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## THE EAST FLORIDA LAND COMMISSION: A STUDY IN FRUSTRATION

by GEORGE C. WHATLEY\* and SYLVIA COOK\*\*

THE PURITAN SOUL of John Quincy Adams had been much mortified by the tissue of intrigue and double dealing that had surrounded his negotiations for the acquisition by his beloved United States of the Florida territory. Then, on February 22, 1821, when the treaty was finally ratified, he confided his satisfaction to his diary:

This day, two years have elapsed since the Florida Treaty was signed. Let my sons, . . . meditate upon all the vicissitudes which have befallen the treaty. . . . Let them remark the workings of private interests, of perfidious fraud, of sordid intrigues, of royal treachery, of malignant rivalry, and of envy masked with patriotism, playing to and fro across the Atlantic into each other's hands, all combined to destroy this treaty between the signature and the ratification, and let them learn to put their trust in the overruling providence of God. I considered the signature of the treaty as the most important event of my life. . . . It promised well for my reputation in the public opinion. Under the petals of this garland of roses, the Scapin, Onis, had hidden a viper. His mock sickness, . . . his double dealing before and after the signature, his fraudulent declarations to me, and his shuffling equivocations here and in Spain, . . . were but materials in the hands of my enemies to dose me with poison extracted from the laurels of the treaty itself. An ambiguity of date, which I had suffered to escape my notice at the signature of the treaty, amply guarded against by the phraseology of the article, but leaving room to chicanery from a mere colorable question, was the handle upon which the King of Spain, his rapacious favorites, and American swindling land jobbers in conjunction with them, withheld the ratification of the treaty, while Clay and his admirers here were snickering at the simplicity with which I had been bamboozled by the crafty Spaniard. . . . By the goodness of that inscrutable

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Providence which entraps dishonest artifice in its own snares, Onís divulged his trick too soon for its success.<sup>1</sup>

Perhaps an "inscrutable Providence" had saved Mr. Adams in his negotiations with the "crafty Spaniard." It had been agreed by Adams and Louis de Onís that after January 24, 1818, the Spanish government would grant no more lands, and that if lands were granted after the stipulated date, they would be null and void. In December 1820, Adams discovered the existence of three tremendous grants made by Spain after January 24, 1818, but predated in order that they would appear legal. Adams and Onís immediately exchanged notes couched in the most polite diplomatic terms but with a distinct note of ire on the part of the New Englander.<sup>2</sup> The Spanish government eventually and reluctantly cancelled the grants, but, if Mr. Adams's immediate problems with the Florida purchase agreement seemed to be at end, the future still held many vexations for those who would implement the treaty.

The continental breadth of the treaty has long overshadowed the more prosaic problems of the transfer of land titles from Spanish to United States citizens. The material articles in the treaty were as follows:

Article 2: His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the Eastward of the Mississippi, known by the name of East and West Florida. The adjacent Islands dependent on said provinces, all public lots and Squares, vacant Lands, public Edifices, Fortifications, Barracks and other Buildings, which are not private property, Archives and Documents, which relate directly to the property and sovereignty of said Provinces, are included in this Article. The said Archives and Documents shall be left in possession of the Commissaries, or Officers of the United States, duly authorized to receive them.

Article 8: All the grants of land made before the 24th of January 1818 by His Catholic Majesty or by his lawful authorities in the said Territories ceded by His Majesty to the United States shall be ratified and confirmed to the persons

1. Allan Nevins, ed., *The Diary of John Quincy Adams, 1794-1845: American Political, Social, and Intellectual Life from Washington to Polk* (New York, 1928), 255-56.
2. Hunter Miller, *Treaties and Other International Acts of the United States of America*, 8 vols. (Washington, 1933), III, 44-46.

in possession of the lands, to the same extent that the same grants would be valid if the Territories had remained under the Dominion of His Catholic Majesty. But the owners in possession of such lands, who by reason of the recent circumstances of the Spanish Nation and the Revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same respectively, from the date of this Treaty; in default of which the said grants shall be null and void. All grants made since the 24th of January 1818 when the first proposal on the part of His Catholic Majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.<sup>3</sup>

In 1822, the basic legislation establishing the machinery to dispose of land claims in Florida was enacted by congress. It established for the territory of Florida a commission of three members appointed by the President with the advice and consent of the senate. They were to receive a salary of \$2,000 annually. The commission was to meet in Pensacola to settle land claims in West Florida and in St. Augustine to settle claims in East Florida.<sup>4</sup>

