

Joseph Marion Hernández

1788–1857

TERRITORIAL DELEGATE 1822–1823
JEFFERSONIAN REPUBLICAN FROM FLORIDA

Joseph Hernández, the first Hispanic Member of Congress and the first Territorial Delegate to represent Florida, bridged his state’s cultural and governmental transition from Spanish colony to U.S. territory. Hernández fought first for Spain and later for the United States; he also earned—and lost—a fortune that included three plantations and numerous slaves. His complex life and career as a slave-owning, Indian-fighting politician cut from Jacksonian cloth embodied conflicting attitudes toward statehood, representation, and territorial conquest. Though brief, his service to the territory set an effective precedent, prompting the *Washington City Gazette* to declare, a “compliment is due to the zeal and industry of the honourable delegate from Florida, who during the session, appeared at all times attentive to the objects connected with the prosperity of his constituents and the interests of the Territory.”¹

José Mariano Hernández was born on May 26, 1788, in St. Augustine, Spanish Florida. He was the third of 10 children and the first son of Martín Hernández, Jr., and Dorothea Gomila, immigrants from the island of Minorca. The Hernándezes settled in St. Augustine in 1784, living in the northern section of the city, dubbed the Minorcan Quarter. Local residents earned their livelihoods by farming, fishing, and making handcrafts. Although the Hernándezes were not among St. Augustine’s elite families, Martín Hernández was a skilled laborer and a slave owner, indicating that the family had some wealth. José Hernández attended local schools run by Catholic priests and worked with his father in carpentry. As an adolescent, he was educated in Savannah, Georgia, and Havana, Cuba. He returned to East Florida in 1811 after studying law, most likely in Cuba.²

During the Second Spanish Period (1783–1821), Spain regained territory lost to the British in the Seven Years’

War (1756–1763). At that time, the Florida peninsula was divided between East and West Florida.³ One historian describes Spanish East Florida as a “province virtually devoid of people, a place rich in land but poor in inhabitants.” By 1811 the population numbered barely 4,000. St. Augustine and Fernandina, both coastal ports, were its only urban centers. The remainder of East Florida was “a scattering of forts, cotton and rice plantations, citrus groves, farms, cattle-ranching operations, sawmills, and lumber camps.” Many of the colonial properties were nestled along the St. Marys, Nassau, and St. Johns Rivers. The area’s major landmarks were military installations that guarded important routes on the rivers. East Florida society was a “small, somewhat self-contained world, one in which Spanish officials had to carefully balance Crown prerogatives against local needs and . . . defend Spanish interests with limited resources. Political life revolved entirely around the governor in his dealings with various factions of settlers.” As a result of East Florida’s physical isolation, small tax base, and limited funding from the Spanish government, local officials sought regional trade opportunities. In the 1790s, East Florida increased its trade with neighbors such as Mexico, Cuba, and the United States. However, territorial ambitions, economic competition, and distinct cultural differences between East Florida and its northern neighbors in Georgia and the Mississippi Territory poisoned their relations and plunged the region into armed conflict. In 1790 the king of Spain spurred increased settlement—and possible conflicts—by offering homestead grants to U.S. citizens.

A variety of factors stirred tensions between the settlers in Georgia and those in Florida. Economic competition played a major role. Both groups of settlers jockeyed for influence with the Florida Indians, who controlled lucrative trade markets and were potentially a significant



force in an armed conflict. Also, much of the commerce in the Southern United States was based on access to rivers, many of which emptied into the Gulf of Mexico through the Floridas. Furthermore, control of the Floridas was a security issue because foreign powers could encroach into the Deep South by using the Florida route. Cultural conflicts deriving from differences in religious background (U.S. Protestants vs. Spanish Catholics) and great-power alliance (Spain was an ally of Great Britain, and memories of the American Revolution were still fresh) further divided the two groups. But their attitudes toward slavery drove the largest wedge between them. First, many of the conflicts regarding slavery developed from the differences between the black-white framework of Anglo-American jurisprudence and the more permeable three-race structure of Hispanic societies. Second, U.S. slaveholders were aware that Florida was a close haven for fugitive slaves, who could blend into Spanish or Seminole communities with relative ease. Third, the use of armed black soldiers in the Florida militia alarmed U.S. slaveholders, who feared possible slave revolts. Underlying all this was the lack of a clear governing authority, which encouraged violent acts of retribution. After 1790, neither the U.S. nor the Spanish authorities could effectively control border conflicts.⁴

