

The Impact of Spanish Land Grants on the Development of Florida and the South Eastern United States

Dr. Joe KNETSCH, USA

Key words:

ABSTRACT

The paper discusses the development of Florida and the Southeastern United States in light of the numerous and confusing system of Spanish Land Grants. The author argues that the development of Florida, and parts of the Southeastern United States, may have developed at a more rapid pace if the confusion caused by conflicting land claims had not interfered. It is shown that land grants given to British officers and favorites caused concern with land title validity on the early frontier. Spanish co-option of these claims further increased the confusion of title and acted as an inhibitor to settlement. Greater problems arose from the fraudulent claims and liberal interpretation given the powers of the Surveyors General, especially in East Florida. The acceptance of fraudulent evidence in West Florida and the Florida Parishes of Louisiana indicated some corruption of early American officials that also retarded settlement. The final, and most important, cause of slower settlement of these areas was the problem of grant location by the United States Deputy Surveyors. Until these grants were properly located and laid out, few Federal surveys could be conducted. Without proper survey lines and the tying in of the land grants to the rectangular system, no safe title could be given out. This lack of certain title to land acted as a blockage to a more rapid development and settlement on the Southeastern frontier of the United States, especially in Florida.

CONTACT

Dr Joe Knetsch
Florida Department of Environmental Protection
3900 Commonwealth Blvd.
Mail Station # 105
Tallahassee
Florida 32399-3000
USA
Tel. + 1 850 488 2427
Fax + 1 850 413 9001
E-mail: Joe.Knetsch@dep.state.fl.us

The Impact of Spanish Land Grants on the Development of Florida and the South Eastern United States

Dr. Joe KNETSCH, USA

One of the more unique ironies in the history of the development of the United States' southeast is that of the Spanish land grants. The design of the Spanish Empire was such as to control its growth for the benefit of the homeland. This was in keeping with the philosophy of mercantilism then in vogue. However, because of its stringent requirements and approval of outward bound settlers, the immigration to the area now within the United States southeast was relatively light and much less than desired. Part of this failure to populate the region was because of the disease and unhealthy climate experienced in the early settlement period. Another reason was that of a lack of opportunity for quick wealth found in other parts of the empire. Also, the lack of highly fertile soil, especially around both Pensacola and St. Augustine, deterred many from settling in those locations. Often understated is the relatively restrictive system of granting lands to potential settlers. Or, in other words, were the rewards of meeting the requirements and risks equal to or greater than the lands offered in return for permanent settlement?

From the very beginning, Spain attempted to control the type of settlers who were allowed in its provinces. It definitely did not wish to encourage merchants or traders in the wilderness and, over time, increased the haberia, or tax charged on goods carried in the yearly convoys, to accomplish, in part, this social goal. From the start until 1782, Spanish subjects in the colony of New Orleans could only trade through Spanish ports. In the latter year, they were finally allowed to trade with a limited number of French ports of call. Any suspected of being Jews, Moors, the recently converted, and the sons and grandsons of heretics were forbidden from adventuring to New World by the royal order of 1522, which, in various forms, was continued in force for nearly three centuries. Under the control of the Casa de Contratacion, the monopoly on immigration and trade remained in Royal hands until late in the eighteenth century. With the numerous exchanges of colonies in the southeastern United States arising from the various wars, the restrictive immigration policies began to relax. (Moses, 1895)

Settlement within the Spanish system required patience and time. In its most restrictive, under the body of laws known as the Recopilacion de Indias, the new settler assigned lands in one of the new towns had to reside on the land for four years to acquire possession. They must take physical possession within three months of the grant or it would automatically revert to the King. If a settler had not possessed the same land for ten years, he would not be entitled to composicion, the final legalization and confirmation in title. Rural settlement was not contemplated in the early years and almost all of the laws related to granting of lands concern new towns or urban areas. Even here, the design of the towns was strictly regulated and certain criteria were set up to assure good living conditions. It was assumed that the European concept of town living would be perpetuated in the new lands, including living in the towns (on a town lot) and farming an outlying parcel. Over time, these strictures broke down, but not entirely, as can be seen in the histories of Pensacola, St. Augustine, Mobile, Natchez and other southeastern settlements. (S. Lyman Tyler, 1980)

