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THE PROPOSED DIVISION OF THE TERRITORY OF FLORIDA

by **WALTER MARTIN**

Florida was ceded to the United States by Spain in 1821 as two quite separate provinces, East and West Florida. East Florida had grown up in the St. Johns river section and around the ancient city of St. Augustine. Bathed in Spanish tradition and custom, this section felt no dependence on or interest in West Florida which was centered some 400 miles to the west at Pensacola. There were virtually no towns between the two capitals, and most of the vast wilderness between St. Augustine and Pensacola was inhabited by Indians who were none too friendly. By nature the two provinces stood apart and very little understanding existed between them. Evidently, no great amount of intercourse took place between East and West Florida since travel was slow and uncertain and even years later mail took 30 days in passage from St. Augustine to Pensacola.¹

With the coming of civil government and the governorship of William P. Duval in 1822, a union of East and West Florida was effected. It was the solution to an economic problem since one territory was less burdensome than two upon the public treasury. However, the union of the Floridas continued to present the problem of distance and unity. The first Legislative Council met in Pensacola in 1822, and members from East Florida experienced much difficulty in traveling more than 400 miles to attend the session. In 1823 the Council met in St. Augustine, and the West Florida dele-

1. *St. Augustine News*, June 19, 1840.

gates went through the same hardships. Apparently the situation could be remedied with the construction of a government center half-way between the two cities. Tallahassee, the capital city, was established in 1824 but East Florida continued to remain distinctly disunited from West Florida and the new middle Florida in territorial ties.

The alienation was heightened when West Florida began to act in a friendly manner to her northern neighbor, Alabama. In truth the state of Alabama had encouraged the feeling by passing through its legislative body on December 18, 1821 a resolution asking the Congress of the United States to annex to that state all of Florida west of the Apalachicola river. The resolution added that it was "for the good of the people" concerned that such a step be taken.² The resolution actually got nowhere in Congress, but it presented a solution for West Florida in case East Florida brought about a division at either the Suwannee or Apalachicola rivers. A great many new residents of West Florida favored annexation with Alabama, but the older citizens, many of them Spanish, drew up a set of resolutions asking Congress not to consider the Alabama proposal.³

There was no doubt that East Florida was determined to part from her sister, for on November 26, 1822 a public meeting was held in St. Augustine for the purpose of drawing up a petition to be sent to Congress on subjects connected with and concerning the welfare of the territory. The first article of the memorial dealt with the proposal to re-divide East Florida from West Florida.⁴ No official action was taken, but on January 28, 1823 the Florida dele-

2. Library of Congress, *House of Representative Files*, Dec. 18, 1821.

3. L. C., *H. R. Files*, Feb. 23, 1822.

4. *St. Augustine News*, June 19, 1840.

gate to Congress, Mr. Hernandez, introduced a resolution prepared by a group of St. Augustine inhabitants asking that Florida be formed into two separate territorial governments. The proposal, however, met defeat in the Judiciary committee, to which it was referred.⁵ Soon afterward the *East Florida Herald*, published in St. Augustine, opened fire on the *Pensacola Gazette* and declared for division outright. The Herald argued that West Florida deprived Alabama of a sea-coast, therefore a union of the two was in order and long overdue.⁶ This irked the Pensacolians. Despite the flare-up, no other attempt was made at this time to secure division through Congressional channels. However, the feeling of division remained ever alive within the state and the flames were periodically fanned through the columns of the newspapers.

It was not until 1837 that the question of division again took a prominent place in Florida affairs. The people of the territory were beginning to think of the responsibilities of statehood, many of them being in favor of immediate entrance into the Union. On the other hand most of the East Floridians were holding out that they wanted no part in the movement for statehood. In fact all they wanted was peace through separation from West Florida. Their chief argument was that they were a poor section, and since the federal government provided well for the territory, there was no reason to launch out on an expensive experiment. Their cardinal hope in remaining a territory lay in the fact that the 1830 census gave Florida only 35,000 inhabitants, including blacks. An act of Congress had increased the population number for one representative to 47,700 ; so, excluding blacks, Florida would have

5. *Ibid.*

6. *East Florida Herald*, April 12, 1823.

only about half the required population.⁷ It was a good point on which to argue, anyway.