At about the same time that the land commission was established in 1822, the President appointed Alexander Hamilton as attorney general for East Florida. Hamilton, second son of the Federalist leader, a graduate of Columbia College, and a captain of infantry in the War of 1812, arrived in St. Augustine in the summer of 1822, and began immediately to take an active part in the politics of the new territory.<sup>5</sup> On December 15, 1822, he wrote to the secretary of state concerning the problems of land titles in East Florida.<sup>6</sup> In this letter Hamilton suggested that it would be wise for Congress to create a new land commission for the territory of East Florida. He pointed out that the land commission for West Florida was behind in its schedule because of a "malignant fever" which had broken out in Pensacola. He suggested also that from his observations the land title situation

3. *Ibid.*, III, 5, 9.

4. *United States Statutes at Large*, VII, 103-06.

5. Clarence E. Carter, ed., *The Territorial Papers of the United States The Territory of Florida, 1821-1824*, 26 vols. (Washington 1956-1962), XXII, 413, fn. 40.

6. Alexander Hamilton to John Quincy Adams, December 15, 1822, *ibid.*, XXII, 580-82.

was much more complex than congress had expected. He judged that at least 1,200 Spanish and possibly 500 British claims needed adjudication; he also intimated the probability of many fraudulent claims, especially among those granted after 1815. It would be a policy of economy for both the nation and the individuals involved, if the greatest of speed could be exercised in settling the East Florida claims. Partially as a result of Hamilton's letter, congress created on March 3, 1823 a new land commission for East Florida.<sup>7</sup>

With its permanent base in St. Augustine, the commission had the same powers and duties in East Florida that the old commission had had for all of Florida. It was to finish its work and report to the secretary of the treasury on grants confirmed and rejected by February 1, 1824, only ten months after its creation! Two significant changes were made in the amending act; it was no longer necessary to present derangement<sup>8</sup> of title, but the commissions were to confirm the land in favor of "actual settlers" at the time that territory was ceded to the United States. The jurisdiction of the commissions was increased from 1,000 to 3,500 acres; claims in excess of 3,500 acres were to be referred to Congress.

A temporary board of commissioners for East Florida, including Alexander Hamilton, Davis Floyd, and William W. Blair, was appointed on April 3, 1823.<sup>9</sup> This group functioned or malfunctioned, as the case may be, until the summer of 1824. By that time Hamilton had resigned and Blair had been appointed to the federal bench. It was during the year from the summer of 1823 to the following summer that the frustrations of implementing articles 2 and 8 reached a peak. From the beginning there was a decided lack of harmony among the members of the commission.

All three commissioners had achieved some prominence prior to their appointment to the East Florida land commission. Blair had attained eminence at the Kentucky bar at an early age and had been appointed a judge of the state courts. He accepted

7. *United States Statutes at Large*, VII, 148-50.

8. In common law, the word "derangement" is used in the sense of "to prove." Henry Campbell Black, *Black's Law Dictionary* (4th ed. New York, 1951), 529.

9. Carter, *Territorial Papers*, XXII, 805, fn. 49.

the appointment as a land commissioner hoping that the Florida climate would improve his health.<sup>10</sup> Floyd, a former presiding judge in the Indiana courts, had achieved notoriety in the Burr conspiracy. He had been a close friend of Aaron Burr and had served as his principal recruiter in the Kentucky area. When the conspiracy was discovered, Floyd was indicted for treason and convicted in an Indiana court of a "high misdemeanor." Despite his conviction, Floyd served as a clerk of the territorial legislature and a state judge, and the governor of Indiana had recommended him for an appointment to the East Florida land commission.<sup>11</sup>

Hamilton had been involved in Florida politics long enough to make both friends and enemies. The *East Florida Herald* of St. Augustine approved his appointment to the commission and later championed his candidacy as a delegate to congress.<sup>12</sup> However, a petition signed by forty-four citizens of St. Augustine requested that the President remove Hamilton from the board because he had allegedly said that those persons who did not vote for him would not have their claims confirmed.<sup>13</sup> The charges, which Hamilton vehemently denied, resulted in two libel suits.<sup>14</sup>

There arose almost immediately a definite difference of opinion among the commissioners concerning what the Spanish land law actually was and how it should be interpreted and applied in East Florida by the commission. Article 8 had stipulated that the United States would make Spanish land titles valid "to the same extent" that they would have become valid under Spain's jurisdiction. As far as the commission could discover, there was no comprehensive Spanish code of land laws which it could use to determine the ultimate validity of the grants. It was up to the commission to interpret those laws which it could ferret out from available Spanish sources. The one basic law

