

THE TERRITORIAL PAPERS OF THE UNITED STATES

Compiled and edited by
Clarence Edwin Carter

VOLUME XXIV
The Territory of Florida
1828-1834



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General Services Administration

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whether materials are to be had on the Island for erecting the quarters, fort or battery: if lime and shells are to be had suitable for making tapia buildings, or shell-stone that may be employed for that purpose: whether the position to be selected is a healthy one and if not whether it is susceptible of being made so by removing the bushes, drawing the stagnant water and letting in the salt water from the Sea,—You will also cause to be enquired into all the facts concerning the former Naval establishment, why it was so unhealthy; if there was a want of police on the Island at the time, or if it is insuperable from circumstances beyond control—In fine, to make yourself acquainted with every circumstance and fact relating to the place—as to its Military advantages, commercial, agricultural, fishing, wrecking, and indeed every description of advantage, including Naval purposes, and also all the disadvantages under every point of view, especially as to its Military occupancy—Should the War Department decide upon placing a force there, it is probable that it will be made a dependency of Tampa Bay establishment, and consequently one company from that place, or from the 4th Regt, will be ordered to Key West, so that it may be reinforced should it be found necessary, and also relieved at stated times should it be judged proper to consider it rather as an out post than a permanent garrison—It would be as well perhaps, to take the Surgeon of the post under your command, with you, if you go, yourself to the Key, if not, to send him with the Officer that you may select to perform the duties herein directed.⁶⁹

I have the honor to be Sir Your Most. Obt. Servt.

ALEX MACOMB Major Genl.

MEMORIAL TO CONGRESS BY INHABITANTS OF KEY WEST

[NA:HF, 20 Cong., 2 sess., DS]

[January 10, 1829]

To the Senate & House of Representatives of the United States.

The memorial of sundry inhabitants of the town of Key West, would most respectfully represent: that from the increased number of inhabitants and business of the Island, the establishment of a mail between this place and the main, would be of the first importance to them, and it is believed it would be mutually beneficial, particularly to persons engaged in commerce throughout the United States

⁶⁹ Answered Feb. 10, 1829 (NA, WD, HQA Lets. Recd., M 1828), that he would repair to Key West immediately and make his report from that island. See Col. Clinch to the Adjutant General, Aug. 12, 1829 (NA, WD, AGO Lets. Recd., C 150), advising that Cantonment Clinch should be abandoned and Cantonment Brooke strengthened if the Fourth Regiment moved to Key West. See also *post*, p. 503.

Your memorialists believe that the advantages of a Mail from this place, would be important to the Government in a political point of View, as frequent and certain communication could then be held with the West India Squad[ron] and th[MS. torn ⁷⁰] officers upon the Island, which at this time is precarious and frequently delayed a long time after it should have been received.

It is believed a Mail route could be established between this place and Charleston, to depart twice a month at an expense not exceeding Two thousand dollars as there are already vessels regularly running between the two places and there is no doubt the owners would make a contract upon the most liberal terms, and your memorialists with great confidence assert, that the amount of Postage received would be sufficient to defray the expense of the route. The communication between this place and Havanna is almost invariably effected in one night, the distance being about seventy miles, and vessels are regularly coming from thence, about twice or three times a week; if a Mail route was established from here there can be no doubt, the merchants of Havana, [MS. torn ⁷¹] avail themselves of it, in their communications with the United States, and immense and important advantages would result to the commercial community, from the facility and certainty with which information could be obtained from this important Island.

Your Memorialists therefore most respectfully pray, that you will afford them all the aid in your power, in the establishment of a Mail Route between this place and the city of Charleston South Carolina, or such other place as you may deem most advantageous.

KEY WEST *January 10 1829.*

W ^m PINKNEY Collector Customs,	Richard:W Cussans
HENRY WILSON U. States Marshal	Robert A Gere
SJD. of Florida	Samuel Brown
P. C. Greene	M. Furlong
John Whitehead	G. Adams
John Morrison	David Cary
P. L. Hoffman	Tho ^s Eastin
P. N. Gardere	Benj. F. Fowler
W. Fuan	Joseph Cottrell
Sam ^l F. Phillips	Nath ^l Glover.
W ^m T Atkins	D M Breadalbane
Tho ^s C Corkle	Frederick Parker
C Mäller	Isaac Neufville

⁷⁰ A copy of this document made in the 1920's contains at this point the word "public" which is not in the original.

⁷¹ The word "would" appears here in the copy made in the 1920's.