On February 5, 1838 a group of leading citizens of St. Augustine composed of P. S. Smith, W. G. Davis, J. M. Hanson, F. L. D'Ancy, J. S. Sanchez, and B. Segui drew up a set of resolutions voicing to a great extent the feeling of East Florida against continued union of the two sections. The memorial cited the great distance between Pensacola and St. Augustine, and also recalled that from the days of Spanish occupation the two towns had been capitals of distinctly different provinces. Tallahassee was deemed as a most unsatisfactory capital by the committee, since it was 250 miles from extreme West Florida, 750 miles from extreme East Florida, and 200 miles from the nearest point on the Atlantic. The governmental set-up in Tallahassee had been anything but pleasing to East Florida from the beginning.

By summertime of 1838 the agitation in East Florida for separation from Middle and West Florida had gained considerable momentum. The Jacksonville weekly paper, *The Courier*, aligned itself with the *St. Augustine News* in support of the proposed division, while the editor of the *Pensacola Gazette* compared this movement in East Florida to the nullification movement in South Carolina.⁸

The question became involved in politics during the same summer when the *St. Augustine Herald* declared that Charles Downing, the Congressional delegate, was for division of the state; to which the *Pensacola Gazette* replied, "We are sorry to hear it. It is not to be denied that Florida has a most unfortunate geographical conformation, but if Colonel Downing is for separation we venture to

7. *East Florida Herald*, April 12, 1837.

8. *Pensacola Gazette*, August 18, 1838.

predict that at the next election the territory will not be for him." ⁹

Despite the opposition, mainly in East Florida, to continued union of Florida and the formation of a state government, a convention was held at St. Joseph in December 1838 for the purpose of framing a constitution. By February the document had been drafted and provisions were made for the newly written constitution to be placed before the people in the May election.

The delegates at the St. Joseph convention were unanimous in their opinion that all sectional differences should be forgotten and that everyone should work for Florida's early entrance into the Union undivided. Even some of the staunch East Florida delegates were converted, and on January 11, 1839 a special committee of the convention strongly urged Congress to consider Florida's urgent pleas for statehood. Among the signers of that memorial were several outstanding East Floridians, including Robert R. Reid and David Levy. ¹⁰

Congress was considerably confused on January 31, 1839 when a petition arrived from Florida voicing exactly opposite views from the petition of January 11. The latest memorial was from Florida's Legislative Council, a good many of whom were not members of the convention. This request, which was signed by some who had previously been much opposed to territorial division, insisted that "the necessity of keeping up the balance of power renders this division extremely interesting to the whole South." ¹¹

For several months prior to the election a battle waged between the editors of the *St. Augustine News* and the *Pensacola Gazette*. The *Gazette* editor felt

9. *Pensacola Gazette*, August 25, 1838.

10. L. C., *H. R. Files*, Jan. 11, 1839.

11. *Ibid.*, Jan. 31, 1839.

that his loyalty was due the people of his section in their hopes for a united territory. The *St. Augustine News* voiced the sentiment of East Florida for an immediate division of the territory. St. Augustine was envious, and naturally she would be, since she had for so long been the seat of government for much of Florida and a center of interest for the entire territory. With the coming of new influences and new interests the ancient capital was overshadowed by the growth of other towns. East Florida looked upon this change with a degree of discontent, because the prosperity that was once centered there now belonged to other sections. The *Pensacola Gazette* commented as follows : "Instead of rejoicing in the prosperity and increasing population of Florida, and the near approach of that day when she may assume the position of an independent state--St. Augustine sighs for the return of those days when she was all of Florida, and all Florida was comprised in her."¹²

St. Augustine sought aid from other Southern states in her fight for division, because the separation of the two sections would necessitate two territorial governments, and later two new states devoted to the institution of slavery. A considerable number of people favored division for this reason, and since the South was so intent on keeping a balance of power in Congress, this added considerable strength to the side of the divisionists.¹³

Too, East Florida had felt much more heavily than West Florida the devastations of the Seminole War, making it less feasible for her to take over the responsibilities and expenses which were incidental to state sovereignty. Therefore she argued for time in which to become reconstructed before

12. *Apalachicola Gazette*, January 1, 1840.

