

# Florida Historical Quarterly

---

Volume 16  
Number 2 *Florida Historical Quarterly*, Vol 16,  
*Issue 2*

Article 5

---

1937

## The St. Joseph Convention (continued)

F. W. Hoskins



Part of the [American Studies Commons](#), and the [United States History Commons](#)

Find similar works at: <https://stars.library.ucf.edu/fhq>

University of Central Florida Libraries <http://library.ucf.edu>

This Article is brought to you for free and open access by STARS. It has been accepted for inclusion in Florida Historical Quarterly by an authorized editor of STARS. For more information, please contact [STARS@ucf.edu](mailto:STARS@ucf.edu).

---

### Recommended Citation

Hoskins, F. W. (1937) "The St. Joseph Convention (continued)," *Florida Historical Quarterly*. Vol. 16: No. 2, Article 5.

Available at: <https://stars.library.ucf.edu/fhq/vol16/iss2/5>

THE ST. JOSEPH CONVENTION  
The Making of Florida's First Constitution  
(Continued from the July number)

By F. W. HOSKINS

(Next year marks the one-hundredth anniversary of the convention which framed Florida's first constitution. The legislature at its last session provided for the celebration of that centennial at the site of old St. Joseph, where on December 3, 1838 there gathered a body of Floridians which has never been equalled in prominence and ability\*. In the last issue of the Quarterly the known facts were told of the decision to hold the convention, the election of delegates, the preparations made for the meeting, and the first day's proceedings. The account will be continued through the next several numbers. It is condensed from an unpublished narrative by Mr. Hoskins. - Ed.)

On the second day (Tuesday, December 4, 1838) after the convention had come to order, the journal states:

On motion of Mr. Bellamy, of Jackson, it was resolved-That this Convention proceed to elect, viva voce, a President to preside over the deliberations of the Convention, and that a majority of the votes of all the members be necessary to a choice.

Speaking to his resolution, Mr. Bellamy said:

. . . . . Many of us, Sir, who are here are not politicians; we do not look to politics as an object from whence to derive a support for our families; we take no delight in party strife, or political turmoil, but have come here with another view, and are influenced by no other motives than to discharge the trust committed to us by our constituents, and to lay the foundations of government, which we heartily hope is to advance the future prosperity and happiness of the good people of Florida. One day of the sitting of the Convention has already passed, and nothing has been done. Another will pass away and we shall find ourselves

---

\*See, Knauss, *St. Joseph, As Episode of the Political and Economic History of Florida*. FLORIDA HISTORICAL QUARTERLY, V. p. 191.

where we first began, and if we progress in this manner, we shall find ourselves here in the month of March. I do, therefore, insist that we proceed immediately to the organization of this body, and do therefore move that we go now into the election of a President.

The nominating speeches follow, as reported in the *St. Joseph Times* and the *Floridian*, of Tallahassee, of December 15:

Gen. Parkhill, of Leon, nominated his Excellency, William P. Duval, for President. He alluded to the past services of the gentleman he nominated in various official stations in Florida, as Judge, as Governor for upward of 12 years, and as a citizen, his course had been such as to commend him to the grateful feelings of every Floridian. He was one of the earliest who had emigrated to Florida, and had encountered as many privations as any other citizen. He trusted he would be elected without opposition.

Gen. Brown, of Leon, agreed with Gen. Parkhill as to the claims of Gen. Duval, upon the people of Florida:

The oldest, and the youngest citizen of Florida, when they heard his name, called to mind his eminent services and moral worth. The station for which he was now proposed, was a post of honor, which it was proper should be conferred upon one of the oldest residents and public servants of Florida, who had done his duty faithfully, and was well known to the people, and in whom they had the fullest confidence. Gov. Duval was this individual. The station was a sort of Past Master's degree, given for long, well-trying, and honest service. He hoped there would be no opposition to the nomination.

Gen. Read, of Leon, nominated the Hon. Raymond Reid, of St. Augustine:

He observed he did not regard it in good taste to eulogize the personal merits and qualifications, or to descant upon the public services of that gentleman. He believed, however, he would bring to the Chair dignity, talents, and impartiality. He was also a decided friend to the organization of a State government. He alluded to the situation of East Florida, and the supposed disinclination, heretofore, of the majority of the citizens of that section to the immediate formation of a State, and he urged that the election of Judge Reid was due the East, and would be of a salutary effect there. Besides, he stated that his own political sentiments more nearly accorded with those of the gentleman he nominated than with those of the gentleman first named, and this had influence with him.

