

The Administrative System in the Floridas, 1781 - 1821

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UPON superficial examination of the administrative system used in the Floridas during the second Spanish period, it would appear to have been simplicity itself. On closer investigation, however, it proves to have been about as complicated as Spanish genius could make it with the material at hand. The traditional check and balance system was there in all its glory, not only in the provinces of East and West Florida themselves, but in the relations of their officers with the higher authorities. Loosely joined together under a common chief (who was also either captain general of Cuba or viceroy of New Spain), and placed in a precarious position with respect to the Indians and other neighbors, the Floridas presented special problems, the study of which reveals at the same time the strength and the weakness of Spanish institutions. And finally, the attempts to apply the Spanish Constitution of 1812 to the provinces (1812-1814 and 1820-1821) produced results of a nature not to be found elsewhere in the Spanish dominions. The purpose of the present study is to outline the regular administration in the Florida provinces, and to follow it up with another on the effects of the constitutional system.

The Captaincy General of Louisiana and the Floridas

WHEN in 1779 Spain decided to take part in the American Revolution, her province of Louisiana was attached to the captaincy general of Cuba. The governor of the province was responsible to the captain general in Havana, but he enjoyed and exercised the right of corresponding directly with the supreme authorities in Spain. The incumbent at the time was the young and energetic Bernardo de Gálvez, who upon hearing of the declaration of war, seized the initiative and attacked the British posts along the Mississippi. By March of 1780 Manchak, Baton Rouge, Natchez and Mobile were in his

hands, and preparations were under way for an attack on Pensacola. He was rewarded for his activity by an appointment to govern Louisiana and the newly-conquered territory with complete independence from the captain general of Cuba, and since Pensacola was expected to be in possession of the Spaniards soon, its district was added to the new jurisdiction. The appointment, dated February 12, 1781, reads:

The King, having considered the great extent acquired by the Province of Louisiana through the conquests that you have made of the English Forts and Settlements on the Mississippi and at Mobile, and having in mind the decorum with which you should be treated as Commander-in-Chief of the Army of Operations at Havana; has been pleased to decree that, for the present, and while you govern Mobile and Louisiana, their administration shall be independent of the Captaincy General of the Island of Cuba, and that Pensacola and its district shall be added to your jurisdiction as soon as they are occupied by the forces of the King, who fully authorizes you to govern and defend them through Substitutes during your absence.¹

Gálvez's first step in his new capacity was to inform Colonel Pedro Piernas, his subordinate in New Orleans, of the change. Although nothing was said about the creation of a captaincy general, colonial officials assumed that such was the intention,² and later events proved that they had judged correctly. The term was officially adopted a few years later (in 1784) when East Florida was added to the new jurisdiction.

East Florida, however, seems to have been first organized as a separate administrative unit, from the tenor of the royal order appointing Vicente Manuel de Zéspedes to take over its government from the British authorities. The order conferred on Zéspedes

the Government and captaincy general of the City of St. Augustine and the *Provincias de Florida*, with an Annual Salary of four thousand pesos (for the present) payable from the Royal Treasury, and the Rank of Brigadier in the Royal Armies.³

Although in the copy of the order in the Archivo Nacional de Cuba the word *Provincias* appears in the plural, it seems likely that only East Florida was intended. This is indicated by the fact that Zéspedes never tried to assume jurisdiction over anything farther west than the St. Marks region. What was intended by the term "captaincy general" is uncertain. It is possible that the home authorities planned to set up a government in East Florida equal in rank to that in Louisiana and West Florida, but it is more likely that the term was used to indicate that

1. Archivo Nacional de Cuba (hereinafter cited as A.N.C.), Floridas, legajo 2, no.

1. The copy here is one sent to Pedro Piernas on August 18, 1781.

2. Miró to Gálvez, April 9, 1792, *ibid.*, legajo 3, no. 7.

3. A copy of the order, dated October 31, 1783, is in *ibid.*, legajo 10, no. 6.

Zéspedes was the commander of all troops in the territory. Later governors were occasionally referred to by that title. On the other hand, the term "captaincy general" may have been used carelessly by the persons who drafted the order. Numerous examples of such carelessness might be cited from Spanish colonial documents.⁴

If a new captaincy general was intended, a change of heart was soon wrought in the Peninsular authorities, for Bernardo de Gálvez was given jurisdiction over a captaincy general consisting of Louisiana and both Floridas.⁵ At the time he was also made captain general of Cuba and given the promise of the viceroyalty of New Spain when it should become vacant. According to the historian Pezuela, this promise was given because Bernardo's father, Matías de Gálvez, then viceroy was in very bad health. When the ship bearing Bernardo to Cuba touched at Puerto Rico, the young captain general learned of his father's death. The three months that he spent in Cuba, beginning February 4, 1785, was only a period of preparation for the transfer to New Spain, much to the disappointment of the Cubans who had been looking forward to his administration of their island.⁶

Louisiana and the Floridas seem to have been considered in Spain as a monopoly of Bernardo de Gálvez, for, although another captain general was appointed to Cuba, they continued under his command until his death on November 30, 1786. The personal factor is clearly indicated by the disposition of those provinces after his decease, when a royal *cédula* transferred the captaincy general of Louisiana and the Floridas from the viceroy of New Spain to José de Ezpeleta who was then governing Cuba. The *cédula* enumerated the following reasons for the change: (1) the "particular merit, services, activities, and military ability" of Ezpeleta; (2) his "zeal and love" for the royal service; (3) the fact that he was "the only Executive Officer who could give the assistance, and speedy succor needed by Louisiana and the Floridas."⁷ A fourth reason might have been given: the difficulty of communication between those provinces and Spain by way of Mexico City.

4. The results of a recent study of the use of the term "*capitanía general*" in connection with Cuba have not been entirely satisfactory. See D. C. Corbitt, *The Colonial Government of Cuba* (Manuscript Ph.D. thesis in the library of the University of North Carolina).

5. Jacobo de la Pezuela, *Historia de la Isla de Cuba* (4 vols.; Madrid: 1869-1878), III, 199.

6. *Ibid.*, III, 199-200. Pezuela, *Diccionario de la Isla de Cuba* (4 vols.; Madrid: 1863), II, 382-383.