13. National Archives : State Dept., *Miscellaneous Letters*, Feb. 14, 1840.

considering such a measure. Middle and West Florida possessed more wealth, and naturally clung tenaciously to the idea that the entrance of Florida into the Union as a single state would best serve the interest of all sections.¹⁴

As election time approached in May 1839, Florida was apprehensive. There had been a clear battle-line drawn, and one was either for the constitution, continued union of East and West Florida and statehood; or he was against the constitution and believed Florida should be divided into two territories. Most people were staunch in their convictions, but there was much changing of mind and loyalty in the months before the election. In addition to voting on statehood, the people had also to cast a ballot for a delegate to represent Florida in the Congress of the United States. Among the candidates were Downing, Baltzell, and White. Most of the public attention was given to Colonel Downing who was from East Florida. He had already been stamped by the *St. Augustine News* as a staunch "divisionist", but politician as he was, he had been successful in allaying any hostility in West Florida. Early election returns gave indication as to where Downing's strength was centered, for he polled 239 votes in the city of St. Augustine, while only 9 votes were divided between his two opponents, Baltzell and White. His strength was not so great in West Florida, but he received enough votes there to win the election. Obviously the ancient city knew that Downing would subscribe to their desires during his next term. Continuing to act as a unit, St. Augustine rejected the constitution by a similar landslide, 224 voted against it and only 24 voted for the new document.¹⁵ The *St. Augustine*

14. *St. Augustine News*, February 16, 1839.

15. *St. Augustine News*, May 11, 1839.

News jumped to a hasty conclusion and proclaimed that the constitution had been defeated all over Florida, assuming that all Florida would vote as did St. Augustine.¹⁶ The *Pensacola Gazette* was slow to believe the constitution had been defeated, but the *Apalachicola Gazette* early gave in to defeat by the divisionists, and expressed violently its disapproval of the action taken at the polls by those who helped in the supposed defeat.¹⁷

Defeat of the newly written constitution was generally acknowledged throughout the territory by the second week in June, but this was due to insufficient election news and confused ideas that originated from vague newspaper stories. The editor of the *Pensacola Gazette*, in accepting the defeat, sounded a note of optimism with hopes that the constitution would be accepted when the state became more populous.¹⁸

It was not until September 1839, some four months after the election, that the complete returns were made known. Contrary to prevailing opinion, the constitution had been accepted rather than ; rejected by a majority of 111 votes. There had been some difficulty in counting the votes, as there had been no uniform system of ballots, and apparently some of the misrepresentation of facts concerning the returns originated within the Whig party which had considerable strength in Florida. The banking system, though already a partial failure, was favored by the Whigs. Since the new constitution offered no assistance or financial aid to the banks, a sound defeat of it meant more to the Whigs than its acceptance. In some respects the acceptance of the new constitution showed that public opinion in Florida was against the banks. Judge Reid, of

16. *St. Augustine News*, May 25, 1839.

17. *Apalachicola Gazette*, June 1, 1839.

18. *Pensacola Gazette*, June 8, 1839.

