joseph for the shores of Ireland. He truly was a good man, a good member, class-leader and superintendent of the Sunday-School. Therefore we had to open and conduct without him. The school was thin but we managed it as well as we could.

Tonight bro. Gautier preached from 2 Cor. 5:20. He got into a greater fever than the congregation, but I hope done some good.

Oct. 7. I have learned but little today but walked about and tried to hire a horse. I wish I had a horse of my own, then I should be able to go anywhere, to the Mission at Apalachicola, or to the Camp-

5. Rev. Green Malone.

meeting. ⁶ But our 4th. Quarterly Meeting is past and I have received but two dollars quarterage.

Oct. 8. I do not know that I am doing as well as I can for I have not studied with that proficiency today that I should, for between my duties of keeping the P.E. company and persuing my duties to God-and to cap the climax-this evening myself and bro. Gautier went to the negroes' prayer meeting. He opened it with reading and prayer, etc. then, London and Jupitar! Gautier spoke to me to call up the mourners. I told him I thought of doing so, and at last I called for mourners. Some came forward, and among all the rest, I think one miserable strumpet at which the rest made considerable noise and stamping on the floor, and one rolling on the floor. We had all kneeled down on the floor, but, with such noise I did not think I could pray, profitably, to the mourners, and did not attempt it. There was such a noise I arose and set upon my seat and waited awhile, but bro. Gautier found his hat and put out. They got down somewhat calmed, we than sang and prayed and broke up. Some white gathered to see, I suppose, as I saw one white woman at the window.

Oct. 11. Now at Mr. Robbins near what is termed the econvena. ⁷ He and his lady are aged people. Last night we stayed at Mrs. Loftin's ⁸ where we had no prayer neither night or morning. The morning before we left St. Joseph, that is, bro. Malone and I. The night before I had purchased a gray horse with bro. Gautier's note, amounting to one hundred dollars.

This day was my regular fast day, but, being in company with the Elder I omitted fasting, and hav-

6. At Marianna.

7. Settlement on the Econfina River, Washington County.

8. At the ferry crossing over the east arm of St. Andrews Bay on the old Federal Road.

ing to ride. Oh that my heart might be fully in the Lord before the Camp-meeting comes on, which is to commence next Wednesday, near Marianna. We are now within four and thirty miles of the place.

Oct. 13. Now at John Davis' in Marianna. Last night I stayed at bro. Bush's. We came on from Robbins and when we came opposite to Bush's it was so dark that bro. Malone would not turn out in the woods with his carriage, or sulky. I did and soon found the house. Found bro. Finley who is a local preacher. I endeavoured to preach to some of the Marianna folks. Bro. Malone supposed I done better than usual. Well the Lord be praised and not I.

Otto. 23. The Marianna Camp-meeting is over. We had some fine preaching, especially a bro. Smith from Georgia Conference. We had nine preachers: G. Malone, P.E.;-Smith, P.E.; bro. White, who, I understand is a traveling elder; Dr. Armstid, local preacher; bro. Nowls, local preacher; bro. Bruner, local preacher ; C. Stride, traveling deacon ; Jeffer-son Bond, traveling deacon and A. P. Harris who was, at the last Conference, stationed at Marianna. Very few obtained religion, and very few joined.

I am now at Loftin's on the St. Andrew's Bay. I hope, if the Lord wills, tomorrow night to be in St. Joseph. I stayed last night at Mr. Robbins. As I went up I stayed with him but he would not charge me for my night's fare, etc. but as I was going to start this morning I went in and said I wished he would let me pay him. He said it was acceptable. I asked the charge and he said one dollar, and asked me to call again, and so I expect I shall if I pass this way again.

Tonight, for the first time, of the nights I have stayed here, we had prayers.

Oct. 24. I am now at home. I came home so late this evening I have not had time to let the members know that we will meet tomorrow at the church for our Centenary meeting but must ring the bell at house. We had prayers at Loftin's as I came along this time. I learn from Bro. Gautier that Alonza Loftin threatened cutting our throats, that is, mine & bro. Malone's as we went on up to Marianna, but he did not tell us so.