7. A.N.C., Floridas, legajo 10, no. 9. The *cédula* is dated March 3, 1787.

In order to prevent exasperating delays, Gálvez had found it necessary to authorize his subordinates in New Orleans, Pensacola and St. Augustine to communicate directly with Spain, simply sending him duplicates of their correspondence. This privilege allowed to his subordinates was not new in Spanish administration: It had been more or less an unwritten law of the Spanish government to learn about colonial affairs from more than one source. There was not an officer of importance in the colonies but had an associate or a subordinate who exercised the privilege of writing directly to the home government. Gálvez himself, while governor of Louisiana, had been very active in the enjoyment of this right. Between 1777 and 1781 he had sent 462 letters to the Minister of the Indies and only 304 to his immediate superior, the captain general of Cuba. Those to the captain general were often duplicates or summaries of those sent to Spain, but a careful perusal of the correspondence shows that much was written home which the captain general did not hear about. Even if Gálvez had forbidden his subordinates in Louisiana and the Floridas this right, it is very likely that the Spanish government would have overruled his orders.⁸

The experience of Ezpeleta amounts to almost positive proof of this assertion. His appointment as captain general of Louisiana and the Floridas removed any necessity for direct communication between those provinces and Spain, since mail between them had necessarily to pass through Havana. Realizing this fact, and desiring naturally to increase his control of the new jurisdiction, Ezpeleta ordered the practice stopped on the ground that it was no longer necessary.⁹ His attitude was logical, but the home government wanted as many checks on its colonial officers as possible and his order was countermanded.

The wisdom of combining the government of Louisiana and the Floridas with that of Cuba was questioned by Governor Estevan Miró of Louisiana in a letter to the ministry of January 11, 1787. He believed that he himself should have been given the office of captain general, but the ministry thought otherwise. The decision was made for administrative reasons and not because of any lack of confidence in Miró's ability, as is demonstrated by the fact that upon the retirement of Intendant Martín Navarro of Louisiana early the next year the duties of the latter were

8. See the letterbooks of Bernardo de Gálvez, *ibid.*, legajo 15, nos. 77 and 79.

9. Ezpeleta to Valdés, December 6, 1787, A.G.I., Papeles de Cuba, 86-6-16 (transcript in the McClung Collection, Lawson McGhee Library, Knoxville, Tennessee). A translation appears in the East Tennessee Historical Society's *Publications*, No. 12 (1940), pp. 116-117. See also A.N.C., Floridas, legajo 3, no. 7 and legajo 10, no. 6.

given to the governor along with the corresponding increase in salary.¹⁰

A few years later Miró's successor, the Baron de Carondelet, developed a similar ambition to be captain general. In this he had the support of his brother-in-law, Captain General Luis de las Casas of Cuba, and that of Diego de Gardoqui, then Secretary of Treasury. In 1795 the king authorized his minister Godoy to erect Louisiana and the Floridas into a *comandancia* whenever he saw fit to do so and the next year Las Casas authorized Carondelet to act as *comandante general interino*. He filled this position from December, 1796 to August, 1797, when the continental provinces were returned to their former status. In 1801 Captain General Someruelos of Cuba recommended a separate government for them, but the cession of Louisiana to France was then pending and nothing was done about the suggestion.¹¹

What appears to have been the last attempt to separate the Floridas from dependence on the captain general in Havana was made in 1807. Governor Vicente Folch of West Florida suggested the appointment of such an officer in the Florida provinces and went so far as to nominate himself for the position, alleging his long experience on that frontier. The home authorities, however, had other opinions on the subject and Folch's proposal was passed up.¹²

The loss of Louisiana to Spain reduced the captaincy general to East and West Florida, but Spain managed to keep a hold on the territory as far west as the Mississippi until the revolution of 1811 in West Florida, at which time the Perdido River became the *de facto* boundary, though the Spaniards in the province continued to claim the Mississippi boundary for some time to come.¹³

The captaincy general of the Floridas was temporarily destroyed by the application of the Spanish Constitution of 1812. By that famous document all chiefs of provinces were transformed into *jefes superiores politicos*, and an attempt was made to separate political from military functions. If the Florida provinces had contained sixty thousand inhabitants each they would have been entitled to a *jefe superior politico* in each of their capitals, but together they could muster scarcely a sixth of that number. Therefore, East and West Florida were attached to the

10. *Ibid.*, Reales Ordenes, VIII, pp. 523-524.

11. A. P. Whitaker, *The Mississippi Question, 1795-1803* (New York and Boston: 1934), p. 29. See also chapter II, note 3.

12. I. J. Cox, *The West Florida Controversy, 1798-1813* (Baltimore, 1918), pp. 214-215. Folch's letter to Godoy on the subject was dated August 8, 1807, *ibid.* p. 215, note 41.

13. A.N.C., Floridas, legajo 13, no. 8.

province of Havana as mere districts (*partidos*) and their respective governors became simple *jefes políticos*, a term used to designate subordinate officers representing the *jefes superiores* in important cities. This was in 1812. The next year, when the *Diputación Provincial* of Havana¹⁴ met to decide on the permanent status of the Floridas, it was voted to further reduce them to mere parishes of the *partido* attached to the city of Havana because they did not have the five thousand persons necessary to be rated as districts. This change was to take effect in 1815 but the Floridas escaped this additional humiliation because Ferdinand VII returned to the throne of Spain and abolished the Constitution, with whose abrogation they rose again to the status of provinces, and together made up the captaincy general of the Floridas. The *jefe superior político* in Havana became captain general and the *jefes políticos* in Pensacola and St. Augustine resumed their governorships. It should be mentioned, however, that custom was strong, and the constitutional period so short, that the time-honored titles were used even in many official documents even when the Constitution was in effect. Such combinations as "*capitán general jefe superior político*" and "*gobernador militar y jefe político*," were in frequent use at the time and indicate the confusion that reigned.

