

The Administrative System in the Floridas, 1783-1821, II

by DUVON CLOUGH CORBITT

The Government of East Florida, 1783-1821

The King has conferred on Your Excellency the Government and Captaincy General of the City of St. Augustine and the Provinces of 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, authorizing you to act as proprietary Governor until the necessary orders to that effect are issued. May the Lord Preserve Your Excellency many years, San Lorenzo, October 31, 1783 - Joseph de Gálvez - Señor Don Vincente Manuel de Zéspedes.¹

So runs the first document concerned with the organization of the government of East Florida during the second Spanish period. Zéspedes, however, was not the first Spanish official on the ground. Before going to take over the province from the British, the new governor dispatched his secretary, Captain Carlos Howard of the Irish Infantry Regiment, to prepare the Anglo-American residents of the province for a change of masters.² The task of forerunner was a delicate one, for the East Floridians were incensed at being sold down the river. But Howard evoked praise from the governor for his mastery of the situation:

He [Howard] proved himself to be a zealous servant of the king by coming to this place three months before I arrived, in order to inform the English governor that His Majesty's forces were being prepared to come and take over the province. In that interval, by the use of spirit, skill and prudence, he succeeded in destroying the very open machinations of an English gentleman named Mr. John Cruden,³ who, as is well known, secretly aided by the British governor, tried to arouse the inhabitants to oppose the transfer of the country by force of arms.⁴

Zéspedes arrived in St. Augustine in June, 1784. In the meantime the home government had been trying to work out a permanent administrative system for the province. It was only natural that the plan in use there

1. A.N.C., Floridas legajo 10, no. 6.

2. *Ibid.*, legajo 6, no. 3. Howard was made secretary on March 3, 1784, being assigned a bonus of five hundred pesos above his annual salary as captain, which rank he was allowed to retain. His regiment was on duty in Havana at the time of his appointment.

3. Whitaker, *Documents Relating to the Spanish Commercial Policy in the Floridas* (Deland: 1931), footnote 56.

during the first Spanish period should be taken into consideration. A request was, therefore, sent to Mexico City for Antonio José López de Toledo, a man versed in the previous system, to prepare a regulation for East Florida. That gentleman recommended a governor captain general, a sergeant major of the plaza, an adjutant of the plaza, a commander of the castle, a treasurer, a major official and two assistants for the accounting office, besides warehouse guards, priests, boatmen, pilots and other minor employees.⁵

When these suggestions arrived in Spain the question of the Floridas was in a state of flux. Young Gálvez was at Court receiving the rewards for his conquests. Created count and appointed captain general of Cuba with the promise of the viceroyalty of New Spain when that post should become vacant, he was also permitted to keep his captaincy general of Louisiana and West Florida to which was added East Florida. Gálvez's return to America, his short stay in Cuba, and the receiving of the news of his father's death have already been recounted. The preparation of the regulation for East Florida, as recommended by the ministry, was left in the hands of Juan Ignacio de Urriza, the Cuban intendant, who fell sick soon afterward and carried his unfinished work with him to Spain.⁶

Meanwhile East Florida was struggling along under an unsatisfactory provisional administration under the leadership of Governor Zéspedes and his secretary. Along with the first Spanish troops sent to St. Augustine went the newly appointed accountant, Gonzalo de Zamorano, who was also commissioned to act provisionally as treasurer.⁷ He was soon relieved of the responsibilities of the latter office by the arrival of the permanent incumbent, Pasqual Vázquez y Marcos.⁸ There were clerks and other subordinates, but the number was so limited that Zamorano complained to the governor, and was informed that all would be made right when the expected regulation arrived.⁹ December, 1788 came, however, without any regulation, so Zamorano repeated his complaint:

With the greatest fatigue have I tried to work, aided only by the said *Official* and *Escribiente*, in order that the service of His Majesty be not delayed, and at times have worked alone because they were ill, hoping from one month to the next that the regulation for the *Presidio* would arrive.¹⁰

5. A copy of this regulation, dated May 25, 1784, is in A.N.C., Floridas, legajo 11, no. 60. It was delivered to Gálvez January 30, 1785.

6. Gálvez to Urriza, April 11, 1785, *ibid.*, legajo 14, no. 90.

7. *Ibid.*, legajo 11, no. 1.