I have had some meditations as I rode on today. The black class is getting large in this place and will require a great deal of instruction and care.

Oct. 25. This is our Centenary Day of Methodism.⁹ I rang the bell this morning at sunrise for prayer meeting but none came. I then concluded to let it pass until evening which was to be our regular prayer meeting; concluding also that we would have our centenary address on next Sabbath. This has been to me rather a strange day, my feelings seem to say it is a Centenary Day.

Oct. 26. One of the black class died last night. We had prayers over, or around, the corpse this evening. Her husband was very much affected and it was a weeping time with all, pretty much, that were present. I met the Bible class this evening; there were only seven of us.

Oct. 27. We have had three meetings today. I have endeavoured to give an expose of the rise and progress of Methodism, and begged for the Centenary occasion. I obtained thirty-five dollars, making with my own subscription, 85 dollars. I hope at least to get one hundred dollars. I have to beg for my general Conference collections, etc. We are so miserably poor. Eleven coloured people joined

9. The first Methodist Society was formed in London in October, 1739.

the church this evening, and altogether we had a mighty roar.

Oct. 28. This date ten years ago, I joined the Methodist Church, it being in the year 1829, in my twenty-sixth year. Professed religion in my 28th. year, about the first of August on Saturday. I obtained license to preach the 4th. of September, 1834. My membership was on the Morengo Circuit. In December following I was admitted into the traveling connection at the Conference held at Greensboro in Alabama. The first year appointed to Cedar Creek circuit ; the 2nd. year to Monticello; the 3rd. to Green; the 4th. to Winchester; the 5th. to St. Joseph Station and Apalachicola Mission. and here I am now, but expect to leave at the expiration of one month.

Oct. 30. I started out to visit this evening. The first place I went to. was Mr. Shepherd's. I went in and stayed but little as I found so much inattention. This rather gave me a check so I went no where else but came back after going to see Mr. Phineas Lassrad. This evening endeavoured to p r e a c h .

Nov. 2. Now at Elizur Woods. Left St. Joseph at near eleven of the clock this morning and arrived in Apalachicola this evening after the setting of the sun. My ride was not pleasant to my feelings, as my horse was poor and his back sore. I have not read today as I might. I might have read on horse back but all was neglected. Tomorrow, if the Lord will I expect to try and preach to this people if they will come out.

Nov. 3. I have endeavoured to preach twice today to these Apalachicolians. Whether I have done them any good or not I cannot tell. They have done me some good-they have given me twenty-nine dollars and eighteen cents and three-fourths, which will pay all my traveling expenses to and from this place.

What ever expenses may accrue if I live to come again I know not, but my expenses are all now paid.

Nov. 4. I have gone about some this day and think we have some friends here. Oh, that we had a membership at this place, that they might send a preacher, but I fear it may be left out.

Nov. 5. This day I concluded that I would visit out a little. I have done so and have tried but fear I was of little value but at one place and that was Mr. Leland's. I stayed but little as their dinner would be late, and put off to another place, and there I gave away some tracts. This evening to Mr. Bartlett's. Took supper, at last prayed with them, and left.

Nov. 11. As Conference meets in January next, and I am a good ways off and wish to go home and stay sometime before the time for meeting, I shall therefore leave this the last week in this month, and what have I done? I fear almost nothing. I attended at the funeral of an Italian today. I suppose he might have been a Catholic, and while at the burying ground some of the Catholics in attendance stepped aside. I saw one man and one woman kneel at the grave and, perhaps saying prayers, put their finger in their mouths, if I am not mistaken, and make a cross upon their breasts.

Nov. 12. I have tried to affect a change, today, in giving Union money for Life & Trust,¹⁰ but did not get one dollar, but heard of five dollars. I fear I should not be a good hand to attend to the business of the world.