The restored regime lasted until the 1820 revolution in Spain reinstated the Constitution. This automatically abolished the captaincy general and reduced the Florida provinces once more to districts, or *partidos* of the Cuban province of Havana. The question of further reducing them to parishes because of insufficient population was again suggested, but before it was acted upon orders came to hand over the Floridas to the United States.¹⁵

Complications in the business of administering the captaincy general of the Floridas were due to a number of circumstances. In the first place it was not self-supporting and depended upon a *situado*, or subsidy from New Spain to make up the annual deficit. Since Cuba depended on a similar subsidy, the captain general in Havana could not supply the deficiency in the Floridas from his island jurisdiction. Any naval forces used, except a few galleys and gunboats built for river and coastwise service, were under the command of the *comandante general del apostadero* of Havana, who was the commander of the Spanish West Indies

14. Each province had an advisory and legislative body called a *diputación provincial*. It is proposed to treat this body in more detail in the study of the effects of the Constitution on the Floridas.

15. A.N.C., Gobierno Superior Civil, legajo 861, no. 29160. *Diario del Gobierno Constitucional de la Habana*, December 6, 1820.

Fleet. Some of the naval commanders were very jealous of their positions, and consequently were often at cross purposes with the captains general.¹⁶

The right of the governors to correspond directly with the home government has been mentioned. In judicial matters there was always the possibility of an appeal to the *audiencia* in Puerto Príncipe (now Camagüey), Cuba. Still more troublesome were the handling of Indian affairs and the relations of the Florida officials with the intendant in Havana, topics that have been reserved for separate treatment.

The Intendancy of Louisiana and West Florida

THE disasters of the Seven Years' War led Spain to make a number of changes in her colonial system, including the introduction of intendancies into America. The creation of the Cuban intendancy in 1764 led the way. Louisiana followed in 1780 with the appointment of Martín Navarro as indendant on February 24. As Spanish dominion was extended over West Florida, Navarro's jurisdiction extended until all the province came under his financial supervision by 1781.

In Cuba the indendant was an officer equal in rank to the captain general, and independent of him. In New Spain, on the other hand, the viceroy with the title of superintendent was in charge of the financial administration. The Louisiana plan was a kind of compromise between those of Cuba and New Spain. The governor there controlled land grants until 1798. He was also responsible for Indian affairs,¹ but was obliged to consult the intendant in cases involving finance, such as duties on the fur trade, permits for commerce with foreign countries to secure Indian goods, and licenses for the use of foreign ships to haul these goods as well as the furs. It was necessary to spend thousands of dollars each year to keep the friendship of the Indians, and this called for the joint action of the governor and the intendant also.²

16. Pezuela, *Historia de la Isla de Cuba*, III, 115-119. José María Zamora, *Biblioteca de la legislación española* (Madrid: 1844-1849), III, 334-345. See Corbitt, *The Colonial Government of Cuba*, chapter II. From 1812 to 1816 the captain general was also the naval commander. This was probably due to the fact that the incumbent, Juan Ruíz de Apodaca, had been a naval officer.

1. A. P. Whitaker, *The Mississippi Question, 1795-1803*, p. 30 and chapter II, note 6.

2. See the correspondence of Miró, Navarro, McGillivray and Panton in *Georgia Historical Quarterly*, XXI, No. 1 (March, 1937). pp. 72-83. For similar documents see D. C. and Roberta Corbitt (eds.), "Papers Relating to Tennessee and the Old Southwest, 1783-1800," East Tennessee Historical Society's *Publications* for the years 1937 to 1941.

Upon the promulgation of the *Ordenanza de intendentes* for New Spain in 1786, the Louisiana intendant was instructed to follow it in so far as was practicable, with the reservation, however, that of the four *causas* mentioned therein — *justicia, policía, hacienda y guerra* — only two, *hacienda y guerra*, were to come under his jurisdiction, justice and police being especially charged to the care of the governor.³ There were many matters calling for the joint action of the two officers; yet, they seem to have coöperated without much friction. For example, the comment by Miró on his relations with Navarro on the question of a change of Indian policy: "It is my plan, to which the intendant, with whom I always proceed in accord in Indian affairs, agrees . . ."⁴ Professor Whitaker's careful study revealed the same kind of coöperation during the administration of Francisco Rendón (1794-1796).⁵ Not until the appointment of a man with a contentious turn did the harmonious relations between governor and intendant cease, i.e., Juan Ventura Morales, of whom more later.

Such cordial relations may have resulted from the instructions sent to the first intendant, Martín Navarro, putting him in subordination to the governor.⁶ It is remarkable, however, that this was done because a few days previous to the signing of the instruction an order to the captain general of Cuba concerning his relations with the intendant in Havana stated that the king desired to have

treated with decorum an officer like the *intendente de ejército y real hacienda*, who is so important to His Majesty that in him is vested the collection, preservation, and disbursement of all branches of the revenue, with complete independence of you; and . . . who is a *jefe principal*, without other superior than the *Superintendente General de Real Hacienda de Indias*.⁷

Navarro retired from the Louisiana intendency in 1788, at which time Governor Miró was invested with the powers of the office.⁸ The inclusion of the phrase, "for the present," in Miró's commission as intendant sug-

3. Instructions of June 7, 1799 to Ramón López de Angulo, A.N.C., Floridas, legajo 16, no. 126. The *Ordenanza de intendentes* appears in Zamora, *Biblioteca de legislación ultramarina*, III, 371-388.

4. Miró to Sonora, June 1, 1787, East Tennessee Historical Society's *Publications*, No. 11 (1939), pp. 77-78.

5. Whitaker, *op. cit.*, p. 31.

6. *Ibid.*, Chapter II, note 6.

7. W. W. Pierson, "Establishment and Early Functioning of the *Intendencia* of Cuba," *James Sprunt Historical Studies*, XIX, No. 3, p. 93. Carlos de Sedano y Cruzat, *Cuba desde 1850 á 1873* (Madrid: 1873), p. 60.

8. A copy of Miró's commission is in A.N.C., Reales Ordenes, VIII, pp. 523-524.

gests that the union of the offices was looked on as temporary; nevertheless, it was continued until well into the term of Miró's successor, the Baron de Carondelet. In 1793 there was appointed another intendant, Francisco Rendón, who reached his post early the next year.⁹ According to Professor Whitaker this move was made in order to insure the operation of the new commercial system promulgated the year before.¹⁰ No further combination of the offices of governor and intendant occurred until long after Louisiana had passed from Spanish control.