St. Augustine, a strong anti-bank advocate, was one of the influential delegates at the convention, and it was through his efforts that no pro-bank sentiment found its way into the pages of the constitution.¹⁹

Naturally there were many disgruntled people throughout East Florida when the final returns were made known. West and Middle Florida had succeeded in their efforts. The next question of importance was that of Florida's statehood. There was much speculation as to when the Congress of the United States might pass the act bringing the entire state into the Union. The treaty of cession with Spain which took effect in 1821 guaranteed to the Floridas the right to establish an independent, sovereign state government consistent with the principles of the Federal constitution, and after the inhabitants accepted the newly written constitution, it was expected that the territory would soon be admitted to the Union, for refusal of Congress to do so would be a violation of the treaty.²⁰ There was little doubt that Congress would delay in accepting Florida. The *Pensacola Gazette* declared on December 14, 1839: "If Congress passes this act for our admission, which there is little doubt but what will be done this winter, we necessarily enter at once upon state government under the new constitution."²¹ Very few Floridians had considered what a great undertaking it was to set up the machinery for a state government. Some thought it could be accomplished overnight. The *Pensacola Gazette* warned that persons opposing the new constitution had not much time to fall in line, for if the act of Congress be passed and there continued

19. *St. Augustine News*, September 13, 1839.

20. *Apalachicola Gazette*, November 23, 1839.

21. *Pensacola Gazette*, December 14, 1839.

to be resistance, then revolution would follow.²² But Congress was not ready for Florida's entrance into the Union just yet, and Florida herself was not certain over issues of statehood, despite the fact that a new constitution had been written and half-heartedly accepted.

Because the year 1840 was a presidential election year, there loomed the possibility of the Southern Democrats attempting to sponsor Florida's entrance into the Union in order to get the vote of the state in the November election. Too much opposition had accumulated in East Florida to hope for immediate approval of statehood in that section, so the statehood enthusiasts immediately began working for separate entrances of West and Middle Florida into the Union at once. This still meant division of the territory and the *Floridian* of Tallahassee and the *Times* of St. Joseph simultaneously entered the arena and denounced the division with unlimited abuse. At the same time the St. Augustine and Jacksonville newspapers heralded the new proposal for division, while all hopes of early settlement of the controversy were shattered and animosities were once more reopened.

The early months of 1840 saw more petitions pouring into Washington over this controversy than at any previous time, all of which no doubt tended to confuse Congress as to the true opinion of the Florida people. The first of these 1840 petitions was probably the most elaborate, having been drawn up by the committee of the lower house of the Territory relative to statehood and division of the Territory and adopted by that body. The petition pointed out that nine-tenths of the people of Florida actually wanted Statehood, and that it was certain that had a vote been taken in the territory prior

22. *Ibid.*, December 14, 1839.

to the Seminole War and before many people had been driven away from their homes that the vote for statehood would have been unanimous. And further, said the report concerning Florida's 'insufficient population', "The provision that a state should have at least one member (in U. S. House of Representatives), although her population might be below 30,000 shows it was not considered necessary that all should have that number. Could it be urged if Rhode Island or Delaware should have her population decreased to 29,900 by war or pestilence she would lose her Representatives and Senators in Congress, and be expelled from the Union?"²³

The Senate of the Territorial Council also sent an urgent request to Congress, heartily endorsing the sentiment expressed by the territorial House of Representatives.²⁴ Governor Reid was at this time working most ardently for statehood, as was Colonel Downing, the Congressional delegate. Despite the fact that both of these men were from East Florida, they realized the dangers of division of the territory. In the first place disunion meant further, postponement of statehood, all of which hindered Florida's progress.

Another petition that had more backing than had been expected came from "several hundred of the East Floridians" on April 22, 1840. They implored Congress "to grant to East Florida her ancient birthright-Division-independent of the policy or action of the Middle and West . . . The God of nature has made the Suwannee river the dividing line. . . ."²⁶

23. NA:SD, *Misc. Letters*, Feb. 14, 1840.

24. *Ibid.*, Feb. 24, 1840.

25. *St. Joseph Times*, Aug. 6, 1840.