10. Notes of the Union Bank of Tallahassee and the Southern Life Insurance and Trust Company of St. Augustine (later of Tallahassee). These, together with the Bank of Pensacola were commonly called the "Big three" of Florida banks. v. "The Union Bank of Tallahassee". *Quarterly*, April, 1937, XV. 207.

Nov. 14. Having to preach a funeral, as I thought, today near what is termed the dead Lakes ¹¹ some upwards of 20 miles, I left here this morning in the Car, ¹² but I suppose they did not understand my purpose and aim, when I came opposite the school house where the appointment was, in leaping out of the car, and she underway I have sprained my knee. But blessed be the name of God, I had another opportunity of preaching to my poor folks, -men, women and children, and I cried with them, And now I am back with them paying my passage in the Car and a bushel of corn to the bargain which I much need.

Nov. 15. My time for leaving this place draws on apace, which is to be the twentyfifth. After some pleasant meditations in reading I walked out and had a very pleasant evening's chat with Mrs. Hardin, then walked away to Mrs. Jenkins, and then home.

This was fast day. I got to the table and had eaten nearly all my meal before I bethought myself of the day. Tonight was prayer meeting night but few were there.

This night I was a little interrupted: Mr. Laprade had to pay over some sixty dollars for books ordered by Bell ¹³ It seemed we were about to take the church table for money changing. We changed some fifteen dollars and it was this that made me think of the money changers spoken of in the gospel.

11. Near the present town of Wewahitchka.

12. On the St. Joseph and Iola Rail Road, running from that town to the Apalachicola River. This was the third and much the longest rail road constructed in Florida until railroad building began on a large scale about 1855. There has been some doubt as to the opening and operation of the road. This entry in the diary shows it was in operation at this date.

13. Rev. W. W. Bell, Rev. Mr. Haskew's predecessor on this charge in 1838.

Nov. 19. Now in my room; having been to Apalachicola to see what I could do in the Mission. I fear I have done but little this time. Took up a collection and got five dollars and twenty-five cents. Stayed until Tuesday morning and then left. Apalachicola is a hard place, but has been badly attended to this year. There has been only, by me, some twenty-nine sermons preached. When I first went they turned out tolerably well, but after moving the place of appointment from the Mansion House they never attended so well since. Having no place to worship in, it is rather hard to preach to people who will not attend to preaching or prepare a house.

Nov. 23. This day I have studied but little. Have gone about to visit the people for the last time.

Nov. 25. This day closes my labours in St. Joseph, and, by the grace of the Lord I think, if I live, I will try and do better. Oh Lord, pardon my faults if I have not been able to bring out of thy treasury things both new and old.

Dec. 2. Some days have passed away since I last wrote. I left St. Joseph the 25th. of last month. I obtained all my quarterage and traveling expenses. The times were hard. I left but two Stewards of the Station and but 14 members on the Class paper -white-the coloured are 65. It is a hard place for me to labour in, and so is Apalachicola. These places will all be made Missions of, I suppose. I left rather glad to go, but I suppose I should pity the man who has to labour here the ensuing Conference.

I came by the way of the railroad. The first day I Reached Naul's. Here I stayed all night. I made not myself known, and consequently we had no grace, nor prayers night or morning. The next day I traveled quite a lonely road, but reached bro. Wil-

son's at Marianna. Stayed all night, got my horse shod and went about and saw the people a little. The next night tarried at bro. Bush's. Rode on, Thursday, This was a rainy day. Reached Wadford's, a member of our church. Friday was my fast day. Reached Ard's on the north prong of the Choctawhatchee. Oh, how kind is the providence of God! After labouring, and staying in the Floridays one Conference year, I am now in tolerable health and strength, and on my way to my father's.

NOTES

THE CENTENNIAL OF THE ST. JOSEPH CONVENTION

Under an act of the Legislature, Florida's first constitutional convention will be commemorated on the site of the old town of St. Joseph on December 7, 8, 9, 10. A committee of statewide membership, with Mr. J. L. Sharit of Port St. Joe as chairman, has been at work for many months planning a celebration of the centennial of this most important episode in Florida's territorial history.