The last occupant of the intendency in New Orleans was Juan Ventura Morales, who achieved lasting fame by his action in closing the American deposit at New Orleans; in fact, he might be called the last of the Louisiana-Florida intendants for, with the exception of an occasional suspension from office after he went to Pensacola, he held the position until its abolition in 1817. Morales became acting intendant of Louisiana and West Florida in 1796 on the retirement of Rendón. Ramón López de Angulo, a full-fledged intendant, succeeded him in 1800, but was summarily removed the next year upon his violation of the laws by marrying a New Orleans girl named Marie Delphine Macarty.¹¹ Morales again became provisional intendant and held office until the Spanish colors were struck in 1803. As a matter of fact, he remained in Louisiana three years longer, refusing to leave until expelled by the American authorities.

For some time after the lowering of the flag Morales and the other Spanish officials in New Orleans were at a loss what to do because no definite orders were sent to govern their conduct. But Morales stayed long after such orders came. He may have hoped for another diplomatic shake-up which would return Louisiana to Spain. Doubtless, he did not relish the idea of living at the frontier post of Pensacola after his taste of more attractive life in New Orleans. Furthermore, in Pensacola he would drop to the level of Governor Vicente Folch y Juan who, as *subdelegado* of the intendency, had long been his subordinate. Moreover, these two officers had developed an antipathy for each other that approximated hatred, and matters did not mend after the Americans took over Louisiana. Morales continued to give orders from New Orleans as

9. Gardoqui to the intendant of Cuba (Pablo Valiente), October 30, 1793, *ibid.*, Floridas, legajo 14, no. 48. Whitaker, *op. cit.*, chapter II, note 7.

10. *Ibid.*, note 7. Professor Whitaker cited a memorandum by Gardoqui dated May 25, 1793.

11. Whitaker, *op. cit.*, p. 161 gives an account of the López y Angulo affair. A copy of the order removing him from office is in A.N.C., Reales Ordenes, XV, p. 59.

though Folch were still his subordinate, to the confusion of the commandant at Mobile and others. Contradictory orders were issued about trade through that port with the American territory up the river.¹² The climax to the situation was reached in January, 1806, when Governor C. C. Claibourne peremptorily ordered Morales to leave Louisiana, and Folch flatly refused to allow him to land at Pensacola, forcing him to leave the port with his goods and papers, and to disembark at Mobile.¹³ Naturally Morales protested to Spain and he was ordered to proceed at once to Pensacola and assume the authority of intendant of the province. Both he and Folch were admonished to "try to preserve the best of harmony, and to avoid disputes and contentions."¹⁴

But Morales willed it otherwise. Even before this admonition reached him he was accusing Folch of making innovations in the financial administration of West Florida and proceeded to take matters into his own hands as far as the western part of the province was concerned, issuing orders to the officers commanding the troops on the Pascagoula River. The officers appealed to Folch, who informed the intendant that only the commandant at Mobile had such a right. Mutual recriminations followed until the latter appealed to Spain. The king commanded all documents concerning the quarrel to be forwarded to him for examination,¹⁵ and in the meantime Morales was off on another tack with Folch.

Before Morales' arrival in Pensacola the finances of West Florida had been administered by the traditional *oficiales reales* in the form of an accountant and a treasurer, supervised by the governor as *subdelegado* of the intendency in New Orleans. In addition to the *oficiales* there were clerks, warehousemen, porters, etc., many of whom were also officers or soldiers of the garrison.¹⁶ With the transfer of the seat of the intendency to Pensacola in 1806, the number of clerks and minor employees in the financial department increased, and there was added an *asesor*, or legal adviser.

This appointment is interesting because the first *asesor* was José Francisco Heredia, the father of the famous Cuban poet, José María Heredia. Thus it came about that the poet lived in Pensacola between the ages of three and seven, his favorite sister, Ignacia, being born there in 1808. Of more importance to the present study is the fact that José

12. Cox, *op. cit.*, pp. 148-182.

13. A.N.C., Floridas, legajo 18, no. 48.

14. *Ibid.*, legajo 14, no. 48. The orders from Spain were dated March 31, 1806.

15. *Ibid.*, legajo 2, no. 24.

16. *Ibid.*, legajo 17, no. 242 and legajo 18, no. 87.

Francisco received his appointment from the intendant of Cuba, who, upon reporting the move to Spain for royal approval, was curtly informed that he had exceeded his authority; Morales' assistant should have been appointed by the captain general.¹⁷ Heredia remained in Pensacola as *asesor* to the intendant, however, until 1810, at a salary of one thousand *pesos* assigned him by the Cuban intendant.¹⁸ Thereafter the *auditor de guerra*, or legal adviser to the governor, acted as *asesor* to the intendant of West Florida.¹⁹

The appointment of Heredia illustrates the confusion as to the supervision of the intendency in Pensacola. Both the Cuban intendant and Morales contended that the right should belong to the former instead of to the captain general in Havana. The reprimand that followed failed to settle the matter, and before long the two Havana authorities were at swords points about Florida finances as well as their respective positions in Cuba itself.²⁰ The situation became acute during the administration of Captain General Juan Ruíz de Apodaca (1812-1816), who claimed absolute control over West Florida finances under an instruction of January 26, 1782 to Bernardo de Gálvez as captain general, in which the latter was referred to as the *superintendente de real hacienda de la Luisiana y de la Florida Occidental*. A bitter dispute lasted until the arrival in Cuba of two more pacific personalities—Captain General José Cienfuegos and Intendant Alejandro Ramírez. On August 9, 1816—exactly forty days later—the argument that had promoted hard feelings for a generation was settled.