For the next two decades, U.S. encroachment into East Florida, though sporadic, was sanctioned by two presidential administrations. President Thomas Jefferson and his Secretary of State, James Madison, sought to expand U.S. territory to the south and west of the original 13 colonies. Both men particularly coveted the Louisiana territory and the Floridas. After the Louisiana Purchase in 1803, Jefferson and Madison pressured Spain to cede the Floridas through a combination of economic inducement, military force, and slow advancement by U.S. settlers.⁵

The outbreak of what is known as the Patriot War developed out of U.S. settlers' resentment toward the Spanish government and their wanton desire to annex the territory for the United States. In March 1812, a group of self-proclaimed "Patriots" led by U.S. general George Mathews occupied the town of Fernandina and laid siege to St. Augustine. They declared victory in July

1812. The Madison administration supported the Patriots as a low-risk effort to foment instability in East Florida that could be used as a pretext for seizing new land and stopping British incursion into the region. However, when President Madison later withdrew his support, the initiative became a bloody, destructive war that lasted two more years. After returning to Florida, Hernández volunteered to join the Spanish military to defend the territory against U.S. expansionists.⁶

In February 1814, Hernández married Ana Hill Williams, a wealthy widow who lived in St. Augustine. Ana had at least nine children from her first marriage, including Guillermo, José Mariano Tomas, Eliza Ana, José Sam Gil, Juan Theofilio, Ana Teresa, Martín, Dorotea, and Louisa. Ana owned properties—among them, a 3,200-acre sugar cane plantation called Orange Grove—that allowed Hernández to become a prominent planter. Hernández also acquired a number of profitable land grants during the Patriot War.

In 1817 the First Seminole War erupted in the West Florida province. In January 1818 Andrew Jackson led a force of 4,800 men into the Spanish Floridas, seizing a fort and destroying Seminole settlements along the way. The campaign concluded in May 1818 with the formal cession of West Florida to the United States. Secretary of State John Quincy Adams and Spanish Ambassador Luis de Onís negotiated and signed a treaty of cession on February 22, 1819. After two years of diplomatic wrangling, the treaty was approved by the Senate on February 22, 1821. Although Hernández's role in the war remains ambiguous, it is clear that he benefited from the conflict by receiving more land grants from the Spanish government.⁷ Ultimately, with the land that he purchased or inherited by marriage and the massive holdings he received as service grants from the Spanish crown, Hernández controlled 25,670 acres at the time of the U.S. annexation.⁸

Rather than fleeing with other Spanish settlers to Cuba, Mexico, or Texas, Hernández chose to stay and work with the new regime, changing his name from José Mariano to Joseph Marion. Hernández became friendly with the territory's first civil governor, William Pope DuVal, a



Jeffersonian Republican, a former Representative from Kentucky, and an ally of Andrew Jackson's. In April of 1822, DuVal submitted the names of Hernández and seven others as delegates to Florida's first legislative council. Hernández was also nominated to the brigadier generalship of the East Florida militia. The Florida legislative council selected Hernández to serve as Territorial Delegate, a decision that was confirmed by a three-day election (September 30 to October 2, 1822) in which Hernández faced no opposition.⁹

Hernández was sworn into the House on January 3, 1823.¹⁰ As a Hispanic Catholic Representative in a Congress that was predominantly Anglo-American and Protestant, Hernández was entering uncharted territory. But Hernández was well qualified to usher in Florida's transition from Spanish to U.S. rule: He was bilingual, an established planter, and a well-known soldier who had fought in two major wars that determined Florida's territorial status. However, his legislative role was circumscribed, largely because of institutional restrictions on the powers of a Territorial Delegate. At the time, Territorial Delegates were prohibited from serving on standing House committees; thus, Hernández did not hold a committee assignment during his brief tenure.¹¹

During Hernández's time in Congress, the finalization of Florida annexation by the United States involved two controversial issues, access to owning land or validating land deeds and the removal of Seminoles from the territory.¹² These overarching priorities shaped Hernández's four-pronged legislative agenda as Delegate: verifying the status of land grants as a result of their transition from Spanish to Anglo-American jurisprudence; advocating for infrastructural improvements; assisting Florida with its recovery from recent wars; and fostering relations among U.S. settlers and the remaining Spanish elites, Indians, and territorial authorities.

