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## **Military Liberalism on the East Florida "Frontier": Implementation of the 1812 Constitution**

by Alejandro Quiroga Fernández de Soto

The first quarter of the nineteenth century was a time of great political change in both Spain and its American empire. The French invasion of the Iberian Peninsula in 1808 led to a long war for independence, as the Spanish people and government sought to oust Napoleon's troops and form a constitutional monarchy. During the war, deputies from throughout the empire formed the *Cortes Generales*, or National Assembly, in Cádiz and proclaimed the first Spanish constitution in 1812. The change of government in Spain had consequences for the American colonies, and scholars have pointed out the role played by the *Cortes de Cádiz* and the Constitution of 1812 as crucial to understanding the dissolution of the Spanish Empire.<sup>1</sup> Very little has been written, however, about the

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1. See Marie Laure Rieu-Millan, *Los diputados americanos en las Cortes de Cádiz* (Madrid, Spain, 1990); Timothy E. Anna, *España y la independencia de América* (Mexico City, 1986); Jaime E. Rodríguez, *The Emergence of Spanish America: Vicente Rocafuerte and the Spanish Americanism, 1808-1832* (Berkeley, Calif., 1975); idem, *The Independence of Spanish America* (New York, 1998); Mario Rodríguez, *The Cádiz Experiment in Central America, 1808 to 1826* (Los Angeles, 1978); Françoise-Xavier Guerra, *Modernidad e independencia. Ensayos sobre las revoluciones hispánicas* (Madrid, Spain, 1992); Demetrio Ramos, *España en la independencia de América* (Madrid, Spain, 1996).

reception of the Constitution in Florida.<sup>2</sup> Political historians, when dealing with this period, have essentially focused on the Patriots War and the diplomatic relationships between the United States and Spain, overlooking the new legal and political system that was established in the territory between 1812 and 1814.<sup>3</sup>

These were complex and turbulent years for East Florida. In 1812, U.S. troops and Georgia militiamen invaded the province, St. Augustine was under siege, and Spain was in no position to assist its needy colony. That same year, the Governor of East Florida received orders to implement the new constitution, which changed the legal and political system of the territory from absolutist control to liberal rule. This study examines the establishment of the 1812 Constitution in East Florida at a time when the colony was struggling for its very survival, exploring the topic on three levels. The first takes an imperial perspective and deals with the promulgation of the Constitution and the election of a deputy to represent the Floridas in the Spanish *Cortes*. The second focuses on municipal life and the organization of the town council in St. Augustine. Finally, a third part examines the implementation of liberal policies on the local level.

The tumultuous situation in Spain contributed to the transformations in East Florida. In the spring of 1808, Napoleon forced Ferdinand VII to abdicate the Spanish throne, imposed his brother Joseph Bonaparte as the new Spanish monarch, and sent his troops to occupy Madrid. The French army soon found a strong opposition in Spain. Popular uprisings coincided with the French inva-

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2. Some information about the topic may be found in Duvon C. Corbitt, "The Administrative System in the Floridas, 1783-1821," Part 1, *Tequesta* 1 (August 1942): 41-65; idem, "The Administrative System in the Floridas, 1783-1821," Part 2, *Tequesta* 1 (July 1943): 57-78; and idem, "The Return of Spanish Rule to the St. Marys and the St. Johns, 1813-1821," *Florida Historical Quarterly* 20 (July 1941): 47-68.
  3. Rembert W. Patrick, *Florida Fiasco: Rampant Rebels on the Georgia-Florida Border, 1810-1815* (Athens, Ga., 1954); Pablo Tornero Tinajero, *Relaciones de dependencia entre Florida y Estados Unidos (1783-1820)* (Madrid, Spain, 1979); J. H. Alexander, "The Ambush of Captain John Williams, U.S.M.C.: Failure of the East Florida Invasion, 1812-1813," *Florida Historical Quarterly* 56 (January 1978): 280-296; Elena Sánchez-Fabrés Mirat, *La situación histórica de las Floridas en la segunda mitad del siglo XVIII (1783-1819)* (Madrid, Spain, 1977); David J. Weber, *The Spanish Frontier in North America*, (New Haven, Conn., 1992); Manuel Fernández Velasco, *Relaciones España-Estados Unidos y mutilaciones territoriales en Latinoamérica* (Mexico City, 1982); Philip Coolidge Brooks, *Diplomacy and the Borderlands: The Adams-Onís Treaty of 1819* (1939; reprint, New York, 1970).



sion all around the country; Spain collapsed into guerrilla warfare between "citizen" levies and French troops; and a provisional shadow government, the *Junta Central*, was established to oppose Napoleon and assert the authority of Ferdinand. By 1810, the French army occupied most of the Iberian Peninsula, and the provisional government had taken refuge in Cádiz—a southern city protected from Napoleon's soldiers by the British navy. At that time, the city was controlled by Spanish liberals who forced the provisional government to convene a National Assembly that would rule in the name of Ferdinand VII. The *Cortes Generales* first gathered in September, assuming national sovereignty and officially declaring equal rights for all Spaniards, including Spanish Americans. On March 19, 1812, the National Assembly created and promulgated the new constitution, which guaranteed rights of election and representation; Spain and Spanish America would have governments and municipalities elected by the people. It was the final step toward abandoning the absolutist regime and building a new constitutional monarchy.

East Florida suffered its own great convulsions. In early March 1812, a group of seventy Georgians and nine Floridians, styling themselves "Patriots" and supported by U.S. soldiers and gunboats, met together to proclaim the "Republic of East Florida." By March 17, the "Patriots" and United States troops took possession of the key port of Fernandina on Amelia Island. The North Americans soon occupied the St. Marys-St. Johns area, and St. Augustine was under siege. Even though the "Patriots" made it to the gates of St. Augustine, interim Governor Juan Manuel Estrada refused to negotiate with them.

In June 1812, the situation changed with the arrival of the new Spanish governor, Sebastián Kindelán. He convinced the Seminole Indians to enter the war against the North Americans, forcing "Patriots" and regulars to pull back at least as far as the St. Johns River in September. President James Madison did not remove his troops from East Florida immediately, probably because the War of 1812 had begun and he feared that the English, as allies of Spain, would occupy the territory. Not until May 1813 did Madison order U.S. forces withdrawn from Florida, and the occupied districts were retaken quickly by Spanish troops.

The circumstances of the Patriots War, especially the events surrounding the 1812 Constitution as it was applied in East Florida, were not replicated in the rest of the Spanish American Empire. It



was the peculiarities of life in East Florida that inspired Spanish authorities to take special measures in the election of a deputy representing the Floridas and, once the area returned to Spanish rule, to legislate to protect the St. Marys and St. Johns districts.

During the Second Spanish period, the Floridas were under military jurisdiction. In East Florida, the Governor in St. Augustine received orders from Madrid via the Captaincy General of Cuba in Havana.<sup>4</sup> Neither the collapse of the Spanish monarchy nor the Napoleonic invasion of the Iberian Peninsula changed the traditional system. Only the application of the 1812 Constitution in East Florida would effect governmental change.

From the beginning of the political crisis, the Governor of Cuba remained loyal to the *Junta Central* and its successor, the *Cortes*. Unlike some other colonies of the Spanish Empire, Cuba did not form a sovereign junta, and the political system in the island did not experience any kind of transformation between 1808 and 1812.<sup>5</sup> The same was true for East Florida, where the governor directed political, military, judicial, financial, and ecclesiastical affairs.<sup>6</sup>

Beginning in 1811, however, Royal Orders and laws from the National Assembly represented major political forces. Interim Governor Juan Manuel Estrada and his successor, Sebastián Kindelán, reported to Havana concerning the reception and observance of laws and Royal Orders.<sup>7</sup> The most significant were those that attempted to dismantle the ancien régime, opening access to state offices and establishing universal application of the penal laws.<sup>8</sup> Legislation from Spain placed governance of the territories under

4. For Florida's administrative system during the Second Spanish Period, see Corbitt, "The Administrative System in the Floridas," Part 1; and idem, "The Administrative System in the Floridas," Part 2.

5. See Ramos, *España en la independencia de América*, 319-323; and Ramón Infiesta, *Historia Constitucional de Cuba* (Havana, Cuba, 1942). Infiesta argues that the opposition of both the royal bureaucrats and the peninsular merchants to the junta impeded its formation. Ramos includes British and North American expansionism and the threat of slave's uprisings as main factors not to form the junta.