Cienfuegos and Ramírez adopted the simple expedient of giving honor to whom honor was due, and in so doing each obtained the full coöperation of the other. The question of finances in the Floridas was settled by Cienfuegos's turning the whole matter over to Ramírez until the king's will on the point should be ascertained—a logical move since both Cuba and the Floridas were dependent on a subsidy from New Spain which was usually sent to Havana for distribution. Royal approval of the Cienfuegos-Ramírez agreement was given on September 3, 1817, Ramírez

17. Two copies of the order, dated May 7, 1806, are in *ibid.*, legajo 18, no. 50.

18. For data on the residence of the poet and his father in Pensacola see José María Heredia, *Poesías completas* (Emilio Roig de Leuchsenring, editor; Havana: 1940-1942), I, 19.

19. A.N.C., Floridas, legajo 18, no. 149.

20. The argument was not definitely settled until 1854 when the two positions were united. Joaquín Rodríguez San Pedro, *Legislación ultramarina* (16 vols.; Madrid: 1865-1869), I, 75. See D. C. Corbitt, *The Colonial Government of Cuba*, chapter II for an account of the attempts to settle the trouble.

being made *superintendente* of the Floridas as well as of Cuba.²¹

The foregoing imbroglio over the *superintendencia* was scarcely terminated when the intendency of West Florida was abolished. Morales, who in 1810 achieved his heart's desire by becoming a full-fledged intendant (hitherto he had been only provisional), was promoted to the intendency of Puerto Rico and became in a sense the successor to Ramírez. Unlike Ramírez, however, who was promoted to Cuba for his brilliant work in Puerto Rico, Morales was relieved in 1819 and dropped out of the colonial administration.

The last years of Morales in Pensacola deserve a parting comment. Rare were the epochs when he was not the center of a storm. On one occasion he was suspended from office on account of his failure to report properly the results of a hurricane on October 11 and a fire on October 24, 1810, which destroyed many records.²² Perhaps the dispute in 1812 over who should be his substitute can be laid to contagion. The *auditor de guerra*, as the intendant's legal adviser, and the accountant, as second in the financial administration, each claimed the law on his side. Nevertheless, an order of the regency passed over both claimants and conferred the provisional intendency on the governor of Pensacola.²³ Another and more serious difficulty arose in 1817, though the exact nature of the trouble is not very clear. Finally, however, the king announced that "he was pleased to proclaim the innocence of the Intendant of Pensacola, Don Juan Ventura Morales," without mentioning any specific accusation.²⁴ At this juncture Morales was transferred to Puerto Rico,²⁵ and with his departure the West Florida intendency came to an end. Finances there had long since ceased to justify the payment of four thousand pesos for their administration;²⁶ in fact it is doubtful whether any reason could be produced for ever having had an intendency in Pensacola other

21. D. C. Corbitt, "The Contention over the *Superintendencia* of the Floridas," *Florida Historical Quarterly*, XV, No. 2 (October, 1936), pp. 113-117.

22. A.N.C., Floridas, legajo 18, no. 144.

23. *Ibid.*, legajo 18, no. 149.

24. *Ibid.*, legajo 19, no. 34. The royal order in question was signed on February 19, 1817.

25. Morales was relieved of the intendency of Puerto Rico December 30, 1819 at his own request. *Ibid.*, Reales Ordenes, XXIII, pp. 579-581. He had been in the administrative service since 1777 at which time he was appointed clerk in the *secretaría de gobierno* of Louisiana. Bernardo de Gálvez to Joseph de Gálvez, December 30, 1777, A.N.C., Floridas, legajo 15, no. 79.

26. This salary was assigned to Morales by an order of March 21, 1810 which made him full intendant, *Ibid.*, Reales Ordenes, XVIII, p. 267.

than that of providing employment for a man released by the loss of Louisiana. During the closing years of Spanish rule in West Florida the governor supervised the treasury administration as *subdelegado* of the *superintendente de real hacienda in Havana*,²⁷ Alejandro Ramírez. It should be remembered, that during much of 1818 the province was occupied and administered by American armed forces.

With the abolition of the intendency in Pensacola the financial systems of East and West Florida were harmonized for the first time. It is true that on at least two occasions the governors of the former had requested the creation of an intendency in St. Augustine, but always with the view to the office for themselves. The first was made as soon as it was known that Miró had been entrusted with the office left vacant by Navarro in New Orleans. The petition was laid before the captain general of Cuba early in 1790 and was forwarded to Spain on March 26. There was a prompt negative reply on July 9.²⁸

A second suggestion for the creation of an intendency in East Florida was made by the governor of the province in 1799, with the ostensible purpose of removing certain evils attendant on the existing system. He would even have been satisfied with the establishment of a *subdelegación* of the Havana intendency, but the authorities in Spain merely instructed the governor to report any irregularities that might occur in the finance administration to them.²⁹ Except for the two constitutional periods (1812-1814 and 1820-1821), when municipal finance was temporarily in the hands of the city government of St. Augustine, the accountant and the treasurer, supervised by the governor as the representative of the captain general in Havana, were responsible for the financial part of the East Florida government until 1816. At that time the governor automatically became *subdelegado* of the Cuban *superintendente* by the relinquishment by Cienfuegos of control of Florida finances.

During the constitutional periods the municipality of St. Augustine was responsible to the *Diputación Provincial* in Havana for all of its activities. This affected East Florida during both periods; West Florida only during the first, since Pensacola had insufficient population in 1820

27. The intendency of Cuba was raised to a *superintendencia* in 1812, at which time Cuba was divided into three provincial intendencies.

28. A copy of the king's reply is found in A.N.C., Floridas, legajo 14, no. 79. Another copy is in *ibid.*, Reales Ordenes, IX, pp. 483-484. The reply stated that there was absolutely no need for such an intendency, but rather for a punctual observance of the Laws of the Indies.

29. *Ibid.*, Floridas, legajo 16, no. 130. The reply was dated June 18, 1799.

to warrant municipal government.³⁰ There was an *alcalde* in Pensacola for a time who disputed with the governor the control of many phases of the administration, but this will be better treated in another connection.

