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FLORIDA, IOWA, AND THE NATIONAL "BALANCE OF POWER," 1845

by FRANKLIN A. DOTY

To FLORIDIANS, the admission of their state to the Union is an event in which interest arises as a matter of course from local and state pride and from general historical awareness of the times and circumstances. To Iowans, the event is of similar interest because of the pairing of the two states in the same act of admission. To the historically minded in general, the occasion provides a convenient focus for reconsidering some of the chief crosscurrents of national politics in the 1840's.

Textbooks of American history never speak of "The Florida Compromise" in the sense that they do of the Missouri Compromise, yet the two have a comparable significance in the political adjustments of the middle period of national history. The latter had established the valuable device of pairing a Northern with a Southern state as the nation's area grew. Michigan and Arkansas were thus paired in 1836, and the novelty of the idea had worn off by 1845. Indeed, as will be shown, it was by then a well-nigh unalterable procedure. None of the state admissions of 1836 or 1845, moreover, carried the far reaching policy commitments that accompanied the Missouri Compromise. These factors, together with the swift and unprecedented maneuver of annexing Texas, which greatly outdistanced the Florida-Iowa bill in popular concern, account for the less conspicuous nature of the "Florida Compromise" of 1845.

The present consideration is not a "revisionist" approach to the history of Florida and Iowa in 1845. It will trace some of the unexpected as well as the expected complications attending the admission of these states. It will, primarily, afford a glance at the somewhat unique appeal to a three-cornered balance of power concept within the nation; at the depth and severity of sectional political expression almost a generation before Sumter; at the attitudes concerning statehood and the Union on the frontiers of the 1840's; at the singularly involved - although sometimes far-fetched - interrelatedness of the principal public issues; and at some of the personalities who played a part in this episode.

Territorial Period: Contrasts

There were some singular parallels in the attitudes of the territorial populations of both areas with respect to statehood and the problems and prospects of membership in the Union. There were also notable and interesting contrasts in the experience of the two territories in the years prior to 1845.

The peculiar terms of the Florida cession treaty of 1819, which stated that the inhabitants "shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States. . . .," had been responsible for a more or less continuous agitation of the statehood issue. In their earliest petitions for admission to the Union, as well as in their later memorials arising out of congressional inaction, Floridians reminded Congress of this promise and remonstrated against delays. They also used these same terms as the basis of claiming the right to statehood regardless of population size.

The Iowans of 1845, on the other hand, had known no such continuity as a territory, nor were there any prior commitments regarding statehood for the area other than that of 1820 which specified that it would be free soil. Between 1804 and 1838, the area that would become the twenty-ninth state had been administered under six different jurisdictions: the territories of Indiana, Louisiana, and Missouri, the "Unorganized Territory of the United States," and the territories of Michigan and of Wisconsin. The territory of Iowa was not formally organized until 1838, the same year in which Florida was already writing a state constitution at St. Joseph. [1]

It is relevant to point out as well the distinction between the geographic integrity of Florida, delimited naturally by the sea on one side and politically by the established states on the other, and the tremendous stretches of woods, hills, and prairies out of which must one day be carved a state of Iowa. These geographic peculiarities contributed in significant ways - at times critically - to the problem of admission.

1. *Cf.* William Salter, *Iowa, The First Free State in The Louisiana Purchase . . . 1673-1846* (Chicago, 1905), *passim.*

Florida, of course, had felt for generations the impact of the Spanish culture in language, religion, commerce, and the like, while the first permanent settlements in Iowa were made by more truly indigenous folk, before whom the Indian receded under varying pressures. But this difference in cultural and folk origins is less significant than the manner in which the two territories fitted into the larger picture of their respective regions, further buttressing their contrasting attitudes toward slavery and related issues. Their very admission to the Union was fundamentally conditioned by this economic and political sectionalism. The limitations in the Florida constitution on emancipation of slaves and on the immigration of free Negroes into the state gave rise to the most controversial part of the congressional debates. In Iowa, on the other hand, while slavery was as inadmissable as emancipation was in Florida, the constitution writers significantly conceded to prejudice regarding Negroes, denying them political rights, and expressing in debate, though not in the final document, their desire to prevent further immigration of free Negroes into Iowa. [2]

Relations with the Indians in the two territories just prior to admission to the Union present another contrast which in turn played at least a minor role in the movement toward statehood. Iowans were fortunate, in a sense, that their location was athwart one of the main streams of westward migrations, for an established program of Indian treaties and removals had eased the relations between the white and red men. The Black Hawk war in 1832, an ugly interruption of this process, resulted in the opening of a huge and attractive area of additional settlement. The Black Hawk Purchase, extending nearly 200 miles along the west bank of the Mississippi north from the Missouri state boundary and west in depths varying from 40 to 50 miles, provided an area of nearly 6,000,000 acres which in the summer of 1833 was opened to peaceful settlement. This region, together with the "neutral grounds" obtained earlier from the Sioux and the Sac and Fox Indians in what is now extreme north-east Iowa, embraced practically all of the settled portion of Iowa up to 1845.

2. Benjamin F. Shambaugh, ed., *Fragments of Debates of the Iowa Constitutional Conventions of 1844 and 1846 along with Press Comments and other Materials on the Constitutions of 1844 and 1846* (Iowa City, 1900), 26-29, 33, 42, 46, 123, 155-6.

Thus at no time during the territorial period did Indian relations hinder Iowa's growth toward statehood.

The melancholy events in Florida's Indian relations during the later territorial period are well known. The uncertainty of life, the loss of property, and the decline of trade led to financial insolvency in the territorial government and to the actual suspension of tax payments during part of the Seminole war. The occurrence of the war almost exclusively in East Florida resulted in sectional differences with regard to the advisability of seeking statehood and in ironic references to the "bleeding, suffering" east from western elements in the state. [3]

The unequal burden of the war served to accentuate a more fundamental and longer standing sectionalism within territorial Florida. Succeeding the traditional division of the area into East and West Florida, marked by the Apalachicola river valley and dating from the British and Spanish administrations, there had been established a fairly pronounced economic division into an "East", a "Middle", and a "West" Florida, the latter two separating at the Apalachicola, and the Suwannee setting off east Florida. It was in middle Florida that planter wealth, higher living standards, and the attitudes associated with a budding proprietary aristocracy had become more prevalent, in contrast to the sparsely settled and war-ravaged east and the semi-barren littoral of the western gulf coast counties.