HS3 Surveying and Mapping the Americas - The Influence of the Spanish and of National Organisations 2/12
Joe Knetsch

The Impact of Spanish Land Grants on the Development of Florida and the South Eastern United States

The Spanish system of grants and settlement predominated in Florida and other parts of the southeastern United States until the advent of British control in the area in 1763. What the British found in this area was none too inviting, to say the least. In Pensacola, the forests were creeping in on the town, which was in a state of near ruin. Swampy lands were nearby and unhealthy conditions prevailed. Swamps surrounded the towns of Pensacola and Mobile on two sides and the latter was situated on low-lying land. Mobile was not on a highly fertile patch of land and most of the cultivated portion of the province was up the valley where the Alabama and Tombigbee Rivers flowed around a number of islands. Most of the Spanish inhabitants left the country when the British took control, however, those of French descent remained and quickly took the oath of allegiance. These earlier settlers often purchased the titles to lands of their departing friends and countrymen. This was to set the stage for some of the first major speculation in land grants in the area.

As soon as some semblance of order took shape, many of the military stationed in the area began to apply for grants of land in accordance to the King's proclamation of grants to all men who had served in the late war. The obvious benefits of having trained troops as land owners in the frontier settlements was not lost upon the representatives of the King. Also, the British did not harbor the prejudice against the merchant class found in the Spanish world view, and many such men joined in the settlement process. A sort of mini-boom took place in West Florida within the second year of British control. A West Florida Company, which allegedly included the Dukes of York and Cumberland as patrons, began acquiring Spanish estates in and around Mobile and Pensacola. According to the rumors, three speculators had purchased sixteen very large estates and they were holding on to them for their benefactors. The arrival of Governor George Johnstone put an end to most of this speculation. Governor Johnstone made a test case of James Noble, one of the leading speculators. The governor and his council noted the vague description of the grant allegedly purchased by Noble from the Yamasee Indians and declared the evidence of title insufficient to warrant a transfer of the land from the Royal domain. As historian Clinton N. Howard documented many years ago, practically all of the Spanish claims around Pensacola and the French claims around Mobile were disallowed. In theory the British were willing to recognize Spanish and French grants, provided they were sufficiently documented and did not interfere with plans to lay out the colony. Very few Spanish but more of the French grants around Mobile were recognized by the British. The British were there to make a British colony, for the benefit of the Crown and its subjects, especially the officers and men of His Majesty's Army. (Howard, 1947)

West Florida was the first British colony west of the Appalachian Mountains and began to attract many of its non-military settlers from the regions to the east. Combined with the efforts of Phineas Lyman's Company of Military Adventurers, this penetration of formerly Spanish territory constituted a small sort of land rush. The proclamation of October 7, 1763, promising land to military veterans, from 5,000 acres to field grade officers (Majors or above) to 200 acres for non-commissioned officers and 50 acres to privates, acted as a spur to Lyman's Company and others. Also of great importance was the use of the "head-right" system of granting land. In West and East Florida, the system was basically the same. One hundred acres of land were allotted the head of the family and fifty acres for each additional member of the family brought to the province. The concept of family included servants or

slaves also. For an additional fifty shillings per acre, up to one thousand additional acres could be purchased. Conditions of the grants included the clearing of at least three acres for every fifty granted within the first three years. If the land were in the marsh, desirable for growing rice and indigo, then draining of three acres was required. The emphasis in each case was on the physical occupation and improvement of the land. (Fabel, 1988) On lands considered barren, three neat cattle must be raised to obtain consummation of the grant. Some grants also included text requiring a specified dwelling house. The one required of Daniel Hickey on the banks of the Mississippi River had to be “at least Twenty feet in length and sixteen feet in breadth.” (Dart, 1929)