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PENSACOLA'S HISTORICAL PAGEANT

Excepting St. Augustine only, no other town of Florida has had so long and so interesting a history as Pensacola. On October 27 the most important and most moving events and episodes of that history will be faithfully reproduced in a noteworthy pageant which has been long in preparation. Seven civic and military organizations under the leadership of the Community Center have combined to produce a spectacle in keeping with the city's place in Florida's history.

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Pensacola and the Filibusters, 1816-1817, by H. G. Warren, is a valuable paper in the last (July) issue of the Louisiana Historical Quarterly, though its contents is more prospective than real. It is based on documents in Papeles Procedentes de Cuba, AGI, from transcripts in the Ayer Collection. (See *A Letter of John Innerarity*, Florida Historical Society Quarterly XI. p. 140; also *ibid*, XVI, 131.)

THE FLORIDA HISTORICAL SOCIETY

Sub-committees of the General Library Committee have been appointed since the annual meeting of the Society to aid in collecting and preserving Florida historical source material. These include a committee for the collection, use, and preservation of pictures, prints, photographs and films; a committee for the collection, use, and preservation of maps and charts of Florida; one for the collection of Florida newspapers ; one for books and governmental publications etc.; and one for documents, letters, and other manuscripts.

* * *

Mr. John C. Howard of Dunedin has been appointed chairman of the committee on prints, photographs, etc. A native of northern New York, he lived at Ogdensburg on the St. Lawrence river. But after retiring from business he came to live in Florida eight years ago and has been active in civic affairs since, besides conducting a column in the local newspaper. He soon became interested in Florida's history, is a contributing member of the Florida Historical Society and takes part in its work. As a nucleus for the collection which Mr. Howard's committee hopes to assemble, he has contributed a framed, contemporary. (1836) colored print of the Indian chief Micanopy.

* * *

The committee appointed for the collection of maps of Florida has begun its work under the chairmanship of Mr. Carl G. Alvord of Mountain Lake. Mr. Alvord, a graduate of Massachusetts Institute of Technology and Yale University, has devoted much time to a study of the Florida coast and inland waters and has become a specialist on maps and charts of the State. For some years he has carried on investigations which have taken him to

all parts of the peninsular. Mr. Alvord has said that the purposes of the committee are "to contribute our geographical experience in the effort to build up in time a useful and notable collection of maps and charts of Florida for the Society's library."

* * *

Mr. Harrison Reed of Jacksonville has generously presented to the library of the Society a framed, autographed portrait of his father, Harrison Reed, a governor of the State.

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THE ANNUAL MEETING

The committee to choose the place for holding the next annual meeting, which is held on the fourth Tuesday of January, has accepted the invitation extended from Daytona Beach. The meeting will be continued in New Smyrna the next day ; and Turtle Mound, the old sugar mill ruins, and other historic sites will be visited. The public is invited to attend all sessions. The program committee also has been active and will announce the complete program in the January issue of the Quarterly.

* * *

TO THE MEMBERS

The Membership Committee and many other members are making a widespread effort to increase the membership before the annual meeting. Will you not help. The Committee, or the editor, would be glad to send you or any prospective member a copy of the *Quarterly*. A larger membership must be secured before the work which the Society has planned can be carried out.

TO THE READER WHO IS NOT A MEMBER

If you feel an interest in Florida's history, whether you are a Floridian or not, the Florida Historical Society gives you a cordial invitation to come with us. There are no obligations except the annual dues of two dollars, and this includes the *Quarterly* which will come to you regularly. As a member you will be taking part without effort (unless you wish otherwise) in the work of the Society in broadening the knowledge of the past of our State.

Miss Dorothy Dodd, Treasurer
Florida Historical Society,
P. O. Box 323, Jacksonville.

I hereby make application for membership in **THE FLORIDA HISTORICAL SOCIETY** and enclose a check for two dollars in payment of dues for the ensuing year. My dues include subscription to the *Florida Historical Quarterly*.

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