John G. Clift	Jossephus Fitch
William G Porter	Lemuel Otis
M: R: Hackley	Ch E. Hawkins
Rob. A Lacey	Alex Sergeant ⁷³
Horatio P Voss ⁷³	Felix C Ruby
J M Bunce	F. A. Browne & Co.
Ede Van Evour	Edgar Macon
Sallaston Leonardy	D. Coffin Pinkham
William Bethell	The ^o Owens
John Geiger	Sam ^l G. Pelot.
John Pearce	W ^m B Gibbons
Henry Kelly	Charles M Johnson
Edward Hunt	William Bunce
William Johnson	Antonio Giraldo
Lewis J. Hunter	Manuel Solana
D. Clapp	Antonio Andrews—
M. A. Outlaw	Amos. Tift—
Tho ^s M ^c Afee	Edward Chandler.
E Mallory	Nelson Tift—
Stephen Mallory	Solomon Ferris
W ^m H Wall	Asa F. Tift
Geo. E. Weaver	Amos. C. Tift
Joseph Paterson	R ^t Philippo
W ^m Taylor	John Barclay—
John Wood	W: W: Rigby
William H Hillard	John Bethell
Edward Porter	L F Breaker
Robert Douglas	H. S. Waterhouse
Normon Sherwood	Geo—E: Tingle
Patrick Sullivan	M G Hewson
Rob ^t Campbell	Stephen Grant—
Robert Atkinson	Ph. J. Quereau
Sam Airs	Alex ^r P Scott
William Cummings	Sam ^l Bills
Jacob Goff—	Levi James
Sylvester Hill	James R Brown
William Fisher	Alfred Stevens
David Williams	Samuel Stalmes
Tho ^s Berry	Joseph B Marble,

⁷³ Reading uncertain.

Samuel Robinson	M. Love
W ^m Browne	Eliason Collins
John Griffis	W ^m Fuan 2
Joaquin Faxinaz	Robert L Fuan
John W M ^c Connelee	Theodore Frain—
Ro. B: Stanard	M: Mott,
Christian Matthews'	Rich ^d Fitzpatrick
Charles Grover	Edward fitch
Charles H. Ellington	John Askel
Peter B Randolph	James Burke
John J Sands	Blas Rodirigues
Hugh Ashlock	C. C. Hossner
John S Page	M. Hannah
Joseph Ximenez	Geo. S Hawkins
Miguel Mabriety—	J. Martinelli
W ^m A Whitehead	L Boston
M N Harder ⁷⁴	Peter Jones
A. S. Thruston	Joseph Merriman

[Endorsed] Florida Petition for a Mail Route to Key West in Florida—Feb. 9. 1829 Ref^d to Com^{ee} Post Office &c ⁷⁵ Dec^r 15-1829 Ref^d to Comm^{ee} Post-Office &c ⁷⁶ White/F 104. Post

THE POSTMASTER GENERAL TO WILLIAM H. HUNT

[NA:PO, PMG Letter Book V]

POST OFF. DEPT Jan 12. 1829

W. H. HUNT P. M. Pensacola, Flor.

Your letter of 22^d Ult^o ⁷⁷ with its enclosures is rec^d—Your letters to the P. Masters at Montgomery & Burnt Corn were judicious & well timed. That kind of attention & care on the part of post masters, especially at such distances from this place, will tend greatly to correct irregularities. Pease accept my thanks for your promptness and vigilance.⁷⁸

J. M^c L

⁷⁴ Reading uncertain.

⁷⁵ *House Journal*, 20 Cong., 2 sess., p. 266.

⁷⁶ *Ibid.*, 21 Cong., 1 sess., p. 38. See *post*, p. 306.

⁷⁷ Not found.

⁷⁸ Cf. *post*, p. 147.

THE SECRETARY OF STATE TO JAMES G. RINGGOLD ⁵²

[NA:SD, Dom. Lets., xxiii]

DEP^t OF STATE, W. 28 May 1830.JAMES RINGGOLD Esq^r Att^y U. S. for the Middle Dist. of Fl^a

SIR, Authentic information having reached this Department, that many of the original documents relating to titles to lands in Florida, which ought to have been delivered up at the time of the transfer of that province to the United States, under the Treaty of 1819 with Spain, are now deposited in the different Departments of the Colonial Government of Cuba,⁵³ instructions have been given to the Minister of the U. S. at Madrid, to apply to the King of Spain for an order to the Captain General of that Island, to deliver up to the authorised agent of this Government, all such documents, belonging to the Archives of Florida, as may, by any means whatsoever, have found their way into the offices under his jurisdiction.⁵⁴ These instructions have been transmitted by a special messenger, and there is every reason to believe that the application to be made under them will receive the prompt attention of the Spanish Government—

It has been further represented to this Department by the Counsel employed on the part of the U. S. in the trial of several cases, involving important landed interests, that those, and other similar cases now depending in the various Courts in the Territory of Florida, cannot be decided upon principles of justice and existing law, without the production of the original documents above referred to.—Under these circumstances, the President has directed me to instruct the Attornies of the U. S. for all the Districts within which, such cases may be pending, to state to the Courts the facts above mentioned, and to move a suspension of all those trials wherein the original documents cannot be produced, until the result of the application directed to be made to the Spanish Government, shall have been made known to them thro' this Department.—You will accordingly conform to these directions, in all the cases brought before the Courts within your District, involving the titles to lands under grants from the Spanish Colonial Authorities.⁵⁵—

I am with great Respect Your obed^t Serv^t

Signed—M. VAN BUREN.

⁵² A marginal note indicates that similar letters were sent to the other U. S. Attorneys of the Territory.

⁵³ See *ante*, p. 394.

⁵⁴ The Secretary of State to Cornelius P. Van Ness, May 25, 1830 (NA, SD, Instructions to Ministers, XIII; printed in Manning, ed., *Diplomatic Corr.* . . . *Inter-American Affairs*, XI, 4–5).

⁵⁵ Answered *post*, p. 421.