British grants to crown favorites also dotted the landscape of East and West Florida. Approximately forty-five such grants took up valuable lands in West Florida and caused much concern for Governor Peter Chester. Chester found most of these grants, made by the orders in council, were not settled upon his taking command at Pensacola in 1770. Certain conditions were attached to these grants. These included settlement within three years by white Protestants of one third of each grant. The governor complained that these lands should revert to the crown, but his protests were in vain. The lands taken up by these grants totaled three hundred and fifty thousand acres. At the close of the British period, in 1783-84, many of these grants were sold to residents and returning Spanish speculators. Some of them were later recognized by Spanish authorities, however, many were not. They were to come back later as the basis for some of the fraudulent grants recognized in the early American period of occupation. (Johnson, 1933)

The Second Spanish Period, as it is called in Florida history, begins in 1783-84, when the British returned the Floridas to Spain. Like the Spanish before them, many of the British period settlers sought their fortunes elsewhere and abandoned the colonies. However, a significant number remained to continue their lives, most notably the firm of Panton and Leslie, the famous Indian trading company. By treaty there were stipulations to the recognition of grants given during the British period were spelled out in later Spanish laws. Most notably was the law requiring all holders of grants to lay their evidence before the Intendant and petition that official for recognition. An attorney for the Royal Treasury would then conduct an investigation and return his findings to the Intendant for final decision. Appeals could be made to the Supreme Board of the Treasury, but this was seldom done. In this way, both older French and newer British grants could be legally recognized as legal under the Spanish law.

Interestingly enough the governorship of Don Alexander O'Reilly, who took over Louisiana in 1769 began with a proclamation concerning the French grants. He notified the inhabitants that, “All grants shall be made in the name of the King, by the Governor General of the Province.” He also declared that the governor would appoint the surveyor who would lay his evidence in front of the ordinary judge of the district and two witnesses. These four would then sign the “proces-verbal” which would then be copied by the surveyor who was required to make three copies. One copy for the office of the Escribano, one for the Governor General and one for the proprietor would be made and signed. These documents would then be used as evidence of title in later land disputes. In a unique usurpation of power, the Governor had transferred to himself the power to act on behalf of the King in the granting of lands,

excluding in the process the Intendant. Other Spanish governors assumed that this was the law and followed suit, until they were challenged by the Intendant ad Interim, Don Juan Bonaventure Morales, in 1798. Morales declared that the governor did not have the power to grant lands according the law of 1754. His pleas were ignored by governors Baron de Carondelet and Don Manuel Gayoso de Lemos. The royal ordinance of October 22, 1798 restored to the Intendant the ability to make the land grants, however, this was not recognized by Governor Gayoso until he personally received a copy of the ordinance. It is under the regime of the Baron de Carondelet that many of the famous grants, like the Maison Rouge and Bastrop, were made.

In West Florida and Louisiana, the proclamation of 1798 had a great impact. Under this ordinance, Morales issued his regulations for the granting of land. The first article of these regulations noted that those grants fronting on the Mississippi River (or other large waterbodies) would be four, six or eight arpens frontage and forty arpens in depth. If the lands were along the levee, each grantee would be required to make and repair the levees and construct canals for drainage of the land. Each settler had three years to clear two arpens of frontage on their grant and could not dispose of the land during this period. If the land fronted on the river, no intervals should be left between the grants and the surveyor had to adjust the grant by taking the proper number of arpens from the depth to make sure no gaps were left in the frontage. Only marsh lands between the inhabitants could create vacant spaces. These were considered useless for cultivation but could be the source of wood, which required the permission of the Intendant to use. If a river took part of the land through erosion, the owner of the grant could not apply for a new parcel without first abandoning the entire grant. These regulations were to set the pattern for much of West Florida.