Mr. Westcott, of Leon, declared his preference for Judge Reid:

Upon the score of qualifications, he decided for himself. He repudiated the notion that any individual had a claim, or pre-emption right, for any services, however prominent, to any station. He would not recognize any such claims. It savored too much of the asserted right of legitimate succession, for him. He believed the Eastern section of Florida, however, had claims upon the liberality of the other sections. The gentleman nominated from East Florida was their choice, and as he was eminently qualified for the post, he shall give him his vote.

Hereupon Mr. Bellamy moved that the Convention proceed immediately to the election. The vote was then taken, viva voce, and on the first ballot

Robert Raymond Reid received twenty-seven votes, and William P. Duval received twenty-six votes, whereupon Mr. Baltzell, of Jackson, introduced the following resolution:

Resolved, That Robert Raymond Reid is duly elected President of this Convention.

Messrs. Westcott, Read and Thompson, of Leon, were appointed a committee to notify Mr. Reid of his election, who, upon taking the chair, addressed the Convention as follows:

Fellow citizens,-The honor you have just conferred upon me, awakens all my sensibilities and demands a warmer expression of gratitude than I have the power to convey. To have been selected to preside over an assembly representing the sovereignty of the people, and convened for the purpose of framing the Constitution of a new State, is a distinction for which I stand indebted to no merit of my own, but to your generosity and kindness toward East Florida, one of whose representatives I am. East Florida has suffered, almost to extremity, and she is still suffering from the horrors and barbarities of Indian warfare; she is not well prepared for the measures which, in obedience to the view of the people, we have assembled here to consummate. You, fellow citizens, have chosen this occasion for the purpose of manifesting your sympathies and your regard for East Florida, by conferring an honor upon her in the person of her representative. For the district to which I belong-for my humble self - I offer you sincere and grateful thanks.

The duties which, at your bidding, I am to attempt to perform, fill me, in prospect, with apprehension. Many years have elapsed since I have been conversant with the proceedings

of a deliberative body, and I am not skilled in the law and usages of Parliament. A reliance upon your constant indulgence, and the hope of your continual favor, constitute my only relief from the painful conviction of inability and inexperience.

It is not, perhaps, improper, that I should allude, for a moment, to the labor which lies before us, and which we are required to perform; and yet, you know and appreciate them perfectly well. We stand here, fellow citizens, upon an eminence, and the eyes of men are upon us. I am sure you will bring to your deliberations candor, calmness, and an enlightened intelligence. I trust this place will be considered too holy for the introduction of party, or partisan politics, and I indulge the hope that the result of your labors-the Constitution of the State of Florida, will remain to late posterity, a monument of your wisdom and patriotism.

The Convention then proceeded to the election of a secretary, and a sergeant-at-arms. Joshua Knowles, of Tallahassee, received thirty-three votes, and J. S. Robinson twenty-two votes for, secretary, and Knowles was declared elected. Alexander Stewart, of St. Joseph, was elected sergeant-at-arms.

The vote for president of the Convention, as reported in the *Floridian*, of Tallahassee, and the *Times*, of St. Joseph, was as follows:

FOR ROBERT RAYMOND REID

St. Johns County-Joseph Sanchez, David Levy, Edwin T. Jenckes;

Columbia County-John F. Webb, Wilson Brooks, George E. McClellen;

Duval County-A. W. Crichton, Oliver Wood, Samuel T. Garey;

Alachua County-Isaac Garrison, E. K. White, E. Bird;

Nassau County-William Haddock, James G. Cooper;

Mosquito County-William H. Williams;

Madison County-John G. McGehee, Richard J. Mays;

Hamilton County-Joseph B. Watts, William B. Hooker;

Jefferson County-Abraham Bellamy, John N. Partridge;

Leon-James D. Westcott, Jr., Leigh Read, L. A. Thompson:  
Monroe County-William Marvin;  
Hillsborough County-Mr. Cooley;  
Franklin County-Cosam E. Bartlett;

-27 votes.

FOR WM. P. DUVAL

Jefferson County-E. Carrington Cabell, Joseph M. McCants;  
Gadsden County-Banks Meachem, John W. Malone, Samuel  
Stephens, John M. G. Hunter;

Leon County-Geo. T. Ward, John Taylor, Samuel Parkhill,  
Thomas Brown, William Wyatt;

Dade County-Richard Fitzpatrick;

Jackson County-Thomas Baltzell, Richard H. Long, Alfred  
L. Woodward, Samuel C. Bellamy;

Escambia County-Jackson Morton, Thos. M. Blount, Benjamin  
D. Wright, Walker Anderson;

Walton County-John L. McKinnon, Daniel G. McLean;

Washington County-Stephen J. Roche, E. Robbins;

Franklin County-A. G. Semmes;

Calhoun County-Richard C. Allen;

- 26 votes.