These differences were in turn reflected in opposing attitudes toward banking, toward taxation, as well as toward the very issue of statehood. Middle Florida, predominantly Whig, upheld the chartering and guaranteeing of banks by the territorial government and generally took the lead in urging the desirability of statehood, at least until the constitution was actually written, while the extremes of the territory quite consistently took negative attitudes on these issues. The territorial delegate to Congress prior to 1841, Charles Downing, at various times was asked to press for a single state, for two states, and for admitting part of the area as a state and continuing the remainder as a territory. Thus sectional controversy within the territory not only plagued

3. Dorothy Dodd, "The Movement for Statehood," in Florida State Library Board, *Florida Becomes a State* (Tallahassee, 1945), 48. The author has drawn extensively for this article from Miss Dodd's excellent treatment of the territorial period.

the efforts of Floridians to become a state, but, as will be shown, continued to be a real consideration in the congressional debates on admission.

No comparable difficulty arose in Iowa, although there was difference of opinion within the area respecting the exact delineation of the boundaries as they would affect the location of the already established communities within the proposed state. The discrepancy between the boundaries described in the first Iowa constitution (1844) and those described in the act of admission of March 3, 1845, made it necessary to amend these boundaries in the following year. During this debate it was revealed that some Iowans would have settled for the 42nd degree of latitude as the northern boundary of the state, while the residents of Dubuque, according to Stephen Douglas' remarks in Congress, "were not willing to have the boundary come close to them, so that they would be placed on the frontier. They wished either for such an arrangement as should cause Dubuque to be the largest town in a little state, or else to make it the central town of a large state." [4]

Territorial Period: Parallels

Although there were thus many differences in the historical experience of territorial Iowa and Florida prior to 1845, it is important to point out a number of similarities in the attitudes of the two areas, for these, as well as the contrasts, shed light on the debates over the admission of the two states

Except for local references, the speeches made in the Florida convention of 1838 and the Iowa convention of 1844 on the subject of banks might almost be exchanged with each other without doing violence to history. [5] In both territories this issue was the most decisive divider of men and policies. Both conventions were controlled by local Democrats (Locofocos) and

4. *The Congressional Globe* (Blair and Rives, eds., Washington, 1845), XV, 938. See the comment of *The Iowa Capital Reporter* (Iowa City) on ". . . the suicidal project for dwarfing the dimensions of Iowa, which originated in that town . . ." (August 27, 1845); reprinted in Shambaugh, *Fragments*, 262.
5. See James Owen Knauss, *Territorial Florida Journalism* (Deland, 1926), 167-174, 180-184, 190-200 *passim;* and Shambaugh, *Fragments.* 68-72, 74-77, 79-81, 88-89, 189-191, 198-203.

in both of them the Whig minorities saw extreme measures incorporated into the two constitutions to limit banking and corporation activities.

In both territories one of the most consistent arguments for moving toward statehood was the desire for more self-government, particularly in the appointment of territorial officials and in readier access to courts of justice. In the earliest years of the Iowa territory, this latter problem seemed quite acute, and was emphasized (actually during the period of Michigan jurisdiction) on the occasion of a murder in Dubuque in 1834, when the citizens formed an *ad hoc* court and jury and tried the accused and hanged him. [6] In later years the territorial government was more adequate, but the issue of self-government was repeatedly voiced.

More adequate court service and the local responsibility of officials were among the arguments in Governor Richard K. Call's appeal to the Florida territorial legislature in January, 1837, for action looking toward statehood. Directly thereafter, the legislature authorized a referendum on calling a constitutional convention, which was approved by some 63% of the voters. [7] Again in 1842, three years after Florida's constitution had been written and submitted to Congress, this argument acquired new vigor in connection with the abortive attempt to reconvene the constitutional convention so as to arrange for actual election of state officials.

Probably the strongest argument in both territories against becoming a state sprang from the fear of increased taxes and the generally greater financial outlay accompanying more complete self-government. These two considerations - self-government *versus* expense - were indeed the occasion for a running battle of words and figures between the proponents and opponents of statehood. Reference has already been made to the virtual insolvency of the Florida government, brought on in large part by the Seminole war. While Iowa's financial plight was not as pressing, in both areas estimates of the increased expenses were cast up that served to dull the edge of eagerness for statehood. The depression of 1837 had of course had its repercussions in bank failures in both territories, and the general difficulty of frontier people in

6. Salter, *op.cit.,* 173.
7. Dodd, *op cit.,* 37.

getting possession of money made them reluctant to assume further monetary obligations.

A final concern which affected thinking in both territories was the problem of the appropriate timing of the request to Congress for admission, in view of the established tradition of pairing a Northern and a Southern state. This issue was the more worrisome in Florida because of Iowa's off again-on again behavior, although it was also a problem in Iowa because of the fear, during the years Florida's petition lay before Congress, that Wisconsin might steal a march on Iowa and come in with Florida, leaving Iowa's chances for admission in grave doubt.

Timing The Entrance

Florida was the earlier of the two to make the first moves toward statehood, but in addition to the problem of whether there should be one or two Floridas, progress was delayed somewhat by the alternative proposals that (1) east and west Florida be annexed to Georgia and Alabama, and (2) Georgia and Alabama cede their areas below 30° 15' of latitude to Florida in order to assure an adequate population and to obtain another state in "an undivided front in the support of the great principles of southern policy." [8] Despite the failure of either of these proposals to materialize, the Legislative Council defeated in 1834 a bill to authorize a referendum on becoming a state.

After Governor Calls appeal in 1837, mentioned above, a constitutional convention was authorized, was elected in October of 1838, convened at St. Joseph on December 1, 1838, and finished its work on January 11, 1839. [9] It was shortly before the election of the convention delegates in Florida that the Iowa territory was formed, and since there was no other state then ready for admission in 1839, the advocates of statehood in Florida were realistic enough to fear that their petition to Congress might face a long delay since "balance of power politics" carried more weight in Congress than "rights" assumed under the Treaty of 1819.

8. Dodd, *op.cit.,* quoting the Printed Journal of the Legislative Council, 1833, 54.
9. The complete journal of the convention is reprinted in *Florida Becomes a State,* Doc. No. 16.

Nevertheless, the "Memorial of the People of the Territory of Florida, for Admission into the Union," signed by Robert Raymond Reid, president of the convention, and by six other members, reached Congress in February, 1839, and was ordered printed by both Houses and in the Senate it was referred to the Judiciary Committee. It began with a recital of the many statements made before and after 1819 regarding the incorporation of Florida into the Union, and drew attention to the lapse of twenty years without action. The territorial census of 1838 was appended, and was explained as revealing only a partial picture, since

> the presence of a hostile and savage foe prevented in many counties the execution of the law; many of our citizens, with their families, had been obliged to abandon temporarily their houses till the danger of massacre should become less imminent, and in other parts of the Territory the duty was entirely neglected. [10]

The main burden of the memorial, however, was to assert that, due to the nature of the Treaty of 1819, size of population could not be a factor in the territory's eligibility for admission to the Union. The petitioners felt, on the contrary, that their admission was "guarantied" by the Treaty. They uniquely argued that if any minimum representation ratio should be required, it ought to be the one in effect in 1819, which was 35,000, and which, according to the census, the territory now met. (Counting three-fifths of the slaves, the census showed a representation basis of 37,380.) But they went on to point out that the ratio varied with the whim of Congress; that it was inconceivable that the Congress would exclude a state if its population fell below the current ratio; and they "respectfully urged, that a rule or principle which would not justify the *expulsion* of a State with a deficient population, on the ground of inconsistency with the constitution should not exclude or prohibit *admission.*"

The memorial plead finally that Floridians should no longer be kept under a regime "so hostile to the cardinal maxims of free government, so obviously at war with the vital principles of the

10. House Doc. 208, 25th Congress, 3rd Session, 2-3. The census showed (p. 25): White, 25,143; Slaves, 21,132; Free Blacks, 958; - Total 48,223.