The Government of West Florida, 1779-1821

BRITISH West Florida extended from the Appalachian River to the Mississippi, and north to the thirty-second parallel, but the governor at Pensacola also exercised some jurisdiction as far north as the Chickasaw nation, or what is now northern Mississippi.¹ The boundaries of the territory that came to be known as Spanish West Florida were not so well defined. The British division line to the east was removed in 1784 when the St. Marks district was shifted from the jurisdiction of St. Augustine to that of Pensacola, a logical move since communication with the latter was much easier than with the former. In this way the trading post of Panton, Leslie and Company at St. Marks could be more effectively supervised. No division line was ever drawn between the St. Marks district and the jurisdiction of the governor at St. Augustine, but it proved to be unnecessary because the intervening territory was never settled by whites during the Spanish period. The northern boundary was more troublesome.

The secret clause in the treaty between the United States and Great Britain dealing with the area lying between the thirty-first and the thirty-second parallels was responsible for a dispute between Spain and the United States. The matter was further complicated by Spain's claiming the whole east bank of the Mississippi and jurisdiction over the Indian nations that had formerly traded with Mobile and Pensacola.² Treaties with the Creeks at Pensacola and with the Choctaws and Chickasaws at Mobile in the spring and summer of 1784 went far toward making good these claims and sent Spanish influence to Middle Georgia on the east

30. Some of the effects of the constitutional system on the Florida administration will appear in the sections on the provincial governments. A more detailed study of the constitutional phase is in preparation.

1. Governor Johnston to the Council of Choctaw Chiefs, March 26, 1765. Dunbar Rowland, *Mississippi Provincial Archives* (Nashville: 1911), I, 222.

2. For the Spanish claims see Miró to Gálvez, March 12, 1784, *East Tennessee Historical Society's Publications*, No. 9 (1937), p. 116. For a discussion of these claims see D. C. Corbitt, "James Colbert and the Spanish Claims to the East Bank of the Mississippi," *Mississippi Valley Historical Review*, March, 1937.

and to the Cumberland on the north. Within a decade the imperialistic Carondelet had garrisoned the debatable land with detachments of troops stationed at Walnut Hills, Chickasaw Bluffs, Fort Confederation and Fort St. Stephen. Natchez was in the same area but it had been in Spanish hands since Gálvez occupied it in 1779. The only posts whose ownership was not disputed by the Americans were Mobile, Pensacola and St. Marks, the last being garrisoned in 1787 at the request of Alexander McGillivray.³

Natchez and its district had a governor but was at the same time under the supervision of the governor at New Orleans; nevertheless, the former enjoyed the privilege of corresponding directly with the home government.⁴ Walnut Hills, Fort San Fernando de las Barrancas at Chickasaw Bluffs, as well as Fort Confederation, took orders after their establishment in the nineties from New Orleans. Fort St. Stephen, like Mobile, was dependent on Pensacola; although, as will be pointed out later, the chief at New Orleans could send orders directly to them when he chose to do so.

It will appear from the foregoing paragraphs that between the close of the American Revolution and the loss of Louisiana by Spain, the so-called province of West Florida could be said to extend from the Pearl River on the west to some point east of St. Marks, north beyond Fort St. Stephen and the Tensaw district, and as far northeast into the Creek nation as Spanish influence reached. The frontiers just described were very indefinite, but where in her colonies did Spain delineate or survey provincial boundaries?

Internal relations between the various officers were even less clear than the boundaries of their jurisdiction. In one sense the whole of West Florida was part of Louisiana, since the governor at New Orleans exercised jurisdiction over it. However, Spanish officialdom chose to look upon it as a province, and the governor, or commandant at Pensacola was allowed some liberty of action. He could correspond directly with the captain general, and not infrequently received orders by the same route;⁵ although the majority of his relations with the superior officers

3. Miró to McGillivray, July 13, 1787 and McGillivray to Miró, July 25, 1787, Archivo General de Indias, Papeles de Cuba, legajo 200. For a translation see East Tennessee Historical Society's *Publications*, No. 11 (1939), pp. 84-88.

4. Whitaker, *The Mississippi Question, 1795-1803*, p. 30.

5. O'Neill to Gálvez, May 20 and 30, 1786; September 24, 1786; and October 11, 1786, East Tennessee Historical Society's *Publications*, No. 10 (1938), pp. 137-151. O'Neill to Las Casas, October 2 and 18, 1790, Archivo General de Indias, Papeles de Cuba, legajo 1445 (transcript in the McClung Collection).

were conducted through the governor at New Orleans. Some of the Pensacola governors used their liberty to complain to the captain general about the conduct of their superiors in the Louisiana capital.⁶

The position of the commandants of Mobile and St. Marks was analogous to that of the governor at Pensacola in that, although they were nominally under the jurisdiction of the governor at Pensacola, the governor at New Orleans could send orders to them direct when he chose to do so. The system became so confusing to Pedro Favrot at Mobile that in December, 1786, he requested Governor Arturo O'Neill of Pensacola to clarify his position. The latter replied: "The Superior direction and orders of Don Estevan Miró are to be given preference, and it remains for me only to give a general explanation of the rules that you are to follow."⁷

The loss of Louisiana by Spain simplified the situation by removing the governor at New Orleans. Manuel Salcedo, the last incumbent, would have had it otherwise. With no definite instructions as to his future conduct, and loath to surrender his prerogatives as governor, Salcedo moved up to Baton Rouge and attempted to continue ruling West Florida from that point. The home government, however, elected to make Pensacola the capital, and the governor of that post came into his own.⁸ Thereafter West Florida could boast of reasonably definite frontiers: the Mississippi on the west and the thirty-first parallel on the north, and the eastern boundary still undisputed.

For a time the commandant at Baton Rouge, Carlos de Grand Pré, was a vexing problem for Vicente Folch at Pensacola. Many factors contributed to disturb the relations of Grand Pré with his new chief, but the basis of the trouble probably lay in the fact that the former had long drawn a salary as governor of Natchez, although no Spanish governor had actually resided at that post since 1797, at which time Grand Pré had been commissioned to reoccupy it.⁹

Until the cession of Louisiana there were no civil officers in West Florida. Financial and judicial, as well as administrative affairs were carried on by the post commanders assisted by their lieutenants and other employees, usually from the military forces. Finances were directed by

6. For instance see O'Neill to Gálvez, November 8, 1786, East Tennessee Historical Society's *Publications*, No. 10, pp. 153-154.