6. Corbitt, "The Administrative System in the Floridas," Part 2, 41-45.

7. Estrada's Official Letters to the Captain General, East Florida Papers (hereafter EFP), Manuscript Division, Library of Congress, Washington D.C., microfilm copy in Dade County Public Library, Miami, Fla., Reel 11; Kindelán's Official Letters to the Captain General, EFP, 1810-1812, Reel 12, Bundle 31 E 3; Indexes to Governor Kindelán's and Estrada's Official Letters to the Captain General, EFP, 1811-1816, Reel 166, Bundle 354.

8. Estrada to the Captain General, 18 March 1812, Estrada's Official Letters to the Captain General, EFP, Reel 11.

the "absolute subordination" of the government in Cádiz and reported that Napoleon's emissaries to America were to be arrested.<sup>9</sup> Stressing the importance of the American territories to the mother country, the government in Cádiz made it clear that the struggle between Napoleon and the supporters of Ferdinand VII would be carried out in America as well as in Spain.

The 1812 Constitution was a culmination of these political forces. By provision of the supreme law, an election to choose a Florida representative in the electoral Junta of Havana was held, a town council was formed in St. Augustine, and changes in administration and policy were implemented in the territory. The Constitution of 1812 transformed all provincial chiefs into *jefes políticos* and attempted to separate political functions from military ones. Thus, Governor Kindelán became the *jefe político*, still subordinate to the Captain General in Cuba who, in turn, was named *jefe superior político*. Moreover, because of their low populations, East and West Florida lost provincial status and were attached to the province of Havana as districts or *partidos*.<sup>10</sup>

The new constitution also required the election of deputies for the *Cortes Ordinarias* in Spain. In July 1812, a junta to organize the election formed in Havana, presided over by the Captain General. It divided Cuba into eight different *provincias subalternas*, appointing a deputy to every two districts according to Article 78 of the Constitution. Thus, a deputy representing St. Augustine and Pensacola was assigned to the Floridas.<sup>11</sup> In September, the Junta ordered the governors of the Floridas to call elections in order to send an *elector provincial* to Havana. Once in Cuba, the electors would select the four deputies who would serve in the *Cortes* in Spain.<sup>12</sup>

9. Royal Order of 14 July 1811, transcribed in St. Augustine on 25 November 1811, Estrada's Official Letters to the Captain General, EFP, Reel 11; Royal Order of 17 March 1811, Indexes to Estrada's Official Letters to the Captain General, 13 September 1811, EFP, Reel 166, Bundle 354. Since American territories had remained loyal to Ferdinand VII after the French invasion, Napoleon began in 1809 to send emissaries to Spanish America via the United States to promote independence for the Spanish colonies. Some emissaries were arrested and convicted for high treason in Cuba and New Spain; see Ramos, *España en la independencia de América*, 215-224.

10. Corbitt, "The Administrative System in the Floridas," Part 1, 45-46.

11. The *Junta de preparación de elecciones* to Kindelán, 20 October 1812, Kindelán's Official Letters to the Captain General, EFP, 1810-1812, Reel 12, Bundle 31 E 3.

12. *Ibid.*, 16 September 1812.



Governor Kindelán acted quickly. On October 12, he announced the new Constitution, and over the following days, priests, royal officers, soldiers, and other citizens took an oath to support the Spanish Charter. The process to nominate the elector created “doubts and difficulties” for the Governor, however. Article 59 of the Constitution ordered the creation of a secondary provincial junta consisting of members elected from the different parishes of the districts. This *Junta electoral de partido* was to appoint the provincial elector. Since East Florida had only one district—St. Augustine—and only one parish of the same name, it was not possible to create a district junta in East Florida, as the Constitution required. Kindelán explained how he solved the problem: “In this situation, in which I was concerned with the People’s annoyance about the fact that just one person had the authority to appoint the *elector de partido*, I decided that eleven *compromisarios*, elected by the mass of the Citizens, were to appoint the *elector de partido*.”<sup>13</sup>

On October 25, the election was held to select *compromisarios*, and the selections of St. Augustine’s *elector provincial* soon followed. The governor knew that he was not strictly following the Constitution, but he argued that the absence of a lawyer in St. Augustine left him dependent upon the “most sensible” people in town; “there was no other way to make the *elector de partido*’s nomination.” Furthermore, he justified the participation of the “mass of the Citizens” in the election because it was in concert with the “concept” set forth in the Constitution to choose the *elector provincial*. Besides, the Governor explained to the Captain General, he wanted “to apply in all its parts the Constitution as soon as possible, vanishing and knocking down every difficulty.” “Any mistake or defect” in his application was less important than speedy implementation of the Constitution. By making “all the Citizens participants,” Kindelán contended, “any kind of intrigue was forestalled as the nomination of ninety-seven candidates for the eleven commissioners showed.”<sup>14</sup>

Despite his intentions, the governor’s actions precipitated protests from the non-Spanish inhabitants of East Florida who were not

13. Kindelán to the Captain General, 27 October 27 1812, Kindelán’s Official Letters to the Captain General, EFP, 1810-1812, Reel 12, Bundle 31 E 3.

14. Kindelán needed to secure the military’s loyalty and, on October 22, required the officers of the *Real Hacienda* and the whole garrison to take an oath; Kindelán to the Captain General, 26 October 1812, Kindelán’s Official Letters to the Captain General, EFP, 1810-1812, Reel 12, Bundle 31 E.



allowed to vote.<sup>15</sup> Most had remained loyal to the Spanish Crown during the United States invasion, and many of them took refuge in St. Augustine during the Patriots War. Kindelán sympathized with their situations: they "served the [Spanish] Fatherland with donations, loans, and contributions of provisions in the hardest moments; and today they are serving [Spain] with the arms in their hands, enlisted in the Urban Companies" of militia. When the elections for the provincial elector were about to be held, some of these non-Spanish peoples claimed their "Citizens' Rights" in order to participate. Others argued that they had "voluntary become vassals" of the Spanish King, remaining in the province once it was retroceded to Spain by Britain. These foreign residents concluded that they, too, had the right to vote. Hoping to deal with their demands in a "political" manner, the Governor told the foreigners "that it was not the right moment to solve their complaints." Still, Kindelán promised that "the Constitution opened a door for them to be heard" in Spain, and he declared that he would address their petitions to the National Assembly. Kindelán's words, however, did not mean that he wished to include non-Spanish inhabitants into the electoral system. Two days after the elections, he wrote the Captain General, explaining that he had told the foreign residents their petitions would be addressed to the *Cortes*, "because of the critical situation of this city, rather than because of the reasons for their complaints." In fact, the Governor was not concerned with the foreigners' political rights; he wisely tried to placate non-Spaniards to avoid problems with them during a tumultuous po-

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15. A heterogeneous group of Anglo-Americans, French, Britons, Germans, Irish, and Swiss composed the foreign population in East Florida during the Second Spanish period. In addition, people from Corsica, Italy, and Greece—though usually identified with the Minorcans since they were part of the Minorcan community—were legally foreigners. Unlike those from Minorca and Majorca, however, the rest of the inhabitants from the Mediterranean area were not considered "natural-born and Spanish subjects" when the territory was retroceded to Spain, and, consequently, they had a foreign status when the 1812 Constitution was applied in the territory. For foreign and Minorcan populations in East Florida during the Second Spanish period, see Susan R. Parker, "Men Without God or King: Rural Settlers of East Florida, 1784-1790," *Florida Historical Quarterly* 69 (October 1990): 135-155; Sherry Johnson, "The Spanish St. Augustine Community, 1784-1795: A Reevaluation," *Florida Historical Quarterly* 68 (July 1989): 27-54; Patricia C. Griffin, *Mullet on the Beach. The Minorcans of Florida, 1768-1788* (Jacksonville, Fla., 1991).

litical moment in East Florida's history. In the end, he did not allow the non-Spaniards to vote, as the Constitution dictated.<sup>16</sup>

The problems and irregularities in applying the Constitution were, of course, common throughout the Spanish Empire.<sup>17</sup> In fact, although interpretations of the electoral law seriously differed from one territory to another, East Florida's case was similar to that in West Florida, Cuba, New Spain, and Peru, where the promulgation and the implementation of the Constitution was personally directed by the *jefe político* of the province.<sup>18</sup> Kindelán's decisions were always applied in an efficient and practical observance of the law. As a military man, he did not question the orders coming from Cuba. Moreover, he broadly interpreted the laws and framed an electoral system in which the majority of the eligible citizens were allowed to vote.