However, the year prior to Morales' regulations, the governor of West Florida, Gayoso, issued his own set of instructions. These included the requirement to settle on the land within the first year of the grant and have under cultivation ten arpens of every hundred by the third year. Similar to the British "head-right" system, Gayoso gave two hundred acres for every head of family and an additional fifty acres for each child he brought with him. All grants were to be made in such a manner as to leave no vacant lands between them. This was done to reduce the risk of exposure to raids by Indians or foreign nations. Thus, with the issuance of these orders, Spanish authorities in West Florida and Louisiana had two sets of regulations. The contest between the two officers of the crown was settled in 1799, with the Intendant the "winner," however, it was a short-lived triumph. In 1800, in a secret treaty, the province of Louisiana was returned to France. This exchange was formalized in 1803.

Between October 1800 and November of 1803, Spanish authorities continued to control the province. They also retained control of the territory between the Iberville River and the Perdido River for an even longer time. During this interim, the Spanish authorities proceeded to grant huge concessions to favorites and others. When the United States took possession after the Louisiana Purchase, it passed a law in the next Congress nullifying any grant of land made after December 20, 1803. Another part of this law forbade any recognition of grants made exceeding six hundred and forty acres. A later law, passed in 1807, recognized lands granted to families who had been in possession ten years prior to 1803, provided the grant did not exceed two thousand acres. Yet, as the history of the Bastrop and Maison Rouge grants

shows, the trouble with grants in old West Florida were far from over and settlement on the lands within these and other grants waited for a final legal dispensation. (Burns, 1928)

Spanish East Florida was beset by numerous problems of its own. From the time of its reacquisition until the final take over by the United States, East Florida was a province under siege. Pressure from southern emigration into the lands of Georgia and Alabama forced some of the native inhabitants southward into Florida. These loosely defined groups were called Seminoles, although it included a sizable number of related Miccosukee Indians as well. There was a constant border war between white Georgians and these Indians over cattle and run-away slaves. Additionally, these Indians had proven to be very adaptive in assimilating white agricultural methods and were highly successful farmers and cattlemen. As they were pushed further south, into what was originally believed to be swamps and worthless land, they proved the fertility of the soil and usefulness of the land for grazing their large herds. The constant border raiding created a tense situation for an under-populated region with little or no regular military force. (Knetsch, 1992)

Although somewhat dismayed by the volatile frontier, Spanish authorities continued to grant lands to settlers. In the earlier years, especially under Governor Enrique White, the Spanish version of the “head-right” system prevailed. As numerous testimonies appearing in the American State Papers demonstrate, Governor White was very stringent in his grants of land, indeed, he was often considered “more rigorous” than the laws themselves in granting out the public domain. Whites successors, however, were quite a different story. Under governors Kendelan and Coppinger, land grants became much more generous and unregulated. Governor White frequently referred to the orders of survey given to Don Pedro Marrott on October 24, 1791. The instructions given Marrott directed him to make a census of each family, receiving an oath from each party that the information given him is correct under threat of punishment for fraud and the loss of land. He was to run out the lines of the survey with the owners present and having evidence of title with them. On roads and navigable waterways, “The front of all tracts must be, if possible, not more than a third part.” Like West Florida, there was to be no vacant land between grants.

In 1811, things changed in East Florida. In that year, Governor White passed away and George J. F. Clarke became the “Surveyor General” for East Florida. There was in East Florida little in the way of governmental direction from Spain. That country was in the midst of the Napoleonic nightmare best seen in the charcoal drawings of Goya. The government was in exile and had no money, troops, food or goods to spare. The government of East Florida was whatever the governor in charge said. In the case of Governor Jose’ Estrada, Clarke was given complete control of the method of surveying land grants. The same year, the “Patriot’s War” took place in East Florida and parts of the province were occupied by foreign troops. Fernandina, where the Surveyor General lived, was occupied and Spanish officials fled, some, including Clarke, suffering damage to their personal dwellings and businesses. Yet, in the midst of this chaotic situation, Governor Estrada issued instructions for surveying by Clarke.

