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Julia J. Yonge

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WALKER ANDERSON, 1801-1857

Among the leaders of men who worked to lay the foundation for Florida's statehood and her subsequent growth, Walker Anderson must not be forgotten.

Born in 1801 in Petersburg, Virginia,¹ he early went to North Carolina where he was educated in the State University and for a time held the chair of rhetoric there. At the age of twenty-one he married Phoebe Hawks, of Newbern, and in 1836 set out with wife and children for Florida, settling in Pensacola.

His traditions of culture and his ability made for a leadership which was soon recognized in his new home ; and within two years he was elected a delegate to the convention which met in St. Joseph, in December 1838, to frame a constitution for the expectant State of Florida.²

Mr. Anderson had adopted the law as his profession, and it is of interest that his delayed arrival in St. Joseph was because he was detained in Pensacola to make his maiden speech in a court of law.³ On December 7 he was sworn in and took his seat.⁴ On motion of Jackson Morton, Anderson's added to the Committee on Banks and Other Corporations, a committee which was the storm-center of the convention. He was also appointed a member of com-

¹He was the son of Daniel Anderson, a native of Glasgow, and Mary Reid Cameron whose father was Rev. John Cameron, of Lochiel, Scotland, and later of Virginia where he was rector of Blandford church.

²The other delegates from Escambia County to this assembly, which George R. Fairbanks calls the ablest body of men ever to meet in Florida, were Benjamin D. Wright, Jackson Morton, and Thomas M. Blount.

³*Pensacola Gazette*, Dec. 1, 1838.

⁴*Journal of the Proceedings of a Convention to Form a Constitution for the People of Florida. Held at St. Joseph, December, 1838. (St. Joseph, 1839) p. 2.*

⁵*Ibid.*, p. 13.

mittees of lesser importance, and later was on that to draft a memorial to Congress requesting the admittance of Florida into the Union,⁶ and it was he who introduced the resolution providing for an adjourned meeting of the Convention, in the event of the refusal of Congress to sanction the admission of Florida as a state.

In 1838 Congress had granted to the Territory the right to a council of two branches, and in 1840 Walker Anderson was chosen to represent Escambia County in the lower house, where he became chairman of two important committees—on the Judiciary, and that on Banks.⁷

In the interval since the St. Joseph Convention discussion had been rife as to the merits of the proposed constitution which was adopted in 1839 by a small majority. "State" and "No state" had become the slogans of opposing factions, and many were unconvinced of the desirability of entering the Union. The outcry against the banks was gaining force; men had not as yet adjusted themselves to the changing political conditions, and the outlook for the legislation of the session was uncertain. Mr. Anderson's personality and attainments were well suited to meet the requirements of the situation. His quiet dignity, clear thinking and facility of expression made for usefulness and gave weight to his political influence.

Underlying the three dominant issues of the day: bank and anti-bank, state or no state, and abolition, was the same principle of self-determination, the inherent right of the people to self-government, and an ardent defense of that sovereignty which they deemed as "originating and resting in the people" as it had formerly rested in the crown. The Democratic party

⁶ *Ibid.*, p. 120.

⁷ *A Journal of the Proceedings of the Legislative Council.*
... Jan. 1840, p. 6.

was the conservator of this ideal, and Walker Anderson was one of the foremost exponents in Florida of the principles of democracy. While steadily loyal to the Union he saw the Union, he was equally steadfast in his defense of the rights of the states.

At a banquet given Joseph M. White in St. Augustine in December 1838, which probably was the occasion of Mr. Anderson's first significant public utterance, he made his position clear and struck the keynote of his future career. Responding to the toast "West Florida, may her prosperity be commensurate with her merits" he urged unity of sympathy and purpose, concluding with the words: "The signs of the times call upon us for union ; the ear be deaf which does not hear the muttering of the storm on our northern horizon. To meet it, let us be united, but let us ever act on the defensive."⁸

The feeling and the agitation against the banks was deep-seated. It had its roots in the contention that the territorial government had no power to create and charter banks and other corporations pledging the faith and credit of the people of Florida for the capital necessary for their operation. Legislation on the subject became one of the lively issues of the session of 1840, and Mr. Anderson took a leading part. He was the author of a resolution "That the governor be asked for information on certain bonds issued on the faith of the territory in aid of certain corporations of this territory," and he supported a resolution to "obtain information on the Union Bank of Tallahassee, the Bank of Pensacola, and the Southern Life Insurance and Trust Co. of St. Augustine, as requested by the Senate of the United States." His conclusions are found apparently in his report as chairman of the Judi-

⁸Apalachicola Apalachicola Gazette Dec. 21838.

ciary Committee on the question as set forth in the governor's message.