10. St. Augustine *East Florida Herald*, July 31, 1824.

11. Thomas Perkins Abernathy, *The Burr Conspiracy* (New York, 1954), 88, 240, 263.

12. St. Augustine *East Florida Herald*, April 6, May 3, 1823.

13. Carter, *Territorial Papers*, XXII, 702-05.

14. "Spanish Land Grants," prepared by the Historical Records Survey, Division of Community Service Programs, Works Projects 1942, I, xiv, fn. 19 (mimeographed). The records of the two libel suits are not available.

upon which the commission could agree was found in book 12, title 4, of the *Laws of the Indies*:

In order that our subjects be encouraged to the discovery and settlement of the Indies, and may live with the comfort and convenience which we desire, it is our will that houses, lots, lands, knights' shares, and peasants' shares of land, may and shall be distributed to all those who go to settle new lands in townships and villages, which, by the Governor of the new settlement, shall be assigned them, making a distinction between gentlemen and peasants, and those of an inferior degree and merit, and increase and give them of better quality, according to the importance of their services; and that they may devote themselves to the culture and improvement of them, and, having made on them their residence and place of labor, and resided in those townships four years, we grant them the right, from thenceforward, to sell and dispose of them, at their will, freely, as of a thing their property. . . .

And, as it may happen that, in distributing the lands, there may be a doubt as to the measurements, we declare that a peasant's portion is a lot of fifty feet in breadth, and one hundred in depth, arable land, capable of producing one hundred fanegas of wheat and ten of Indian corn; as much land as two oxen can plow in a day, for the raising of esculent roots, and eight of woodland; pasture land for eight breeding sows, twenty cows, and five mares, one hundred sheep, and twenty goats. A gentleman's portion (caballeria) is a lot of one hundred feet in breadth and two hundred in depth, and all the remainder five times the peasant's portion (peonia), to wit: arable land capable of producing five hundred fanegas of wheat or barley, fifty of Indian corn, as much land as ten oxen can plow in a day for raising esculent roots, and eight of woodland; pasture land for fifty breeding sows, one hundred cows, twenty mares, five hundred sheep, and one hundred goats. . . .<sup>15</sup>

After much study, the commissioners decided that these rules for establishing individual titles to land were the only true guides prior to Spain's cession of Florida to Great Britain in 1763. The regulations applied to all of the Spanish overseas possessions, not to Florida alone, and were for the purpose of "encouraging" migration to the colonies. The quantities of land varied not only according to the social class of the person who

15. Book 12, Title 4, *Laws of the Indies*, as translated in Walter Lowrie and Walter S. Franklin, eds., *American State Papers, Public Lands*, (Washington, 1834), III 726.

took advantage of the law, but also according to the utility of the land. Hence, the quantity of land was not necessarily the same from grant to grant. To this basic statute the commission added the following general rules for judging the validity of land claims: royal orders made with particular reference to Florida, the decrees and regulations of the local governors, and the customs and usages of the local administrations. These rules were enough to necessitate considerable interpretation (and disagreement) as the commission decided on individual grants.

In a letter to Floyd, Hamilton questioned the failure of the commission to establish any standard precise rules of procedure.<sup>16</sup> This laxity made it impossible for any satisfactory number of claims to be adjudicated, and it raised serious doubts as to the justness of those few claims which were decided. Hamilton offered to Floyd, for the consideration of the majority of the commission, a long and detailed set of regulations for the adjudication of claims. He also remarked that he had anticipated the present situation as early as the previous summer and could not understand why the majority refused to remedy it. Under these circumstances it was not surprising to Hamilton that only twenty-six claims were ready for adjudication on January 8, although the commission had been in session for six months. It was over two years before Floyd answered this letter.

On January 22, 1824, Hamilton wrote to President Monroe claiming that the commission was attempting to adjudicate claims without first settling upon the proper legal principles to govern its decisions.<sup>17</sup> The commission, he charged, was not always examining the Spanish laws or consulting the original documents. For this reason, Hamilton refused to participate any further in the commission's deliberations, although he continued to attend its sessions. The next day, January 23, he again wrote to Monroe offering his resignation (which was not accepted) and suggesting that the operations of the commission be suspended until congress could make an investigation.<sup>18</sup> On January 27 Blair and Floyd wrote to Hamilton requesting that