PRESENTMENTS OF THE GRAND JURY OF THE SUPERIOR COURT FOR THE SOUTHERN JUDICIAL DISTRICT ⁵⁶

[NA:SD, Misc. Letters.:C]

[May 29, 1830]

At a Session of the Superior Court for the Southern Judicial District of Florida held at Key West in the County of Monroe on the Eight day of May one thousand Eight hundred and thirty Present the Honorable James Webb

On this day the Grand jury Came into Court and through their foreman Feilding A Browne Esqr made the following presentments, "to wit

The Grand jury now in Session, in and for the County of Monroe; present that it is a matter of great importance in the futherance of justice and the due Administration of the Law, that a sufficient jail should be erected at Key West; in said county sufficiently secure to Contain prisoners and Large enough for there Comfort and health, The want of a jail is so much felt at each term of this Court; that they Cannot refrain from presenting the subject again although they have repeatedly made remonstrances upon this Subject; many offences go unpunished in Consequence of having no secure place to Confine the accused; before trial, or to punish him after it.

A Cistern sufficiently spacious to hold rain water for the use of the Officers of the Court House and during the time of holding Court is absolutely necessary, It could be excavated in the solid Rock at a small expence and its importance as supplying pure fresh water Cannot be sufficiently appreciated unless it is known that the water procured from the wells on the Island is highly impregnated with Lime-stone and is never drank by the inhabitants when rain water Can be procured.

At the time the House now belonging to the United States and Used as a Court House was erected, it was intended to put around it a Gallery which in this Climate is absolutely Necessary to render a house habitable, particularly during the summer months, Labor and materials being at that time dear and difficult to be procured, it was postpond, and has not yet been done, materials and Labor, are now at a reasonable price and the preservation of the building, as well as the Comfort and health of the Occupants of it, require that galleries

⁵⁶ Enclosed in a covering letter of May 29, 1830, from Joel Yancey to the Secretary of State.

should be erected or it is otherwise not fit to be inhabited, during the Summer. All of which is most respectfully presented

Fielding A Browne Foreman	Amos C Tift
Silas How	Darius Clapp
William T. Atkins	M Furlong
L. F. Breaker	Joseph Prince
H S Waterhouse	Tho ^s M ^c Afee
Rd B Stanard	John H Sawyer
B. B Strobel	Lemuel Otis
William H Wall	Joseph Cotrill
William Cooley	John Whalton

Superior Court Southern Judicial District of Florida

This is hereby to certify that the foregoing presentments of the Grand Jury in & for the body of the County of Monroe & Southern District of Florida, is a true Copy, as of record in my office.—

In testimony whereof I have hereunto subscribed my name
[L. S.] and affixed the seal of said Court this 29th day of May
A. D 1830—

JOEL YANCEY Clk.

[Endorsed] with Joel Yanceys of 27 May 1830

PROCLAMATION OF PUBLIC LAND SALE

[NA:GLO, Rec. of Procls., Vol. 1]

No. 151. TALLAHASSEE—Florida Proc. dated 5th June 1830—
BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of law I, ANDREW JACKSON, *President of the United States of America*, do hereby declare and make known that a public Sale will be held at the Land Office at Tallahassee in the Territory of Florida, on the Second monday in October next, for the disposal of the public lands within the limits of the undermentioned townships, Situate North of the base line and East of the meridian Vizt:

Townships two	of Range Six.
Townships One and two	of Range Seven
Townships One and two	of Range Eight.
Townships One and two	of Range Nine
Townships One and two	of Range Ten ⁵⁷

The townships will be offered in the order above designated, beginning with the lowest number of Section in each township.

⁵⁷ Oct 25 1830 [Pencilled notation on the MS.].

The lands reserved by law for the use of Schools, or for other purposes, are to be excluded from Sale.⁵⁸

Given under my hand at the City of Washington this fifth day of June A. D. 1830.

ANDREW JACKSON.

By the President

GEO: GRAHAM Commissioner of the General Land Office

RICHARD C. ALLEN TO GEORGE GRAHAM

[NA:GLO, Misc. Lets. Recd.:LS]

Office of the United States Law Agent,
TALLAHASSEE 15th June 1830.

SIR I have the Honour to acknowledge the receipt of yours of the 25th May,⁵⁹ Inclosing a Copy of a Letter to you, from M^r Wirt, dated 22nd May.⁶⁰—

I am gratified to learn, that the Subject of my Letter of 23rd April ⁶¹ is deemed by him of sufficient Importance to the Country, to require the prompt action of the Government upon it, and I feel anxious to learn the Determination of the President in regard to the Suggestions contained in M^r Wirts Letter.—

The Original Papers have been demanded of the Claimants in all Cases, where they were not in the first Instance produced and filed, but the Claimants reply to this Demand, by alledging, that the Originals are not in ~~our~~ their possession or power; that they were removed by the Spanish authorities to Havana, where they still are; that it is in the power of the Government alone, to Demand and obtain them, and that so long as Spain is permitted, by the Government of the United States to retain the custody of papers which properly belong to the United States under the Treaty, without an Effort to procure

⁵⁸ On Dec. 30, 1829 (*House Journal*, 21 Cong., 1 sess., p. 111), Del. White presented a petition from the inhabitants of Apalachicola for a sale of the lands on which they had located and requesting pay for their improvements if lost to other purchasers. The text of the petition has not been found. Another petition presented on Jan. 25, 1830 (*ibid.*, p. 200), from inhabitants of West Point on Apalachicola Bay, requested that preemption rights to town lots not be granted to persons petitioning for them. The text of this petition has not been found. Both petitions were referred to the Committee on Public Lands; no further action has been noted. Cf. *post*, p. 516.