Federal constitution," and called upon fellow citizens no longer to force upon them "the odious principle of 'taxation without representation'."

The Florida constitution, thus warmly pressed upon the Congress, was more coolly received at home where the Legislative Council, moved by Whig disgust at the provisions on banking and corporations, failed by only one vote in the upper house to pass a bill repealing the act that had authorized the convention. [11] It was not until several months after the new constitution reached Congress that Floridians got around to ratifying it themselves, and then only by the narrowest margin - 2,070 to 1,975 by one tally, and 2,071 to 1,958 by another. [12]

In this same fall of 1839, Governor Robert Lucas asked the Iowa territorial legislature to appeal to Congress for an enabling act to start the territory on the road to statehood, but the legislature refused to do so, mainly on the ground of the additional expense of statehood but also because of a feeling that the territorial government was comparatively liberal and satisfactory. [13]

Early in 1840, however, just as a second request for action from the Florida territorial legislature reached Congress, the governor of Iowa was able to persuade the territorial legislature to authorize a popular referendum, but in August, the voters defeated the project of calling a convention by a count of 2,907 to 937. [14] It cannot be shown that this decision directly affected thinking in Florida, although it might well have encouraged Whig elements to believe that the unwelcome Florida constitution might be abandoned, for at the next meeting of the Florida legislature, in January, 1841, the upper house tried to authorize another referendum on the constitution to determine if the people wished "to support the burthens of a State Government." The lower house turned this down, and another appeal for congressional action was sent to Washington. The effect of Iowa's refusal to act at this time was, however, expressed in the *Pensacola Gazette* for

11. Dodd, *op.cit.*, 68, citing the House Journal, 1839, 105, and Senate Journal, 1839, 89.
12. Dodd, *op.cit.*, 69; *Florida Becomes a State*, Doc. No. 35.
13. James Alton James, "Constitution and Admission of Iowa into the Union," in *Johns Hopkins Studies in Historical and Political Science*, Ser. 18, No. 7 (Baltimore, 1900), 351.
14. James, *op. cit.*, 352, citing *The Iowa City Standard*, Nov. 27, 1840.

January 19, 1841, when it reported: "Florida and Iowa are Siamese twins - one cannot go without the other." [15]

In Iowa, the issue was revived in December, 1841, when Governor John Chambers asked the legislature to authorize another referendum. Beyond the usual arguments for statehood, the Governor appealed to sectional pride and the prospects for larger federal appropriations. It was also pointed out that, in view of Florida's pending application, if Iowa did not prepare herself, Wisconsin, an older territory, might become the pairing state. In the face of all this, Iowans for a second time defeated the project of a constitutional convention, 6,825 to 4,129, in August, 1842. [16]

The Iowa actions of 1842 seemed to have a more noticeable effect in Florida than those of the previous year. The decision to hold a second referendum in Iowa strengthened the desire for self-government in Florida, climaxed by the efforts, eventually unavailing, to reconvene the constitutional convention in order to authorize the election of state officials, so that Florida might be ready for admission the moment Iowa should be ready. But apathy and division, both in east and west Florida, led to the collapse of the movement, and fears of Northern domination were allayed, temporarily at least, by Iowa's second refusal, in August, 1842, to call a convention.

The Whigs gained control of the Florida legislature in 1843 and their antipathy to the Florida constitution resulted in taking no official action toward statehood. They did not even renew an appeal for congressional action. The despised and nearly rejected St. Joseph constitution came more and more to be a scapegoat for the distressed and the divisionists, inside and outside the legislature.

In Iowa, Governor Chambers, discouraged but not defeated, made a request in December, 1843, for a third referendum, which the legislature approved in February, 1844. When in the following April, the voters of Iowa at last approved the calling of a constitutional convention, a chain of actions and reactions commenced which ended with the passage of the double admission act in Congress, March 3, 1845.

15. Quoted in Dodd, *op.cit.,* 75.
16. James, *op.cit.,* 353, and n. 19, citing *The Iowa City* ***Standard,*** September 10, 1842.

The time for decisive action in Florida had come, but instead there seemed to be only division worse confounded. In the 1844 meeting of the legislature, east Florida had at last gotten through both houses a request for a division into two territories, only to have it turned down both in the House and Senate in Washington. The territorial delegate from Florida, David Levy (Yulee), a Democrat who succeeded Downing in the Florida election of 1841 and who was re-elected in 1843, now appeared to take primary responsibility for forwarding Florida's quest for statehood. In June, 1844, a bill for the admission of Florida, based on the St. Joseph constitution, and providing for eventual division into two states, was prepared in the House Committee on Territories. The new Florida Legislative Council elected in 1844 was controlled by Democrats who were determined to make an all out effort for statehood. It renewed in January, 1845, the appeal for congressional action and urged the delegate "in case Iowa is admitted, or seeks admission to the Union, to use his utmost endeavors to procure the passage of a law admitting Florida also into the Confederacy." [17]

Meanwhile, the Iowa constitutional convention, elected on a strictly Whig *versus* Democrat basis, and heavily weighted with members of the latter party, convened at Iowa City on October 7, 1844, and finished its task on November 1st. The remarkable similarity in the issues before the Iowa City and the St. Joseph meetings as well as in their treatment, has already been observed. The finished document from Iowa, as in the case of Florida, was rushed to Congress before being submitted to the people for ratification.

The House Debate

The session of Congress which was destined to admit both Florida and Iowa by the same bill was the second or "lame duck" session of the 28th Congress, which opened on Monday, December 2, 1844, and to which was read President Tyler's message on the following day. He rejoiced at the peacefulness of the recent national elections and, of course, at their results. He felt confident that the future would provide "the highest inducements

17. See Senate Journal, 28th Congress, 1st Session, 390; *Florida Becomes a State,* Docs. No. 46, 48, 49, and 51.

to cultivate and cherish a love of union, and to frown down every measure or effort which may be made to alienate the States, or the people of the States, in sentiment and feeling, from each other." He plead for "a sacred observance of the guaranties of the constitution" among which was the guaranty "of the domestic institutions of each of the States." [18]

These gentle hopes stood in contrast with the immediately succeeding debate in the House in which John Quincy Adams was able to have rescinded the celebrated Rule number 25 or "gag rule" on anti-slavery petitions. At the same time the Senate proceeded to entertain a parade of resolutions on the annexation of Texas, starting with McDuffie's and Benton's, the latter of which included the interesting proposition of dividing Texas into free and slave territory. Amid a plethora of lively arguments over slavery, abolition, petitions, and parliamentary maneuvers, Joshua R. Giddings of Ohio rose to propose that the animal property of the free states be represented in Congress, if the constitution could not be amended to restrict representation to free people. Proposals to annex Texas were countered with proposals to annex Canada. [19] Such was the Congressional atmosphere upon the eve of considering the Florida-Iowa bill.

