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LOCATING THE COUNTY SEAT OF JACKSON COUNTY

THE DIFFICULTIES OF PIONEER GOVERNMENT:
CHIPOLA vs WEBBVILLE vs MARIANNA
by DOROTHY DODD

Jackson county, when established by the act of August 12, 1822, extended from the Choctawhatchee river to the Suwannee. Terms of court were directed to be held at "the Big Spring, on the Chipola,"¹ the present Blue Spring.² When Gadsden county was created in 1823 from that portion of Jackson county lying east of the Apalachicola, the Legislative Council directed that courts for Jackson county be held "at the Big Spring on the Choctawhatchee" until a county seat should be permanently established.³ The council further provided for the appointment, by the County Court, of three commissioners to select a permanent seat of justice for the county,⁴ a provision that apparently was ignored.

In his "Sketches of West Florida, No. IV," published in the *Pensacola Gazette* of October 30, 1824, John Lee Williams described the centers of settlement in Jackson county at that time. On the Chattahoochee river, he wrote, "there is much good land and a considerable population." West of this settlement, "lands on the upper waters of the Chipola to some distance below the natural bridge are generally of the first quality of red clay lands, covered with a dark brown loam . . . [and] are fast settling." On St. Andrews bay, "there is a small settlement commencing, which may at some future day become a town of some consequence," while in Holmes Valley, "a low tract of bottom land, which commences near Holmes' creek, about six miles from the Choctawhatchie river, and

1. Florida (Ter.), *Acts*, 1822, p. 5.

2. "Five miles below the natural bridge, the Big spring Of Chipola rises, three miles east of the river; this spring is . . . navigable to its source" (John Lee Williams, *A View of West Florida*, 1827, p. 22).

3. Florida (Ter.), *Acts*, 1823, pp. 10, 18.

4. *Ibid.*, p. 3.

extends an eastern course ten or twelve miles [is] considerably cultivated."

"The outlet of the Big-spring of Choctawhatchie," Williams continued, "enters Holmes' creek about one and a half miles from its junction with that river. This spring has heretofore been the focus of business for Jackson county; a store at this place has supplied the inhabitants with goods and groceries, and the courts have held their sessions here. Exertions have been made to draw the trade and seat of justice to St. Andrews Bay, but it is thought by some that the natural or most convenient situation for both, would be at the head of navigation of Holmes' creek, near the heart of the settled part of the country."

In December, 1824, the Holmes Creek settlement was temporarily removed from Jackson county by the creation of Walton county from the eastern part of Escambia and the western part of Jackson. Choctawhatchee Big Spring was made the temporary seat of the new county. The courts for Jackson county were directed to be held "at the house of the Widow Hull on the road from Hudson's ferry to Hickory Hill" until a permanent site should be selected by three commissioners to be appointed by the County Court.⁵ If the Widow Hull was, as seems likely, the Sarah Hull who purchased a quarter section of land on January 1, 1827, the new temporary county seat was in the NW 1/4 of section 2, T 5 N, R 11 W,⁶ in the heart of the Chipola settlement, about three miles northeast of and future town of Webbville.

The County Court, consisting of Jacob Robinson, presiding justice, William S. Pope, and Joseph Russ, duly met at the house of Mrs. Hull on April 18, 1825, and appointed Dr. William P. Hort, James Patterson, and Owen Williams as commissioners to select the county site. Meeting again at Mrs. Hull's on June 13, the court received the report of the commissioners, who were "unanimously of the opinion that the west half of the south west quarter

5. *Ibid.*, 1824-5, p. 253.

6. See Tallahassee Land Office Tract Book 8, pt. 2 (new No. 32), folio 51, in Commissioner of Agriculture's office, Tallahassee.

Section of section no. 3 and the East half of the South East quarter Section of section no. 4 in the 4th Township and 10th Range (as marked by the Commissioners) present the most Eligible site for the public buildings of said County being the most central point in relation to population, Contiguous to the navigable waters of Chipola, with a bountiful supply of excellent water, & affording every prospect of health and Comfort." ⁷ The east half of this tract was later to be the site of the town of Marianna.

Meeting on July 11, "as commissioners at the County Site," the court ordered John B. Jackson, county surveyor, "to lay out the Town of CHIPOLA according to the Plan Laid down by Col. H. D. Stone," and to make his return to the court by the first Monday in August. It further ordered the clerk to advertise a part of the lots for sale on the first Wednesday after the first Monday in October, *i. e.*, October 19. The advertisement duly appeared in the *Pensacola Gazette*, ⁸ and the court, meeting "at the Court House," *i. e.*, at Chipola, on August 1, received the return of the county surveyor.