The questions at issue were specifically: "1. Whether the Territory has the right to create banks. 2. Whether after sale of bonds, Congress has the right to repeal the Act of Incorporation, and annul contracts made under it. 3. Whether by becoming a state, the State of Florida can release herself from obligations entered into as a territory."

The committee reported the following resolutions as supporting their conclusions :

(1) Resolved—That the power of the Governor and Legislative Council of the Territory of Florida delegated by Congress over "all rightful subjects of legislation" under that clause in the constitution which invests Congress with authority "to make all needful rules and regulations respecting the territory and other property of the United States" does not extend to the creation of banks with exclusive privileges and franchises, nor to the issuing of bonds and guaranties in aid of such institutions, pledging the faith and credit of the people of Florida.

(2) Resolved—That such pledge of the faith and credit of the people of Florida is null and void.*

Mr. Anderson had a high conception of the importance of providing the means of education for the public, and throughout his career lost no opportunity of aiding this cause. A member of the Committee on Schools and Colleges of the house, the session of 1840, he used his influence in every measure suggested for their benefit, and was the author of an act for raising funds for the education of poor children.

In Pensacola he was no less active in that behalf. The Pensacola *Gazette* of September 19, 1846, chronicles a meeting of citizens to consider measures for the establishment of common schools and a university in West Florida, and to memorialize the General Assembly on the subject. Mr. Anderson discussed the

*Senate Journal, 2nd session, 1840, pp. 125-126.

propositions at length, and having introduced a resolution that a committee be appointed to draft resolutions embodying the sense of the meeting, was made chairman of that committee. In the following year the *Gazette* mentions him as chairman of the Board of Trustees of the West Florida Collegiate Institute in Pensacola, and adds that provision had been made by the board for ten free scholarships.

In 1844 Mr. Anderson was appointed United States district attorney for the Western District of Florida. During that year the nationally well-known case of Jonathan Walker, imprisoned in Pensacola and charged with the abduction of slaves, demanded his attention—both in his capacity as district attorney and as a member of the Florida senate. As chairman of the Joint Select Committee of house and senate¹¹ appointed to consider a communication from the governor in regard to correspondence between the British and Foreign Anti-slavery Society and Jonathan Walker, Anderson reported in part: "Self protection is the primary law, and we shall be justified in the eyes of God and man in defending ourselves from unjust aggressions, though the means of safety may bring punishment and suffering where it is not most deserved."¹²

The Secretary of State of Massachusetts also bestirred himself.¹³

Jonathan Walker himself, in his book, says this of Mr. Anderson:

¹⁰March 20, 1847.

¹¹Senate *Journal*, 1844, p. 93.

¹²House *Journal*, 1845, p. 29.

¹³In the *Pensacola Gazette*, Jan. 25, 1845, there is a letter from Branch to District Attorney Anderson calling his attention to a letter from the Secretary of State of Massachusetts in regard to the case; and also Mr. Anderson's lengthy reply, with details of Jonathan Walker's imprisonment. The *Gazette* comments: "Mr. Anderson's reply sets forth in dignified language, the situation."

Walker Anderson, District Attorney, who by-the-bye was the prosecuting officer, is entitled to my thanks for his kindness and humanity towards me both in his private and official capacity * * * * * were he not surrounded by a powerful slavery influence, any society might be proud of such a member. * * * * * For a considerable part of my confinement he provided me with reading matter and the news of the day, and in his absence, his kind and amiable wife would supply me with literary food.¹⁴

Against the wide-spread and foolish practice of dueling Mr. Anderson threw the weight of his legislative influence, and proved his faith by his works in refusing the challenge of Augustus Alston proffered on some trivial pretext of insult to the Whig party,¹⁵ a foreshadowing of the spirit of that noble phrase of much later utterance, "Too proud to fight."¹⁶

In 1845 Walker Anderson represented his district in the State senate. The records of this session are not available, but without doubt he was once more one of the leaders in legislation.