It will be recalled that the memorial from Florida asking for admission to the Union had lain before Congress since February, 1839, where it had been referred to committees and was subsequently neglected. When at last the Iowa constitution and petition were presented in both Houses in December, 1844, the stage was set for congressional action. As it developed, the Senate took no independent action on the petition of either state, but waited until the joint admission bill had passed the House.

In the House a debate arose promptly over the proper committee reference when Samuel F. Vinton, a veteran Whig congressman from Ohio, moved that the bill go to the Judiciary Committee. Augustus C. Dodge, the territorial delegate from Iowa, objected to this as contrary to the established precedent of sending such bills to the Committee on Territories, and cited the instances of Arkansas, Michigan, and Florida. More to the point was the comment of John Wentworth, a Democrat from Illinois, who indicated that reference to the Judiciary Committee would

18. *Globe*, XIV, 3.
19. *Globe*, XIV, 19, 266.

only serve the interests of "one of the parties in this country, whose object was to delay the admission of this territory." [20] Dodge and Wentworth were supported by Levy and by Alexander Duncan, of Ohio, who urged friends of the bill to send it to the Committee on Territories. With this political flourish, the bill was so referred.

The Committee on Territories was not unprepared for this moment. In its report of June 17, 1844, on the Florida resolutions, it had commented at length on the

> settled policy to preserve, as nearly as possible, in one of the branches of the Legislature of the Union, that balance of power between two of the great divisions of the republic, which is so important to the harmony and security of the whole, and to the permanency of the Union. It is right that every section of this happy and prosperous confederacy should not only be, but feel itself to be, secure against any unjust or unequal action of the Federal Legislature upon those of their interests which may in some wise conflict with the interests, policy, or prejudices of other portions. It is only thus that there can be preserved that entire confidence and happy harmony which is so desirable to be maintained by all just and conciliatory means.

Regretting any further continuance in Florida of "the burdens and tyranny of a territorial condition," the Committee nevertheless had recommended postponing any action until Iowa, whose authorization of a constitutional convention had occurred just two months earlier, should be ready, at the next session, perhaps, for like consideration. [21]

Augustus Dodge wrote this account of the action of the Committee upon receiving the Iowa petition:

> The Delegate from Florida, supported by the members from the South, brought forward a proposition for the prospective division of that State . . . The object of this move being palpably to increase the number of slave States and the weight of slave-holding representation in Congress, it of course met the warm opposition of the members from the non-slaveholding States, and, as a counter movement, they came forward with a similar proposition in regard to Iowa.

20. *Globe*, XIV, 24.
21. Reports of Committees, 28th Congress, 1st Session; Report No. 577, 3.

> After being fully, freely, and even angrily discussed, at various meetings of the committee, the result was that the proposition to divide Florida was carried, and that looking to a similar division of Iowa rejected, by a *strictly sectional vote.* [22]

The action of the Committee on the petitions of the two territories came to the floor of the House on February 10, 1845. Sitting as the Committee of the Whole House on the State of the Union, it heard read a bill "to enable the people of Iowa to form a Constitution and State government" which it then laid aside informally. Whether this was a mere formality in the form of an "enabling act" or whether it was an attempt by the free-soil interests to secure the admission of Iowa singly is not revealed. A short while later in the same sitting, Aaron V. Brown, a Democrat from Tennessee and Chairman of the Committee on Territories, moved to take up a bill to admit Florida and Iowa jointly. The suspicion of obstructionist tactics receives some confirmation in the fact that the vote to take up the bill - 85 to 5 - was less than a quorum. "As it was said to be evident that there was a quorum present, the vote was again taken by the same tellers" with a result of 83 to 32. The more ardent free-soil Whigs could be expected, of course, to become aroused at failure to upset senatorial balance by getting Iowa admitted alone, if that was their objective. Yet in view of the number of years during which Florida's application had been pending, they could hardly have entertained much hope of avoiding the pairing of the two states. John Quincy Adams called the joining of the two states in one bill "a slave-monger trick." [23]

The debate next moved to the question of the boundaries of Iowa as described in her constitution. This involved two problems, the exact location of the border line with Missouri, and the total size of the state. The House, happily as it turned out, accepted Chairman Brown's suggestion that the then long-standing controversy over the Iowa-Missouri boundary be omitted from debate, as the contending claims would be properly settled by the

22. "Address to the People of Iowa," (Burlington, June 23, 1845) printed in Shambaugh, *Fragments,* 255-6.
23. Charles Francis Adams, ed., *Memoirs of John Quincy Adams, Comprising Portions of his diary from 1795 to 1846* (12 Vols., Philadelphia, 1875-77), XII, 164.

United States Supreme Court. The issue was solved sooner than expected, when in the second Iowa constitution of 1846, the ''northern boundary of Missouri" was accepted as the southern boundary of Iowa, instead of the more southerly "Sullivan's line" claimed in 1844.

The second aspect of the Iowa boundary problem was more complex and led directly to the issue of sectional rivalry. Iowans had originally described the state as stretching from the Mississippi to the Missouri, and extending from the Missouri boundary north to a line drawn between the mouth of the Sioux River and the junction of the Blue Earth and St. Peters rivers (now the Minnesota River) and down the latter to the Mississippi. [24] This would have included all of the present state except the north-west corner, and in addition a sizeable portion of what is now south-eastern Minnesota.