8. Vázquez's appointment was confirmed on August 4, 1785, *ibid.*, legajo 13, no. 1.

9. Zamorano to Zéspedes, September 22, 1786 and Zéspedes to Zamorano, September 23, 1786, *ibid.*, legajo 14, no. 90.

10. *Ibid.*, legajo 14, no. 90.

Zéspedes had informed Zamorano on several occasions that the said regulation was expected daily, and now he could only write to Spain, enclosing his correspondence with the accountant. The regulation had remained incomplete just as taken to Spain by Urriza who was now instructed by Antonio Valdés, minister of the Indies, to send the finished plan to Domingo Hernani, the Cuban intendant, as a model to work from. At the same time Valdés informed the intendant that Bartolomé Benítez, former intendant of Illocas in the Philippines, was appointed to succeed Vázquez as treasurer. The salary (rare idea!) was to be 3,000 pesos per year (the same he had received in the intendency), whereas Vázquez had been paid only eight hundred! ¹¹

The permanent regulation for East Florida was not completed by Hernani until February 17, 1791, at which time Juan Nepomuceno de Quesada, in Havana on his way from Comayagua in Honduras to become governor of East Florida, took part in making the final draft. No radical change was made in the system already in operation, but a number of minor employees were added to the pay roll. In the department of government were the governor, an adjutant major who was to discharge the duties of sergeant major in the pre-1763 system, a second adjutant, the secretary of government, one *oficial de secretaría*, an *escribano de gobierno* and a captain attached to the staff. In the treasury department were the *cotador de ejército*, who also functioned as *comisario de guerra y encargado del despacho de aduana*, a treasurer, an *oficial de contaduría*, an *escribiente* for the same, as well as one for the treasury, two custom-house guards, five warehouse guards and a couple of laborers. In the construction and repair department there were a carpenter, a blacksmith, a wheelwright, a cooper, a ship-carpenter and a calker under the direction of a supervisor of royal works. On the hospital staff were a comptroleer, a *comisario de entradas*, a superintendent, a chaplain, a physician, a surgeon, two pharmacists with an assistant, six practitioners in medicine and surgery, four ward supervisors, a baker, a supply steward, a clothier, a cook and eight servants. For the parish church there were two priests, two *religiosos* and a sacristan. For the school there was a lay teacher of arithmetic and writing, assisted by one of the priests who taught doctrine and *letras*. To man the four gunboats in the port of St. Augustine and the pilot boats and official launches there were five masters, a boatswain, a ship-carpenter, sixteen sailors, two pilots, a cabin boy and twenty-two oarsmen. There was also a master of the fleet of boats destined to haul wood and other supplies to the city. On these boats

11. *Ibid.*, legajo 13, no. 4 and legajo 14, no. 90.

prisoners served as oarsmen. Another master was assigned to the fleet that was used to ferry Indians, the latter serving as oarsmen. Two other masters and eight oarsmen were assigned to the St. Johns and St. Marys Rivers. Finally there were two Indian interpreters and a *comisionado al zelo de las fronteras Americanas*, the latter officer serving for a short time only before the position was abolished.¹²

An *auditor de guerra*, or legal adviser to the governor, was added to the staff some time later. The governor was advised on matters of finance by this official, together with the accountant and the treasurer, the group being called the *junta de hacienda*. The governor, of course, presided.¹³ Other changes were made from time to time, as for instance the addition of a surveyor general of the province, but for the most part only employees of lesser importance were involved. Some slaves were also imported for use on public works.¹⁴ Outside of St. Augustine there were other additions and removals that will be discussed later.

It has been pointed out that an intendency was suggested on at least two occasions, one of which coincided with the agitation about the permanent regulation, but the home government consistently refused its approbation. The nearest approach was the governor's appointment as *sub-delegado* of the Havana intendency, which came as a result of the argument over the superintendency of the Floridas.¹⁵ Throughout the entire period the governor of East Florida, unlike his brother officer in West Florida, directed the financial, political, judicial, military, and even ecclesiastical branches, except during the two short constitutional periods.