⁵⁹ Not found.

⁶⁰ *Ante*, p. 412.

⁶¹ Apr. 13 the correct date, *ante*, p. 394.

ARE YOU WASHED
IN THE BLOOD?

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1834-1839



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("Forbes' purchase") Also, contract of Paul M^cCormick,⁴⁵ instruction &c. Also of James L. Hart (transcribing field notes). Ack^d 21 Dec^r ⁴⁶ M^r King

MEMORIAL TO CONGRESS BY INHABITANTS OF KEY WEST

[NA:HF, 24 Cong., 1 sess.:DS]

[November 16, 1835]

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

Your memorialists, inhabitants of Key West Florida, respectfully represent that, on the 8th day of November 1828 the Governor and Legislative Council of Florida, granted a Charter to the Town of Key West,⁴⁷ which was accepted by the inhabitants and a town government under the said Charter was thereupon organised.—That on the 2^d day of February 1832 the Governor and Legislative Council by "An Act entitled an act to incorporate the City at Key West,"⁴⁸ in several particulars amended and improved the charter of 1828: and the citizens of Key West having received and accepted the Said amended and improved charter, a city government was established agreeably to its provisions—That on the 29th day of January 1835 the Governor and Legislative Council of the Territory at the instance of ill disposed persons; while the City government with police and quarantine powers was duly organised under the said Charter and the City officers in the discharge of their legal duties, without notice to the Corporators and against their wishes, repealed the said Charter thereby depriving your Memorialists of the benefits and privileges of an incorporation.⁴⁹

Your memorialists do not admit the power of the Governor and Legislative Council to repeal a Charter solemnly granted, accepted and acted on by the corporators; without notice, against their consent and wishes and without any alleged infraction or forfeiture of Said Charter. And if the repealing clause itself be questionable, there are also penalties and disabilities attached to the Act which are repugnant to the act of Congress approved March 30th 1822 and which infringe the restraining clauses of that Act as applied to the Governor and Legislative Council of Florida, providing "that no ex-post facto law, or law impairing the obligations of contracts shall

⁴⁵ Present.

⁴⁶ NA (GLO, Lets. to SG, VI).

⁴⁷ Fla. (Terr.), *Acts*, 1828, pp. 296-298.

⁴⁸ *Ibid.*, 1832, pp. 11-13.

⁴⁹ *Ibid.*, 1835, pp. 301-302.

ever be passed, nor shall private property be taken for public uses without just compensation therefor"

Your memorialists beg leave to refer to the Legislative Act repealing the Charter of Key West (herewith attached) for palpable evidence of personal legislation unparalleled in modern times,—for fines and disabilities leveled against individuals, not designated by name, it is true, but sufficiently pointed out by reference to their offices.—

The Citizens of Key West have now no benefit of a City government in preserving peace and good morals or in directing the united energies of the community to public improvement and comfort: nor have they quarantine regulations calculated to prevent the introduction of contagious disease into this exposed position; and in consequence of resignations there has not been for some time a Justice of the Peace upon the Island—From the little intercourse with the Seat of Territorial Government a long time must necessarily elapse and great inconvenience be felt before these evils can be remedied:—wherefore your Memorialists pray that the Act of the Governor and Legislative Council of Florida approved January 29th 1835 be disapproved and annulled by an Act of Congress—And your Memorialists will ever pray &c—

KEY WEST, South Florida. November 16th 1835.

A. Gordon
George E. Weaver
A Patterson
W^m C Shaw
Cha^s M. Wells
Alden A. M. Jackson
Joseph A. Thouron
W^m R Hackley
F. A. Browne
J. B. Browne
A. C. Tift
D. Platts
J. A. Gaudolfo
J W Simonton
W. A Whitehead
P. C. Greene

John J Sands
O, O'Hara
John L Page
Jesse Atkinson
R. R. Fletcher
Francis Watlington
L F Breaker
W^m T. Atkins
Solⁿ Tift
John g Clarke
P. J. Fontané
Pierce P Fellows
John H Sawyer
A. F. Tift
John H. Geiger

I entirely concur in opinion with the inhabitants of Key West who have signed the foregoing memorial as to the necessity of a City Government for the regulation of their local police, & I am fully satisfied that the repeal of the act of Incorporation refer'd to by them, has had an injurious effect on their rights, Comfort & Convenience, & that the same ought to be restored James Webb

of all these important questions, the want of Law books is most Sensibly felt. The most obvious. Other important State in large Cities in the older States, where, shed by Governments, Exist, there are s conveniently accessible to their judges. s thus circumstanced, it has been found Libraries for Such Courts.

in a Small village, (both however rapidly n books as in all other conveniences and ences, the demand far exceeds the Supply e, are Small. The Judges and Lawyers nt places, with no convenient means for oreover, in this place where Admiralty nate, there is an almost Intire absence, ommercial Law, from private Libraries. is, most urgently, as a very great incon- Court has long labored—They can not egree of industry & application, or that lge can Surmount it, and Enable Judges t, Satisfactorily & correctly, to discharge rt, from the infrequency of Appeals to