As the great and long impending crisis drew nearer, he came to the Assembly again and at the session of 1850 was once more chairman of the house Judiciary Committee. But now another committee had come to be its rival importance: the Committee on Federal Relations, and he was appointed chairman of this one also.

Among the achievements of that session was the creation of a separate supreme court for Florida,¹⁷ a measure introduced and fostered by Mr. Anderson ; and three days after the act was approved he was elected the first chief justice of this newly made supreme court by his colleagues of the Assembly.¹⁸ From

¹⁴ *The Trial and Imprisonment of Jonathan Walker* (Boston, 1845), p. 66.

¹⁵ *Tallahassee Floridian*.

¹⁶ Woodrow Woodrow Wilson, *The American of Foreign Birth. Democracy Today*, p. 79.

¹⁷ Acts, 1850, p. 121.

¹⁸ *Senate Journal, 1850, 312.*

many tributes paid him by the press, this one is selected : -

The Chief Justice is a citizen of Pensacola. The last Pensacola Gazette which has always been his active political opponent thus speaks of him, "It is with great pleasure that we announce the election of our fellow citizen Walker Anderson Esq. as Chief Justice of the State. His habits of thought and research, his mild and patient temper, his profound legal learning, and his spirit of impartiality combine to qualify him in an eminent degree for the high office to which he has been chosen."¹⁹

The Tallahassee paper adds its own tribute to the chief justice as "a gentleman of high character and well established reputation as a lawyer."

Other measures of the session engaging Mr. Anderson's especial interest included those which proposed giving the election of judges and United States senators to the people.

But transcending all else was the ever-growing menace arising out of the differences between the North and the South on the question of states' rights. Early in the session Mr. Anderson had been made a member of a committee of the house to confer with a committee of the senate on the subject, and moreover his chairmanship of the Federal Relations Committee brought the matter to his especial attention. The principal issues at stake at that time were the proposed repeal by Congress of the Fugitive Slave Law, and the failure to extend the Missouri line of compromise.

Governor Brown had in his message of November 1850 said that repeal of the Fugitive Slave Law would be considered the declared desire of the North to abrogate the constitution, and in such an event he asked the Legislature to give him authority to call a convention of Southern States.²⁰ The sentiment of the

¹⁹This doubtless is from the pen of Benjamin D. Wright, who later was to hold the same high office.

²⁰Rerick, Rerick, *Memoirs of Florida* (Atlanta, 1902), p. 224.

House was divided on this proposition, but both parties agreed in denouncing any interference with the institution of slavery as a flagrant usurpation. In the light of his previous history it follows that Mr. Anderson is found in the vanguard of those who upheld the constitutional right of any state to secede as a refuge from oppression.

The political situation as it affected the South, the reaction towards it of the people of Florida, and Mr. Anderson's own attitude are definitely portrayed in the report of the Federal Relations Committee which he as chairman signed and submitted, and which he probably in a large wrote:²¹

* * * * * But while the Committee are not prepared to recommend secession or revolution on account of the enactment of the Compromise measures, yet they regard the spirit which prompted them, illustrated and developed by a thousand other anti-slavery demonstrations, as so malignant in its designs and so obdurate in its purposes, as to leave but little hope that its aggressions, unless resisted, will stop short of the ruin into which it is seeking to drive us.

The clamor at the North for the repeal of the fugitive slave bill, the late free soil triumphs in Ohio and Massachusetts—the open defiance of the law in the City of Boston and elsewhere, its formal nullification in the State of Vermont are the chill and dark shadows thrown before by the coming events which they portend. * * * * *

Concession by the South, for the sake of the Union, has now been made to the very verge of dishonor, and every Southern heart revolts at submission to further injustice. * * *

For her love of the Union, the South may proudly appeal to the past, for her greater love of liberty, let her now appeal to the future.

The Montgomery and Pensacola Rail Road. - In the Florida senate journal, session of 1842, a letter had appeared²² from Walker Anderson, commissioner, to Governor Call in regard to the condition of the Bank of Pensacola. It was dated June 12, 1841, and said in

²¹House Journal, 1850, pp. 166-173.