Local government in St. Augustine was the immediate responsibility of the governor. After the organization of the three militia companies there in 1791, however, he chose to delegate much of this work to the captains of the companies. These men came to make up an advisory council for city government; in fact, it became customary to call them *regidores*, a word ordinarily used to designate city councilors. But this should not be construed to indicate that St. Augustine had municipal government. The captains received their commissions from the captain

12. The regulation, annotated to show modifications to 1808, is in the Archivo Nacional de Cuba along with an *auto* of February 3, 1791 summarizing the history of the regulation. These documents have just come to light and have not yet been assigned to a legajo.

13. *Ibid.* See also A.N.C., Floridas, legajo 2, no. 38 and legajo 18, no. 122.

14. *Ibid.*, legajo 18, no. 13 and legajo 16, no. 43. See also the regulation cited in footnote 12. Many appointments of lesser employees appear among the royal orders in A.N.C., Floridas.

15. See the section on the intendency.

general in Havana and were responsible to him and to the governor of East Florida,¹⁶ although leading citizens of the capital made their influence felt in their selection.

St. Augustine did not have true municipal government until the application to East Florida of the Constitution of 1812. The city government then consisted of an *alcalde*, four councilmen, and a *síndico-procurador*. The governor, in his new capacity of *jefe político*, presided over the council meetings. A hired secretary took the minutes and kept the records. This system obtained during the two constitutional periods.¹⁷

The white population outside of the capital consisted of a few hundred persons scattered along the St. Johns, Nassau and St. Marys Rivers, governed by commanders of small detachments of troops stationed in the territory. Such detachments were sent to Amelia Island and the St. Johns River immediately after the reöcupation of the province by Spain. Except the district attached to St. Augustine, all the other rural territory of East Florida was finally embraced in the two *partidos* of Fernandina and St. Johns. Civilians were early sent to these posts to look after supplies and finances, and physicians were added later. The boatmen employed have already been mentioned.¹⁸ In 1817 the civilians other than the boatmen were as follows: at Fernandina, an *administrador de rentas*, a *fiel interventor y vista tasador*, a warehouse guard and a physician; at San Nicolás on the St. Johns, a warehouse guard and a physician.¹⁹ Before that date, however, civil administration had effectively passed out of the hands of the commandants.

The St. Marys - St. Johns territory was removed temporarily from Spanish control in 1812 and 1813 by a rebellion of the residents supported by United States troops. President Madison, however, ordered the territory returned to Spain, and in June of 1813 General Thomas Pinckney turned it over to Governor Sebastián Kindelán who went up from St. Augustine to Fernandina for the purpose of receiving it.

The recovery of this territory constituted a new problem of administration. By all rights the Fernandina district should have been organized as a municipality under the Consitution of 1812, but to have done this would have been to hand over the government to the very rebels themselves. Governor Kindelán, therefore, adopted a plan which had been used in Cuba since its introduction by the Conde de Rielá (captain general from 1763 to 1765), who, finding it difficult to make his authority felt

16. Minutes of the council of St. Augustine, January 18, 1815.

17. *Ibid.*, *passim*.

18. A.N.C., Floridas, legajo 13, no. 9.

19. *Ibid.*, legajo 13, no. 24.

in rural districts and in towns without military garrisons, chose men from these same areas and delegated to them some of his police and judicial powers. These representatives came to be known as *capitanes de partido* and *jueces pedáneos*, terms used interchangeably in Cuba and East Florida. Such deputies of the central authority performed functions roughly equivalent to those of our constables and justices of the peace.

In applying this system of local government to the inhabited areas of East Florida, Kindelán²⁰ selected men identified with the districts they were to govern, which were three: Fernandina, Upper St. Johns and Lower St. Johns. The first was composed of Amelia Island, Talbot Island, Tiger Island, both banks of the Nassau River and the south bank of the St. Marys; Upper St. Johns included everything along that river "between Hollingsworth's House and that of Buena-Vista, both included, with the plantations on the opposite bank from that of Creighton to that of Fleming, and the rest lie on that line;" Lower St. Johns, according to Kindelán, took in everything from "the plantation of Sánchez to that of Maxey, both included, with those on the opposite bank from Morrison to Fitz-patrick, and San Pablo Inlet and the Island of Fort George." Philip Robert Yonge was selected to rule the Fernandina district, Francisco Facio that of Upper St. Johns, and Farquahar Bethune the Lower St. Johns.