If the election in St. Augustine fostered great expectations—as the ninety-seven candidates for commissioners and the non-Spaniards' claims for participation demonstrated—the voting results clearly revealed ideological division in the community. Five of the *compromisarios* were members of the military and/or the Spanish administration; another two belonged to the peninsular merchant elite; and the final four were linked to St. Augustine's Minorcan population.<sup>19</sup> The eleven *compromisarios* were to select the *elector de*

16. Acta de la elección de Elector de Partido en San Agustín, 25 October 1812, Kindelán's Official Letters to the Captain General, EFP, 1810-1812, Reel 12, Bundle 31 E 3.

17. For instance, in Cuba the lack of a census and, overall, the shortage of money to create the new institutions established in the Constitution were the main problems in applying the new legislation. Nevertheless, Cuban diputies were the first ones in arriving in Cádiz for the *Cortes Ordinarias*; see Leonel-Antonio de la Cuesta, *Constituciones cubanas. Desde 1812 hasta nuestros días* (New York, 1974), 23-24; Rieu-Millan, *Los diputados americanos*, 39.

18. For different cases in the interpretation of the electoral law, see Rieu-Millan, *Los diputados americanos*, 10-30. For the promulgation and the implementation of the 1812 Constitution, see Ramos, *España en la independencia de América*, 63-74.

19. Those commissioners linked to the military and establishment were Juan Entralgo (notary), Santos Rodríguez (*guarda de almacén*), Eusebio María Gómez (*escribano*), Ramón de Fuentes (*secretario de gobierno*), and José Sánchez (soldier linked by marriage to an old Floridano family). The commissioners who belonged to the peninsular merchant elite were Fernando de la Maza Arredondo and his son, Fernando de la Maza Arredondo el joven. The commissioners linked to the Minorcans were Bernardo José Seguí el Joven, Pablo Sávaez, Francisco Pons, and Francisco Villalonga; Acta de la elección de Elector de Partido en San Agustín, 25 October 1812, Kindelán's Official Letters to the Captain General, EFP, 1810-1812, Reel 12, Bundle 31 E 3; Papers on various subjects, EFP, Reel 82, Bundle 195 M 15; Philip D. Rascio, "Minorcan Population of St. Augustine in the Spanish Census of 1786," *Florida Historical Quarterly* 66 (October 1987): 173-178.



*partido*. The two main candidates were Fernando de la Maza Arredondo el viejo—a peninsular merchant and *hacendado*, linked by marriage to the old Florida families, who had risen rapidly to his position in St. Augustine's society since his arrival in the mid-1780s—and Bernardo José Seguí el joven—also a major landowner, the son of an important merchant and militia captain, and citizen of the Minorcan community.<sup>20</sup>

The *compromisarios'* voting disclosed an alliance between the military and the peninsular merchants. Fernando de la Maza received seven votes; Bernardo Seguí received three; and the final vote went to Minorcan carpenter José Hernández.<sup>21</sup> The merchant elite, with the assistance of the military, successfully promoted its candidate as the *elector de partido*, clearly demonstrating the lingering but essential role the military and Spanish officials retained in East Florida society, a situation reinforced by the continued threat of war. Despite the implementation of civilian rule and the concomitant decrease in the military population throughout the entire Second Spanish period, St. Augustine continued to be a town marked by the dominance of the military and the bureaucracy.<sup>22</sup> The election of a peninsular merchant connected to the local elite indicates the rising importance of trade in East Florida during the last decade of the eighteenth century and the early years of the

20. The bonds between the military regime and the province's old families became increasingly powerful. For example, Fernando de la Maza Arredondo had arrived in St. Augustine in a humble financial situation, and he had started as an orderly in St. Augustine Hospital. By 1785, he was a *Cabo de Sala* in the hospital and had married Antonia Perdomo, a daughter of an old St. Augustine family. On November 3, 1787, De la Maza was appointed by Governor Zéspedes as *Guardador de Isleños*. Bernardo José Seguí el joven was also linked to the Spanish administration since he had a sister married to an official in Cuba; papers on various subjects, EFP, Reel 82, Bundle 195 M 15; Acta de la elección de Elector de Partido en San Agustín, 25 October 1812, Kindelán's Official Letters to the Captain General, EFP, 1810-1812, Reel 12, Bundle 31 E 3, and Reel 132, Bundle 298 R 9; Johnson, "The Spanish St. Augustine Community," 41-43; Rascio, "Minorcan Population of St. Augustine," 173.

21. Acta de la elección de Elector de Partido en San Agustín, 25 October 1812, Kindelán's Official Letters to the Captain General, EFP, 1810-1812, Reel 12, Bundle 31 E 3; Rascio, "Minorcan Population of St. Augustine," 178.

22. For the decrease of the military population in St. Augustine, see Juan Marchena Fernández, "St. Augustine's Military Society," trans. Luis Rafael Arana, *El Escribano* 14 (1985): 47-51; Pablo Tornero Tinajero, "Sociedad y población en San Agustín de la Florida (1786)," *Anuario de Estudios Americanos* 35 (1981): 233-263.



nineteenth century.<sup>23</sup> And the voting for the *elector de partido* foreshadowed two emerging characteristics of St. Augustine political life during the constitutional years: a confrontation between the traditional elite and a diverse group of people led by Minorcan merchant Bernardo José Seguí el joven, who hoped the new Constitution would significantly alter local government in St. Augustine; and the exclusion of foreign residents from political franchise under the constitutional system, despite their loyalty to Spain.

Once elected, de la Maza Arredondo el viejo went to Havana to meet the other *electores de partido* at the *Junta electoral de provincia*. On January 18, 1813, in a meeting presided over by Captain General Juan Ruiz de Apodaca, the electors chose Gonzalo Herrera, one of Cuba's wealthiest men, as the deputy representing the Floridas for the *Cortes Ordinarias*. Herrera was neither a Florida native nor a resident in the Floridas, a violation of Article 91 which established that a deputy must be either from or resident in the province he represented. However, de la Maza and Benigno Garcia Calderón, West Florida's elector, wanted a non-Floridian candidate as the provincial deputy. "It is quite obvious (if an explanation is necessary)," he explained to St. Augustine's town council, "that under present conditions of [the North American] invasion, most of its inhabitants' origin, and the miserable state of its assets, it was not easy for me to chose in it [Florida] the proper person to rise to the occasion to become a member of the august National Congress."<sup>24</sup>

He also informed the council that the *Junta electoral de provincia* had elected him to the *Diputación Provincial de Cuba y las dos Floridas*, a new constitutional board designed to advise the Captain General on matters concerning municipalities.<sup>25</sup> Officially constituted in Havana on May 14, 1813, the *Diputación Provincial de Cuba y las dos*

23. For trade development during the Second Spanish Period, see Tinajero, *Relaciones de dependencia*, 78-128; Juan Marchena Fernández, "The Defense Structure of East Florida, 1700-1820," trans. Luis Rafael Arana, *El Escribano* 13 (1984): 37-49; James Cusick, "Across the Border: Commodity Flows and Merchants in Spanish St. Augustine," *Florida Historical Quarterly* 69 (January 1991): 277-299. Cusick describes St. Augustine as a port "engaged in virtual free trade along the Atlantic seaboard" and with "no evidence of impoverishment." For the role of Fernandina as a smuggling center during the years of the American embargo, see Christopher Ward, "The Commerce of East Florida During the Embargo, 1806-1812: The Role of Amelia Island," *Florida Historical Quarterly* 68 (October 1989): 160-179.

24. De la Maza to St. Augustine's Town Council, 20 January 1813, Kindelán's Official Letters to the Captain General, EFP, 1813, Reel 12, Bundle 32 F 3.

25. *Ibid.*

*Floridas* soon had to deal with problems arising in East Florida.<sup>26</sup> For de la Maza, his appointment was a further prize in his political career and amplified the peninsular merchant's influence in Cuba.