²²Senate Journal, 1842, p. 5.

part: "The Bank is now doing no business except collecting its dues, and the operations on the Rail Road continue to be suspended." The rail road referred to, the first projected in Florida, had been begun to be built by New York and Philadelphia capitalists, and as early as 1837 the road-bed had been graded for a distance of thirty miles in the direction of Columbus, Georgia, its intended terminus.²³ Clamor against the banks and objections raised to the issue of bonds for carrying on the work, together with the financial panic and depression of 1837 had wrecked its prospects and caused its indefinite suspension.

When, in 1849, the desirability of connecting Pensacola with the cotton-growing area to the north and to the rail road system of the country again came to the fore, a public meeting was held in the town hall of Pensacola to revive interest in the matter. Walker Anderson was made a committee to embody the sense of the meeting and to put some process in motion for developing its plans.²⁴ At a consequent convention held in Montgomery on December 3 for the purpose of organizing the Montgomery and Pensacola Rail Road, Pensacola was represented by Benjamin D. Wright, W. H. Chase, O. M. Avery, and Walker Anderson. Mr. Anderson was made chairman of the convention; and the account of the proceedings²⁵ includes a complimentary resolution tendering "thanks to the Hon. Walker Anderson for the able and dignified manner in which he has discharged the duties of his office."

After many vicissitudes the road was at length completed from Montgomery to Pensacola in 1860.

Notwithstanding the enthusiasm of the Montgomery convention, in the following year, 1850, a plank road

²³*Florida Historical Society Quarterly*, IX, 236 (April, 1931).

²⁴*Pensacola Gazette*, Oct. 20, 1849.

²⁵*Pensacola Gazette*, Dec. 15, 1849.

was projected north from Pensacola and was an issue in the election held then, Walker Anderson favoring the building of the road winning a seat in the house to represent Escambia County. The enterprise was successfully launched according to the *Pensacola Gazette* and a board of directors chosen of which Mr. Anderson was chairman. It is interesting today, in view of the present advancement of transportation, to view in fancy that gathering of earnest men and listen to Mr. Anderson's stirring appeal, as recorded by the *Gazette*, in favor of the plank road and his arguments to prove its advantages over the rail road.

In 1848 Walker Anderson was appointed Navy Agent for the port of Pensacola, he having charge of the purchasing and other business affairs, of the navy yard and the Navy in that district. During two terms in this office he was active in developing the live-oak plantation²⁷ on Pensacola Bay near Town Point, planned to furnish timber for future ship-building operations of the Navy. The large trees still found there might be regarded in part as a result of his fostering care.²⁸

Another office held by Mr. Anderson was brigade judge advocate of the First Brigade, Florida Militia, with the rank of major, to which he was appointed in 1849.²⁹

No better declaration of Walker Anderson's political creed could be found than is contained in an address delivered by him in Pensacola in celebration of the election of Polk to the presidency.³⁰ In ringing

²⁶*Pensacola Gazette*, Sept. 28, 1849; Oct. 12, 1850.

²⁷*Pensacola Gazette*, Jan. 22, 1848; Feb. 21, 1848.

²⁸The oak timbers recently taken from the water of Commodore's Pond on the naval reservation on Pensacola Bay, and used for the rebuilding of the frigate *Constitution*, may well have come from this plantation during this period.

²⁹*Pensacola Gazette*, Jan. 12, 1850.

³⁰*Pensacola Gazette*, Dec. 14, 1844.

terms he describes the victory as "a triumph over Federalism and Adams * * * * * as Democracy triumphant in the person of Thomas Jefferson, and the high-souled, pure-hearted Andrew Jackson * * * * * a triumph of clear reason and steady principle over blind zeal and mere reckless devotion to a party leader." Of the newly elected he says in language strangely familiar today: "They will not give to the favored few the privilege of controlling the finances of the country, thus making themselves rich and the people poor; they will not add to the swollen hoards of the manufacturer at the expense of the consumer." And the address concludes with a prophetic appeal for unity, adding: "We will soon need to be bonded together as brothers for the protection of our altars."

A summary of Judge Anderson's life and work would be incomplete without reference to him as a churchman. A member of the Episcopal church by inheritance, he gave his earnest efforts to its establishment in his adopted State, both in his home parish, Christ Church, Pensacola, and in the newly made Diocese of Florida.²¹

He died in Pensacola on January 18, 1857.

JULIA J. YONGE

²¹George Fairbanks, *Early Churchman of Florida, Jacksonville*, 1889.