The vote from Hillsborough County-Mr. Cooley  
-cast by proxy was later questioned as doubtful  
because an election in that county was uncertain.  
The election was later verified and William Bunce  
took his seat as the accredited delegate.

The delegation from the Southern District-  
Marvin, from Monroe and Fitzpatrick of Dade, be-  
ing equally divided, could not agree on the proxy  
vote for the absent member from Monroe, Joseph  
B. Brown, so his vote was not cast. The votes of  
Duval and Reid do not appear.

The remainder of the first week, following the  
election of the president on Tuesday, was consumed  
in passing resolutions, appointing committees, and  
waiting for reports. A few items from the journal  
are worthy of note:

Thursday, December 6th.

The following resolution, offered by Mr.  
Baltzell, was read the second time and adopt-  
ed: Resolved-That a committee of five be  
appointed to bargain for, and provide a suitable  
house for the Convention during its present  
session.

Messrs. Baltzell, Brown of Leon, Sanchez, Allen, and White, were appointed that committee, and, on motion of Mr. Baltzell, the letter of Rev. Peter W. Gautier, proffering, on behalf of the Stewards and members of the Methodist Church, their house of worship for the use of the Convention, was referred to the committee.

Friday, December 7th.

The Convention met pursuant to adjournment, and was opened. with prayer by the Rev. Peter W. Gautier.

Mr. Baltzell, from the committee appointed to obtain a room for the use of the Convention, presented the following report and resolution, which were read and adopted: "The committee appointed to provide and bargain for a suitable house for the Convention in which to hold its sittings, have had the same under consideration, and report that they have agreed with a committee of the citizens of St. Joseph for the use of the building now occupied by the Convention for such time as it may be needed by them at the price of One Thousand Dollars. They, therefore, propose the following resolution: Resolved-That the sum of One Thousand Dollars be allowed the committee of the citizens of St. Joseph, for the use of the building now in the occupancy of the Convention, for such time as may be required for their session".

Eleven days later the following statement appeared in the journal:

December 18.

The President read a letter from several citizens of St. Joseph requesting the use of Convention Hall, on Wednesday evening next, which was granted.



This would indicate that the Convention was using the hall in accordance with arrangements made previously.

On two occasions other clergymen are mentioned as opening the Convention with prayer—the Rev. D. L. White, and the Rev. Mr. Warner.

The Rev. Peter W. Gautier was a Methodist preacher living in St. Joseph at this time. He did not have a charge but served as a local preacher. The Methodist pastor in charge of the church in St. Joseph this year was Rev. W. W. Bell, but as he had left for the Annual Conference, Mr. Gautier officiated in his place. The Rev. D. L. White was also a Methodist preacher, of the Georgia Conference, and was living at Iola at this time.

Several resolutions were offered early by various members for drafting parts of a constitution, with a resolution for the appointment of a committee to devise the proper mode of bringing a constitution before the house. On the third day, the latter resolution was adopted, and the others laid over. The committee on this resolution reported next day, as follows:

The committee appointed to enquire, and report what method will be most expedient, to bring before the Convention the several articles of a constitution for the State of Florida, reports the following resolution: Resolved—That the following committees be appointed to draft for the Convention, separate articles of a Constitution for the State of Florida, and that each of said committees, respectively, be instructed to make a report by Monday next.

Whereupon the President appointed the following standing committees:

On the Preamble, Declaration and Bill of Rights.

- On the Executive Department.
- On the Legislative Department.
- On the Judicial Department.
- On the Right of Suffrage and Qualifications of Officers.
- On Civil Offices, Officers, and Impeachments.
- On the Militia.
- On Taxation and Revenue.
- On the Census and Apportionment of Revenue.
- On Education.
- On Public Domain, and Property, and Internal Improvement.
- On Banking and Corporations.
- On Boundaries.
- On Amendments and Revisions of the Constitution.
- On General Provisions including Domestic Slavery.
- On the Seat of Government.
- On Relations with the General Government and Admission into the National Confederacy.
- To Draft Regulations and Ordinances [for the] Establishment of a State Government.