Thus, the *Junta electoral de provincia* appointed Herrera, a man of enlightened thought, as deputy of the *Floridas*.<sup>27</sup> He quickly wrote to the St. Augustine town council or *Ayuntamiento* asking for instructions and petitions.<sup>28</sup> In February 1813, mayor Gerónimo Álvarez and Fernando de la Maza el joven replied, expressing their "great reliance" on Herrera and encouraging him to consolidate "the modern base of our social building" throughout his participation at the *Cortes Ordinarias*.<sup>29</sup> By June, and still in Havana, Herrera asked the St. Augustine town council for more instructions "with full particulars."<sup>30</sup> The mayor, in turn, called upon all East Florida inhabitants to "openly" make their petitions and give their instructions on "any matter" to the *Ayuntamiento*, so the town council could inform Herrera of their requests.<sup>31</sup>

Finally, in September 1813, Herrera arrived with the other Cuban deputies in Cádiz.<sup>32</sup> During his term at the *Cortes*, he presented his constituents' petitions requesting improvement of ports, new public constructions, and new governmental offices in Florida.<sup>33</sup> Clearly, through their petitions, Florida's elite demonstrated a desire for a stronger metropolitan presence in the territory.

No longer a neglected territory, Floridians felt for the first time that they had a voice in the Spanish National Assembly. Indeed, the 1812 Constitution did much to bind East Florida's fortunes to that of the empire. One year after the proclamation of the Constitution in

26. Captain General to St. Augustine's Town Council, 15 May 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

27. Gonzalo Herrera y Santa Cruz (1760-1818) was a founding member of the *Sociedad Patriótica* in Havana in 1793. In 1816 he was named first Count of Fernandina; Francisco Calgano, *Diccionario Biográfico Cubano* (New York, 1878), s.v. "Herrera"; Hugh Thomas, *Cuba the Pursuit of Freedom* (New York, 1970), 347.

28. Gonzalo Herrera to St. Augustine's Town Council, 23 January 1813, Kindelán's Official Letters to the Captain General, EFP, 1813, Reel 13, Bundle 32 F3.

29. Gerónimo Álvarez and Fernando de la Maza Arredondo el joven to Gonzalo Herrera, 12 February 1813, Kindelán's Official Letters to the Captain General, EFP, 1813, Reel 13, Bundle 32 F3.

30. Gonzalo Herrera to St. Augustine's Town Council, 25 June 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

31. Gerónimo Álvarez and Fernando de la Maza Arredondo el joven to the Town Council, 27 July 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

32. Rieu-Millan, *Los diputados americanos*, 39-41.

33. Anna, *España y la independencia de América*, 120-121.



St. Augustine, the Floridas had a deputy in Spain, the Governor tried to abide by constitutional law as closely as possible, and the majority of St. Augustine's inhabitants, including foreign residents, had demonstrated through their political participation and demands for inclusion a desire to be part of the process. Ultimately, that political power remained with the high-ranking naturals of Spain.

Despite these transformations, the most significant change in St. Augustine's political life was the organization of a town council. Before 1812, local government in St. Augustine was the immediate responsibility of the Governor. He delegated much of his work to the captains of the three militia companies, who comprised an advisory council for city government. However, as Duvon Corbitt pointed out in his studies of Florida's early administrative structures, this should not be construed to indicate that St. Augustine had a municipal government because "the captains received their commissions from the captains general in Havana and were responsible to him and to the governor of East Florida."<sup>34</sup>

Still, the Constitution and the Royal Order of May 23, 1812, established popularly elected *Ayuntamientos* or *Cabildos* in the Spanish territories.<sup>35</sup> By November 8, Kindelán organized an election by which all male citizens would vote for nine electors who would, in turn, form a junta and elect a mayor, four councilmen (*regidores*), and a *síndico procurador*. The system was similar to the one used in selecting the *elector de partido*. Again, foreign residents were denied political franchise and excluded from the polls.<sup>36</sup>

Gerónimo Álvarez, a shopkeeper (*tendero*) and militia second-lieutenant, became the first mayor of St. Augustine. The councilmen were Minorcan Francisco Pons, Fernando de la Maza Arredondo el joven (the *elector de partido's* son), military man Eusebio María Gómez, and Vicente Llarena, a Spaniard linked by marriage to a Floridano family. Francisco Rovira, another military man,

34. Corbitt, "The Administrative System in the Floridas," Part 2, 60-61.

35. Kindelán to the Captain General, 16 November 1812, Kindelán Official Letters to the Captain General, EFP, Reel 12, Bundle 31 E 3.

36. Acta de la elección del Ayuntamiento de San Agustín, 8 November 1812, Kindelán Official Letters to the Captain General, EFP, 1810-1812, Reel 12, Bundle 31 E 3. The *síndico procurador* was the *Ayuntamiento's* treasurer, but he also had the authority to convoke the *Cabildo* (town council general meeting). In addition, the *síndico* had the task of paying attention to the "people's rights" and reported the demands of the citizens to the *Ayuntamiento*. For the *síndico's* duties, see Álvarez to the Ayuntamiento, 12 July 1813, Documents to and from the St. Augustine Cabildo, EFP, Reel 90, Bundle 212 2 D 17.



was elected *síndico procurador*. In addition, Bernardo José Seguí, a member of the Minorcan elite, was chosen the *Cabildo's* secretary; and Kindelán, as *jefe político*, presided at the *Cabildo's* meetings.<sup>37</sup>

The *Ayuntamiento* was designed to govern the town. Consequently, it soon became the new center of political power, leading to a clash between the governor and the mayor concerning the exercise of civil functions. The dispute, which impacted local political life throughout 1813, was not an isolated case in the Spanish Empire. When the constitutional *Ayuntamientos* were created, the same tensions arose between the governor of West Florida and the mayor in Pensacola, and their cohorts in Mexico City.<sup>38</sup>

Mayor Gerónimo Álvarez was a civilian peninsular immigrant linked to the Minorcan community. He had started as a baker in the town's hospital. In the late 1780s, he married a Minorcan woman, Antonia Vens.<sup>39</sup> By the early 1790s, he had forged significant ties throughout the Minorcan community—a group that, in spite of its financial advances, retained a secondary legal and social status.<sup>40</sup> For the Minorcans, the Constitution and the creation of the town council opened a new door to legal equality and political participation. Therefore, Álvarez and a Minorcan group led by Bernardo José Seguí el joven actively sought to improve their social sta-

37. Acta de la elección del Ayuntamiento de San Agustín, 8 November 1812, Kindelán's Official Letters to the Captain General, EFP, Reel 12, Bundle 31 E 3.

38. L. N. McAlister, "Pensacola during the Second Spanish Period," *Florida Historical Quarterly* 37 (January-April 1959): 314; Ramos, *España en la independencia de América*, 365.

39. Joseph B. Lockey, *East Florida 1783-1785: A File of Documents Assembled, and Many of Them Translated* (Berkeley, Calif., 1949), 198-199; Census Returns, 1784-1821, EFP, Reel 148, Bundle 323 A; Cathedral Parish Records, Diocese of St. Augustine Catholic Center, Jacksonville, microfilm copies in the P.K. Yonge Library, Reel 284 K.

40. By the early 1790s, Bernardo Seguí senior had posted a deposit for two houses for Álvarez in a public auction, suggesting a close relationship between the Álvarezes and the Minorcan elite. On May 9, 1793, Álvarez in his turn posted a deposit for Bernardo Seguí to purchase a house. Nevertheless, the Governor, following the legislation that granted concessions to former Floridanos if they could prove prior ownership, ultimately returned the house to José Landa, an old military man. It was a question of hierarchy. The fact that the house was returned to Landa shows that the old Floridanos had priority over the Minorcans and partially portrays the lower-class treatment that the Minorcans suffered in East Florida; Johnson, "The Spanish St. Augustine Community," 45-46; Census Returns, Reel 148, Bundle 323 A.

tus and, ultimately, to challenge the traditional elite's political power, via political participation in the town council.<sup>41</sup>

Yet, the municipal election of November 1812 was more a consequence of the previous consensus among the nine electors than a Minorcan political victory. The selections of Francisco Rovira as *síndico procurador*, and Fernando Arredondo de la Maza el joven and Francisco Pons as councilmen were unanimous. Eight of the electors voted for Álvarez as mayor; only Álvarez did not, voting instead for Bernardo José Seguí el joven.<sup>42</sup> This unanimity between military men, peninsular merchants, Floridanos, and Minorcans suggests that representatives had reached an agreement on some candidates even before the junta's formal vote.