16. Hamilton to Davis Floyd, January 8, 1824, Carter, *Territorial Papers*, XXII, 825.

17. Hamilton to James Monroe, January 22, 1824, *ASP, Public Lands*, III, 766.

18. Hamilton to Monroe, January 23, 1824, *ibid*.



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he affix his signature to a report which they were preparing for transmission to Washington.<sup>19</sup> It contained a statement of the problems and the commission's meager accomplishments to date. It was an official report, and Hamilton knew that if he signed it, he would have no grounds to voice his objections officially, and so he refused.<sup>20</sup>

In March Hamilton launched a fuller attack against his fellow commissioners in a communication to William H. Crawford, secretary of the treasury.<sup>21</sup> He spoke of the majority's actions as being plainly arbitrary because there was a complete lack of any formal procedure for studying and deciding upon the claims which came before it. The commission had still not defined the general legal principles which should have been the basis of its decisions. For this piece of gross neglect, Hamilton could not account. Furthermore, there were no written opinions for those cases which had been decided, he charged, since there were still no systematic minutes kept of the commission's regular meetings.

Hamilton also claimed that Blair and Floyd, while members of the commission, had acted as counsel for one John H. McIntosh who had entered a claim for 10,900 acres before the board.<sup>22</sup> The McIntosh case illustrated his basic disagreement with Blair and Floyd over the interpretation of Spanish laws. Hamilton's position was that the Spanish governors of Florida had themselves no power to grant land in fee simple; any power the governors possessed had to come from specific royal orders. Blair and Floyd argued that the governors did have a discretionary power and, hence, that their decrees and orders had produced valid land titles. In Hamilton's words:

To express my dissent from, the conclusions of the report

19. William W. Blair and Floyd to Hamilton, January 27, 1824, *ibid.*, III, 769.

20. Hamilton to Blair and Floyd, January 27, 1824, *ibid.*

21. Hamilton to William H. Crawford, March 31, 1824, *ibid.*, III, 766-68.

22. Report of Blair and Floyd communicated by Crawford to congress, May 20, 1824, *ibid.*, III, 752. The original grant to McIntosh was issued pursuant to his request for the land to the governor of Florida on May 18, 1803. There was some question as to whether or not McIntosh had fulfilled the condition of his grant. Then in 1812 McIntosh moved to Georgia. In 1816 by a Royal Order the grant had been reconfirmed. After a great deal of testimony before the East Florida Land Commission, Commissioners Blair and Floyd held that the grant to McIntosh was valid. It was this holding which Hamilton contested.

I must remark, with all due deference, that the argument seems to be drawn from an extraordinary bias, indicative of an impulse corresponding with the feelings of counsel employed and interested in the cause of their clients. The report decides in favor of the unlimited powers of the Governors to dispose of the public lands; and commences in support of this position, with an extract from the Codes of India, 12th title, book 4th. . . . It is evident, from the extract taken from the Codes of India, through all the royal orders and official correspondence, to the change of the Intendancy of Florida, in 1817, to the Intendant of the island of Cuba, that the Governors possessed a very circumscribed and limited authority.<sup>23</sup>

To prove his point Hamilton cited the royal order of January 22, 1813, which was made on behalf of those who had served in the Spanish army and who had otherwise assisted the government in its military activities. He pointed out that the quantities of land to be given by the order were in line with the quantities listed in title 12, book 4, of the *Laws of the Indies*, and, furthermore, that the governors were aware of this fact. The commission, according to Hamilton, was using this royal order as the basis for validating many sizable Florida grants made by the governors after 1815. About that time (1815) it was generally conceded that Spain was ready to begin negotiations for the cession of Florida to the United States. This situation brought on what Hamilton described as the "general jubilee distribution" of land which he estimated to include 1,500,000 acres. The peak of the "jubilee" came after 1816 with the grants of that "agrarian prodigal," Don Jose Coppinger, the last Spanish governor of East Florida.

The final letter of Hamilton's attack on the commission was sent to President Monroe on May 25. His exasperation at the majority and its "constant tissue of miserable evasion" knew no bounds; he catalogued a series of seventeen major complaints.<sup>24</sup> He expressed his suspicion of the majority's dilatory methods, its misinterpretation of the basic Spanish laws and decrees, and cited several cases of fraud and unethical actions in which the majority had either participated or condoned. William Allen, who was appointed to the board the following

23. Hamilton to Crawford, March 31, 1824, *ibid.*, III, 767.

24. Hamilton to Monroe, May 25, 1824, Carter *Territorial Papers*, XXII, 944.

year and who was acquainted with both Blair and Floyd, damned Floyd with faint praise in an assessment of the two men:

Judge Floyd, it is true, is not possessed of any extraordinary Superiority of intellect altho' I have no doubt he has a very good judgment and the very best intentions. And any mistake into which he may have fallen I should be inclined to contribute altho' only by surmise to his more highly-gifted associate Judge Blair. . . .<sup>25</sup>

If the lack of harmony among the commissioners produced frustrations, confusion made its masterpiece in the situation which prevailed in the archives. By virtue of article 2 of the Adams-Onís Treaty, the archives of East and West Florida were to be turned over to persons duly authorized by the United States government to receive them.<sup>26</sup> Spanish officials in the Floridas were flagrantly renegeing in regard to this article by their open transfer of documents to Havana prior to the ratification of the treaty. Whereupon Andrew Jackson, then governor of Florida ordered the confiscation of the remaining documents. A commission of five was appointed to select the documents claimed by the United States under the treaty. The commission did not inventory the papers found in bundles, but merely listed the bundles. Oftentimes the bundles were not even untied but were returned to the Spanish or retained simply according to the label on each bundle.<sup>27</sup>

At the time that the archives came under the control of American officials, they were in a chaotic condition. The official documents were drafted on loose sheets of paper "much erased and enterlined [sic]." Each original copy was filed in the office of the archives without a signature. Thus, it was "only the situation" in which the paper was found among the archives that gave it "any credit as an Official Document."<sup>28</sup> Furthermore, the documents were kept "without any descriptive list, or record memoranda of their existance [ sic ]."<sup>29</sup> District Attorney Edgar Macon commented:

25. William Allen to Adams, October 5, 1824, *ibid.*, XXIII, 81.

26. Miller, *Treaties and Other International Acts*, III, 5.

27. William Reynolds and Antonio Alvarez to Adams, March 16, 1824, Carter, *Territorial Papers*, XXII, 903-04.

28. Reynolds and Alvarez to Adams, August 25, 1823, *ibid.*, XXII, 731.

29. Hamilton to Adams, June 4, 1824, *ibid.*, XXII, 965.

Those accustomed to the regularity of American offices, can form no conception of the manner in which Spanish offices are kept; their proceedings and records are huddled together without any regard to order or system, for a bill of sale, mortgage and power of Attorney, though totally unconnected, are sometimes recorded upon the same sheet of paper, and at the end of the year all papers relating to that year, no matter of what nature, are bound up into a volume, though it has not unfrequently happened that in many instances the publick [ *sic* ] documents have not received this attention.<sup>30</sup>

In May 1823 William Reynolds as keeper of the archives with Antonio Alvarez as his assistant took charge of the Spanish land documents and began "to work" in them.<sup>31</sup> On August 20, the commissioner ordered Reynolds to bring the documents to their next meeting. Reynolds complied, but refused on a legal technicality to leave the documents. Hamilton favored keeping the documents by force, but Blair opposed, and, since Floyd was absent, the commission's vote was a tie. So, Reynolds and his uncataloged documents went back to the archives, there to remain for over a year. The commission was allowed to remove copies from the archives at Reynolds pleasure, that is, when the disorderly state of the papers would permit the needed ones to be found. In June 1824, Hamilton wrote to the secretary of state describing the frustrating conditions.<sup>32</sup> The documents were indispensable to an equitable adjudication of claims, and yet they were under the jurisdiction of an archivist who took little care of them. Hamilton suggested a form of indexing and storing the documents.

Hamilton twice suggested that Reynolds be replaced by William H. Simmons and Edward R. Gibson, both of Florida.<sup>33</sup> In August Reynolds received instructions from Secretary of State Adams to relinquish the documents to Simmons and Gibson, who had previously received their commissions from the territorial governor. Reynolds, however, refused to turn the archives over to Gibson and Simmons unless an index was made and receipts given. Despite the magnitude of the task imposed by Reynolds's demands, Gibson and Simmons agreed, since

30. Reynolds to Adams, September 30, 1823, *ibid.*, XXII, 757.

31. Reynolds and Alvarez to Adams, August 25, 1823, *ibid.*, XXII, 757.

32. Hamilton to Adams, June 4, 1824, *ibid.*, XXII, 964-66.

33. Hamilton to Monroe, January 23, 1824, *ASP, Public Lands*, 111, 766.

it was the only way out of the dilemma.<sup>34</sup> Reynolds's position was championed by the St. Augustine paper and, within less than a year, he was reinstated by virtue of a federal appointment which superseded the action of the territorial governor.<sup>35</sup> When Reynolds returned to St. Augustine, he found that it was Gibson and Simmons's turn to be recalcitrant; they refused to vacate possession of the documents until specifically ordered to do so by the secretary of state. The state department ordered the transfer on June 6., 1825, and Reynolds resumed possession of his precious documents.<sup>36</sup>