The three captains were men who had remained loyal to Spain during the recent uprising. They were instructed to act as far as possible as conciliators, but if that failed, to hear cases of civil and criminal nature of small import. The military commandants of neighboring posts were to furnish troops to make necessary arrests and to enforce the verbal decisions of the *capitanes de partido*. Decisions were appealable to the governor.

The resentment of the Spanish element in St. Augustine was aroused by the Protestant Anglo-American influence in the province, but a protest from the *alcalde* of the capital to Havana may have been colored also by a personal dislike of Governor Kindelán who was held responsible for this state of affairs. Furthermore, the claim that all of East Florida belonged to the municipality of St. Augustine was sustained. This claim was based on the Spanish idea that all rural land lies within some municipality. The protest, however, went unheeded, and the city government was abolished the next year.²¹

20. Kindelán had served in Cuba before going to Florida. Francisco Calcagno, *Diccionario biográfico cubano* (New York), p. 361.

21. D. C. Corbitt, "The Return of Spanish Rule to the St. Marys and the St. Johns, 1813-1821," *Florida Historical Quarterly*, XX No. 1 (July, 1941).

The aversion to foreigners did not die out and in 1820 it recurred in connection with the restored city council. At the session of November 13 of that year the governor was requested to remove from the office of *capitán de partido* of the St. Johns district Don Solomon Miller, about whom there was some complaint, and to appoint in his place "Don Francisco Ramón Sánchez a native of this province." The same complaint had been made in 1813 about a member of the council itself, Francisco Facio. Governor José Coppinger, unlike Governor Kindelán, listened to the protest and ordered that Miller be removed.²²

The Kindelán system lasted on the St. Johns until the end of Spanish rule in Florida, but not so in the Nassau-St. Marys territory where the trouble, begun in 1813, continued until 1816, when George J. F. Clarke "proposed a plan of reconciliation and re-establishment of order." Clarke, Zephaniah Kingsley, and Henry Yonge met with forty men at Mill's Ferry to discuss it and to call for a general meeting of the male inhabitants of the area at Waterman's Bluff within three weeks. At this latter assembly there was drawn up to be submitted to Governor Coppinger a set of laws and regulations which called for dividing the area into three districts — Nassau, Upper St. Marys and Lower St. Marys — with a magistrate's court and a company of militia in each, officers to be elected from the district. Coppinger approved the plan with the specification that Amelia Island be excluded, because the commandant stationed at Fernandina "had plenty of leisure to attend to the complaints of Fernandina."

According to Clarke, testimony to the success of the system was the fact that, during the five years it was in operation, there was but one appeal and one complaint to the superior authorities in St. Augustine.²³

The essential difference between the Clarke plan and that of Kindelán lay in the election of the magistrates and militia officers. Kindelán, however, was governed by the recommendations of the leading inhabitants in making his choices of *capitanes de partido*. The selection of foreigners as late as 1820, in spite of contrary sentiment in the capital, indicates that his successors were also disposed to listen to the persons to be governed before making appointments.

With the return of the second constitutional period the question of the jurisdiction of the city council of St. Augustine over all of East Florida was renewed. The inhabitants of the St. Johns-St. Marys districts opposed

22. Minutes of the Council of St. Augustine, November 13, 1820 and January 8, 1821.

23. See Clarke's letters to Captain John R. Bell, *Florida Historical Quarterly* July, 1925 pp. 31-42. A study of Clarke's activities by Mrs. Louise Biles Hill is in preparation.

to this a demand for a municipality of their own, a constitutional right belonging to districts with a population of one thousand or more. Governor Coppinger referred the request to the *Diputación Provincial* in Havana, but before the decision was returned, Florida had been ceded to the United States.²⁴

Agencies for Handling Indian Affairs

INSTEAD of a race of aborigines in a state of servitude, so common in the Spanish colonies, in Louisiana and the Floridas Spain was confronted with proud, warlike nations whom it was necessary to appease with thousands of dollars worth of presents annually, and whose leaders, in some cases mestizos of diplomatic talent, the Spanish governors were forced to treat as equals. The aggressive attitude of the Americans to the North and East, and of the English with bases in the West Indies, gave opportunity for the display of diplomatic abilities. It is a remarkable fact that Spain was able to scrap her age-old Indian policy and win considerable success in the battle waged for the friendship of the savages.