Again, the one-third frontage on water-ways and roads appears in the regulations. Also, in surveying a piece of property, not only the person claiming the land, but those with adjoining

property were required to make themselves present so as to avoid later litigation. The scale of all plats must be one inch to four chains. The surveyor was required to keep a book showing his plats of survey with an index in the front. Copies of the surveys were to be given to the grantees. He was also required to keep a journal of his proceedings to satisfy the grantees and the government of his faithful observance of the regulations. Boundaries were to be made permanent by driving a stake of durable wood three feet in length and three inches thick into the ground and informing the owners that they were responsible to encircle these stakes with a deposit of oyster shells two feet in diameter and two feet deep making for an enduring monument. No place in these instructions was the surveyor given permission to split grants into discontinuous segments. No where in the regulations was the surveyor allowed to alter the grant into any other shape than a "rectangular parallelogram" unless a natural feature precluded this shape. No where was he required by the governor to place a copy of his plat book in the hands of the Secretary of the colony or the governor himself. These omissions were to play havoc on securing sound title after the United States took possession in 1821. (American State Papers, 1834)

The problems presented by Clarke's assumption of surveying powers not granted in law made life difficult for those seeking clear title on the Florida frontier. Clarke admitted in public testimony that he seldom ordered a survey fifteen miles outside of St. Augustine or Fernandina. The Indians and troubles of the borderlands were most often given as the reasons for this behavior. This meant that most of the so-called surveys along the St. Johns River and further inland or down the eastern coast probably were not surveyed on the ground at all. Andres Burgevine, one of Clarke's deputies, also swore that during the examination of the Great Arredondo Grant, he "was on the ground, but not around it." Clearly the boundaries of this grant, the largest in East Florida, were never put on the ground by the Spanish surveyors. Numerous letters in the Letters and Reports to Surveyor General series indicate that U. S. Deputy Surveyors working on the eastern coast seldom found any evidence of any surveys. If these reports were true, it would explain why the grants furthest away from St. Augustine are frequently square in shape, violate the rule of frontage and are seen often interfering with each other. Clarke's splitting of grants, especially mill grants, often contributed to these problems. The Surveyor General's unlawful assumption of powers created numerous entanglements that could only delay the proper settlement of the frontier. (Knetsch, 1997)

Additional problems arose in the Floridas over the legality of Indian titles to the lands they inhabited. The question in American law was did the Indians ever possess title to the lands? Clearly they hunted, fished and used the lands, however, as they were nomadic by nature, no title was ever recognized by the United States. This argument was the basis for Richard K. Call's opinions expressed in defense of the United States' position in the famous Mitchell v. U. S. regarding the Forbes Purchase. The counter argument was simple, Spain had recognized the title in the land as being held by the Indians. Regulations regarding Indian titles were an integral part of Spain's colonization of the Floridas and Louisiana. Spanish authorities did make some distinctions between Indians that had been baptized and other Indians. According to Spanish theory, the Indians title stemmed from first occupancy, cultivation and settlement. Lands claimed around their villages were always recognized and protected by the Spanish. Both the Spanish and French clearly understood Indian title to lands to be clear and salable. The legal catch was that these titles were recognized through the dispensation of the crown,

not as independent agents. The Indian lands, thus, were treated as special crown lands and any purchase thereof must have royal sanction. (Dart, 1921)

In 1802, Congress passed an act for regulating trade and intercourse with the Indian tribes. In this legislation, Congress clearly stated that no grant, lease or other conveyance would be recognized as legal relative to Indian lands. Only by treaty or convention would a title to Indian lands be viewed as legal. In the Mitchell case, this was exactly the position of the Forbes Grant holders. They argued that as the United States had entered a treaty with Spain for the sale and transfer of the Floridas, it was bound to recognize the Forbes Purchase as legitimate. In spite of the best efforts of the United States' attorneys, the Supreme Court ruled the purchase a legal grant under the treaty of cession. The case, which was decided in 1835, held up the settlement of the area for a number of years and the official survey of the exterior boundary held it back an additional three years. (Knetsch, 1995)