Two days before the date appointed for the sale, the court met at Mrs. Hull's, all three members being present. What transpired at that session does not appear. At an adjourned session the next day, October 18, only Judges Robinson and Russ were present. Declaring that the previous reports of the commissioners "has since been found to be illegal and [one] upon which the court could not legally act," the two judges rescinded the action of the court in receiving it and ordered the commissioners to make a new report "to this term of court."

If the report was "illegal," its illegality probably consisted in the selection of adjoining halves of contiguous quarter sections instead of a single quarter section. The court undoubtedly expected to exercise its right under the act of Congress of May 26, 1824, ⁹ which granted to

7. Copy of County Court Minutes, April 18 - October 18, 1825, certified by J. B. Jackson, deputy clerk, November 12, 1825, enclosed in Wm. S. Pope to John M. Pope, November 27, 1825, MS. in Secretary of State's office, Tallahassee. All statements concerning the actions of the County Court in 1825 are from this MS.

8. See issue of July 30, 1825.

9. 4 *U. S. Statutes*, 50.

each county and parish in the United States the right of preemption to one quarter section for the establishment of a seat of justice. The commissioners' selection certainly was not in accordance with a strict interpretation of this act. That this was not the real reason for the court's action is shown by its acceptance of an entirely new site for the county seat; the terms of the preemption act could easily have been met by shifting the first site one-half mile to the east or west. "The obligations of duty," L. M. Stone later asserted, "had yielded to the influence of party spirit."¹⁰

The second report of the commissioners, presented the day the order for a new report was entered but dated the preceding day, stated that they had selected "the southwest quarter of section number twenty-two in Township five North & Range Eleven West as the most convenient & Eligible situation for the Court House and other public buildings of said County." This quarter section is just southeast of the sixteenth section on which Webbville was afterward located. The court received the report and "ordered that the Town of Chipola be surveyed and the Lots advertised for sale on the second monday in January next and Exposed for sale on that day."

A session of the Legislative Council intervened between this action and the proposed sale of lots, in the second site. Through his brother, John M. Pope, who was a member of the council, William S. Pope transmitted to the council a petition from the people of the Chipola Big Spring and Chattahoochee settlements protesting against the second site, and a "remonstrance" of his own. In the latter document, Pope charged that the action of Robinson and Russ was illegal, since the law providing for the appointment of commissioners had stated that their decision should be final. He recommended that the council "establish a permanent seat at some point as the division in the court will prevent them from effecting anything on that subject." His own preference, he concluded, was a site in

10. *Pensacola Gazette*, November 25, 1828.

section 3, T 4 N, R 10 W, *i. e.*, substantially the same as the first location of the commissioners.¹¹

Advocates of the commissioners' first selection were not the only dissatisfied residents of Jackson county. Although settlers in the northeastern part of the county could not agree on the exact location of the county seat, it was evident that the final selection would be in that area. The inhabitants at St. Andrews bay, seeing no hope of securing the county seat for themselves, petitioned for a new county to be created from the southwestern part of Jackson. The Legislative Council obliged them by establishing Washington county, whose courts were to be held at the home of William M. Loftin, at St. Andrews bay, until a permanent county seat should be selected.¹²

The council apparently hesitated to go so far as to fix the Jackson county seat itself. Instead, it annulled all previous actions of the County Court and commissioners on the subject, and provided for the court to call an election for the selection of three commissioners to choose a site.¹³ Until a permanent county seat was established, terms of the Superior Court were to be held at the house of Mrs. Hull.¹⁴

The election was duly held. William McNeiley, John Hopson, and a third commissioner whose name is not recorded, selected a spot near the Marianna site, but the County Court took no action.¹⁵ The next Legislative Council again intervened. By an act of January 20, 1827, William Patterson, C. L. Nichols, George Jackson, James Webb, and Arthur Foster, any three of whom were empowered to act, were named commissioners to select the county seat, lay off a town, and sell the lots, without reference to the County Court. If the commissioners should select a quarter section which, in their opinion, was not suited for a county seat, they were authorized to

11. Wm. S. Pope to John M. Pope, November 27, 1825, and enclosure dated November 23, 1825, MSS. in Secretary of State's office, Tallahassee. The petition has not been found.