Hernández's first objective was to facilitate the verification of land claims from the Spanish government to the U.S. government. This was a personal issue as much as a diplomatic matter, given his extensive land holdings. On January 20, 1823, Hernández submitted a bill asking

the House Committee on Public Lands to award "public lots and houses within the city of Pensacola" to the city instead of to the U.S. government. The next day, in a letter to Secretary of State John Quincy Adams, Hernández noted, "[It] is to be regretted Sir, that in a Territory so recently obtained from a foreign Nation, whose Inhabitants are yet unacquainted with the System & Laws of Our Government, Should have had instances of ... open Controversy between its public functionaries" regarding these land claims. Hernández included a memorial from the St. Augustine city council and his own resolution. He asked Adams to "lay the enclosed papers before the President [Monroe], in order ... to prevent ... interference with the said property" until Congress rendered a decision.¹³ On February 17, upon hearing that the Senate would reject the bill, Hernández appealed to Vice President Daniel D. Tompkins of New York to submit a bill creating an additional board of commissioners to settle the land claims.¹⁴

On behalf of the residents of St. Augustine, Hernández submitted a petition that lobbied for the separation of East and West Florida, outlining a plan for "a separate board of commissioners ... to ascertain titles and claims to land" in East Florida and to permit settlement on public land.¹⁵ The petition also requested that the "aid of Congress may be extended" toward building and maintaining transportation infrastructure and asked Congress to prohibit U.S. soldiers from voting for Territorial Delegates. The House sent the petition to five committees, each of which had jurisdiction over specific complaints.¹⁶ Hernández also submitted a petition that called for a revision to the "assessment of taxes and the establishment of county courts."¹⁷ In February 1823, Hernández objected to a bill that proposed forming a single board of commissioners; he argued that two boards were required because the dispensation of land grants in East Florida differed from that in West Florida. A new law (3 Stat. 754–756) resolved the issues regarding land claims and the formation of a board of commissioners described by Hernández in his legislation.¹⁸

Federal support for capital improvement projects such as roads, bridges, and canals was another priority. Hernández sought the construction of a 380-mile road



between St. Augustine and Pensacola, Florida's two largest settlements. A contemporary observed, "The best practicable track is about seven hundred miles, through an unsettled and savage wilderness, which is travelled with great hazard and difficulty."¹⁹ Hernández also lobbied for new roads south of St. Augustine to facilitate the economic development of East Florida. In February 1823, Hernández submitted H.R. 275, which called for congressional funding for these routes, noting in a memorandum that a portion of the Pensacola–St. Augustine road "was originally opened by the British Government" during its occupation of the Floridas. After consideration by the Committee on Public Lands, a bill appropriating \$15,000 for the project was passed by the House. On March 1, the bill was taken up by the Senate, where it was ordered to lie on the table but was not acted upon before the 17th Congress closed on March 3.²⁰ Hernández did not give up. In a March 11, 1823, letter to Secretary of War John C. Calhoun of South Carolina, Hernández insisted that a major roadway would benefit the military and the territorial government. He also believed it would facilitate the construction of a capital city and make Florida an attractive candidate for statehood.²¹

Hernández was a diplomatist as well as a legislator, promoting resolutions to conflicts with American Indians and seeking to smooth the transition from Spanish to U.S. rule. In the first decades of the 19th century, relations between Anglos and Indians often involved the imposition of racial separation. Although Hernández had interacted with Indians during his youth and adulthood, he conformed to the separatist practices of U.S. settlers. He encouraged the James Monroe administration to negotiate a treaty that would gather the Seminoles in one location and outline their relationship with the U.S. government. The resultant Treaty of Moultrie Creek, ratified in December 1823, compelled all Indians in Florida to move to a four-million-acre reservation with defined boundaries.²²