The acquisition of former Spanish lands in Louisiana and the Floridas brought the problems associated with the Spanish grants and surveys to the fore. Very early in 1804, the Secretary of the Treasury wrote to Edward Turner, the Register of lands in Washington, Mississippi Territory, complaining of the latter's issuance of certificates for land prior to the final adjudication of English and Spanish claims in the territory. The Secretary was particularly concerned that many of the British claims were duplicated in a number of Spanish claims and the validity of either claim had not yet been decided. He worried lest the certificate be issued to the wrong person(s). (General Public Acts of Congress, 1832) The situation soon got out of hand and in 1805 a special agent was appointed to look into the grants made by the earlier governments. The Secretary of the Treasury was well aware by this time that Mr. Turner had allowed fraudulent documents to be filed and had issued land certificates based upon them. These conveyances caused no end of trouble for those along the major rivers in the Territory of Mississippi, where most of the most valuable grants were located. Until the legitimate grants were determined by the land commissioners and surveyed to their rightful owners, little settlement could take place on some of Mississippi's most valuable lands. The reverse situation also occurred in respect to those who had legitimate claims under either the Spanish or British reigns. Even in the late 1820s, these claims had problems and, in some instances, lieu certificates had to be issued for lands sold out by the United States prior to the final confirmation of the grant. (General Public Acts of Congress, 1832)

It has been maintained that the land grants in the Mississippi Territory, including Alabama, made title to lands somewhat tenuous. Because some of the Spanish grants were superceded by older British grants, few were actually sure of which grant gave the best title, if any at all. Although many of the British claims had never been proven up according to British law and Spanish regulations, they left a heavy cloud on legitimate titles and made the uncertainty of the frontier even more precarious. Politically, this uncertainty of title helped to delay the push for statehood until a federal court system could be put in place to handle the claims. Coupling the uncertainty of Spanish and British land grants with the Yazoo claims mess, little wonder at the slowness of development in parts of Mississippi and Alabama. (McLemore, 1973)

In Florida, the problems became more complicated than some other areas primarily because the surveyors had the almost impossible task of locating grants that had never been surveyed

on the ground. True, plats existed, decisions of the East Florida Land Commission and the courts gave directions and some witnesses were willing to come forth. However, the task at hand was daunting. The plats, when they existed, were merely drawn upon existing general maps and the surveys, if beyond the fifteen miles indicated by Clarke, were not conducted upon the ground. Because the courts had few ways of knowing the legitimacy of a plat, given the submission of other “evidence” they assumed the task would be a matter of simple location of an existing survey. This was not the case. All too frequently, the witnesses who attempted to provide evidence of surveys were merely trying to convince the surveyor on site to give more land than was actually called for in the grant and at a better location. The discretion of the surveyor and his integrity in the field were, in the end, what counted most in locating to everyone’s satisfaction, the lands granted many years before.

Like its counterpart in Mississippi, the allegedly best lands of Florida were already taken by the Spanish claims. Most of the important tracts along the wide St. Johns River had been parceled out to the earlier settlers. Lands and lots in and around St. Augustine, Pensacola and Fernandina were in the hands of the claimants. The fertile lands of Alachua County, in the heartland of the Florida peninsula, were also taken. Most of this valuable land was within the Great Arredondo Grant. Thus, Florida’s acquisition by the United States did not appear to open up any great new lands for further exploitation. However, as most of the newcomers were from the older states of Georgia and the Carolinas, their desire for lands similar to those back home soon took them into the “Red Hills” district stretching along the top tier of counties from the Suwannee River to the Apalachicola River. This area included the newly established Territorial capital of Tallahassee. Although required by the government to survey the private claims first, Butler also was directed to lay off one hundred townships of land in areas not covered with private claims. This task took more than three surveying seasons to accomplish.