7. O'Neill to Favrot, December 1, 1786, *ibid.*, p. 135.

8. Cox, *op. cit.*, p. 149.

9. Whitaker, *op. cit.*, p. 65. For troubles between Folch and Grand Pré see Cox, *op. cit.*, p. 150-161.

the governor at Pensacola acting as *subdelegado* of the intendant in New Orleans. Judicial and administrative decisions were appealable to the governor of Louisiana, and beyond him to the king by way of Havana or Santo Domingo according to the *fuero*, or charter of privileges that might be involved;¹⁰ the judicial powers of the governor of Pensacola himself were practically limited to conciliation and evidence collecting. Minor cases were handled after the manner of a police court, or as by a referee or friend. Major suits, along with evidence collected, were referred to New Orleans for review by the governor and his *asesor* as long as Louisiana belonged to Spain.

There is an eloquent though pathetic description of the working of the administration at Pensacola written by Arturo O'Neill, who had been ordered by Miró to deliver some munitions to McGillivray's Indians in a way that the Americans would be unable to prove Spanish complicity. O'Neill replied:

I shall carry out your orders as far as possible. I should advise you, however, that the presents of Powder and balls cannot be made in the quantities prescribed with the dissimulation and secrecy that you suggest to me, for these things are deposited in the royal Warehouses, and to take them out the Adjutant of the Plaza, the Officer in Command of Artillery, the Accountant who audits it, the Guard of the Indian Warehouse, the Guard of the Artillery Warehouse, and the Porters and Wagoners who bring it to this Place, must be informed; after which follows the buying, and putting the Powder and balls into sacks for transportation, turning them over to the Indians who are not a little scrupulous about weight and Quality, and the distribution which is made through others as has sometimes been done through Mr. Pantón, in which manner the number of persons knowing about it is increased.¹¹

After 1803 the establishment at Pensacola inherited the position that had belonged to the Louisiana capital. The first change was made in obedience to the following order of December 10, 1803:

The King has resolved that, when that Province [Louisiana] is handed over to the French Republic, West Florida shall remain under the control of the commandant of Pensacola; that, in order that he may have an adviser in Civil and Criminal cases that shall arise in the District under his command, the *Auditor de Guerra y Asesor de Gobierno* that now resides in New Orleans shall move to the said Plaza; and that for

10. The Spanish administration of justice was a confusing jumble because so many persons enjoyed *fueros*, or the right to be tried in the special courts of their class, rank, order or organization. Suits in the Floridas involving *fueros* reached Spain by way of Havana, where the captain general ordinarily presided over the special courts of appeal. Ordinary suits went to the *audiencia* in Santo Domingo (in Puerto Principe, Cuba after 1800) before going to Spain.

11. Archivo General de Indias, Papeles de Cuba, legajo 37 (transcript in the McClung Collection). A translation is printed in East Tennessee Historical Society's *Publications*, No. 11 (1939), p. 90. O'Neill's letter was dated August 3, 1787.

the provincial discharge of the duties of Secretary of that Province the said Commandant shall choose from the Garrison a Subaltern Officer, who shall receive a gratification above his salary of two hundred and fifty pesos annually as is the practice with the officer who performs those duties in East Florida.¹²

In this order are to be found listed the important officers of the administration outside of those attached to the intendancy. There was the usual complement of assistants in the offices of the secretary, the *auditor* and the governor, but with few exceptions they were military men selected from the garrison.

Mobile and St. Marks had even less civilian interference in the government than Pensacola. The commandants and their fellow officers governed everything, even to finances. Usually the only civilians in the administration were the men in charge of the supply warehouses, one or two warehouse guards (even these were at times soldiers) and the employees of the trading post of Panton, Leslie and Company, who, although not officially part of the administration, usually counted for as much as, and some times more than the commandant himself. Baton Rouge was also governed by a commandant with military assistants.

Other factors there were that deserve special mention. As early as 1787 it was found convenient to work out a special system for dealing with the settlement of Tories, pioneers, vagabonds and half-breeds at Tensaw on the Tombigbee. As a result one of the settlers, Tom Linder by name, was appointed *alcalde*.¹³

A variation of this plan was used on a wider scale in the Pearl River-Baton Rouge territory where the population had a similar composition. Even while the Baton Rouge district was part of Louisiana the white residents were allowed to have an *alcalde* and a syndic, chosen by the governor upon their own recommendation. By 1810 the territory between the Pearl and the Mississippi Rivers was divided into four districts (Feliciana, Baton Rouge, St. Helena, and Tangipahoe or St. Tammany), each with an *alcalde* and a syndic. These officers were responsible for carrying out orders from the governor at Pensacola or from the neighboring commandant.¹⁴

12. A copy of this order is found in A.N.C., Floridas, legajo 2, no. 43. It is contained in a letter from Folch to Morales of January 23, 1804, informing the latter of the appointment of Sublieutenant Francisco Morejón of the 5th Company of the 3rd Battalion of the Regiment of Louisiana to the secretaryship.

13. O'Neill to Miró, March 27, 1787, East Tennessee Historical Society's *Publications*, No. 11, pp. 67-68.

14. Cox, *op. cit.*, pp. 152, 155, 161 and 312.

The appointment of the district *alcaldes* is interesting in that the practice ran parallel to a similar plan adopted in East Florida in 1813. There Governor Kindelan, faced with the necessity of ruling Anglo-Americans along the St. Marys and the St. Johns, chose some persons from among them to represent authority in the several districts. Kindelán, however, confessed that he was following the practice common since 1763 in Cuba, where he had served for some time. There the captains general had found it convenient to use residents from each locality to represent them and keep order. The practice that grew up in West Florida was very much like that followed in Cuba, but appears to have evolved from local conditions rather than having been imported from Cuba.