When Hernández's term ended in March 1823, he prepared to run for a second term. A local newspaper endorsed his candidacy, stating, "In the faithful execution of the various and important trusts committed to him ...

his good sense and information on every subject connected with the interests and prosperity of this territory have inspired confidence and esteem in the Administration ... and gained for Florida many warm and valuable friends on the floor of Congress."²³ Three opponents challenged the incumbent in the June 1823 election: Alexander Hamilton of St. Augustine and Farquar Bethune of Fernandina, both from East Florida; and Richard Keith Call, a Jackson acolyte who served on the territorial legislative council, from West Florida. According to one scholar, "Politics in Florida were largely of a personal nature as certain men of wealth and education became the natural leaders of political life on the frontier." In sum, voters were predisposed to support political candidates because of regional ties rather than party loyalties.²⁴

The candidates from East Florida split the vote three ways: Hernández garnered 252 votes to Hamilton's 249 and Bethune's 36. Call ran unopposed in West Florida, capitalizing on his service as the region's brigadier general of the militia, and with 496 votes he won a seat in the 18th Congress (1823–1825). Hernández's political career shifted to territorial politics with his appointment by President James Monroe to the territorial legislative council at the suggestion of Territorial Delegate Call. President John Quincy Adams renewed Hernández's appointment in 1825.²⁵

Hernández ran for Delegate in 1825 against Joseph M. White, a Kentucky lawyer and politician who lived in Pensacola, and James Gadsden, a territorial council member who would eventually become known for negotiating the purchase of a portion of southern Arizona and New Mexico in 1853.²⁶ A laudatory editorial in the *East Florida Herald* reminded readers of Hernández's service in the House. Describing Hernández's efforts to secure passage of H.R. 275 and his facilitation of the Treaty of Moultrie Creek, the editor wrote, "We cannot but admit, that if talent or zeal deserve reward; if useful services call for some gratitude and acknowledgement ... the claims of Gen. Hernández are paramount to those of every other candidate."²⁷ A rebuttal stressed White's superior qualifications and suggested that having a

Hispanic Delegate would be a liability for Florida. While no one would deny Hernández credit for his previous service, the writer argued, White was “better acquainted with our language, the organization of our political institutions, and the mode of transacting business in the councils of the nation.” Hernández was almost left off the ballot. Announcing his candidacy in a public letter to local electors, he wrote that hearing rumors “I had withdrawn my name; I deem it a duty, that I owe to the public and my friends ... to put an end to any uncertainty, that may prevail on this subject.”²⁸ In the general election, White prevailed with 742 votes, Gadsden placed second with 460 votes, and Hernández trailed with 362 votes.²⁹

During the 1820s, Hernández established himself as a major territorial planter, producing some of Florida’s biggest cash crops, including sugar cane and cotton. Contemporary publications noted the outstanding productivity of the Mala Compra and St. Joseph Plantations. However, Hernández’s sugar cane and cotton crops required him to use between 60 and 150 slaves to run three massive plantations. Despite his agricultural success, Hernández was forced to sell large tracts of land during the mid-1820s to retire debts and make mortgage payments. In 1835 he borrowed money and used his estates as collateral to remain solvent.³⁰

By this time, relations between white settlers and the Seminoles had deteriorated almost to the point of open conflict. Territorial authorities believed Indian removal policies that had been adopted in other parts of the Southeast would also work for Florida, and white settlers wanted to permanently eliminate Indian enclaves for fugitive slaves. Like other slave owners, Hernández was concerned about havens for fugitive slaves and about the possibility of armed rebellion by escaped slaves and the Seminoles. In response to the unrest, President Andrew Jackson sent a 700-man regular army force to coordinate the defense of East Florida. By late December 1835, black and Seminole insurgents had destroyed a half-dozen plantations in the St. Augustine area. A number of other devastating attacks in the region signaled the start of the Second Seminole War.³¹