12. Florida (Ter.), *Acts*, 1825, p. 83. John Lee Williams, in his *A View of West Florida*, p. 86, said that Washington county "owes its origin to political quackery alone."

13. Florida (Ter.), *Acts*, 1825, p. 67.

14. *Ibid.*, p. 64.

15. L. M. Stone in *Pensacola Gazette*, November 28, 1828.

sell it or swap it for another site. Until the permanent seat should be located, courts were to be held on section 16, T 5 N, R 11 W.¹⁶ This commission either failed, or refused, to act.¹⁷

The designation of the sixteen section in T 5 N, R 11 W, as the temporary place of holding courts was probably meant as a neutral gesture, since it was school land reserve. There was already a settlement on the section, however. As early as June 15, 1826, L. M. Stone advertised as postmaster at Chipola that mail for the Chipola settlement should be addressed to "Stone's Store, Chipola, F."¹⁸ Under date of February 2, 1827, Stone advertised that the name of the post office had been changed to Webbville.¹⁹ The little town grew apace. Stone opened an inn, lawyers and doctors hung out their shingles, and an academy was established. But all were squatters.

Some time in 1827, 139 residents of the Webbville area petitioned Congress to authorize the location of the county seat upon this sixteenth section. Such action, they said, would "meet with the approbation of a large majority of the citizens . . . of Jackson county, and . . . effectually reconcile their jarring opinions and conflicting interests." It was the only place, recited the petition, suitable for the location "on account of water, prospects of health, and general convenience. . . in any way central to the population;" there was already a village there, "consisting of four stores, the offices of legal and medical men, clerks, sheriff and marshal, and several private dwelling houses;" and its selection would greatly enhance the value of the school lands. The Senate Committee on Public Lands, on January 11, 1828, recommended that the petition be granted.²⁰

At its meeting in January, 1828, the Legislative Council again attempted to settle the matter by submitting it to popular vote. The commissioners named in 1827 were

16. Florida (Ter.) , *Acts*, 1826-7, pp. 116-119.

17. L. M. Stone in *Pensacola Gazette*, November 28, 1828.

18. *Ibid.*, July 15, 1826.

19. *Ibid.*, February 2, 1827.

20. *Ibid.*, February 29, 1928.

directed to lay out a town on the site thus selected.²¹ This method of selection, said L. M. Stone later in extenuation of his own actions, "was a perfectly novel course—one perhaps before unknown in America."²² The chief contenders for the location were Webbville and Marianna.

The latter town was the property of Robert Beveridge and associates.²³ While the county was squabbling over the quarter section to which it should exercise its right of preemption, the Chipola lands had been offered at public sale in the spring of 1827.²⁴ Beveridge stepped in and bought, in his own name and that of his wife, Anna Maria Beveridge, the two half quarter sections first selected by the 1825 commissioners.²⁵ There can be little doubt that he made the purchase with the county seat in mind. By March, 1828, there was enough of a settlement on the site for a post office to be established at Marianna.²⁶

The election under the act of January 19, 1828, resulted in a small plurality for Webbville.²⁷ But this did not resolve the contest in favor of Webbville, for Congress had not acted on the petition to authorize a town on the school land reserve. Its settlers were still squatters who must await the decision of a far-distant Congress—a Congress, moreover, that was in recess from May 27 to November 30, 1828.

The proponents of Marianna, on the other hand, boldly laid their plans to secure the decision through the Legislative Council. "Robert Beveridge & Co." offered to deed to the county the public square and two lots in Marianna should the town be made the county seat. Citizens of Marianna subscribed \$1,500 to be used in erecting county buildings, and Beveridge promised \$500 to pur-

21. Act of January 19, 1828, in *ibid.*, April 18, 1828.

22. *Ibid.*, November 25, 1828.

23. "Spectator," in *ibid.*, December 2, 1828, mentions John P. Lockhart, Jeremiah Loftin, and Miles Sims as being especially interested, with Beveridge, in the town.

24. *Ibid.*, June 22, 1827, quoting *Florida Advocate*, May 26, 1827.

25. Tallahassee Land Office Trace Book 8, pt. 2 (new No. 32), folio 1.

26. *Pensacola Gazette*, May 2, 1828.