Duncan of Ohio quickly offered an amendment that would have cut the state approximately in half by making the western boundary, instead of the Missouri River, a line drawn due south from the Blue Earth-St. Peters junction. This line would have run about 20 miles west of the present site of Des Moines. [25] Duncan presented as his ostensible reason the advices furnished by the explorer-surveyor, J. N. Nicolett, in the latter's survey of the area. [26] Nicollet had recommended the formation of one state bounded on the east by the Mississippi, and extending west only so far as the watershed between the Mississippi and the Missouri, and as far north as the St. Peters. He contemplated another state in the same general latitude, with the Missouri-Platte junction as its center. [27]

24. House Document No. 5, 28th Congress, 1st Session, 1.
25. *Globe*, XIV, 269.
26. ''Report Intended to Illustrate a Map of the Hydrographical Basin of the Upper Mississippi River;" Executive Documents, II, No. 52, 28th Congress, 2nd Session.
27. *Ibid.*, 73-74. Nicollet's reasoning is interesting for its socio-economic overtones. "It would give to the State a depot on the St. Peter's river, whilst the Des Moines and the Iowa Rivers, running through its more central southern parts, would make the whole territory, excepting the small portion drained by the tributaries of St. Peter's river, assume the character of an extended valley, with nearly all its streams flowing in one general direction, to contribute their share of the mighty Mississippi. As the population would be composed of emigrants from all parts of the civilized world, by not extending the boundary so as to estrange one portion of the people from the other, on account of a difference of origin, or a different course of trade, they would be

The committee chairman defended the original boundaries as best because they came from the people living in the area, "whose voice should be listened to in the matter." He added that the original boundaries would make the state about equal to Michigan in size, and somewhat smaller than Missouri or Virginia. Duncan countered that such comparisons were unrealistic, that the boundaries he contended for were the boundaries of nature, and that they actually were "larger, in point of fertility of soil, than any two states in the United States." [28]

Upon resumption of debate the next day, Representative Vinton came directly to the point that in the process of carving out such large states in the west as this proposed Iowa, the area was fatally depriving itself of its due weight in the Senate of the United States. He pointed to the potential population growth in the large western states which would soon exceed many of the seaboard states. If Florida could be divided into two states, he felt that like provision should be made for dividing Iowa. He argued that

> it would be safer to give political power to the West, than to the Atlantic States, for the West was the great conservative power of this Union. Though the spirit of disunion might exist in the North and in the South, it could never live in the West, for the interests of the West, being inseparably connected with both, she would always hold them together. [29]

Vinton thus revealed, without dissimulation, the real reason for creating a smaller Iowa. He was planning for the future "balance of power" developments within the nation and hoping to make up for past errors in this respect committed through yielding to pride in size and resources, as in the instances of Indiana, Illinois, and Michigan. Duncan's amendment to lop off

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brought to live contentedly under the same laws and usages; whilst the uniform direction of the waters, together with the similarity of climate, soil, resources, and avenues to market, are well calculated to give to the inhabitants of this State a homogeneity of character and interest highly conducive to their well being, both morally and politically." (p. 74.)

28. *Globe*, XIV, 269.
29. *Globe*, XIV, 274.

the western half of the proposed state carried, 91 to 40. A second amendment by Duncan further reduced the area of the state in the north-east corner.

While the Iowa borders were still being debated, Florida's role in the scheme of things was introduced in the remarks of James E. Belser, a Democrat from Alabama. Belser, in a rejoinder to Vinton, had said that the people of his district did not expect any preservation of a balance of power through the admission of Florida along with Iowa. He went on to explain that

> they knew . . . that the sceptre had departed from them long since; but they also knew that their natural allies were the grain-growing states of the West, to whom they had looked for succor in the hour of danger . . . They had no expectation of preserving the balance of power . . . They looked higher in their legislation. They looked to the entire nation - to its honor; to its ultimate grandeur; to the protection of its citizens; and to the maintenance of its character. [30]

These remarks are somewhat extraordinary for their moderation in comparison with the contribution of other Southern representatives who joined the debate. They are also remarkable for their acknowledgment of the economic ties between the South and the West, and for their appeal to the values of the entire national community. In the course of his remarks, Belser did, however, defend the Florida constitution and this led the unyielding Adams to condemn the speech as "bathos . . . sinking into the slough of slavery." [31]

The decision on a truncated Iowa opened the way for a consideration of the Florida portion of the bill. Northern representatives rose promptly to the bait when confronted with the provisions in the Florida constitution which prohibited the legislature from passing laws to emancipate slaves, and which granted to it the power to prevent the immigration into Florida of free Negroes, mulattoes, or other persons of color, as well as to prevent their discharge from any vessel in a Florida port. (Sections 1 and 3 of Article XVI.) Controversy also arose over the provision in the bill for the ultimate division of Florida into two states.

30. *Idem*.
31. Adams, *Memoirs,* XII, 165.

When, on this latter point, John A. Pettit, Democrat of Indiana, moved to strike out the proviso, David Levy made an interesting, though not persuasive, observation. After pointing out the traditional division into two areas under the British and Spanish governments, he held up a map and purported to show that West Florida properly belonged to the "valley of the Mississippi, so that, instead of adding to the power of the Atlantic States, it would give one State to the Western, and another to the Atlantic section." [32] It is doubtful if Levy were at all convinced that either or both Floridas would not be a truly Southern state. He certainly at no time objected to the state's constitutional provisions regarding slavery and immigration, and he could hardly have been persuaded that a "western" Florida would satisfy Northern whiggish scruples. He asserted, nevertheless, that the forcing of one government on all of Florida would be "a flagrant breach of trust, as well as a cruel piece of injustice." Following the debate, the proviso for the two states was stricken out in the Committee of the Whole House by a vote of 86 to 57.

With this decision temporarily made - it would have to be reviewed when the House met in regular session - attention was next drawn to the Florida constitutional provisions on slaves and free blacks. It was around these issues that the Florida debate reached its climax in the House. It began with a motion of Representative Freeman H. Morse, a Maine Whig, to the effect that the present bill would not become effective in Florida until a territorial convention met and removed the objectionable articles. Levy rose in astonishment to ask if Morse "could possibly be serious in offering such an amendment" [33] Aaron Brown, committee chairman in charge of the bill, objected to this amendment, and tried to establish the point that the sole obligation of Congress at this juncture was to determine if Florida had established a republican form of government, and that it was neither necessary nor to be expected that every member of the House should agree to every provision in the Florida constitution.

At this moment, a flurry of maneuvers was launched when the rising of the Committee of the Whole was secured, with the chair casting the deciding vote. Cave Johnson, a Tennessee Dem-

32. *Globe*, XIV, 275.
33. *National Intelligencer*, February 12, 1845.

ocrat, promptly moved that the Committee of the Whole again meet, with debate on the bill limited to twenty minutes. A motion to adjourn was given priority but was defeated. Johnson then moved his question, but Adams objected to limiting debate. The Speaker ruled the objection out of order. When Adams then moved to adjourn, the Speaker again held him out of order. The indefatigable Adams next moved to table the resolution on limiting debate, and yeas and nays were called. R. D. Davis of New York got in another motion to adjourn only to have it defeated, 72-80. The question of tabling the resolution lost, 45 to 112, and still another motion to adjourn was offered by E. J. Morris of Pennsylvania, was withdrawn by him, was renewed by John Dickey of Pennsylvania, and was subsequently defeated, 70-94. Johnson then withdrew his resolution, and succeeded in getting territorial business made the special order of the day for February 13, upon which a motion to adjourn carried. Thus in the space of half an hour, the Florida debate, although hardly begun, had called into play some rather furious parliamentary manipulations. On the date agreed upon, the full array of oratorical armaments were ready for display.