Hernández returned to the battlefield in the Second Seminole War (1835–1842). According to his most recent biographer, he “was incredibly influential in shaping the course of ... the conflict” as the senior commander of the East Florida militia. He was responsible for ensuring the safety of civilians in East Florida and for protecting its complex of plantations, including his own. Hernández managed the defenses of the region with limited manpower in a territory that covered all of modern-day Florida except the Panhandle. Hernández contended with the militia, which was reluctant to fight away from home and with recalcitrant army regulars, who refused to follow his orders. After the arrival of reinforcements in March 1836 and a new field commander, Hernández played a significant role in the conflict, but was not the senior field commander. Throughout 1836, he helped recover slaves and prevented them from fleeing toward enemy lines.³²

The war brought Hernández financial and political misfortune. In early 1836, the Seminoles attacked and destroyed 16 plantations in East Florida, among them Hernández’s St. Joseph sugar cane operation. Compounding this loss, the U.S. Army requisitioned the Mala Compra Plantation. Mala Compra’s use as a hospital, field headquarters, and supply depot, along with its abuse by soldiers, all but destroyed Hernández’s home. Moreover, his workforce was greatly diminished. The war also brought Hernández unwanted national recognition. An informer led Hernández, two mounted companies of militia, and three companies of regular troops to a secluded camp of escaped slaves and Seminoles. Hernández’s group captured dozens of enemy combatants, including a prominent leader who had organized the destruction of Hernández’s St. Joseph plantation. In October 1837 he facilitated a meeting between U.S. forces and a group of prominent Seminole leaders that included Osceola.³³ Osceola’s party arrived under a flag of truce but with no indication that they were willing to surrender. However, Hernández’s commander, General Thomas Sidney Jesup, ordered Hernández to capture the men. Following orders, Hernández’s 250-soldier contingent captured Osceola and 79 Seminoles. Within Florida, Hernández and Jesup were



hailed as heroes, but nationally, Jesup's decision to ignore the truce was criticized by the press. Although Hernández escaped censure, his association with the incident tarnished his political prospects. For the remainder of 1837, Hernández participated in expeditionary campaigns against Seminole insurgents in central and South Florida. In January 1838, he asked to be relieved from duty because of the war's toll on his personal fortunes. The Seminole War dragged on for four more years.³⁴

Hernández attempted to revive his political career by running for the U.S. Senate. In the early 1840s, as Florida became more partisan with the Whig-Democrat divide, Hernández joined the Nucleus, a faction of conservative elites drawn from the ranks of planters, businessmen, and merchants. Like his counterparts, Hernández opposed single statehood for Florida; instead, he advocated for two states, East Florida and West Florida. His main competitor was David Levy, a Whig who tirelessly promoted the one-state concept. In July 1845, several months after Florida was admitted to the Union, Hernández, Levy, James D. Westcott, and Jackson Morton ran for Florida's two U.S. Senate seats. A majority of the Florida senate chose Levy and Westcott, who won handily with 41 votes each; Hernández and Morton received 16 votes each.³⁵

Though his dreams of national office had ended, Hernández remained active in local politics, serving as mayor of St. Augustine in 1848. He eventually left Florida to reside in Matanzas, Cuba, in his later years and died on June 8, 1857.³⁶

FOR FURTHER READING

Biographical Directory of the United States Congress, "Joseph Marion Hernández," <http://bioguide.congress.gov>.

Linville, Nick. "Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857," (M.A. thesis, University of Florida, 2004).

MANUSCRIPT COLLECTIONS

Robert D. Farber University Archives and Special Collections Department, Brandeis University (Waltham, MA). *Papers*: Daniel Webster Collection, 1841–1843, five linear feet. The papers include

a letter from Stephen White to Daniel Webster recommending Joseph Hernández as governor of Florida and an application from Hernández to Daniel Webster for the position. Both documents are dated July 13, 1841.

St. Augustine Historical Society Research Library (St. Augustine, FL). *Papers*: Hernández Family Biographical File, n.d., amount unknown. Persons represented include Joseph Hernández.