In spite of the consensus, problems between Álvarez and Kindelán soon arose. Kindelán, as *jefe político*, was required to forward the mayor's official letters to higher authorities in Cuba. But the governor often ignored Álvarez's letters, in order to prevent him from fulfilling his constitutional role as a judge. When Álvarez denounced this obstruction of gubernatorial duty, Kindelán publicly acknowledged his actions. The mayor, acting "not as a judge of this Illustrious *Ayuntamiento*, but as a mere citizen," formally complained to the town council that the governor's "verbal answers had disregarded" him.<sup>43</sup>

Kindelán, in turn, wrote to Cuba asking urgently for a judge or "at least for a young lawyer" who might perform the judicial office. He admitted that under the constitutional regime he "must not get involved anymore" in judicial matters. Still, the governor justified his actions, citing the mayor's ineptitude: the mayor was a "rough

41. This should not be construed to indicate, however, that politics in St. Augustine were dominated by ethnic groups (for examples, Peninsulares, Floridanos, Minorcans) confronting each other during the constitutional years. The group led by Bernardo José Seguí el joven gathered diverse people, including middle-class Peninsulares (mayor Álvarez), middle-class Minorcans (Francisco Pons), and Minorcan elite (Bernardo José Seguí el joven), suggesting that the group represented well-off members of the Minorcan community and peninsulares who disputed the traditional elite's hegemony in East Florida.

42. The nine electors chosen by St. Augustine citizens were Francisco Pons, Gerónimo Álvarez, Francisco José Seguí el joven, Fernando de la Maza Arredondo, Domingo Reyes el joven, Juan Rafo, Santos Rodríguez, Juan de Entralgo, and José María Ugarte. For the voting of the nine electors, see Acta de la elección del Ayuntamiento de San Agustín, 8 November 1812, Kindelán's Official Letters to the Captain General, EFP, Reel 12, Bundle 31 E 3.

43. Álvarez to the Ayuntamiento, 8 February 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.



poor man" characterized by a "natural stupidity, which led him to commit worst outrages." Kindelán also depicted Álvarez as an illiterate, reporting that he had considered jailing the mayor because of his "abuses and arbitrariness" induced by "some other people" in the province.<sup>44</sup>

Kindelán may have been sincere in describing Álvarez's ignorance, but he was clearly misleading about the mayor's literacy. He personally knew of the mayor's capabilities having appointed Álvarez as secretary of the election for *elector de partido*.<sup>45</sup> Certainly, the issue had never arisen in the town council; there is no record in the *Ayuntamiento* papers accusing the mayor of any kind of outrage.<sup>46</sup> Most likely, it was the outside influence that irritated Kindelán, leading to the accusations that Álvarez was being induced to act by some other people. Most of the mayor's complaints about the governor were hand-written by Bernardo José Seguí el joven, suggesting that the Minorcan merchant was an accomplice to Álvarez's challenge.<sup>47</sup>

By April 1813, the situation became more problematic, with Álvarez claiming "absolute jurisdiction in governmental, economic, and police" affairs in St. Augustine. Quoting the Constitution, he accused Kindelán of having usurped his duties. Álvarez asserted that the governor hid from him an official letter concerning the new law that established the mayor's duties. Then, Álvarez proposed a special town council meeting to evaluate Kindelán's attitude and determine how the Captain General's orders should be applied.<sup>48</sup> Álvarez's move was a smart one. It would have provided the *Cabildo* with the power to interpret laws sent from Cuba and to judge the governor's acts. However, no special town council meeting was held, and the governor seemed to maintain control, largely through his ability to control communication between East Florida and Havana.

44. Kindelán to the captain General, 19 March 1813, Kindelán's official Letters to the Captain General, EFP, 1813, Reel 13, Bundle 32 F 3.

45. See Acta de la elección del Elector de Partido y Parroquia en San Agustín, 25 October 1812, Kindelán's Official Letters to the Captain General, EFP, 1810-1812, Reel 12, Bundle 31 E 3.

46. Documents to and from the St. Augustine Cabildo, EFP, Reel 89, Bundles 209 A 17 and 210 B 17; Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

47. See, for instance, Álvarez letters dated 13 April, 4 May, and 10 May 1813, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17; Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

48. Álvarez to Kindelán, 13 April 1813, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17.

One thing left unchanged by the Constitution was this flow of information and legislation that continued to follow traditional routes to and from Havana. The Captain General wrote to the Governor who transferred the information to the town council. Thus, as before the Constitution's proclamation, the Governor remained the political authority, the first link with Cuba, and, consequently, the power broker who administered information and orders coming from Spain.

The issue of political authority became a crucial one in St. Augustine in May 1813. Kindelán led military troops to retake Fernandina from North American control. During the preceding months, the Spanish *Cortes* had granted amnesty to all those men involved in the revolt of the northern districts, and, more importantly, United States Secretary of State James Monroe had decided to withdraw the North American troops that supported the insurgents in Fernandina.<sup>49</sup> Before he left St. Augustine, Kindelán appointed lieutenant colonel Juan Manuel Estrada as acting *jefe político*.<sup>50</sup> Estrada had served as acting governor for two years before Kindelán took the office, and he was an experienced man upon whom Kindelán could rely.<sup>51</sup>

However, Álvarez claimed political authority in the governor's absence, openly challenging Kindelán's decision.<sup>52</sup> He argued that political authority belonged to the mayor when the governor was out of town and refused to recognize Estrada as the *jefe político*.<sup>53</sup> He cited legal precedent in the *Recopilación de Leyes de Indias* and called upon the *Cabildo* to recognize his supreme authority as "constitutional mayor."<sup>54</sup> In the next two *Cabildo* meetings, Álvarez repeated his demands for political authority, accusing *síndico* Francisco Rovira of "uncovered opposition to the mayor and the people of St.

49. Mirat, *La situación histórica de las Floridas*, 284.

50. Álvarez to the Town Council, 4 May 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

51. Estrada has been the acting Governor from March 1810, when Governor White was ill, to June 1812, when Kindelán took the office; indexes to Governor Kindelán and Estrada Official Letters to the Captain General, EFP, reel 166, Bundle 354.

52. Álvarez to the Town Council, 4 May 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

53. Álvarez to Estrada, 4 May 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 D 17.

54. Álvarez to the Town Council, 4 May 1813.



Augustine.”<sup>55</sup> But, despite his repeated petitions, the *Ayuntamiento's* bureaucrats and military men would not acknowledge his demands.<sup>56</sup> The town councilmen remained obedient to the governor's orders.

In the meantime, Kindelán had reached agreement with the American commander in Fernandina who turned the place over to the third battalion of the Regiment of Cuba. Immediately after the occupation, Kindelán published a proclamation calling upon the inhabitants to take an oath to support the Constitution. He decided, however, that “only the essential parts should be extended to the district until the higher authorities could be consulted.” In other words, he denied the inhabitants of Fernandina their right to organize a municipality, as they constitutionally deserved. Emphasizing that the Anglo-Americans in Fernandina were neither born in Spanish dominions nor shared Spanish customs, language, or religion, Kindelán argued that “this Government is obliged, for the present, not to proceed with the establishment of the constitutional Municipality without the previous and indispensable agreement of the Superior Authorities of Havana.” It seems reasonable that the Patriots War and the problems Kindelán experienced with the mayor of St. Augustine also contributed to his decision.<sup>57</sup>

Instead of establishing a municipality, Kindelán adopted a plan used in Cuba since the 1770s. He appointed *capitanes de partido* to represent the governor in each of the region's three districts. The office, controlled directly by the governor, was a combination of police chief and justice of the peace. Initially, Kindelán wanted Spaniards to hold the offices, and he offered Fernando de la Maza Arredondo el joven the post in Fernandina. But de la Maza Arredondo el joven politely refused to serve, leaving Kindelán unable to find among the few

55. Álvarez to the Town Council, 31 May 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

56. For Álvarez's repeated petitions, see Álvarez to the Town Council, 10, 17, 31 May, 9 June 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

57. Kindelán to the Captain General, 5 June 1813, Kindelán's Official Letters to the Captain General, EFP, Reel 12, Bundle 31 E 3; Governor Kindelán to Philip Yonge, 20 May 1813, in Corbitt, “The Return of Spanish Rule,” 48-50.