Bernardo de Gálvez was fully aware of the necessity of gaining and holding the friendship of the Indian neighbors, and experience had shown him that a satisfactory trade was necessary to achieve these ends. He came to realize, furthermore, that Spanish goods would not satisfy the Indians who had long been accustomed to French articles, and that Spain could not furnish a market for the peltries that were the savages' only marketable product. For these reasons, he dispatched Gilbert Antoine de St. Maxent to Spain in 1781 to lay before the court a plan for holding the allegiance of the Indians of Louisiana, and for winning and holding that of those in the territory which was fast being reconquered from Britain.

The Gálvez-St. Maxent plan called for freedom of commerce between France and Louisiana and the appointment of St. Maxent to the supervision of Indian affairs with a monopoly of the Indian trade. St. Maxent had many considerations in his favor: he was the brother-in-law of Governor Bernardo de Gálvez, belonged to one of the best families of Louisiana, had come to the aid of the treasury on several occasions, and had served with distinction in the attack on the British in West Florida.¹

24. D. C. Corbitt, "The Return of Spanish Rule to the St. Marys and the St. Johns." *Florida Historical Quarterly*, XX, No. 1 (July, 1941).

1. For a list of his services see A.N.C., Reales Ordenes, VII, pp. 215-224. See also Pezuela, *Diccionario*, II, 382.

The outcome of his mission to Spain and the recommendations of his brother-in-law, was St. Maxent's appointment on October 31, 1781, as "lieutenant of the governor and captain general of West Florida in all matters concerning the Indian nations that dwell in it." He was given, besides, a monopoly of the Indian trade and some financial support to make the initial purchases. For these privileges he agreed to send to Louisiana goods to the value of 80,000 pesos for presents to the Indians who should aid in the attacks on the British, another 200,000 pesos worth to supply the Indian traders, and a reserve stock valued at one hundred thousand.²

The contract with St. Maxent obligated him to visit the principal factories in Spain with a view to purchasing Indian goods although there was little hope that he would be able to obtain them there. He was empowered to go to France for what he could not obtain in the Peninsula—a break in the time-honored Spanish policy which was given a wider application on January 22 of the next year in a *cédula* authorizing direct commerce between New Orleans and Pensacola and French ports.³

St. Maxent was destined never to exercise his extensive powers as lieutenant governor for Indian affairs. Although his goods were shipped out through Ostend, British cruisers intercepted them and shunted them into Jamaica, together with their owner, who, with some difficulty, extricated his person from that island, only to be beset with other misfortunes and financial reverses. For a year and a half his brother-in-law hoped that he might serve his appointment, and issued instructions⁴ for his conduct, particularly with respect to the Indian congresses then projected, but it was necessary at last for the Spanish officials to obtain from British firms the presents for the savages who attended the congresses in Pensacola and Mobile in the spring and summer of 1784.

For the Pensacola meeting with the Creeks (May-June, 1784) goods were bought from Panton, Leslie and Company's store in St. Marks. Mather and Strother of New Orleans supplied presents for the Choctaws and Chickasaws who went to Mobile in July. Alexander McGillivray of the Creeks worked hard at Pensacola to secure the trade of his nation to Panton, Leslie and Company, in which he was interested, but suc-

2. A. P. Whitaker, *Documents Relating to Spanish Commercial Policy in the Floridas* (Deland: 1931), pp. XXVII-XXVIII. A.N.C., Floridas, Reales Ordenes, VII, pp. 215-224 given the account with St. Maxent, dated November 1, 1781.

3. The *cédula* is printed with an English translation in Whitaker, *op. cit.*, pp.

It is also found in *Revista de Administración*, II (Havana, 1887), 202-204.