P. K. Yonge Library of Florida History, University of Florida (Gainesville). *Papers*: Miscellaneous Manuscripts Collection, c. 1822–1849, amount unknown. Correspondence by and relating to Joseph Hernández.

NOTES

- 1 "Mr. Hernandez," 12 April 1823, *East Florida Herald* (St. Augustine).
- 2 Nick Linville, "Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857," (M.A. thesis, University of Florida, 2004): 3–6.
- 3 William S. Coker and Susan R. Parker, "The Second Spanish Period in the Two Floridas," in Michael Gannon, ed., *The New History of Florida* (Gainesville: University Press of Florida, 1996): 150. According to Coker and Parker, West Florida's borders "extended from the Chattahoochee and Apalachicola rivers on the east to the Mississippi River and the Isle of Orleans in the west. The Gulf of Mexico and the Louisiana lakes Borgne, Pontchartrain, and Maurepas formed its southern boundary." West Florida's urban populations were centered in Mobile, Baton Rouge, Natchez, and Pensacola, its capital.
- 4 James G. Cusick, *The Other War of 1812: The Patriot War and the American Invasion of Spanish East Florida* (Gainesville: University Press of Florida, 2003): 38–53; John Missall and Mary Lou Missall, *The Seminole Wars: America's Longest Indian Conflict* (Gainesville: University Press of Florida, 2004): 18. A small group of U.S. settlers organized a rebellion against the Spanish government from 1794 to 1795. In retribution, Spanish authorities arrested the conspirators and imprisoned them in Cuba, confiscated or destroyed private property, and used armed black soldiers to restore order. Embittered U.S. settlers, who owned property and slaves, fled across the border into Georgia and plotted to settle scores with the Spanish government. For a summary of the distinctions between U.S. and Spanish attitudes toward race, see Daniel L. Schafer, "A Class of People Neither Freeman Nor Slaves: From Spanish to American Race Relations in Florida, 1821–1861," *Journal of Social History* 26, no. 3 (Spring 1993): 587–609, especially pp. 587–592.
- 5 George C. Herring, *From Colony to Superpower: U.S. Foreign Relations since 1776* (New York: Oxford University Press, 2008): 109–112; Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789–1815* (New York: Oxford University Press, 2009): 374–376. U.S. officials sought to exploit Spain's weakness