States, (owing to the great delay & irtually in many Cases, a Court of the arising from its decisions thus disad- come in Some instances irremediable. request, that you will obtain from the ficient to purchase for the use of this —For this they understand there is a riation for the New Territory of Wis- uld not institute an invidious compar- h case, is dictated by reasons of Sound t reasons can be required for such ntion to the Courts of Florida, from the duties—

he Undersigned beg leave also, to ask on already made, by the District Judge priation, for finishing or fitting up the his place, and which the local authori- mplete. In addition to the reasons liddle District, the Undersigned would ss would furnish the Court of Appeals, officers, with no further expense to the they could not procure at this place.

although great charges have been necessarily incurred by the Govern- ment, for very inadequate accomodations to this Court.²⁶

All of which is most respectfully Submitted by your ob^t Ser^{ts}

THOMAS RANDALL

JAMES WEBB

J. A. CAMERON

ROB^t RAYMOND REID

MEMORIAL TO CONGRESS BY CITIZENS OF EAST FLORIDA

[NA:HF, 25 Cong., 2 sess.:DS ²⁷]

[February 5, 1838]

Memorial.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners, citizens of East Florida, beg leave most respect- fully to represent to your Honorable body, that a law has been in- troduced, and is likely to pass through the Legislative Council of this Territory, calling a convention to form a State Constitution,²⁸ pre-

²⁶ Presented to the House by Downing on Mar. 5, 1838 (*House Journal*, 25 Cong., 2 sess., p. 548). See also resolution by the Legislative Council, Feb. 2, 1838 (NA, HF, 25 Cong., 3 sess.), to the same purport. A report of the House Committee, Jan. 11, 1839 (NAT, HF, printed, H. Rep. 159, 25 Cong., 3 sess., pp. 1-2), recommended an appropriation of \$5000.00 for a library, but the bill failed of passage.

²⁷ Printed also in Dodd (ed.), *Fla. Becomes a State*, pp. 124-126, without signa- tures or endorsements. The proceedings of the meeting at St. Augustine, Feb. 5, 1838, which caused the memorial to be drafted, is printed *ibid.*, pp. 122-124. A similar memorial from St. Johns Co. is in NA (SF, 25 Cong., 2 sess.).

²⁸ Adopted, Feb. 7, 1838 (Fla., Terr., *Acts*, 1838, pp. 15-17). This act provided for the election of members to the constitutional convention at St. Joseph the first Monday in December. A House of Representatives resolution, Feb. 19, 1838 (*House Journal*, 25 Cong., 2 sess., p. 482), instructed the Committee on the Terri- tories to enquire into the expediency of authorizing the Territory of Florida to take a census and adopt a constitution preparatory to admission into the Union. Two bills were introduced for the purpose, No. 780 on May 11, and No. 887 on July 7, 1838, but neither passed (*ibid.*, pp. 870, 1273; the second bill is printed in Dodd (ed.), *op. cit.*, pp. 126-131).

The constitutional convention met at St. Joseph from Dec. 3, 1838, to Jan. 11, 1839. The originals of its Journal of Proceedings and of the Constitution which was framed are now missing (Dodd, ed., *op. cit.*, pp. 461-462). They are reprinted (*ibid.*, pp. 132-329) from editions published at St. Joseph in 1839. The official journal may be supplemented by newspaper reports reprinted in Knauss, *Terr. Fla. Journalism*, pp. 130-226, from the pages of the *Times* (St. Joseph) and *The Floridian* (Tallahassee). Robert R. Reid, the president of the convention, transmitted a printed copy of the Constitution to the Vice President, Feb. 11, 1839 (NA, SF, 25 Cong., 3 sess.). Upon its presentation. Feb. 11.

paratory to the admission of the entire Territory into the Union as an independent State Government.

Against this measure your petitioners beg leave to enter their most solemn protest.

Under the Spanish dominion, East and West Florida were governed as separate and different Provinces, and Pensacola and St. Augustine were the Capitals. One situated on the Gulph of Mexico, and the other on the Atlantic, the points to which the business and intercourse of the respective Provinces tended.

When they were organized by our National Government, they were both included in one Territory, and the Capitol was established at Tallahassee, a distance of 250 miles from the extreme of West Florida: about 750 from the extreme of East Florida, and 200 miles from the nearest point on the Atlantic shore.

To East Florida, this organization has been most peculiarly harassing and vexatious. Our people have been connected with, and in