Ironically enough, it was in the Pearl-Mississippi territory that dissatisfaction arose: in fact, these very *alcaldes* played an important part in the next move, meeting in a *junta* somewhat after the pattern of those which promoted independence in the South American colonies. By 1810 the inhabitants of the territory had revolted and had abolished Spanish control. United States troops occupied this district and that east of the Pearl River and west of the Perdido the next year. Thus it came about that only Mobile, Pensacola and St. Marks remained in Spanish West Florida to enjoy the blessings of the Constitution of 1812.¹⁵

The Constitution provided for municipal government in towns whose districts could muster one thousand or more inhabitants. Under this provision Pensacola was organized as a municipality with an *alcalde*, four *regidores* or councilmen and a *síndico-procurador*.¹⁶ This organization functioned until the abrogation of the Constitution in 1814. There was an attempt at reorganization in 1820 about which it will be necessary to say more later.

One provision of the Constitution whose purpose was to separate the political from the military functions was the cause of much contention in the two Florida provinces. Such a step would have been inadvisable in the frontier provinces of East and West Florida, where danger from Indian attacks or troublesome white neighbors called for an essentially military system. A special adaptation of the constitutional requirements were, therefore, attempted, by which the governors retained their military

15. The Spanish inhabitants of West Florida continued to claim everything up to the Mississippi, especially when calculating representation in the Cortes and in the *Diputación Provincial* in Havana. It is interesting to note that, although the Spanish authorities made the same claim, they did not accept it when apportioning the representation. A.N.C., Floridas, legajo 13, no. 8.

16. *Ibid.*, legajo 1, no. 42.

commands and took over the duties of *jefes políticos*.¹⁷ This amounted to a cancelation of the strict orders of the national charter, and the *alcaldes* of St. Augustine and Pensacola were not slow in protesting to higher authorities.

The problem was further complicated by the Spanish conception of a municipality. Since all land in the Spanish dominions was considered as attached to some municipality, the *alcaldes* claimed jurisdiction over the respective provinces. The direction taken by their claims varied slightly, that of the *alcalde* of St. Augustine leaning toward giving orders to officers as well as to residents of rural areas. The essentially military character of Mobile and St. Marks prevented the *alcalde* at Pensacola from asserting jurisdiction over the commanders of those posts: instead, he demanded that the public records be taken from the *secretaría de gobierno* and placed in his care. When the governor (or *jefe político* as he was called) refused, he appealed to the *audiencia* in Puerto Príncipe (formerly that of Santo Domingo), which sustained the demand.¹⁸ It was a fruitless victory, for before the decision could be enforced the constitutional regime was abolished (1814), and the old order returned, only to be wiped out completely with the advent of Jackson in 1818. A few months later Mariscal del Campo Juan María Echevarría was commissioned to receive the province from the Americans, for which purpose he left Havana with twenty-four officers and four hundred and eighty-three men. Eight of the officers were for the permanent government of the province. Lieutenant Colonel José Callava went to assume the post of governor, and along with him went a captain to be secretary of the government. There were an adjutant and five other officers for the military establishment. Instead of restoring the intendency that had functioned until 1817, Callava was named *subdelegado* of the financial administration in Havana. To assist him in this capacity went a treasurer, one treasury official, a clerk, a warehouse guard, and an "*oficial de cuenta y razón de artillería*."¹⁹ An *auditor de guerra* was soon appointed.

Spanish control was scarcely restored in West Florida when news arrived (early in May, 1820) that the Constitution of 1812 was back in force. Callava and the other officials took the necessary oaths to support

17. Minutes of the City Council of St. Augustine. The originals are in the Library of Congress. A copy is in the possession of the St. Augustine Historical Society and Institute of Science.

18. A.N.C., Floridas, legajo 13, no. 6.

19. *Ibid.*, Floridas, legajo 9, no. 33.

the charter and set about reorganizing the administration so as to conform to its provisions. The title of *gobernador militar y jefe político* came into use again and the question of a municipality was taken into consideration. A census, however, revealed only 695 residents in Pensacola and its district—a number far short of the one thousand required by the Constitution. It was claimed, nevertheless, that Pensacola could qualify under some special conditions laid down for exceptional cases. Callava was uncertain and referred the matter to his legal adviser, the *auditor de guerra*, Nicolás Santos Suárez. The latter handed down the amazing opinion that Pensacola could not legally have municipal government, but that it should have an *alcalde*. The governor followed up this contradictory decision with a call for an election on June 15, 1820.

As soon as the new *alcalde*, José Noriega, took office, he reopened the business of the first constitutional period by demanding the public records, and he laid claim to all government functions in the province that were not strictly military. After several weeks of wrangling, with insufficient legal data (most of the documents of the former period had been taken to Havana from fear of Jackson), Noriega uncovered a law indicating that Santos Suárez could no longer hold office because of his military position as *auditor de guerra*. Both sides then appealed to Havana, Santos Suárez going in person to present his own case and that of Governor Callava.

It was late in October, 1820, before the West Florida troubles were laid before the *Diputación Provincial* in Havana, and a decision was not reached until November 4 to the effect that the population of Pensacola warranted neither a council nor an *alcalde*.²⁰ Before it could be enforced, however, orders had come from Spain to hand over Florida to the United States. Thus it happened that when Andrew Jackson arrived to take control of West Florida, he found the public welfare in the hands of the mutually antagonistic *alcalde* and governor, neither of whom had any clear idea of his own functions or powers. Small wonder that H. M. Brackenridge, whom Jackson appointed to succeed Noriega as mayor, could find no one to coach him in his duties. Not realizing that he was trying to ascertain what related to an office that did not exist, he wrote thus to Jackson:

I cannot speak positively with respect to the duties and powers peculiarly and exclusively belonging to the office The *alcalde* here has acted as notary public; as chief of the police, he exercised a criminal jurisdiction, but of what nature I do not exactly

20. *Ibid.*, legajo 13, no. 6. *Diario del Gobierno Constitucional de la Habana*, October 21 and 26, 1820.

know. . . I have been able to procure but little information from my predecessor in office; what he said was summed by the remark that I had more power than the Governor.²¹

Noriega had surrendered none of his claims although Spain had lost the province.²²

21. Brackenridge to Jackson, July 18, 1820, *American State Papers*, Miscellaneous, II, 904-905.

22. In the next issue of *Tequesta* will appear an article by Mr. Corbitt on "The Government of East Florida" and "Agencies for Handling Indian Affairs" in this same period. (EDITOR).