Spanish residents in the northern districts appropriate candidates. Finally, he appointed three foreign residents who had remained loyal to the Crown during the rebellion.<sup>58</sup>

The selections provoked new uneasiness in St. Augustine. Álvarez asked the town council to revoke the governor's commissions, arguing that two of the *capitanes* were not of Spanish origin. The mayor accused Kindelán of not observing the Constitution in Fernandina and reported the violation to the *Diputación Provincial* at Havana. Álvarez was especially emphatic in his complaints that Felipe Roberto Yonge, a tradesman and the new *capitán de partido* in Fernandina, was "neither Spanish natural-born, nor [was] he, nor he could be, a citizen with the right to be judge, nor [was] he Apostolic Roman Catholic." Therefore, logic followed that the appointments made by Kindelán were null according to Article 317 of the Constitution. Additionally, history showed that every time foreigners had been appointed as judge officers in East Florida, problems arose. In his complaint to the town council, Álvarez rhetorically wondered "How many times this Province has been ruined because we have relied upon the government of foreign judges? . . . The last time, led by a judge, they came with weapons in their hands to knock on the doors of this city."<sup>59</sup> In this fashion, the mayor presented the non-Spanish appointees as problematic and connected the former Anglo-American judges with the recent revolt in the St. Johns and St. Marys districts. Questions of nationality became paramount again as a political tool, and Álvarez asserted that only Spanish citizens might be elected as *capitanes de partido* and only by the *Ayuntamiento* or by the northern districts' inhabitants.

Significantly, in accusing Kindelán of unconstitutional actions, the mayor again sought to undermine the governor's credibility

58. According to Kindelán, among the few Spaniards residents in Fernandina, Pedro Ponze was a baker without the necessary qualifications, and Domingo Fernández and Antonio Suarez were married to American women whose relatives had taken part in the rebellion. Besides, Fernández had recently been convicted for homicide. Kindelán instead appointed Philip Yonge as *capitán de partido* of Fernandina. The son of a Scot and born in the province during the British period, Yonge had sent food to St. Augustine during the American invasion. Farquahar Bethune, a Scot born in West Florida who had lived ten years in East Florida, was appointed *capitán de partido* of Lower St. Johns; and Francisco Fatio, son of a Swiss who had settled in East Florida during the English occupation, was appointed *capitán de partido* of Upper St. Johns. For the *capitanes de partido* appointments, see Corbitt, "The Return of Spanish Rule," 54-56.

59. Álvarez to the Town Council, 25 May 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 D 17.



both with the *Ayuntamiento* and in Cuba. While Álvarez's complaints indicate certain aversion to foreigners, they have to be considered primarily as a political maneuver to erode the base of Kindelán's authority and gain some influence over the Fernandina area. Three weeks later, the mayor went a step further, claiming jurisdiction over the whole of East Florida since St. Augustine was the only municipality in the territory. Then, to amplify his power base, he appointed the same tax officer (*comisario*) for St. Augustine that the governor had assigned to collect revenues in Fernandina.<sup>60</sup>

The town councilmen would not support Álvarez's power moves, however. They again backed Kindelán's decision, opposed Álvarez, and sent a contrary report to Cuba.<sup>61</sup> Moreover, Tadeo Arribas, the treasury official who Álvarez wanted as tax collector, refused the mayor's appointment alleging that he had no time to collect both for the Crown and for the town. Finally, the *Diputación Provincial* decided that St. Augustine did not extend to Fernandina and supported Kindelán's policy with respect to the northern districts. Neither the town council nor the authorities in Havana supported Álvarez's demands.<sup>62</sup> His stubborn hostility was unable to undermine the governor's political authority in East Florida.

The struggle between the mayor and the governor ended in December 1813 when new elections for the *Ayuntamiento* were held. The Cádiz Constitution and the Royal Orders of May 23, 1812, required Spanish town councils to be renewed annually. Accordingly, the *Ayuntamiento* convoked "all citizens settled and resident in this [St. Augustine] jurisdiction" to the governor's house for elections on December 12.<sup>63</sup> The voting was organized as before, and by December 19, nine electors chose a new mayor (José Sánchez, a soldier linked by marriage to an old Floridano family),

60. Álvarez to the Captain General, 12 July 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

61. Kindelán denied Álvarez's accusations, arguing that the *Reglamento de Tribunales* made a clear distinction between the old *Ayuntamientos* (which had jurisdiction over all rural land around the municipality) and the new *Ayuntamientos* formed after the Constitution (which had no jurisdiction over the rural lands). The Governor accused the mayor of pursuing "personal goals" by claiming his jurisdiction over the northern districts. The councilmen approved Kindelán's decision, though nobody clarified the "personal goals" Álvarez was pursuing; Kindelán to the *Ayuntamiento*, 26 June 1813, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17.

62. Corbitt, "The Return of Spanish Rule," 58-59.

63. Aviso al público, 6 December 1813, Juntas Extraordinaries, EFP, Reel 90, Bundle 202 2 D 17.

two councilmen (José Hernández and Pedro Rodríguez de Cala), and a *síndico procurador* (Juan Rafo).<sup>64</sup> The following day two petitions impugning the elections were presented to the *Ayuntamiento*, the first signed by Álvarez and the second by two citizens, Antonio Huertas and Domingo Reyes. Both petitions denounced two of the electors, Juan Rafo and Vicente Llenera, for voting for their relative, José Sánchez. Both petitions also questioned the election of Juan Rafo for *síndico procurador*, arguing that Rafo owned “a public gambling house and taverns” and was ineligible for municipal office. The challengers claimed that the elections were “against the Constitution” and “null and void.”<sup>65</sup>

The town council decided to refer the matter to Juan Arredondo y Pontelices, the *Auditor de Guerra* and “the only lawyer in the territory,” before making a decision.<sup>66</sup> Arredondo y Pontelices concluded that “applicable laws backed the challenges,” but he also stressed that the *jefe político* was the only one to decide whether the electors should meet again.<sup>67</sup> Kindelán took advantage of the council, convening an unscheduled meeting of the town council the next day and requesting a second participation by the *Auditor de Guerra* to discourage any decisions that “may be illegal.” Presenting Arredondo y Pontelices with a copy of the Royal Order that regulated the electoral process for the Spanish town councils, Kindelán pointed out that José Sánchez had enough votes without his relatives’ support, a conclusion reaffirmed by the *Auditor*.<sup>68</sup> Arredondo y Pontelices, too, supported the governor, proclaiming that the relatives’ votes for Sánchez were “not reason enough to declare the election null” but arguing that those votes should be discounted

64. Acta de la votación de electores, 19 December 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

65. Álvarez to the *Ayuntamiento*, 20 December 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17; Antonio Huertas and Domingo Reyes to the *Ayuntamiento*, 20 December 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

66. Town Council to the *Auditor de Guerra*, 20 December 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

67. *Auditor de Guerra* to the Town Council, 21 December 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

68. José Sánchez was elected mayor with five out of the nine votes of the electors. He defeated Juan Villalonga (two votes) and Pedro Rodríguez de Cala (two votes); Acta de la votación de electores, 19 December 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17. The Royal Order was passed in Cádiz on 23 June 1813, and it was published in the Havana official newspaper on 19 September 1813; Town Council Extraordinary Meeting Act, 22 December 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.



nonetheless. Kindelán followed the *Auditor's* recommendations and confirmed José Sánchez as the constitutional mayor. Only one election, that of the *síndico*, remained dubious according to the *Auditor de Guerra*. He suggested that in the light of the Royal Order, Rafo should be excluded from the election and another citizen chosen to fill the office.<sup>69</sup> The electors met again to vote for a new *síndico procurador*.<sup>70</sup>

The outcome of the 1813 elections and the resulting challenge to the political process reinforced several trends in St. Augustine's political culture that had become evident in the elections of the previous year. First, the person who held the *jefe político* remained the supreme authority. Second, the governor sought to act within the constitutional system, while taking into consideration new legislation coming through Havana.