After agreeing to limit debate to two hours, the House met on the appointed day as the Committee of the Whole to resume consideration of Morse's amendment. Thomas Henry Bayly, a "States Right Democrat" of Virginia, rose in defense of Florida. In the earlier remarks of Representative Belser, the Alabamian had been particularly concerned with defending the immigration restrictions in the Florida constitution, and, in spite of his otherwise moderate views, he represented the feeling that any free black person was a menace in a state where slavery prevailed. It was apparently inconceivable that any such person moving into Florida could fail to be other than an *agent provocateur* for race riots and civil strife. ". . . free negroes who would go there," Belser insisted, "would go with no peaceable intentions, but with fire brands in their hands, and to excite dissatisfaction among the slaves." [34] This fixed idea at the same time satisfied the consciences of Southerners and fired the Northerners with ungovernable consternation.

34. *Globe*, XIV, 274.

Bayly resumed this line of thought, referring to Morse's efforts in the previous debate as "unqualified arrogance," during which remarks he was called to order by Adams for reflections cast on Morse, and Adams was sustained by the Chair. Bayly cited the discriminatory provisions in the laws of several Northern states regarding persons of color, and proceeded to attach the blame for the Florida restrictions directly to "the traitorous agitation of the abolition question in the North and in this House. They [Floridians] had been compelled to do it for their own security, and the preservation of their peace, and the quiet of their society." [35] He traced the roots of this agitation all the way to the abolitionists of England, and accused that nation of deliberately playing section against section in this country in order "to break down this Union . . . her most formidable rival." He then moved into the classic defenses and awesome prophesies which ran throughout this nation-rending controversy:

> Everywhere the effect of this agitation had been to make the condition of the slaves worse. At the same time that the master was undone, the slave was made miserable; and all this was done by the professed friends of the slaves, who were in fact their worst enemies as they were regarded by the intelligent slaves of the South. But for mere party purposes - for the purpose of conciliating a few mad abolitionists who knew nothing about the matter, gentlemen were content to make the condition of the slave infinitely worse, and stir up feelings which ought never to prevail among the different members of the same community. Such a course of action being continued, harmony never could remain; and a state of things would be brought about which would make the hearts of patriots quail, as the result of those who, while they professed a love for the Union, were using their most energetic and direct efforts to destroy it. [36]

In an attempt to steer consideration back to the immediate business at hand, Stephen Douglas of Illinois reemphasized what Aaron Brown had said earlier, namely, that all Congress was called upon to do was to determine if Florida's government was republican in form. He said he felt sure that it was, and pointedly remarked, in view of Bayly's speech, that "these same obnoxious provisions" were to be found in Virginia's constitution, yet no one

35. *Globe,* XIV, 283.
36. *Globe,* XIV, 283-4.

doubted its republican nature. He concluded that although there were parts of both the Florida and Iowa constitutions which he could not approve, he would vote for the admission of both states. [37]

The final principal defense of Florida came from David Levy. He pointed to the principle of equality of states that had been established in the original Constitutional Convention, implying that the terms of Morse's amendment were an obvious contravention of it. He affirmed the republican nature of the Florida constitution, and cited Webster, "The Federalist," and "other works of authority" to show that this meant simply that the government "should emanate from the people." [38] He alluded briefly to the articles on slavery and free Negroes, and asked if Floridians "should be compelled to receive into their bosoms those who would destroy their peace."

Just prior to taking a vote on Morse's amendment, Representative Edward J. Black, a Democrat from Georgia, proposed that Iowa should not be admitted into the Union until it should strike from its constitution the clause that stated "Neither slavery nor involuntary servitude, unless for punishment of crimes, shall ever be tolerated in this state." This amendment was rejected without a roll call. [39]

Morse's amendment to require Florida to change the constitution lost by a vote of 79 to 87. Only three other brief skirmishes were made to postpone or defeat the admission of Florida. Representative Preston King of New York proposed striking Florida from the bill altogether, so that Congress could vote on each state separately. This was considered, both by Dromgoole of Virginia and by Levy, as a deliberate effort to get Iowa in and keep Florida out. The motion failed, 57 to 89. Morse then moved that a provision be tacked onto the bill respecting Florida identical to that which had conditioned Missouri's admission to the Union, that is, that no law should ever be enacted under the Florida constitution which would deprive a citizen of any state of the privileges and immunities guaranteed by the federal constitution. But this also failed, 48 to 75. Lastly, Representative Charles H. Carroll, a New York Whig, proposed that an enumeration of the

37. *Globe,* XIV, 284.
38. *Globe,* XIV, 285.
39. *Niles National Register* (Baltimore) LXVII, No. 1,743 (February 22,1845) 390; *Globe,* XIV, 285.

population in each territory be made, and that neither should be admitted unless it met the then current representation ratio of 70,680, but this likewise failed.

The Committee of the Whole House then rose, and in regular session the House approved the new smaller boundaries for Iowa, and formally rejected the proviso for establishing a second state in Florida by a vote of 123 to 77. An analysis of this roll call vote reaffirms the deepening patterns of sectional solidarity. Only six Southerners - three from Virginia and three from Maryland - crossed over, as it were, to join an almost solid Northern vote for striking out the proviso. In each state two of the three "apostates" were Whigs. Only three Northern representatives - all Democrats - voted to sustain the proviso - two from Indiana (who thus voted against their colleague's amendment) and Representative Orlando B. Ficklin of Illinois. There was probably no other moment in the Florida-Iowa debate which more clearly shows how secondary were the local and personal aspirations of the individuals in the territories to the great ebb and flow of national politics. The bitter convention battles in Iowa and Florida faded before the realities underlying a congressional decision in 1845, where two hours of debate and a handful of votes could decide the fate of tens of thousands of "territorials."

The bill was then read a third time, and at the very last moment, after Howell Cobb of Georgia had moved the previous question on its passage, Samuel Sample, an Indiana Whig, appealed to Cobb to withdraw so that the bill might be recommitted and reported out as separate bills for each state. This critical moment provides a tempting occasion for historical speculation on the possible results of recommitting the bill. Senator Rufus Choate was to ask the same thing a few days later in the Senate. Let it suffice to say that it is extremely unlikely that either state could have, at this date, been admitted singly. At any rate, Cobb refused to withdraw, and the bill went on to pass by a vote of 145 to 46. [40]

A comparison of this vote with that on striking out the proviso for two Floridas reveals that, with but two exceptions, every one of the seventy-four Southerners who voted against striking out the proviso voted for the admission of the two states of Iowa

40. *Globe*, XIV, 286.

and Florida, thus appearing solidly to welcome one bona fide Southern state (if two could not be had) at the cost of admitting a Northern state as well. The ranks of the Northern majority were not so closed. Some forty-three of those who had voted against the two Floridas voted against the admission of Iowa and Florida. These votes are well scattered among the Northern states and probably represent the more extreme advocates of abolition, who thus protested against another slave state, even if paired with a free state. A majority of the Northerners went along with the admission of both states. The more than three-to-one vote in favor of the bill reveals basically the wide acceptance of this type of compromise at this stage of intersectional relations.