Between the adjournment of the Convention on Friday, the 7th. and the following Monday, some discussion had taken place among the delegates as to who had been elected delegate from Hillsborough County, and there was doubt whether any election had been held. The proclamation of the Governor had stated that no returns had been received. On Monday, when the Convention had been opened, the President arose and tendered his resignation as presiding officer. Quoting from the journal:

Gentlemen :-I am constrained to trespass upon your indulgence for a few moments. It is known to you, that the late election of the President of this body resulted in a majority of one. Since that election, and since the ad-

jourment of the House on Friday last, it has been intimated to me that Mr. Cooley, supposed to have been elected from the County of Hillsborough, and whose vote was given by proxy in my favor, was not chosen a delegate to this Convention, but that another gentleman, (Mr. Bunce) was, in fact elected. I am aware that under the resolution of the House appointing the member from St. Johns (Mr. Jenckes) the proxy for the absent member from Hillsborough, it makes, perhaps, no difference which of the persons mentioned was elected. But doubts have been suggested whether any election was held at all, for the Convention, in the County of Hillsborough, and it is obvious if there was no election there can be no absent member-hence no proxy. Under such circumstances, I experience great embarrassment in continuing to discharge the duties of the Chair. I feel there should be no doubt, or question, as to the title of him who presides over this Assembly, and therefore, thanking you for the support you have given the Chair, during the brief interval it has been occupied by me, I respectfully return the presidency to the hands of the Convention. The Chair, gentlemen, is vacant.

The Chair being vacant, Mr. Brown, of Leon, was called to preside as president pro tern. Mr. Baltzell moved that the Convention proceed to the election of a president, *viva voce*. Mr. Duval nominated the Hon. Robert Raymond Reid for that office, and, on the vote being counted, Mr. Reid was declared unanimously elected. Mr. Ward offered the following resolution which was adopted:

Resolved-That the Convention entertains a high sense of the delicacy evinced by the President of this Convention in resigning the Chair by reason of a supposed informality of

the election, and it is hereby declared as the unanimous sense of the House that Robert Raymond Reid was duly elected President of this House, and that the seat has been legally filled by him in conformity thereto.

During the weeks of the session speculation was rife as to the course the Convention would take, and what the Constitution would be like-if indeed, there should be one at all. Many were altogether opposed. Several interests were involved, and the situation became acute during the latter part of the session.

The greatest conflict was between the bank and anti-bank parties. David Levy (Yulee) who was a delegate to the Convention, in his contest for the seat held by Stephen R. Mallory, in the United States Senate in 1851, said to the Senate Committee:

Having been a member of that body, [the Convention at St. Joseph] the claiming Senator [Yulee] is able to say that its organization was the occasion of a very ardent conflict. The question of the bank and anti-bank was the prevailing issue in the Territory, and had reached its fiercest point at that date. The action of the Convention was looked to as determining the fate of the powerful banking institutions, then in full vigor, and influence, in Florida, and deciding, with their fate, the question of ascendancy between the two parties. The advocates of the opposite interests were nearly balanced in the Convention, and it was well understood that upon the result of the choice of President of the Convention, would very much depend, the complexion of its action. Each party nominated its candidate-Gov. Duval (who, although not of the bank party, was considered by that party, conservative, and most available for defeating the un-

compromising anti-bank men) upon the one hand, and the late Governor Reid upon the other.

The culmination of that fight was the adoption of Article XIII on Banks and Other Corporations, Section 13, viz.

The General Assembly shall not pledge the faith and credit of the State to raise funds in aid of any corporation whatsoever.

And especially Section 14, viz.

The General Assembly shall, at its first session, have power to regulate, restrain and control, all associations claiming to exercise corporate privileges in the State, so as to guard, protect and secure the interests of the people of the State, not violating vested rights or impairing the obligation of contracts.

A letter from St. Joseph appeared in the *Pensacola Gazette*, of January 5, a part of which was as follows:

St. Joseph, December 24th, 1838.

The Convention is still in session. Little, or nothing, has yet been done. At the commencement of the session the convention was, unfortunately, divided into eighteen committees. They have all made their reports, and the misfortune is, these reports do not agree, and cannot be easily dovetailed together. You have no conception of the amount of wind which has been used here. The Convention will surely adjourn during this month. We are living here, thus far, pretty well, but I'm afraid we shall stay to eat them out. An express arrived here the night before last, from St. Andrew's Bay, giving information that there were 200 Indians in that neighborhood.

The same paper stated, a little later, that the members were diminishing in numbers so that it was feared they might not accomplish the object for which they were convoked.

Much attention was given to the Convention by the newspapers of the Territory especially the St. Joseph Times and the Tallahassee *Floridian* which published extensive reports of the daily sessions. Many of these have come down to us, and all that have survived are reprinted in Knauss, *Territorial Florida Journalism* (Florida State Historical Society, DeLand, 1926) pp. 129-226, and thus made available to all.

*(Continued in the next issue of the QUARTERLY)*