26. L. C., *H. R. Files*, April 22, 1840.

West Florida refused to stand silently by and let East Florida do all of the talking. She preferred a unified territory and subsequently statehood for Florida, but it was beginning to look doubtful if her preferences would ever be accepted. The sentiment, for division seemed to be growing, so rather than be left a dangling territory between the Perdido and Suwannee rivers, a large number of citizens gathered in Pensacola on May 25, 1840 and drew up a strong memorial asking Congress to annex that section to Alabama, since Alabama had some years before asked that West Florida be included in her borders. Their argument was most convincing and included the following points (1) All of the West Florida rivers rise in Alabama, therefore Alabama should not be deprived of markets on the gulf. (2) Such a union would not be in violation of the Treaty with Spain. (3) West Florida's industry would be greatly increased through intercourse with Alabama. (4) Union of West Florida and Alabama would leave East Florida alone to enter the Union when she wished, thereby solving the whole problem.²⁷

Out of these petitions there came a bill which was introduced into Congress and the showdown had come. It called for division at the Suwannee river. Much debate resulted, and before the vote on the bill took place the divisionists were noticeably losing ground. In fact, they never did enjoy much favor in Washington, and now their strength in Florida was on the wane. In the late spring Congress defeated the division bill, and as the smoke of the heated battle cleared away a law was passed to the effect that whenever Florida shall have been fully admitted as a State of the Union, it should be lawful for the legislature to divide it into two

27. *Ibid.*, May 25, 1840.

states, making the Suwannee river the dividing line.²⁸ That was final, in fact too final for the ardent divisionists. Florida, then, must come into the Union as a whole or not come in at all ; so Congress continued to refuse her statehood status.

The lull that followed this definite Congressional action brought forth fresh animosities between the *Pensacola Gazette* and the *St. Augustine News*. The News editor, ever-ready for a good fight, began to thrust accusations at Governor Reid for lending his support to West Florida.²⁹ Reid had at one time resided in St. Augustine but his actions now were denounced by that section. The *Pensacola Gazette* came to Reid's aid with the information that in the St. Joseph convention all the delegates from East Florida stood shoulder to shoulder with the friends of state government from West Florida, and not until it was found that the population of Florida was less than suspected did East Florida begin to fight for division.³⁰ It was clear that East Florida had deserted Reid, but the Governor was called a deserter of East Florida.

Early in 1841 the people of St. Augustine sent to the Legislative Council another memorial, asking that this body go on record as favoring division, which action indicated that the territory continued to be badly split over the issue. Congress gave little heed to any of the fresh controversy, and apparently preferred to wait on a united feeling of the territory before taking any definite step. Florida needed unity and harmonious feeling more than ever before. Divided as she was and at the same time experiencing a horrible Indian war, she could never expect an era of prosperity. An

28. *St. Joseph Times*, Aug. 6, 1840.

29. *St. Augustine News*, January 29, 1841.

30. *Pensacola Gazette*, February 6, 1841.

earnest appeal for good feeling between the two sections was made by the Committee on the State of the Territory in which it was pointed out that the people of the territory had voted several times on the issue.³¹ Each time more sentiment had been raised against admission, all of which Congress no doubt took into consideration, since there continued to be no definite action from that body. Each time a request came from some group to Congress asking that Florida be soon admitted to the Union, there always followed a protest from another group asking that the territory keep its *status quo*. What must Congress do? And how must Florida's representatives in Congress act?

The division sympathists soon realized that their efforts were futile. Their fight was almost finished -but not quite so long as the *St. Augustine News* was in existence. On May 28, 1842 the editor of that paper brought forth a new angle on the controversy when he stated, "We maintain and stand ready to prove under legal commission that the constitution was rejected, not carried, in the popular vote of the territory. At one poll in the East, there were 56 packed fraudulent votes thrown for the constitution by non-resident timber cutters. This settles the rejection without stopping to examine the glaring omission, informalities and illegality of the 'returns' and of the 'cavass' tested by the statute passed expressly to regulate those proceedings."³² It was a bold statement to make, but it caused reverberations throughout the territory, and obviously had some influence in extreme West Florida, for in Escambia county, the people of Pensacola who had always wanted

31. *The Journal of the Proceedings of the Legislative Council of the Territory of Florida*, 19th Session, (1841), p. 142.