The Senate Debate

The Senate received the bill on February 14, where, as in the House a dispute arose over committee reference, with the Judiciary Committee finally receiving jurisdiction. [41] The chairman of this committee was George M. Berrien, prominent Whig of Georgia, who had been Attorney-General in Jackson's cabinet, but had deserted the Democratic party and had been a delegate to the Whig convention in Baltimore in 1844. On February 24, Senator Berrien reported out the bill with no amendments and favorable to its passage. The press of time and the accumulation of business in the final week of the session served to delay consideration until March 1. Meanwhile, it should be borne in mind, the Senate on February 27 had completed action on the joint resolution to annex Texas.

The debate in the Senate differed from that in the House in that Iowa at no time received more than a passing reference, and in that it was more intense, personal, and disputatious. It ranged farther afield from the immediate issue and revealed more abundantly the determined attitudes and fixed positions as well as the theoretical and practical considerations in the minds of the participants.

41. This Committee "was known in the political world as the 'Whig Opium Committee' - an appellation which it received in consideration of the narcotics which it was in the habit of administering to all democratic measures committed to its keeping." Remarks of a Mr. Morgan, in Iowa Territorial House of Representatives, May 31, 1845; printed in Shambaugh, *Fragments,* 278.

Senator George Evans, a Whig from Maine who had been in the House from 1829 to 1841 and then went to the Senate, opened the discussion by presenting a grievance of his constituents. Provisions in Southern state constitutions similar to those in the Florida constitution prohibiting the immigration of free Negroes and subjecting them to arrest had actually resulted in mutinies and desertions of colored seamen aboard coast-wise trading vessels destined for Southern ports, and had thus seriously disturbed commerce. [42] Notwithstanding this interference with enterprise, Senator Robert J. Walker of Mississippi, a Democratic member of the Judiciary Committee, defended these provisions on the basis of the police power of the states to "exclude every description of persons whose presence endangered their safety," of whom "none were more dangerous than the colored seamen, who might have come from St. Domingo, ready for any sort of crime." He cited the Ohio statute which required free colored persons to give bond and security for good behavior, and argued that "if it was competent for a state to restrict them at all, it might exclude them entirely." [43]

As in the House, an attempt was made in the Senate by William Allen, an Ohio Democrat, to limit debate to the single issue of the republican form of the constitution. He hoped that discussion "would not be extended to the dark subject of slavery," and that the bill might pass ''without agitating a question which could do no good." [44] He was not to have his way, however, for Evans and Berrien continued to argue, the latter insisting on the power of a state to protect itself from a "moral pestilence" as well as a physical one, and Evans inquiring if the imprisonment of a free Negro in Florida for "non-payment of jail fees" was an act of "self-preservation" on the part of Florida. Moreover, Evans flatly denied that the republican nature of the state constitution was the only issue before the Senate, and thereupon offered an amendment which would strike out the two objectionable articles from the Florida constitution.

The other Senator from Maine, John Fairfield, a Democrat, took issue with his own colleague, maintained that the question of republican form was the only issue, reminded the Senate that

42. *Globe,* XIV, 378.
43. *Idem.*
44. *Idem.*

states must be admitted on an equal basis, and declared that it was pointless to insist on these changes, for once Florida became a sovereign state, she could fashion her constitution in any way she chose. [45]

At this point Senator Choate of Massachusetts entered the debate and gave it new verve as well as a new direction. Choate, one of the organizers of the Whig party in Massachusetts, and already a prominent and successful trial lawyer, had taken the seat in the Senate vacated by Daniel Webster in 1842 when the latter became secretary of state. He wanted, first of all, to separate the bill into two bills, one for each state, for, as his remarks are recorded, he "could most cheerfully and heartily give the hand of welcome to Iowa, but he could not - he would not say constitutionally, but he would say, conscientiously - give his hand to Florida." [46] He maintained that since the joint resolution to annex Texas had passed, the picture had changed, and asked, "Where and how is the balance to be by [sic] the North and East for Texas, now given to the South? Where is it to be found but in the steadfast part of America? If not there, it can be found nowhere else. God grant that it may be, there." Thus, he argued, an opportunity ought to be given to vote for the Iowa admission alone in order to redress the balance now tipped in favor of the south.

Choate moved on to align himself with those who felt the Senate's obligations extended to more than determining the republican form of a state constitution, and injected the disturbing idea that the power to admit new states is a permissive one, not a mandatory one, that Congress *may*, not shall, admit them, and that "there is no express constitutional obligation that they *shall* be admitted because they are republican." In a broader gesture, he asserted the duty of the Senate to look beyond the state constitution "to the consequences affecting ourselves." He felt he was exercising a duly delegated discretion, therefore, in objecting to the admission of Florida when her constitution "contained an article which would nullify one or more constitutional laws of the general government, or a retained power granted by the other States to the federal government." He would oppose this instrument, he asserted, "so long as it refuses to comply with our common requisitions."

45. *Idem.*
46. *Globe,* XIV, 379.

Here, indeed, Choate seemed to lay himself open to the charge assuming the judicial function, whereas he had, earlier in the speech, assured the Senate that in any comparable case involving Massachusetts, resort would be had to the United States Supreme Court, the proper agency for such an issue, and he had pledged himself that "[e]very man, woman, and child in that State would remain satisfied with the judgment." His solution, therefore, was to strike out what were to his mind the unconstitutional provisions, admit Florida, let her then enact necessary police regulations, and let these be tested in the courts through regular judicial procedure.

A formidable rejoinder from the Southern point of view was made by Senator William S. Archer of Virginia. He began by reasserting Berrien's argument of self-preservation, and declared, "You might have all the laws and institutions in the world, and we could not regard them," if to do so was at the risk of "domestic war" and "civil combustions" resulting from the incitement of slaves. [47] He admitted, however, that he wished the objectionable clauses had never been put in the Florida constitution at this stage.

The Virginia Senator then touched off the warmest repartee in the Senate debate when he added, "and they were not patriots . . . who did not . . . put aside the source of inevitable dissension [sic], but persevered in bringing it before the country." Senator Evans rose in resentment of what he felt was a reflection on his patriotism, only to be interrupted by Archer's objection to Evans' construction of his (Archer's) remarks. A clarification of remarks was refused because of the tone in which it was asked. Evans continued that he had assumed no tone and demanded no explanations. Archer interrupted to say that since no explanation was demanded, he would give one anyway. He denied the "slightest disrespect" for any one present, and said that he had spoken of "consequences, not motives." Somewhat mollified, Senator Evans then launched an attack on Archer's doctrine of self-preservation - ("the law of necessity," Archer interrupted). Evans explained that his complaint rested on the fact that the Florida laws affected perfectly innocent persons, with no intention of stirring up servile insurrections, merely because they were black. He cared

47. *Globe,* XIV, 380.

not, he said, how severe Florida's laws might be toward any bona fide malefactor.