27. L. M. Stone in *ibid.*, November 25, 1828.

chase a quarter section which should be sold to secure funds for the same purpose.²⁸

When the Legislative Council met in October, 1828, Representative L. M. Stone, one of Webbville's most prominent citizens, procured passage of a bill establishing the county seat at Marianna. This act, passed October 20, 1828, made location of the county seat at Marianna contingent upon the conveyance to the county of the public square and lots 91 and 92 in the town, and specified that the courthouse should be built on the public square thus deeded. John G. Smith, George Portress, John P. Lockhart, and Joseph Russ were named commissioners to contract, on the first Monday in January, 1829, for a courthouse and jail.²⁹

Passage of the act aroused a storm of protest. A petition to the Legislative Council, signed by 318 citizens of Jackson county, denounced it as unjust legislative interference in a purely local matter, in defiance of the will of a majority of the citizens of the county. "The wishes and interests of the county," said the petition, "have been misrepresented by our Representative, *who repeatedly pledged himself not to interfere in this controversy between the people of Jackson County and Robert Beveridge & Co.*"³⁰

The petition was published as a handbill, and Stone replied in like form. He had been motivated, he said, solely by consideration of the best interests of his constituents. The controversy over location of the county seat had been carried on for years "with all the warmth generally attendant upon local politics" and had "engendered all the bitterness of feeling which can emanate from the conflict of private interest and party zeal." Surely, he contended, no better selection could be made "than that of eleven intelligent and disinterested gentlemen, assembled together to Legislate for the general good of the Territory." Had he consulted his private interest, no one would have been louder than he in supporting Webbville, but he had

28. L. M. Stone in *ibid.*, November 28, 1828.

29. *Ibid.*, December 9, 1828.

30. *Ibid.*, November 25, 1828.

"resolved to act with an eye single to the public good alone."³¹

Intimations that Stone had consulted his private interest were speedily forthcoming. A published letter to him from "One of Your Constituents" attacked him for locating the county site on private land when there was plenty of good public land available, even near Marianna. "Are you not interested," queried the writer, "in a quarter section of pine land immediately adjoining Marianna, which was entered by your co-partner Major Mandell *after you arrived in Tallahassee?*"³² It is strange that the idea of securing this piece of land, for the county town, did not occur to you, as you had just formed the resolution of acting *with an eye single to the public good*, and for the first time seen the propriety of locating the county seat on Chipola [river]."³³

And "Spectator" quoted a signed statement by William Laprade, as follows: "I certify that during the time L. M. Stone was a candidate for the Council, I purchased from him his improvements in Webbville; that I stated to him, before making the purchase, that, as he would probably be elected, I wanted to know whether he would interfere in the removal of the county site; he replied, Col. Laprade, *I give you my honor, I will not interfere with it.*"³⁴

Affronted by the charge of unjust use of its power, the Legislative Council stubbornly refused to reconsider its action.³⁵ It further advanced the cause of Marianna by incorporating the Town of Marianna,³⁶ and by declaring the Chipola river to be a navigable stream as far as the

31. *Ibid.*

32. Addison Mandell bought the E 1/2 of the NE 1/4 of section 4, T 4 N, R 10 W, on October 9, 1828 (Tallahassee Land Office Tract Book 8, pt. 2 (new No. 32), folio 1).

33. *Pensacola Gazette*, November 28, 1828.

34. *Ibid.*, December 2, 1828.

35. See *Ibid.*, December 30, 1828.

36. The corporation consisted of all free white males over 21 years of age residing within the SW 1/4 of section 3, T 4 N, R 10 W. Miles Simms, Allen Gattis, and Benjamin Holden were named inspectors to supervise the first election for intendant (mayor) on the first Monday in January, 1829. (*Ibid.*, December 16, 1828.)

natural bridge and providing for opening and clearing the river.³⁷ The latter action was an effort to make good one of the chief arguments in favor of Marianna, namely, that it was at the head of navigation of the river-but a river, so far, choked with logs and snags.

The first Monday in January 1829 (January 5) was a triumphant day for Marianna. Lots in the town were sold at public auction,³⁸ the first election was held for corporation officers, and bids were received for construction of a courthouse and jail. But the inhabitants of Webbville had not abandoned hope of winning the contest. What the Legislative Council could do, Congress could undo.