The new mayor and the councilmen took office in January 1814, and the change had to be a relief to Kindelán. During the following eight months, the constitutional regime remained in force in East Florida and the *Ayuntamiento* continued applying liberal policies to local problems. The new *Ayuntamiento* was completely loyal to the *jefe político* from the beginning, and Kindelán's decisions were never again challenged by the town councilmen or the mayor. Álvarez's and Bernardo Seguí's exits from political life signaled the end of political strife in the *Ayuntamiento*.

Despite the political antagonism that characterized the relationship between Álvarez and Kindelán, the two actually had cooperated on some issues. The mayor provided soldiers for night patrols and workers for enrollment during the 1813 St. Augustine census.<sup>71</sup> In judicial matters, Kindelán and Álvarez reached some agreement: the mayor continued to act as judge, although he did have to report to the governor about cases with which he was deal-

69. *Auditor de Guerra* to the Governor, 23 December 1813, EFP, Juntas Extraordinary, Reel 90, Bundle 212 2 D 17.

70. Governor's judgement, 23 December 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

71. Álvarez to Kindelán, 12 December 1812, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17; Kindelán to Álvarez, 16 December 1812, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17. For the census, see Álvarez to Kindelán, 12 November 1813, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17.

ing.<sup>72</sup> In other circumstances, the governor stepped aside to allow Álvarez a major role, as it was with the formation of a charity board (*Junta de Caridad*) to help St. Augustine's poorest citizens.<sup>73</sup>

More importantly, however, the struggle between executives allowed the *Cabildo* to implement liberal legislation coming from the *Cortes* in Spain. For the moment, absolutist rule in East Florida was suspended: the Rights of the Spanish Citizens, the public officer's responsibility, and the freedom to set industries were established; medieval institutions such as the Inquisition, the *Cartas de Naturaleza*, and the *Consejo de Indias* were abolished. Especially important for East Florida were those laws coming from Spain designed to liberalize the economy. Along with the freedom for both "Spaniards and foreign residents" to establish manufactories without official permission, the town council approved decrees abolishing any sort of limitation upon production of goods and use of tools and devices in agriculture.<sup>74</sup> Moreover, the *Cabildo* established free trade for medicines and drugs, arguing that the people of St. Augustine would acquire them "fresh and cheaper" that way.<sup>75</sup>

Yet, the new legislation did not mean the total liberalization of the province's economy, and some of the decrees faced significant restrictions when implemented in St. Augustine. Bread and flour prices, for instance, remained controlled by Spanish authorities,

72. For the cooperation in judicial matters, see Álvarez to Kindelán, 22 March 1813; Álvarez to Kindelán, 20 November 1813; Kindelán to Álvarez, 22 March 1813; the *Auditor de Guerra* to Kindelán, 9 December 1813; all in Documents to and from the *Cabildo*, EFP, Reel 89, Bundle 209 A 17.

73. Mayor's Permission, 23 August 1813, Documents to and from the *Cabildo*, EFP, Reel 89, Bundle 209 A 17; Álvarez to Kindelán, 15 July 1813, Documents to and from the *Cabildo*, EFP, Reel 89, Bundle 209 A 17.

74. Kindelán to the Captain General, 22 February 1813, Indexes to Governor Kindelán's and Estrada's Official Letters to the Captain General, EFP, Reel 166, Bundle 354; "Aprobación de la Real Resolución sobre la responsabilidad de los empleados públicos," in St. Augustine Town Council Meeting Act, 18 November, 1813, Documents to and from the *Cabildo*, EFP, Reel 89, Bundle 209 A 17; Kindelán to the Captain General, 16 August 1813, Indexes to Governor Kindelán's and Estrada's Official Letters to the Captain General, EFP, Reel 166, Bundle 354; Kindelán to the Captain General, 4 May 1813, Governor Kindelán Official Letters to the Captain General, EFP, Reel 12, Bundle 31 E 3; Kindelán to the Captain General, 18 June 1813, Indexes to Governor Kindelán's and Estrada's Official Letters to the Captain General, EFP, Reel 166, Bundle 354; Kindelán to the Captain General, 14 August 1813, Indexes to Governor Kindelán's and Estrada's Official Letters to the Captain General, EFP, Reel 166, Bundle 354.

75. St. Augustine Town Council Meeting Act, 16 October 1813, Documents to and from the *Cabildo*, EFP, Reel 89, Bundle 209 A 17.



and Álvarez retained the power to dictate bread sales. Since subsistence and the public welfare were essential issues for the *Ayuntamiento* during the Patriots War, the issue became contentious.<sup>76</sup> In November 1812, *síndico procurador* Francisco Rovira proposed to dip into public funds in order to lower the price of bread by five pesos. The proposal meant a price reduction of almost 20 percent, justifiable, argued the *síndico*, because "it would be just compensation for an unhappy People offended by multiple disasters."<sup>77</sup>

At the following month's *Cabildo* meeting, Rovira denounced how some rural foreign settlers, exempted from paying taxes on their goods when they took refuge in St. Augustine after the U.S. invasion, were selling overcharged food in town. The tradesmen "were selling the food to the public as they would have been taxed by the local government, spoiling the People of St. Augustine."<sup>78</sup> Protections remained for some products, even after the Patriots War concluded. On August 23, 1813, Álvarez granted permission "to keep wool and some other basic products" inside St. Augustine.<sup>79</sup> As late as August 1, 1814, the town council banned cattle exports to the United States, despite the *Ayuntamiento* acknowledging that sale to a foreign country was itself legal according to new legislation. Considering "the state and situation of the province," the *Cabildo* did not want to drain East Florida of needed food, fearing that "some others would follow the example and would try to sell cattle" to the United States.<sup>80</sup>

Fiscal deficits impeded other liberal policies dealing with education, public health, and matters concerning public officials.<sup>81</sup> *Ayuntamiento* records show that the councilmen *discussed* items related to

76. *Síndico Procurador* to the Town Council, 22 November 1812, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A17; St. Augustine Town Council Meeting Act, 23 August 1813, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A17.

77. *Síndico Procurador* to the Town Council, 22 November 1812.

78. *Síndico Procurador* to the Town Council, 10 December 1812, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17.

79. St. Augustine Town Council Meeting Act, 23 August 1813, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A17.

80. St. Augustine Town Council Meeting Act, 1 August 1814, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17.

81. The 1812 Constitution legislated on *Ayuntamientos'* duties and responsibilities in its Articles 321, 322, and 323. In addition, the "Decreto sobre las obligaciones de los Ayuntamientos" was passed at the *Cortes* on 26 June 1813, and sent to St. Augustine from Havana on 7 March 1814; see Juntas Extraordinary, EFP, Reel 90, Buldle 212 2 D17.

all these areas, but the empty coffers of St. Augustine's treasury often restricted and delayed implementation of policies.<sup>82</sup> For example, in February 1813, the town council demanded more public funds to pay schoolteachers and improve the educational system.<sup>83</sup> The *síndico* presented the needs to Cuba, but no answer was forthcoming.<sup>84</sup>

The lack of public money also became an important matter in the construction of a twenty-foot high granite obelisk, built to commemorate the Constitution.<sup>85</sup> In January 1813, following orders from the Regency in Cádiz, Kindelán appealed to the town council to build a stone tablet "to fix by all possible means in the Spaniards' memory the august and happy epoch of the constitutional promulgation." The Governor instructed the *Ayuntamiento* to decide how to fund the stone tablet, in order to fulfill the warrant as soon as possible.<sup>86</sup> However, the town council encountered difficulty in funding the monument, and construction lagged behind some months—a delay that led to a torrent of complaints from Álvarez, who steadily pressed the town council "to build the stone in the name of the people."<sup>87</sup> Finally, Álvarez and Eusebio María Gómez were placed in charge, and, by January 1814, an obelisk commemorating the Cádiz Constitution stood in the *Plaza de la Constitución*.<sup>88</sup>

Kindelán, for his part, hoped to ease financial constraints by increasing the Spanish Crown's revenues in the province. When the Governor retook Amelia Island, he created a customs house in

82. On public officials' matters, see St. Augustine Town Council Meeting Act, 30 July 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D17; Juan Villalonga to the Ayuntamiento, 1 February 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D17. On public health, see Álvarez to Kindelán, 15 July 1813, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209A 17.

