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PIONEER FLORIDA
by T. FREDERICK DAVIS

JACKSON'S PREMATURE PROCLAMATION, 1821

The treaty of "Amity, Settlement and Limits" by which Spain ceded the Floridas (East and West) to the United States, was concluded and signed on February 22, 1819, but ratifications were not exchanged until February 22, 1821 - both transactions coincidentally being on the anniversary of George Washington's birth. On March 10, 1821, General Andrew Jackson was appointed to take over the Floridas from Spain, and assume their government pending their formal creation as a territory of the Union. The commission bestowed upon him the title: *Governor of the Floridas, exercising all the powers and authorities heretofore exercised by the governor, and captain-general, and intendant of the island of Cuba, and by the governors of East and West Florida within the said provinces, respectively.*

Jackson never fully understood the ramifications of this authority, nor anyone without much study, but he realized that they amounted to a dictatorship, and on one occasion remarked: "I am clothed with powers that no one under a republic ought to possess, and which I trust will never be given to any man again."¹

General Jackson left Nashville about the middle of April, 1821, en route to Pensacola to assume his duties, and troops of the Fourth Regiment marched southward to garrison the fortifications in West Florida. A temporary encampment was made at Montpelier, Alabama. Here, on May 31, 1821, General Jackson severed connection with the army, stating in a farewell address to the troops: "This day, officers and soldiers, closes my military func-

1. Pensacola *Floridian*, Sept. 22, 1821.

tions, and consequently dissolves the military connection which has hitherto existed between you and myself as Commander of the Southern Division of the Army of the United States." ²

We digress a moment to correct a misinterpretation that has crept into Florida histories designating Jackson as Military Governor of Florida. His position as governor was civil, not military. He could have called upon the troops in cases of emergency, and they without doubt would have responded promptly ; but their command was vested in the Secretary of War and not in the governor of Florida. ³ If a modifying term be desired, provisional governor is the proper one.

At Montpelier, Jackson opened correspondence with the Spanish governor at Pensacola concerning the surrender of West Florida and apparently some understanding was tentatively reached. On June 15, 1821, he and the troops proceeded towards Pensacola, arriving in the vicinity on the 17th, where they encamped fifteen miles from the town. ⁴ Here Jackson expected to make quick and final arrangements for the transfer, evinced in a proclamation prepared for execution as of June 25, 1821. This proclamation proved to be premature. It was never released officially, but someone obtained a copy and sent it to a Georgia newspaper. Concerning the proclamation, and the confusion generally appertaining to the transfer of the Floridas, the editor of *Niles' Weekly Register*, July 21, 1821, wrote as follows :

"We are yet without advices of the surrender of Florida to the authorities of the United States. A proclamation, as if by Gen. Jackson, and dated at

2. Pensacola *Floridian*, Aug. 18, 1821.

3. *Niles' Weekly Register*, Baltimore, April 20, 1822.

4. *Ibid.* July 21, 1821.

Pensacola, on the 25th day of June, announcing the event, has had a full run through the newspapers. It first appeared in the Georgia Recorder, published at Milledgeville on the 3rd of July, and without signature-the editor of which, however, took care to say that it was evidently forwarded before the consummation of the transfer. This explanation is omitted in many of the papers, and the Philadelphia editors have ventured to *sign* the proclamation for the general, to make it complete! The probability is, that Gen. Jackson had a proclamation prepared and expected to issue it at Pensacola on the 25th of June, and that some one accidentally obtained a copy, and, indiscreetly, forwarded it for publication, without the general's privity or consent. It is true, that the Spaniards in doing business do not conform to the rules which most other men deem correct, yet it can hardly be believed that Pensacola would be surrendered on the 25th of *June*, and St. Augustine be refused to be given up on [before] the 1st or 2nd of *July*, the date of our last accounts from the latter place and those received more than a week ago, when it was thought that the delivery would not take place before the 20th inst. [July], if even before the day limited by the treaty, say the 22nd of next month [August]. It is pretty evident that the surrender was calculated upon as to take place about the 25th of June-but we know that the troops, &c. which left Amelia island for that purpose and arrived off St. Augustine did return [to Amelia] - the Spanish governor not being in readiness to receive them. [The transfer of East Florida at St. Augustine was accomplished on July 10, 1821.] If there is virtue in patience, certainly Spain has exerted that quality in the United States almost to an exhaustion of its principle. On the 15th ult. [June] Gen. Jackson moved with the troops from