Given a unified commission and a well organized depository, there were still lesser frustrations to plague an efficient transfer of land ownership. The commission had agreed that in the case of claims which were not supported by documents the claimants would be given title if the land had been actually possessed and improved. This did not cover grants where an adverse claim was involved. The problem was to determine what constituted actual possession and the degree of improvement necessary to warrant ownership. These problems quite obviously had to be decided at the discretion of the commissioners.

Then there was the physical problem of translating the thousands of documents from Spanish into English. The cost of translation plus the time involved would have, under the most salutary personal relations, impeded the progress of any commission's work. As a matter of fact, the commission, in an effort to alleviate the difficulty, authorized the secretary to procure an assistant translator in hopes that congress would approve the action. Congress either failed to heed the needs of the commission or to understand the complexity of the situation despite repeated pleas. Floyd, in 1826, pointed out that by no amount of industry could the employed translators have accomplished more than they had done, nor had the proceedings of the commission interfered with their duties.<sup>37</sup>

34. William H. Simmons and Edward R. Gibson to Adams, October 8, 1824, Carter, *Territorial Papers*, XXIII, 85-87.

35. *Ibid.*, XXIII, 205. Reynolds's prior appointment and that of Gibson and Simmons were made by the territorial governor.

36. Daniel Brent to Simmons and Gibson, June 6, 1825, *ibid.*; XXIII, 260.

37. Floyd to Richard Rush, March 6, 1826. *ASP, Public Lands*, IV, 758.

After documents had been unearthed from the archives and translations made at the expense of much time and money, it was then quite possible that the Spanish surveyor had failed to complete the survey of the land in question. In many instances surveys were incomplete because of the fear of Indians. In those cases where surveys had actually been made, it was often that a pine tree or a bend in the river was used as the basic point of the survey. It is also quite obvious that neither the course of a river nor a pine tree is a permanent fixture of nature.

The first formal report of the East Florida Land Commission was submitted to congress on January 1, 1825. This report included the following statistics:

Claims confirmed	145
Claims recommended for confirmation	26
Claims ascertained to be invalid	40
Claims recommended for confirmation but not reported	18
Claims held under advisement	80
Total of claims acted upon	30988

In a letter to the secretary of the treasury on January 31, 1826, the commission summarized its work since the previous report:

Confirmation of claims	326
Rejection of claims	61
Reference to congress	
Undetermined claims	528
(233 held under advisement pending further proof, and 295 awaiting translation). <sup>39</sup>	

The increased efficiency reflected in the second report resulted from several factors. To begin with, the personnel change which occurred in late 1824 produced more harmonious personal relationships. The new commissioners benefited from the chaotic experiences of the Hamilton-Blair-Floyd commission. Finally by 1825 the conditions at the archives were conducive to a more systematic use of the indispensable documents.

Notwithstanding the improvement of the second year, there remained the difficulty of determining once and for all the meaning of "to the same extent that the same grants would be

38. *Ibid.*, IV, 158.

39. *Ibid.*, IV, 276-77.

valid if the Territories had remained under the Dominion of His Catholic Majesty." Spanish land law had not yet been defined precisely enough to facilitate the transfer of land titles from Spanish to United States sovereignty. There were still perplexing questions posed by charges and countercharges of grants illegally made. The more efficient commission and archives did not alleviate the myriad frustrations which were bound to grow from incomplete and inaccurate Spanish surveys.

Against the background of these continuing problems, on January 6, 1826, the committee on public lands sent to the house of representatives a report which pertained to the resolutions and reports of the commissioners of East and West Florida:

No satisfactory returns have been made by the board of East Florida, nor any good reasons furnished for the delay; the committee deem it improper now to act in reference to those claims. An early report in that district would place claims under a general law. Otherwise . . . perhaps some other mode of settling the unfinished business of that district had better be resorted to.<sup>40</sup>

Congress did resort to other means by enacting legislation which created the offices of register of public lands and receiver of the public monies for East Florida. Even these measures did not solve the problems of an orderly transfer of Spanish titles to validity under United States law. The final solution to the vexing problems was to be decided by the United States Supreme Court.

40. *Ibid.*, IV, 451.