- as a result of the Napoleonic wars by crafting the Mobile Act and fomenting a rebellion in Baton Rouge in 1810 that led to the annexation of West Florida, which bordered the Orleans Territory along modern-day Baton Rouge and extended eastward to Mobile.
- 6 Cusick, *The Other War of 1812: The Patriot War and the American Invasion of Spanish East Florida*: 293–299; Coker and Parker, “The Second Spanish Period in Two Floridas”: 160–163; Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 7–8.
 - 7 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 10–11; Coker and Parker, “The Second Spanish Period in Two Floridas”: 164; Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815–1848* (New York: Oxford University Press, 2008): 107–111; Missall and Missall, *The Seminole Wars*: 32–51.
 - 8 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 8–10, 35 (see footnote 17). In addition to Ana’s Orange Grove Plantation, Hernández acquired an 800-acre sugar cane plantation, St. Joseph, in 1815. He acquired another 800-acre plantation called Mala Compra and a 375-acre extension called Bella Vista. Additionally, Hernández acquired two grants of 20,000 and 18,000 acres from the Spanish government for his services. To counter annexation by U.S. settlers and ensure that the best land would remain in the possession of Spanish settlers, Spanish governors in East Florida awarded land grants (called head-right or homestead grants) to Patriot War veterans like Hernández.
 - 9 *Biographical Directory of the United States Congress*, “William Pope DuVal,” <http://bioguide.congress.gov>; Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 12–13; Sidney Martin, *Florida during the Territorial Days* (Philadelphia, PA: Porcupine Press, 1974; reprint of 1944 edition): 47–48; Daniel L. Schafer, “U.S. Territory and State,” in Michael Gannon, ed., *The New History of Florida*: 210–211; Joseph M. Hernández Certificate of Election (endorsed 20 November 1822), Committee on Elections (HR17A-H1), 17th Congress, Records of the U.S. House of Representatives, Record Group 233, National Archives, Washington, D.C. Two of the three sources provide conflicting versions of Hernández’s election to Congress. Hernández’s election certificate describes a three-day election that was won by Hernández. Sidney Martin, however, writes, “at the request of the Legislative Council, and after a make-shift election,” Hernández was elected to Congress as a Territorial Delegate. Schafer echoes Martin’s assertion that Hernández “was appointed by the legislative council in 1823” but lists the wrong date. Like Martin, Schafer writes, “All subsequent delegates were elected by the voters of the territory.” The first popular election for a Territorial Delegate seat was in June 1823.
 - 10 *Annals of Congress*, House, 17th Cong., 2nd sess. (3 January 1823): 482.
 - 11 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 13; no committee assignments for Hernández are listed in the *Annals of Congress*, the *House Journal*, or the *Congressional Directory* (17th Cong., 2nd sess.).
 - 12 Schafer, “U.S. Territory and State”: 215.
 - 13 *House Journal*, 17th Cong., 2nd sess. (20 January 1823): 147; Clarence Carter, ed., *The Territorial Papers of the United States, Vol. XXII: The Territory of Florida, 1821–1824* (New York: AMS Press, 1972; reprint of 1934 edition): 604.
 - 14 Carter, *Territorial Papers, Vol. XXII*: 619–622.
 - 15 Herbert J. Doherty, Jr., “Political Factions in Territorial Florida,” *Florida Historical Quarterly* 28, no. 2: 131–132. According to Doherty, “Floridians divided into factions favoring immediate statehood for the entire territory, favoring statehood separately for East and West Florida, or favoring no immediate steps toward that goal.... In East Florida as a whole the majority of the population favored division.”
 - 16 Martin, *Florida during Territorial Days*: 261–262; *House Journal*, 17th Cong., 2nd sess. (8 January 1823): 107–108.
 - 17 “From Washington,” *East Florida Herald* (St. Augustine), 8 February 1823; *House Journal*, 17th Cong., 2nd sess. (15 January 1823): 132. Although the article indicates that Hernández submitted a petition, the *House Journal* entry is not clear about such a submission. Hernández also worked behind the scenes for his constituents. In a February 18 letter to President James Monroe, Hernández endorsed two lawyers for Judge of the Inferior Court over Greenbury Geether, an incumbent who supported permitting U.S. Army soldiers who did not live in the Florida territory to vote for a Territorial Delegate. See Carter, *Territorial Papers, Vol. XXII*: 623–624.
 - 18 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 14. *Statutes at Large*, Act of March 3, 1823, Ch. 29, 3 Stat. 754–756. Sections 1 and 8 of the law pertained to Hernández’s questions.
 - 19 “Mr. Hernandez,” *East Florida Herald* (St. Augustine), 12 April 1823: 3.
 - 20 Carter, *Territorial Papers, Vol. XXII*: 633–635; *House Journal*, 17th Cong., 2nd sess. (5 February 1823) 197; (27 February 1823): 276. *Senate Journal*, 17th Cong., 2nd sess. (28 February 1823): 220; (1 March 1823): 242–243. “To the Electors of Florida,” 1 February 1825, *East Florida Herald* (St. Augustine): 3.
 - 21 Carter, *Territorial Papers, Vol. XXII*: 642–643.
 - 22 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 15–16; John K. Mahon, *History of the Second Seminole War, 1835–1842* (Gainesville: University Press of Florida, 1985; Rev. ed.): 39–46. For a historical overview of this period, see Michael D. Green, “The Expansion of