1839 (*Senate Journal*, 25 Cong., 3 sess., p. 254), it was referred to the Committee on the Judiciary and ordered to be printed (S. Doc. 241, 25 Cong., 3 sess.). On Feb. 20, 1839 (*House Journal*, 25 Cong., 3 sess., pp. 616-617), Del. Downing presented the following documents to the House: a memorial of the convention, Jan. 11, 1839, setting forth arguments for the admission of the territory, a copy of the Constitution (these two documents are in NA, HF, 25 Cong., 3 sess.), a copy of the territorial law relative to the convention, and a copy of the census of the inhabitants. Five thousand copies of the memorial and other documents were ordered to be printed, and they are all included in H. Exec. Doc. 206, 27 Cong., 2 sess. The memorial was published contemporaneously in *The News* (St. Augustine), Mar. 30, 1839 (the constitution had appeared in the issue of Feb. 2, 1839), and in *The Floridian* (Tallahassee), Apr. 6, 1839; it is also printed in Dodd (ed.), *Fla. Becomes a State*, pp. 329-333. *The Star of Fla.* (Tallahassee), Feb. 28, 1845, contains the constitution, and the Mar. 14 issue states that it was available in pamphlet form for \$.50. It also appears in Fla. (State), *Acts*, 1845, pp. 5-26. The constitution was subsequently reprinted in Benjamin Perley Poore (ed.), *The Federal and State Constitutions* . . . (Washington, 1878, 2 vols.), I, 317-331, and in Francis N. Thorpe (ed.), *The Federal and State Constitutions* . . . (Washington, 1909, 7 vols.), II, 664-682. See *post*, p. 623. The people of the territory did not vote on the constitution until the election for delegate was held in May. Gov. Call finally certified to Robert R. Reid, August, 1839, that on the basis of returns received at Tallahassee the vote favored the constitution 2,070 to 1,975. On Oct. 21, 1839, Reid proclaimed the constitution approved and ratified by the people (Dodd, ed., *op. cit.*, pp. 69, 340; Fla. Terr. *Senate Journal*, 1845, p. 49; Fla. Terr., *House Journal*, 1845, p. 41).

In addition to the documentary historical work by Miss Dodd, the statehood movement in the territory may also be followed in the following publications: F. W. Hoskins, "The St. Joseph Convention, The Making of Florida's First Constitution," *Fla. Hist. Quar.*, xvi, 33-43, 95-109, 242-250, xvii, 125-131; James B. Whitfield, "Florida's First Constitution," *ibid.*, xvii, 73-102; and Emily Porter, "Reception of the St. Joseph Constitution," *ibid.*, xvii, 103-124.

part governed by, a territory of country possessing a large majority in numerical strength, and with which they had no association or business connexion, and have been so disconnected from the Legislature, and remote from its place of session as to be nearly excluded from all its benefits.

The Territory that is now attempted to be forced into a State against our best interests is about 900 miles long, varying in breadth from 30 to 160 miles; a line drawn through the interior of the country, equidistant from each border, would exceed 1000 miles in length.

In a new and partially settled country as this is, destitute of roads and facilities of communication, it is easy to see the immense expense, trouble and inconvenience which a large portion of the population must suffer in their business connected with legislation and the administration of a State Government. The burthens that will be cast upon our people, are truly alarming, and we cannot forbear our remonstrance in the most unequivocal terms.

Nature never intended that East Florida should be formed into a State with Middle and West Florida.—Its geographical position presents an insuperable objection. It is only necessary to cast the eye over the Map, to see that at no distant day a separation must from necessity to take place.

At this time, and while we remain a Territory, the process is simple; erect the whole into a State and the fabric measure is more intricate, critical and dangerous, and its accomplishment more tardy and troublesome.

Suwanee River, situated about one hundred and fifty miles East of the former line between the two provinces, presents a good and natural boundary.

It leaves both in the best possible form for States, and would leave in East Florida about five thousand of the present population of the Territory.

East Florida would then be about 700 miles long, and its mean breadth, one hundred and fifty miles. West Florida would then have about 500, and East Florida 1000 miles of sea coast.

Let it not be supposed that our numbers are too diminutive for notice. The best and by far the richest portion of this country, has been under the dominion of the sons of the forest. Their proximity to other lands not actually occupied by them, made settlements too dangerous to be multiplied. Remove them, and our numerous harbours and rivers, the climate, products, and other advantages, will present too many inducements for this region to remain desolate. No doubt remains among the intelligent, that in three years our population would entitle us to a place in the Union.

Neither do we see that Middle or West Florida will have any good cause to complain. Our population forms at this time so inconsiderable a portion of the whole, that it cannot very much retard the attainment of their darling object of becoming a State. By the time this Constitution shall have been formed, their census taken and their scheme ready for execution, their increase will probably exceed our present numbers.

Your petitioners, therefore, humbly pray your Honorable body to pass a law erecting and organizing that portion of Florida which lies East of the Suwanee River, into a Territory, separate and distinct from the other parts of the Territory of Florida—and your petitioners, as in duty bound, will ever pray.²⁹

ST. AUGUSTINE, *February 5th*, 1838.

And ^w Anderson	R. A. Henderson
Lot Clark	D. L. Proudfit
Elias Wallen	A. Daniels
Antonio Alvarez	D Dummett
José E Pomar	Mathew Solana
S. L. Peck	John M. Fontané
J L Lytle	Jn ^o Drysdale
C. Rampon	W H Simmons
J ^{as} Filson	K. B. Gibbs
John Rodman	Geo: Gibbs
Theo: Flotard	R. D. Fontané
F. L. Dancy	G. Wilkeson
L. L. Moore	W ^m Levingston
Ant ^o J. Triay	Jos Hernandez
James Pellicer	Jn ^o M Robinson
Joseph M Hernandez	John Jenckes
W ^m G Davis	Edwin T. Jenckes
Robt W Dunlap	E B Gould

[Section 2 of Subscribers to Memorial]

W ^m de Peyster	James Hurlbert
Asa Howard	Andrew Kemp
Joseph Lorrar	Whipple Allen

²⁹ A resolution of the General Assembly of Alabama, Dec. 23, 1837 (NA, HF, 25 Cong., 2 sess.; printed, S. Doc. 107, 25 Cong., 2 sess.), favored the annexation of that part of West Fla. south of Ala. and west of the Chattahoochee River or the Apalachicola River. Neither Gov. Call nor the Select Committee of the Legislative Council regarded this attempt to dismember the territory in a favorable light (Fla. Terr., Legis. Council, *Journal*, 1838, pp. 73-74, 120-124).