The Spanish claims remained a thorn in the side of development of Florida for many years. The General Land Office early recognized that the grants or their surveys had to be run according to the calls and so directed Surveyor General Robert Butler. However, they also realized that the size of the actual grant may vary greatly from that stipulated in the grant itself. (Letters of the Commissioner, 1828) Surveyors in the field, such as Francis L. Dancy, found that no actual rules had been promulgated to answer some of his questions. What, for instance, should you do if no one in the area can point out either an old corner or evidence of a Spanish line, even after a personally diligent search for such a line? What rule covered the case when two or more grants interfered with each other? Surely the older grant takes precedence, however, how does one go about surveying the other grants? When no trace of a public survey can be found, how does one connect the private claim to it? What is the procedure when no one is willing to show the boundary of a private claim or give evidence, even after the surveyor had advertised his presence and purpose in the nearest newspaper? These questions delayed the location of the private claims in Florida for many years and frequently stumped the leaders of the General Land Office, to whom many such questions were referred. (Letters and Reports to Surveyor General, 1844)

In one of the more unique episodes in Florida history, citizens who had settled land in Columbia County, near Lake City, resisted the attempts of Deputy Surveyor A. M. Randolph

to survey the so-called “Little Arredondo Grant” in that vicinity. Randolph, one of Florida’s most experienced and gifted surveyors, had advertised his reason and location in the local newspaper. He had stated that he would begin the survey on a particular date, at a specific time, and asked for assistance in locating the boundary. What he got instead was an armed mob of nearly eighty determined settlers who absolutely refused to let him begin his survey under the threat of death. Although Surveyor General Butler refused, at first to believe his surveyor, he was soon persuaded otherwise. Letters soon came to him from the leaders of this force and they insisted that Butler call off any such survey and give them title to their lands. Many of these settlers had lived on the land and improved it for over twenty years and would not be denied their rightful claims, regardless of a court ruling in St. Augustine. In the end, Butler did not order another survey of the area and it was not finally agreeably adjudicated until 1903. Lieu certificates proved to be the solution to this delicate frontier problem. (Knetsch and Keuchel, 1989)

In concluding this brief and sketchy study of the impact of Spanish land grants on the development of Florida and the Southeastern United States, it is obvious that the prime impact was to delay the settlement by a number of years. In Mississippi and Alabama, the fraudulent issuance of certificates to the alleged holders of Spanish and British grants took years to unravel. In Louisiana the tales of the Bastrop and Maison Rouge grants are legendary. In Florida the usurpation of power by the Surveyor General, George J. F. Clarke, made reconstructing grant lines almost impossible. The splitting of grants into two or more parcels confused the question even more and had to be finally approved by the United States Supreme Court before any satisfactory solution could be found. The reluctance of grant holders to exhibit their grants and surveys to the Deputy Surveyors, especially in West Florida, complicated things greatly. The fact that most of the grants in East Florida may never have been surveyed by Spanish surveyors made retracing their alleged work an exercise in patience and integrity for the U. S. Deputies. The delay in settlement caused by these problems is immeasurable. Had the lands been surveyed in a timely fashion and the lands sold on the market, would Florida’s population have been large enough to have prohibited the Seminoles and their allies from revolting against President Andrew Jackson’s Indian removal policy? Would one of America’s longest, costliest and bloodiest Indian wars have been prevented and thousands of lives on both sides spared? The delays in surveying the land caused by the grant situation were real. We can only wonder as to the rest of the story.

REFERENCES

Public Documents

American State Papers: Public Lands, Volume III, 1834, 626-631, 684-730, 738-752, Washington D. C., Duff Green.

American State Papers: Public Lands, Volume VIII, 1861, 247-296, Washington D. C., Gales & Seaton.

General Public Acts of Congress Respecting the Sales and Disposition of Public Lands, Volume II, Part II, 1838, 656-1002, Washington D. C., Gales & Seaton.

Letters of the Commissioner, Volume I, 9, Land Records and Title Section, Division of State Lands, Florida Department of Environmental Protection, Tallahassee, Florida.