A request for permission to lay out a town on the sixteenth section was again presented to the Congress that convened in December, 1828. The plea was based primarily on the need for adequate financial support for Webbville Academy, for whose benefit the town lots would be sold: "The present circumstances of the school and vilage," said the petition, "are extremely gloomy the former being altogether without funds for its support and the latter being on publick land which prevents the inhabitants making any improvements of consequence . . ." The need for relief was urgent, as "the interests of the people must suffer by towns springing up elsewhere and the probability that the present inhabitants will move away unless they receive some encouragement as important to the academy as to themselves."³⁹ And Joseph M. White, territorial delegate, although professing to be neutral in the county seat fight, sought annulment of the act selecting Marianna, "as being an improper interference by the Council, with an affair which properly per-

37. Henry L. Revier, Robert Beveridge, James S. Murphy, Thomas Russ, Jacob Robinson, Isaac Hort, and James Hopson, named commissioners to supervise the opening of the river, were authorized to raise \$5,000 by lottery for improving its navigation. Every person living within five miles of the river below the natural bridge and subject by law to road duty was required to work six days each year in clearing out the river. (*Ibid.*, December 5, 1828.)

38. *Floridian*, November 18, 1828.

39. MS. petition in U. S. Senate Files, 20th Cong., 2d sess., in the National Archives.

tained to the people of each county to settle for themselves." ⁴⁰

By an act of January 21, 1829, Congress annulled the act of the council fixing the county seat at Marianna and directed that the people of the county be given the privilege of selecting their county site as other Florida counties had done. ⁴¹ An act of March 2 authorized the qualified voters in T 5 N, R 11 W (the Webbville township), to elect three commissioners who should lay off a town on one quarter, or two adjoining eighths, of the sixteenth section. One-half of the lots were to be sold at public auction. The proceeds were to be paid into the territorial treasury for the use of the common schools in the township. ⁴²

The inhabitants of Webbville lost no time in taking advantage of the second act. By April 26 they had elected George Jackson, Sears Bryan, and E. J. Bowers as commissioners. ⁴³ The sale of lots was held on June 29 and brought between six and seven thousand dollars, on one and two years' credit. ⁴⁴ The *Pensacola Gazette*, and doubtless the Webbvillians also, regarded the legal establishment of the town as a harbinger of victory in the county seat fight. "If this village," said the *Gazette*, "becomes the Seat of Justice for the county, of which there remains no doubt, and also the scite of a permanent and useful Academy with ample funds, it will be a desirable residence and become a beautiful town." ⁴⁵ But events proved the *Gazette* to be a poor prophet.

The commissioners named in the annulled act selecting Marianna had acted expeditiously in erecting a courthouse and jail. Influenced, perhaps, by the considerable investment involved, the Legislative Council of 1829, while not daring in so many words again to designate Marianna as the county seat, deliberately flouted the will

40. *Register of Debates in Congress*, V, 191. See also *Florida Advocate*, February 21, 1829.

41. 4 *U. S. Statutes*, 333.

42. 4 *U. S. Statutes*, 357.

43. *Florida Advocate*, June 18, 1829.

44. *Ibid.*, July 11, 1829.

45. Issue of May 12, 1829.

of Congress. By an act of November 20, 1829, it validated all of the acts of the commissioners. It directed, moreover, that the Superior and County Courts be held in the courthouse they had built, that all county business be transacted there, and that if the clerk of either court refused to keep his office in Marianna he should be subject to a fine of twenty dollars a week for each week he failed to do so.⁴⁶ This act effectually settled the location of the county seat, although the matter was agitated until 1832.

The Legislative Council did not meet in 1830. The 1831 council, at the instance of Peter W. Gautier, Jr., of Webbville, authorized the election of commissioners who should report to the next council on the expediency of removing the county seat.⁴⁷ There is no record in the 1832 Journal of such a report being made. The creation of the short-lived county of Fayette from Jackson county in 1832, however, brought up the question of changing the county seat. Acting-Governor James D. Wescott, Jr., vetoed a bill providing for a county seat election because he was "averse to disturbing the quiet of the county by raising the question again if it can be avoided."⁴⁸ But upon being assured by the Jackson county representatives that the people of the county really desired the act, he reluctantly withdrew his objections. The election was to be held on the second Monday in July, 1832.⁴⁹ No report of the result has been found, but Marianna has been the county seat from that day to this. Its rival, Webbville, has long since vanished from the map.

46. Florida (Ter.), *Acts*, 1829, pp. 57, 58. The council also repealed the 1828 provision for persons subject to road duty to work on the Chipola River (*ibid.*, p. 5).

47. *Ibid.*, 1831, p. 71; Florida Legislative Council, *Journal*, 1831, unpaginated MS. in Florida State Library.

48. Florida Legislative Council, *Journal*, 1832, p. 115.

49. Florida (Ter.), *Acts*, 1832, p. 140.