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THE RECEPTION OF THE ST. JOSEPH CONSTITUTION

By EMILY PORTER

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.