M. W. Wicker	Juan Andreu l ^o
B. F. Carr & Co.	Emanuel Andreu
W ^m Travers	José Bean
Ch ^s Haagers	Bartolome Oliveras
V Henry	Antonio Pacetty
LA. Demasters	Mateo Lorenzo
D. Solana	Gabriel Pacetty
Geo. L. Phillips	Agustin Lopez
Jos. S. Sanchez	Francisco Arnau
Pedro Benet	W H Williams
Pedro Capella	Asa P Whitaker
José Benet	Francis Whitaker
Francis Pellicer	Luther Ransdale
Ramon Sabate	William Hagankamp
John Dubois	A. Chamberlain
Diego Hernandez	Bernard Hackett
B ^{me} Pons	Edwd White
Bernardo Segui	Edw ^d Thompson
Jacque Boinguardes	Clotworthy Evans
Rob ^t Campbell	James A Monk
José Hernandez	Lyman Little
Antonio Andreu	George W Sprague
Andres Paseti	William Tracy
Mauricio Sanchez	J P Lylstree
José Pacetty	George Medicis
Lawrence Andreu	Benj ^a Tomlinson
Gabriel Pomar	Antonio Capo
J D Sheldon	Joseph Nelson
W ^m Wilson	Thomas Nelson
Charlis Holcum	S. Hill Williams
Michael Usina	James Wardlaw
E Sprague	Antonio J Noda
L D. Allen	Cha ^s Robion
A M Hurley	Venancio Sanchez
R L Houston	Andrew Storrs
Rob ^t Campbell	Henry M. Deaton
Arthur O.'Hogan	Nelson Musgrove
Thomas Cory	Geo Bartlett
George Marshall	Henry Covert
O Congar	Townsend Hewlett
Franc ^o Andreu	Jesse Sanders
Thomas Andreu	Pedro Cercopoly
George Gianopole	Domingo Cercopoly

Ygnacio Ortega	John Hewlett
Fernando Falany	Felix Cercoply
Bartolome Pacetty	Wm Davis
Andreu Pacetty	G Lasserre
John Masters	John Stevenson
John Capo	F Dustin
Jn° Lott Philips	José Pacetty 2°
Crecencio Pacetty	José Andreu
Sebastian Yanobar	Juan Segui
Peter Masters	Gabriel Capo 2°
Vincente Pacetty	Antonio Andreu
Esteban Arnau	José Maestre
Fran° Rogers	Juan Andreu 2°
José Bará	Francis Arnau
D. Salas	John L Williams
Gabriel Capo	Francisco Yanobar
David Jones	John Ponce Jun
Henry Grove	Aaron Jones
Michael Neligan	Peter C. Lylstree
Felipe Gomes	Joshua Joyner
Reuben H. Pinkham	Samuel Hewlett
Domingo Usina	Ch° W Clarke
John Walker	290 Signers

[Endorsed] Florida—Inhab^{ts} of versus admission into the Union as a State March—5—1838 Ref^d to the Comm^{ee} on the Territories ³⁰ Florida against admission into the Union M^r Downing

[Section 3 of Subscribers to Memorial]

Fran° D. Pons	W H Chase
John A. Cavedo	John Broward
Andrew Floyd	William Eubank
Jn° Brown	John D Vaughan
Domingo Acosta	Rob ^t Harrison
Ynnosinse Cardona	James G Cooper
Geo. Stewart	William Vaughan
John S. Villalonga	Mich ^l Hickey
Dan ^l Vaughan	James F. O'Neill
Francisco de Salas	José Bergallo
Manuel Mott	H R Sadler
Antonio Dias	Miller Hallowses
Lewis Green	J. H. M ^o Intosh

³⁰ House Journal, 25 Cong., 2 sess., p. 549.

[Endorsed] Florida Inhab^{ts} of East Anti State memorial Nassau C° Territories Jan—21—1839 Ref^d to Com^{ee} on the Territories ³¹ Feb. 5—1840 Ref^d to Com^{ee} on the Territories ³²

NOMINATIONS TO TERRITORIAL OFFICES

[LC:Fla. Terr. Legis. Council, *Journal:Pr.*]

Executive Office, TALLAHASSEE, *February* 5th, 1838.

TO THE LEGISLATIVE COUNCIL:

GENTLEMEN—I hereby nominate for the County of Washington the following Officers: For Auctioneers, Henry Clark, Levi F. Miller. For Notaries Public, Henry Clark, Stephen B. Roach, Ashley H. Miller. For Justices of the Peace, Henry Clark, Wylie Jones, W. M. Loftin, John Bryan. As Port Wardens for the Bay of St. Andrews, I nominate W. M. Loftin, Francis Loftin, Wylie P. Clarke.

R. K. CALL, Governor of Florida.

Which was read and the nominations therein contained were consented to and advised.

Executive Office, TALLAHASSEE, *February* 6, 1838.