Montpelier for Pensacola, and we can easily apprehend that he will not be well satisfied if they are required to return, as were those which went to St. Augustine-but the delivery of the post cannot be demanded until the 22nd of August, when, without doubt, he will be in the possession of it. A Montgomery (Alab.) paper of the 20th ult [June] says ---"We have seen a gentleman who left Pensacola on the 17th inst. [June], who informs us that he met Gen. Jackson, on the same day, in company with the fourth regiment, within fifteen miles of the town, which he was to take immediate possession of, the commissioners on the part of Spain having arrived in the Hornet, as noticed in our last."

As we have seen, Jackson arrived in the vicinity of Pensacola on June 17, 1821. There he remained static for a full month. The main cause of delay was Jackson's insistence that all Spanish troops in West Florida be collected at Pensacola and embarked as a whole immediately after the transfer. There was a Spanish garrison at the isolated post St. Marks that could not be transported promptly, owing to lack of shipping. Time wore on-and the well-known temperament of Andrew Jackson permits a surmise of Jacksonian wrath. Finally, on or about July 15, the St. Marks garrison arrived at Pensacola, and on July 17, 1821, the ceremony of the "change of flags" for West Florida was performed. East Florida had already been transferred on July 10 at St. Augustine, Col. Robert Butler representing Governor Jackson in the transaction.

The *National Intelligencer* (Washington) published a letter dated at Pensacola 18th July, 1821, which included a good account of the transfer ceremonies. To preserve this record, *Niles' Weekly Register* of August 25, 1821, reprinted it, from which the following is extracted :

"Yesterday, after a series of delay, and disappointments, of a piece with the whole tenor of our twenty years' negotiations with Spain, the American authorities were finally and formally put in possession of this city, of the fortress of the Barrancas, and of the dominion of the Floridas. Out of tenderness to the feelings of the Spaniards, deeply excited by the painful separation about to take place between those who go and those who remain—and who are allied not only by the ties of intimacy and friendship, contracted during a long period of a common residence in this pleasant and salubrious region, and confirmed by a community of habits and religion, as well as of lineage and language, but knitted together by the most sacred and endearing bands of consanguinity and affiance, the ceremony was conducted with very little ostentation. The Spanish governor's guard, consisting of a full company of dismounted dragoons of the regiment of Tarragona, elegantly clad and equipped, was paraded at an early hour of the morning in front of the government house. About 8 o'clock a battalion of the 4th regiment of U. S. infantry, and a company of the 4th regiment of U. S. artillery, the whole under the command of Col. Brooke, of the 4th infantry, were drawn up on the public square, opposite to the Spanish guard, having marched into town from the encampment at Galvez' Spring. The usual military salute passed between them. Four companies of infantry from the American line, under the command of major Dinkins, of the 5th infantry, were then detached to take possession of the Barrancas, which is nearly nine miles below this city.

"At 10 o'clock, the hour previously appointed, general Jackson, attended by his aides, secretary, interpreters, &c. crossed the green, passed between

the double line formed by the troops of both nations, who simultaneously saluted him by presenting arms, and entered the government house, where the formality of the transfer was soon dispatched, and the Spanish serjeant's guard at the gate was immediately relieved by an American guard. After a few minutes, governor Jackson, accompanied by Col. Callava, the late commandant, and their respective suites, left the government house and passed through the same double line of troops, to the house which the governor [Jackson] has rented for the temporary accommodation of his family. The Spanish troops were then marched to the place of embarkation-the American flag was displayed upon the flag-staff, and grand salutes were fired by the artillery company and the U.S. ship *Hornet*, a gun being given to each state and territory of the Federal Union, not forgetting Florida, and the regimental band, and that of the *Hornet*, playing the "Star Spangled Banner" all the while. In the course of the day a number of citizens waited on the new governor to pay their respects, and offer their congratulations.

"The delivery of the Barrancas was performed with a little more parade. The Spanish flag was lowered to half-mast. The American flag was raised to a level with it. Both flags were, in this situation, saluted by the Spaniards. After which, the Spanish colours were hauled down, and the American ensign was hoisted. The Americans then saluted their national flag. The American troops made a fine and martial appearance, and the *Hornet* was gaily dressed."