32. *St. Augustine News*, May 25, 1842.

statehood status suddenly began to plea for delay in Florida's admission to the Union. It was most disappointing and confusing to Tallahassee and Middle Florida, who remained true to the cause long fought for. On July 2 there was published a resolution drawn up by C. Evans, acting as chairman of a committee, which stated, "we deem it premature and inexpedient at the present gloomy period to adopt any measure towards establishing a state government . . . As it appears the people of Florida are not able to meet the current expenses of the territory; common prudence and wisdom should admonish us to look well before we leap into a state government." ³³

Despite the fact that West Florida had at different times favored union with Alabama, the action at this time was most unexpected. She had never definitely joined hands with the East. It was suspected without much question that St. Augustine had a great deal to do with the creation of Escambia's new policy. Consequently the *Pensacola Gazette* softened up somewhat from its former non-appeasement policy to state: "We are for admittance into the Union but our population is so few we would have very little voice in the government." ³⁴

Middle Florida braced herself to make a more determined fight for immediate admission and demanded that Congress take action lest she set up a government of her own. ³⁵ After all, Middle Florida with Tallahassee her chief town, was the heart of the future state. Only one interest was alive in the capital city-that of statehood. Pensacola and St. Augustine were towns of the past,

33. *St. Augustine News*, July 2, 1842.

34. *Pensacola Gazette*, May 21, 1842.

35. *Pensacola Gazette*, May 14, 1842.

both clinging to tradition and sentiment. The old order had given away to the new, for the division controversy was slowly dying. Congress had decided what to do, and it was apparent that Florida would never be admitted as two states. In fact, that had been previously stated. Neither was Florida to have any voice as to the exact time of her entrance into the Union. Congress had that settled, too. The Florida constitution had met with congressional approval and though the bickerings of East and West Florida attracted an unusual amount of attention throughout the South, the distinguished body in Washington paid little heed to any faction except the non-slave-holding element of the North.

The North had cemented a common feeling against admission of any new slave-holding state in the South, so there was nothing for Congress to do but wait for the entrance of a non-slave-holding state to offset slave-holding Florida.³⁶ A compromise was in the making with Iowa; the balance had to be kept, and with Iowa's entrance the North favored the same treatment for Florida. Congress had definitely settled upon this procedure. The year 1842 passed; the new constitution was now about four years old, but Florida was still a territory.

While people of the territory became resigned to their period of waiting, most of the old animosities died down between the two sections, but occasionally there appeared some enthusiasm in St. Augustine to revive the issue. The editor of the *St. Augustine News* sponsored a gathering of St. Johns citizens occasionally in an attempt to muster fresh enthusiasm. One or two "division meetings" were held at Newnansville in Alachua county, and another in Palatka, but the passion of the divisionists

36. *Pensacola Gazette*, May 21, 1842.

was spent.³⁷ The issue offered no challenge, except in the case of a few individuals. It had long before run its course. Since the slavery issue and Florida's entrance into the Union became so inextricably involved, it became a case of Florida's waiting until Iowa could be accepted by Congress.

Finally on February 10, 1845, a bill for the admission of Florida into the Union was given to the House of Representatives. The bill carried with it, however, several clauses that caused argument and controversy. As introduced, it provided for two states, East and West Florida, but this feature was stricken out by a 123 to 77 vote.³⁸ Congress had previously settled that point. Other provisions in the bill, one to prohibit the Florida legislature from ever abolishing slavery, and another which prohibited any free negroes from landing in either of the Florida ports, were objected to and finally voted out. David Levy (Yulee), Florida's congressional delegate, led the warm and exciting debates. The bill of admission was passed in March 1845, by a 145 to 34 vote, and at the same time Iowa took her place in the Union as a free state.³⁹ It favored the North as well as the South. Florida was at last unified into one state as part of the American Union, just as the majority of her people had long wished for her to be.

37. *Pensacola Gazette*, May 21, 1842.

38. *St. Augustine News*, March 1, 1845.

39. *Ibid.*, March 1, 1845.