83. St. Augustine Town Council Meeting Act, 1 February 1813; Kindelán to the Ayuntamiento, 1 February 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

84. *Síndico Procurador* to Havana, 8 February 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

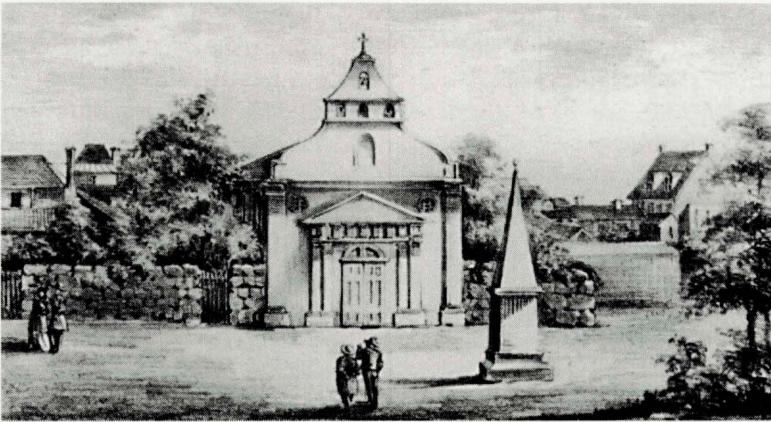
85. For the description of the monument, see William W. Dewhurst, *The History of St. Augustine, Florida* (Rutland, Vt., 1968), 139-142.

86. Kindelán to the Ayuntamiento, 19 January 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

87. Álvarez formally complained three times in three months; see Álvarez to the Ayuntamiento, 17 May, 21 June, and 27 July 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17. For the answer of Fernando de la Maza el joven arguing lack of money in the *Ayuntamiento* to justify the delay, see Arredondo el joven to Álvarez, 5 July 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D17.

88. Álvarez and Eusebio María Gómez to the Ayuntamiento, 7 February 1814, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.





The obelisk was erected on the Plaza de la Constitución in St. Augustine in January 1814 to commemorate the 1812 liberal Constitution. From R. K. Sewall, *Sketches of St. Augustine* (New York, 1848).

Fernandina (independent of the one in St. Augustine) in order to help Spanish officials collect taxes more efficiently at the United States border.<sup>89</sup>

Another means of increasing the province's wealth was by increasing individual wealth among its citizens. Having bitterly complained about the large number of North Americans living in the province, the Governor recommended that land grants be made to all Spanish families in East Florida, including married functionaries and soldiers of the garrison.<sup>90</sup> When the Patriots War ended, Fernando de la Maza Arredondo demanded the same in his petition to the *Diputación Provincial* in Cuba. As historian Tinajero pointed out, these initiatives were an attempt to create a new class of Spanish landowners in East Florida and thereby reduce the social and political power gained by the American planter elite. But

89. Tinajero, *Relaciones de dependencia*, 82.

90. Determined to populate East Florida with Spanish settlers, Kindelán only excluded governors, *auditores*, and Royal officers from the distribution of lands in his recommendation to the Captain General; *ibid.*, 57, 60. In August 1812, the Governor wrote to Cuba: "Under any circumstances it is convenient that people from the United States settle in this jurisdiction. It would be better to have the province deserted"; Alvarez to the Ayuntamiento, 17 May 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2D17. Other complaints by Alvarez are found in Alvarez to the Ayuntamiento, 21 and 27 June 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2D17.

the lack of public funds to invest in agricultural production made the grants impossible, and Spanish authorities in Havana never shared Kindelán's vision of a new landowning class.<sup>91</sup>

In 1813 and 1814, then, St. Augustine's town council fulfilled its constitutional responsibilities, addressing very diverse community issues and implementing the liberal legislation coming from Spain. No one questioned the new system, and no objections arose at the *Ayuntamiento* over the abolition of the ancien régime, at least not in public.<sup>92</sup> Nonetheless, the lingering financial burdens from the Patriots War hampered proper and complete implementation of new laws. Circumstances forced the *Cabildo* to adapt the laws to the conditions of the territory, and when the population's subsistence was at stake, the *Ayuntamiento* logically suspended the free trade which characterized the new liberalized economy.

All these legal and political changes did not last long. In May 1814, Ferdinand VII reimposed the ancien régime by abrogating the Constitution and jailing the *Cortes's* deputies. News of political changes in Spain reached St. Augustine in August 1814 when the Captain General reported to Kindelán that the Constitution and *Cortes* legislation were "without effects," and the charge of *jefe político* was "extinguished." On August 30, the Governor convened a special meeting to report the new Royal Orders that abolished the town councils organized under liberal rule.<sup>93</sup> The new decrees were accepted by the town council, and the *Ayuntamiento* was officially abolished in Spanish East Florida.<sup>94</sup>

What are the historical lessons of the 1812 Constitution in East Florida? The role of the Governor becomes paramount to under-

91. Tinajero, *Relaciones de dependencia*, 60-61.

92. To the contrary, many councilmen and citizens openly and publicly supported the new liberal system at the *Ayuntamiento*; see Álvarez to the Ayuntamiento, 31 May 1813, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17; Álvarez to the Ayuntamiento, 13 April 1813, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17; Álvarez to the Ayuntamiento, 8 February 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D17; *Síndico Procurador* to the Ayuntamiento, 19 December 1812, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D17; *Auditor de Guerra* to the Ayuntamiento, 21, 22 December 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17; Juan F. Bousquet to the Ayuntamiento, 9 June 1813, Juntas Extraordinary, EFP, Reel 90, Bundle 212 2 D 17.

93. Three different letters from the Captain General in Cuba, dated 27 August 1814, were sent to Kindelán explaining the changes in the legislation; Kindelán's Official Letters to the Captain General, EFP, Reel 12, Bundle 31 E 3.

94. Acta de la disolución del Ayuntamiento de San Agustín, 30 August 1814, Documents to and from the Cabildo, EFP, Reel 89, Bundle 209 A 17.



standing the historical context of the Second Spanish period. Although more research is needed, an initial survey of the application of the 1812 Constitution reveals contradiction and continuity in Kindelán's actions. First, his enforcement of the Constitution appeared to represent efficiency and efficacy. He sought a strict application of the orders coming from Cuba, formally promulgated the Constitution, and organized a town council. He framed an electoral system according to the liberal spirit of the new legislation and took into account the popular demands for voting.

But Kindelán did not show the same zeal when the implementation of the Constitution meant a decrease in his authority. Instead, he attempted to undermine the mayor's duties, sending false reports to Cuba seeking to discredit Álvarez, leading to political animosities between the mayor and Kindelán. Even as Álvarez appealed to his constitutional rights, the *Ayuntamiento* and the Captain General always backed Kindelán. The *Cabildo's* support is easy to understand considering that most councilmen remained loyal to the Governor. The Captain General's assistance also seems logical since, on the one hand, military custom was strong, and, on the other hand, the Patriots War continued to influence political decisions.

The political relationship between East Florida and Cuba reinforced the centrality of the Governor to the historical context of the Second Spanish period. St. Augustine remained under the jurisdiction of Havana, and major decisions were made on the island. Backed by the Captain General and a Spanish army stationed in Cuba, the Governor, as *jefe político*, continued to wield both political and military authority. He presided over the *Ayuntamiento* and commanded the army in East Florida. Therefore, separation between political and military authority expressed in the Constitution was never fully accomplished in East Florida.

In many ways, then, the northern "frontier" of the empire was quite similar to West Florida, Cuba, New Spain, and Peru where *jefe políticos* personally directed the promulgation and implementation of the Constitution, and where the formation of constitutional town councils led to clashes between mayors and *jefe políticos*, as in Pensacola and Mexico City. Nevertheless, the circumstances in East Florida were different: the Patriots War and the large number of foreign residents were peculiar but essential elements in East Florida, not found elsewhere in Spanish America. They strongly shaped implementation of the 1812 Constitution.

Still, while application of the 1812 Constitution lent temporary reprieve from absolutist rule in East Florida, the organization of a town council and implementation of liberal legislation did not alter political leadership in St. Augustine. The Governor had a hand in almost every aspect of St. Augustine's political, economic, and social issues. When challenged, his political and military authority, and the new political system itself, worked in favor of Kindelán. Thus, if East Florida enjoyed a liberal political environment during the constitutional years, it was one accomplished and ultimately controlled by the Governor.