TO THE LEGISLATIVE COUNCIL:

GENTLEMEN,—I hereby nominate the following Officers for the County of Monroe, Lewis F. Breaker Justice of the Peace, Joseph A. Thouron, and Peter L. Armstrong, Notaries Public.

William H. Shaw, Pardon C. Green, O. O'Hara, J. J. Fontane, J. J. Sands, and A. C. Tift, Auctioneers.

R. K. CALL. Governor of Florida.

Executive Office TALLAHASSEE 6th *February*, 1838.

TO THE LEGISLATIVE COUNCIL:

GENTLEMEN,—I hereby nominate the following Officers for the County of Dade, Thomas Jefferson Smith, Judge of the County Court.

John Du Bose and Thomas Jefferson Smith, Notaries Public.

James A. Dutcher, and John Du Bose, Justices of the Peace, and Henry Benners Auctioneer, in and for said county.

R. K. CALL. Governor of Florida.

³¹ House Journal, 25 Cong., 3 sess., p. 382.

³² *Ibid.*, 26 Cong., 1 sess., p. 306. See Martin, *Fla. during Terr. Days*, pp. 258-277.

THE TERRITORIAL PAPERS OF THE UNITED STATES.

Compiled and edited by
Clarence Edwin Carter

VOLUME XXVI
The Territory of Florida
1839-1845



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Benjamin Byrd to be Auctioneer for the County of Leon

James Child to be Justice of the Peace for the Oclockony District in the County of Leon

W^m M. C. Neil John J. Edwards Richard Wilson James H. Parker Joseph T. Russ Luke Lott Isaac H. Stone to be Justices of the Peace for the County of Jackson

James H. Parker Hugh Rusk Ira Green Len Griffin to be Auctioneers for Jackson County

Adam W Snyder to be Judge of the County Court for the County of Dade

W. C. Maloney Lemuel Otis Temple Pent William Whitehead to be Justices of the Peace for Dade County

George W. Somerandyck to be Notary Public for Dade C^{ty}

W. C. Maloney to be Auctioneer for Dade County

Andrew Robb to be Auctioneer for Duval County

J. M. Gould to be Justice of the Peace for St: Johns County

ROBERT: RAYMOND: REID Governor of Florida ⁶⁸

Note, the above Message was also Sent to the House—

THE SECRETARY OF WAR TO DAVID LEVY

[NA:WD, Sec. War Lets. Sent, Mil. Bk. 21]

February 19th 1840.

D. LEVY Esquire S^t Augustine, Florida.

SIR, I acknowledge the receipt of your letter of the 29th ultimo,⁶⁸ enclosing one addressed to you by Major Crichton and others in behalf of the inhabitants of the neighborhood of Mandarin,⁶⁹ asking your assistance in procuring an order for a Militia Volunteer company, to be mustered into service for the purpose of protecting that settlement from Indian depredations

Such great inconvenience has been experienced by the service in Florida, from separate and independent commands being established there, that the Department has resolved not again to sanction them—The letter of Major Crichton and others, has, however, been referred to General Taylor, with instructions to take all proper measures for the protection of the country.

J R P

⁶⁸ See *post*, p. 65.

⁶⁹ Not found.

EXECUTIVE NOMINATIONS FOR TERRITORIAL APPOINTMENTS

[FSL: Terr. Govrs. Let. Bk.:M ⁷⁰]

Executive Department TALLAHASSEE 19th February 1840

To the Honorable the Senate of the Legislative Council

I respectfully nominat the following persons for the offices opposite their Names and request the consent of the Legislature thereto,

F. A. Brown Auctioneer for the County of Monroe

Samuel T. Vail Tax Collector for the County of Monroe

W^m H Bethel Justice of the Peace for Dade County

W^m Whitehead Auctioneer for the County of Dade

Andres Papy Lumber Inspector for St: Johns County

James Smith Justice of the Peace for Jackson County

P. A. Randolph F. Wattington W^m H Wall L. F. Breaker R. W. Cussins—Port Wardens for Key West

J. B. Brown W. H. Wall R. W. Cussins. W. C. Greene A. F. Tift—Auctioneers for Monroe County

L. F. Breaker John Dubose Justices of the Peace for Monroe County

John Iverson Notary Public Duval County

Edgar M McDonald Auctioneer Duval County

Joseph L. Dutton, Auctioneer & Lumber Inspector for Duval County

Francis A. Huson George Branning John M. Ponce Justices of the Peace for Duval County

John B. Allen Justice of the Peace Hillsborough County

W^m P. Killgore Auctioneer & ~~Corer~~ Hillsborough County

R. D. Killgore Auctioneer Hillsborough County

Domingo Acosta ~~John J. Braddock~~ J. Tomkins William Turner John Motes Justices of the Peace for Nassau County

Daniel Campbell Justice of the Peace Escambia County

F. Desa Reid Sen^r Henry D^cCastilo Auctioneers for Escambia County

Douglass Dummett Judge County Court Mosquito County

Francis Pellicer Justice of the Peace for Mosquito County

[Blank] Cantwell Notary Public for Apalachicola—

Samuel H. Williams Auctioneer for the County of Mosquito

ROBERT: RAYMOND: REID

(The like message sent also to the House)

⁷⁰ See *ante*, p. 20, n.