- European Colonization to the Mississippi Valley, 1780–1880,” in Bruce G. Trigger and Wilcomb E. Washburn, eds., *The Cambridge History of the Native Peoples of the Americas, Vol. 1: North America, Part 1*. (New York: Cambridge University Press, 1996): 461–538.
- 23 Letter to Editor by “A Floridian,” 10 May 1823, *East Florida Herald* (St. Augustine).
- 24 Doherty, “Political Factions in Territorial Florida”: 131.
- 25 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 16–17; Herbert J. Doherty, Jr., *Richard Keith Call, Southern Unionist* (Gainesville: University Press of Florida, 1961): 27–28; Carter, *Territorial Papers, Vol. XXII*: 693.
- 26 John F. Stover, “Gadsden, James,” *American National Biography* 8 (New York: Oxford University Press, 1999): 603–604. For more information about Joseph White, see Ernest F. Dibble, *Joseph Mills White: Anti-Jacksonian Floridian* (Cocoa: The Florida Historical Society Press, 2003).
- 27 *Pensacola Gazette and West Florida Advertiser* (Tallahassee), 16 April 1825: column C.
- 28 “To the Electors of Florida,” 7 May 1825, *East Florida Herald* (St. Augustine): 1.
- 29 *Pensacola Gazette and West Florida Advertiser* (Tallahassee), 23 April 1825: column A; Dibble, *Joseph Mills White: Anti-Jacksonian Floridian*: 23–24.
- 30 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 17–19. Linville cites comments from the *Farmer’s Register*, a national newspaper: “General Hernandez ... who has with great perseverance and success, overcome the laborious difficulties of clearing and draining new land; and has now under culture, upwards of 200 acres of these swamp lands, constituting by far the most valuable plantation, as respects soil, in Florida.”
- 31 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 19–20; Howe, *What Hath God Wrought: The Transformation of America, 1815–1848*: 98–107.
- 32 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 20–25, 38 (footnote 51). According to Linville, “As the war progressed, Hernández collected written affidavits from officers who had taken supplies from his plantation. In June of 1836, his overseer made detailed notes of every item that was missing from his plantations.”
- 33 For more information about Osceola, see Patricia R. Wickman, *Osceola’s Legacy* (Tuscaloosa: University of Alabama Press, 2006; rev. ed.).
- 34 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 25–29; Mahon, “History of the Second Seminole War,” 241–218. The national reaction was so strong that Congress debated the “Osceola Incident” in the spring of 1838. For more information about Jesup, see Chester L. Kieffer, *The Maligned General: Thomas Sidney Jesup* (San Rafael, CA: Presidio Press, 1979).
- 35 George H. Haynes, *The Senate of the United States: Its History and Practice*, Vol. 1 (Boston: Houghton Mifflin, 1938): 81–85; Florida Senate, *A Journal of the Proceedings of the Senate of the First General Assembly of the State of Florida, at Its First Session* (Tallahassee, FL: Joseph Clisby, 1845): 27–28. Prior to the ratification of the 17th Amendment in 1913, U.S. Senators were elected by state legislatures. Article I, Section 4, of the U.S. Constitution gave states the authority to establish procedures for the election of Senators but reserved Congress’s right to alter the election procedures as it saw fit. According to Haynes, “In the early years the choice was usually made by concurrent vote of the two [state] houses.... Later about half the states came to require that that election be made by a vote in joint convention.” However, “insistence upon a majority vote for the same candidate in both branches of the legislature led not infrequently to deadlocks ... it also presented a constant temptation to sharp practice for partisan advantage, and gave rise to election contests very embarrassing for the Senate to decide, since the point at issue was what constituted a legal ‘house’ or ‘senate’ in the state legislature.” A series of embarrassing contested election cases in the mid-19th century compelled Congress to establish a set of uniform procedures for senatorial elections in 14 Stat. 243 (passed 25 July 1866). In the case of Florida in 1845, the Florida senate selected its U.S. Senators by a simple majority vote.
- 36 Linville, “Cultural Assimilation in Frontier Florida: The Life of Joseph M. Hernandez, 1788–1857”: 29–32; *Biographical Directory of the United States Congress*, “Joseph Marion Hernández,” <http://bioguide.congress.gov>.



“WE THINK A PASSING
COMPLIMENT IS DUE TO THE
ZEAL AND INDUSTRY OF THE
HONOURABLE DELEGATE FROM
FLORIDA, WHO DURING THE
SESSION ... [WAS] ATTENTIVE ...
[TO] THE PROSPERITY OF HIS
CONSTITUENTS AND THE
INTERESTS OF THE TERRITORY.”

East Florida Herald, April 12, 1823