4. The instructions are found in A.N.C., Floridas, legajo 2, no. 2. See also Whitaker, *op. cit.*, p. 225.

ceeded only in obtaining a permit for the company to continue operating in East Florida (which at the time included St. Marks). Miró and Navarro were for giving the West Florida trade (through Mobile and Pensacola) to Mather and Strother. The latter company, however, was able to supply only Mobile, so Pantón secured a temporary concession for Pensacola. This permit was renewed periodically and finally became permanent. In the meantime Mather and Strother lost ground and in 1788 had to surrender the Mobile trade to Pantón whose superior resources enabled him to stand the strain of the long term credits necessary in the Indian trade. Thereafter he enjoyed a monopoly of Spain's Indian commerce east of the Mississippi and became the corner stone of the Indian administration. By 1795 the company's stores extended from St. Augustine through St. Marks, Pensacola, Mobile, and up the Mississippi to Walnut Hills (Vicksburg) and Fort San Fernando de las Barrancas (Memphis).

Through the traders, mostly of British extraction, and the connection with the masterful McGillivray, Pantón's company was a powerful influence in the affairs of the Old Southwest, and, until the Treaty of San Lorenzo in 1795, he chose to use this influence to further Spanish expansion. Disillusioned by Spain's action in ceding her claims to most of the Indian country, Pantón thereafter entered into more friendly relations with the Americans against whom he had formerly tried to turn the red men⁵; nevertheless, Spain was unable to dispense with the company's services in supplying the Indians, although she had long entertained the hope of finding a Spaniard that could handle the trade. Pantón and his successor, Forbes and Company, kept the monopoly until 1817.

The other pillar of the Spanish Indian policy in the Floridas was Alexander McGillivray, made commissioner or commissary to the Indians at the Pensacola congress (1784); salary fifty dollars a month. With Spanish backing, the wily chief built up a powerful confederation of Creeks, Cherokees, Choctaws and Chickasaws, and waged a long and bloody war on the American frontier. Spanish confidence in him wavered after 1787-88, however, when he bid for British support through the adventurer William Augustus Bowles during a temporary slackening of Spanish assistance. His signing of the Treaty of New York in 1790 increased the misgivings of the Spanish authorities, and his failure to act energetically

5. J. W. Caughey, *McGillivray of the Creeks* (Norman: 1893). See especially pp. 22-57. Documents on the subject are found in *Georgia Historical Quarterly*, December 1936 to June, 1941 and East Tennessee Historical Society's *Publications* 1937 to 1942.

against Bowles in 1792, during the latter's second attack on the Spanish domain, played havoc with the confidence of the government. A Spanish agent was then dispatched by Governor Carondelet of Louisiana to reside at Little Tallassee and keep an eye on McGillivray. After McGillivray's death in 1793 Pedro Olivier, the Spanish agent, took over all of the duties of commissary. Thereafter, Spaniards rather than Indians acted as agents in the nations, seconded, of course, by Panton and his associates.⁷ This policy was used from the beginning in dealing with the Chickasaws and Choctaws. In 1787 Juan de Villebeuvre went on a special mission to hold assemblies in those nations, and five years later he became permanent commissary to them.

In addition to the commissaries, or superintendents, a number of the traders in the nations were given special commissions from time to time, as, for example, John McDonald who, on the recommendation of Panton, was delegated in 1792 to win the Cherokees over to Spanish influence,⁸ and Ben James who was sent on a special mission to the Chickasaws the next year.⁹

In a sense every officer in Florida was a part of the Indian establishment. Pensacola, Mobile, St. Marks and even St. Augustine were little more than forts in the Indian country, whose commandants and governors were occupied much of their time in dealing with the red men or with whites who came in contact with them. A familiar sight in each of the above mentioned places was the visiting Indian, for whose entertainment the attention of all officers from governor to warehouse guard was required. Official and private correspondence, and the Indian interpreters to be found at each post were further testimonies of Indian influence.¹⁰

7. Excellent treatises on the subject are Caughey, *op. cit.*, and A. P. Whitaker, *The Spanish American Frontier, 1783-1795* (Boston: 1927). Documentary material is found in the former and in the magazines cited in footnote 5.

8. McDonald to Panton, October 6, 1792, *Georgia Historical Quarterly*, June, 1939, pp. 196-198. Panton to Carondelet, October 15, 1793, *ibid.*, December, 1939, pp. 383-385.

9. *Ibid.*, p. 384. James went on the mission at the suggestion of Panton but was paid from Spanish funds.

10. For correspondence see Caughey *op. cit.* and the numbers of the magazines mentioned in footnote 5.

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