HS3 Surveying and Mapping the Americas - The Influence of the Spanish and of National Organisations 10/12
Joe Knetsch

The Impact of Spanish Land Grants on the Development of Florida and the South Eastern United States

Letters and Reports to Surveyor General, Volume I, 501, Land Records and Title Section, Division of State Lands, Florida Department of Environmental Protection, Tallahassee, Florida.

Other Sources

- Burns, F. P., 1928, "The Spanish Land Laws of Louisiana," Louisiana Historical Quarterly, Volume 11, 557-581, Baton Rouge, Louisiana Historical Association.
- Dart, H. P., 1921, "Louisiana Land Titles Derived from Indian Tribes," Louisiana Historical Quarterly, Volume 4, 134-144, Baton Rouge, Louisiana Historical Association.
- Dart, H. P., 1929, "West Florida: Documents Covering a Royal Land Grant and Other Land Transactions on the Mississippi and Amite Rivers during English Rule," Louisiana Historical Quarterly, Volume 12, 630-635, Baton Rouge, Louisiana Historical Association.
- Fabel, R. F. A., 1988, The Economy of British West Florida, 1763-1783, 7-10, 153-197, 207-208, Tuscaloosa, University of Alabama Press.
- Howard, C. H., 1947, The British Development of West Florida, 1763-1769, 30-47, Berkeley, University of California Press.
- Johnson, C., 1933, "The Distribution of Land in British West Florida," Louisiana Historical Quarterly, Volume 16, 535-553, Baton Rouge, Louisiana Historical Association.
- Knetsch, J. and Keuchel, E. F., "Settlers, Bureaucrats and Private Land Claims: The Little Arredondo Grant," Florida Historical Quarterly, Volume 68, 201-217, Gainesville, Florida Historical Society.
- Knetsch, J., 1992, "Range War In the East: Conflict Over Cattle and Land on the Georgia-Florida Borderlands," Proceedings of the 90th Annual Meeting of the Florida Historical Society, nv, 108-120, Tampa, Florida Historical Society.
- Knetsch, J., 1995, "No Closure: Charles Goldsborough's Failed Attempt to Survey the Forbes Purchase," The Florida Surveyor, March, 18-25, Tallahassee, Florida Surveying and Mapping Society.
- Knetsch, J., 1997, "The Spanish Land Grants of Central Florida: Another Problem for Surveyors," The Florida Surveyor, July, 18-23, Tallahassee, Florida Surveying and Mapping Society.
- McLemore, R. A., 1973, A History of Mississippi, Volume One, 171-190, Jackson, University and College Press of Mississippi.
- Moses, B., 1895, "The Casa de Contratacion of Seville," Annual Report of the American Historical Association for 1894, 93-123, Washington D. C. Government Printing Office.
- Tyler, S. L., 1980, Spanish Laws Concerning Discoveries, Pacifications and Settlements Among the Indians, Volume No. 17, 11-161, Salt Lake City, University of Utah.

BIOGRAPHICAL NOTE

Dr. **Joe Knetsch** is the Senior Management Analyst II for the Bureau of Survey and Mapping, Division of State Lands, Florida Department of Environmental Protection. He has held this position since 1990 and prior to that was the Research Historian for the same from June 1997. Before his government service, Dr. Knetsch taught public school in Florida, beginning in 1969. He has taught every grade from 6th through Graduate School. Dr. Knetsch has served on ten boards of directors for historical organizations. He was the Division's "Employee of the Year" for 1996 and has won awards for his interest and publications concerning surveying from the Florida Surveying and Mapping Society and the St. Augustine Historical Society. He has recently completed a two-year term on the Florida Historical Markers Board. During his career as an historian, he has published over one hundred and forty articles, a text book on the History of Florida Surveying, and edited two other books. Dr. Knetsch holds a Ph. D. in history from Florida State University, a Masters of Arts degree in history from Florida Atlantic University and a Bachelor of Science from Western Michigan University. He is married and lives in Tallahassee, Florida.