A new twist was given to the discussion when Evans admitted that abolitionists were a troublesome and persistent lot. But he asked the Southern senators, "Has it ever occurred to you how you are aiding and abetting them?" He assured his listeners that, in reality, the last thing the abolitionists wanted was the repeal of such laws,

> because every instance in which they are enforced gives them occasion to appeal to their fellow citizens of the free States, and thus gives them an opportunity of making converts. It gives them all the advantages which may be derived from argument founded upon this course of proceeding . . . The operation of such laws furnished one of the strongest arguments made use of by the abolitionists of the North, and was very useful to them in keeping up the excitement which they were able to maintain among our citizens. [48]

He concluded that he would vote against the admission of Florida with such laws, implying that it was for the reason just stated.

Senator Archer was not convinced, apparently, for he reiterated that the dangers from immigrant free blacks was very real. He concluded with a conciliatory appeal. Admitting that it might be a real grievance for black sailors to be apprehended in the Southern states, he insisted that "an evil ten thousand times as great not only might be, but would be inevitably the consequence of the admission of these people." He asked the North to overlook this legislation, "even supposing they [the Northerners] had the law on their side," and urged them to pass it by "for the peace, harmony, and union of the States." [49]

As a further conciliatory gesture, Senator Berrien tried to make it clear that the Florida prohibition on emancipation applied only to the legislature - it did not prohibit individuals from emancipating their slaves if they chose. From this he went on to the argument, reminiscent of Vinton's debate on Iowa in the House, that as a Southerner, he would gladly postpone the admission of Florida, for he felt that, in view of its size and potential population, Southern interests were being done irreparable

48. *Idem.*
49. *Globe,* XIV, 381.

harm in insisting on its admission as a single state - a move which, moreover, was "counter to the wishes of a majority of the people of that Territory." [50]

At this point, as if to reciprocate the moderation of Senator Archer, Edward A. Hannagan of Indiana admitted he could not conscientiously argue against the Florida constitution when there were so many legal restrictions in his own state on free blacks. He not only rebuked his own colleague, Senator White, for his opposite stand, but also criticized the similar stand of Senator James F. Simmons of Rhode Island by pointing out that the latter state had been admitted to the Union with legalized primogeniture, yet was pleased to call itself republican. [51] More importantly, however, he based his opposition to Evans' amendment on the conviction that "its adoption would be regarded as a concession to the accursed spirit of abolition." He felt that he was sustained in this view "by 145,000 out of 150,000 of the voters, whig and democratic, of Indiana." He would "yield not an inch to the spirit which had worked mischief for two hundred years; which lighted the fires of Smithfield, and reigned in the dungeons of the inquisition." He maintained that in no state in the Union were blacks recognized as fellow citizens, enjoying all the same privileges with the whites. He referred to the law of Massachusetts which permitted inter-racial marriage, and said he believed "the negroes had protested against it . . . [laughter.]" [52]

After a brief scattered debate on some peripheral issues, the vote on Evans' amendment to require a change in Florida's constitution was defeated, 35 to 12. The bill was then reported back to the Senate, where it was promptly passed by a vote of 36 to 9. [53] The two roll calls were almost identical. Of the nine opposing the final bill, all but two were from New England, the others being from New Jersey and Michigan. The twelve votes in favor of requiring the constitutional changes were made up of the above nine, the other two senators from Michigan and New Jersey, and Senator White of Indiana. White was the only sena-

50. *Globe,* XIV, 382.
51. To this the Rhode Island senator made the strained reply that he "would not consent to have it said that Rhode Island was admitted into the Union; for she began that Union. She did not unite with other States, but they united with her." *Globe,* XIV, 383.
52. *Globe,* XIV, 382.
53. *Globe,* XIV, 383.

tor to have voted for the constitutional changes *and* for the admission of the state without the changes. Of those voting, no Southern senators approved of requiring the changes, and none failed to vote for the final bill. The four New Englanders who voted for the final bill, and against the changes, were all Democrats. Five senators did not vote on either question.

President Tyler signed the bill on March 3, 1845, and as soon as official word could be communicated to Florida, machinery for the election of state officials and for the members of Congress was put into action. David Levy was elected to Congress, but upon the convening of the state legislature, he was elevated to the Senate along with James D. Wescott. Subsequently, Edward C. Cabell was elected as representative, and the three took their places in the national government at the opening of the 29th Congress in December, 1845. This completed Florida's entry into the Union as the twenty-seventh state.

Strangely enough, Iowa had a somewhat tortuous path to follow yet before her admission was completed. It will be recalled that the constitution had not been submitted to the people of the territory before it was sent to Congress. It will be recalled also that the House drastically changed the boundaries and reduced the size of the state. In a letter to the people of Iowa, Augustus Dodge urged their approval of the reduced area, for, having witnessed the entire House debate, and knowing how the free-soil interests, somewhat taken aback at the annexation of Texas, had urged the creation of several, albeit smaller Northern states, he assured his constituents that "we will not be able hereafter under any circumstances, to obtain *one square mile more* for our new State" than what was then offered. [54] Due in part to the short time which the Iowans had to consider the alterations (election day had been set for the first Monday in April) and to the general feeling that approval of their constitution meant also the approval of the curtailed borders, the voters rejected their constitution, 6,023 to 7,019. [55]

It remained for Iowa to call another constitutional convention in 1846, to propose another set of boundaries, to fight for them through several alterations proposed in Congress, to have

54. "Letter of Augustus C. Dodge to his Constituents," March 4, 1845; reprinted in Chambaugh, *Fragments*, 235.
55. James, *op.cit.*, 368, n. 52, citing *The Iowa Capital Reporter*, May 10, 1845.

them accepted at last by Congress, and finally to ratify her constitution in August, 1846. Then, after arranging for state elections, Iowa was formally proclaimed to be the twenty-ninth state on December 28, 1846.

The hard-sought balance, tardily rectified, and already upset by Texas, proved inadequate to preserve the harmony of union whose undermining contemporary statesmen dreaded yet could not stay. One hundred and eleven years have now elapsed since Congress first agreed to the joint admission of Florida and Iowa to the Union. Once drawn in battle array against each other in the civil strife foreshadowed by the debates on their admission, and again joined in common national destiny, these are now proud and prosperous commonwealths - the stubborn fruit of a common gestation - rich in human and material resources and planning ever greater glories.