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THAT INFAMOUS FLORIDIAN, JESSE FISH

by ROBERT L. GOLD*

THE STORY OF Jesse Fish has long been obscured by rumor, contradictory reports, and confusion. He lived more than half a century in St. Augustine under both Spanish and British authority, and his long residence probably helped in the formation of the "Fish Legend," which has lasted until the present day. Generally, he emerges as a sinister figure, an insidious schemer characteristically involved in contraband commerce, sedition, and illicit land transactions. Fish reputedly made money as an *hacendado*, land dealer, slaver, smuggler, usurer, and cunning crook. His critics also accuse him of performing espionage for England and Spain, and claim that he served as a double agent during the Seven Years' War. Fish's name conjures up lucid images of money, land, and commercial enterprise. In such imagery, he becomes a successful but unscrupulous businessman, a swindler of St. Augustine property, and Florida's first orange exporter. He is also known as the "savior of St. Augustine" in 1762-1763. Since there is validity to the pro and con arguments and since Fish's story yet evades description, his spectre continues to haunt Florida historians.

Only a limited outline of Fish's life is available, although there is some information on his business associations and activities. He was born in New York, probably Newtown, Long Island, where his family had acquired considerable acreage in the seventeenth century.¹ His father, Captain Thomas Fish, married twice—Jemima Morgan and Elizabeth Kipp. Jesse's birthdate is not known, but it is believed that his mother was Jemima Morgan and that he was born in 1724 or 1726.² According to a petition

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1. Since 1898 the community of Newtown has been incorporated into Queens County, New York.

2. Lester W. Fish, *The Fish Family in England and America* (Rutland, Vermont, 1945), 279.

from Fish to the King of Spain, March 23, 1789, and a supportive letter sent by officials from St. Augustine the same year, he apparently had arrived in Florida in 1736 at the age of ten or twelve in the service of the William Walton Company of New York City. He continued as a representative for this concern in Florida until 1763.³

Fish spent almost all of his life in St. Augustine except for sporadic trips to South Carolina, Cuba, and New York City. He was never in Europe, although his correspondence mentioned plans for a trip to England and Spain.⁴

While employed by the Walton Company, Fish learned Spanish in the home of the Herreras, a prominent St. Augustine family. One Spaniard later observed that he "acquainted himself with our language, laws, and customs with such success that he seemed more Spanish than foreign."⁵ The Herreras reared Jesse with their own son, Luciano, and the two maintained a life-long friendship. Luciano was the only Spaniard to remain in Florida under the British, and it was he, not Fish, who probably served Spain as a spy.⁶ In later years he helped prepare a property register for Fish.⁷

Fish served the Walton Company as sales agent. Because the

3. *Ibid.*; James G. Wilson, *Memorial History of the City of New York, From Its First Settlement to the Year 1892*, 4 vols. (New York, 1892-1893), II, 305; James Riker, *The Annals of Newtown, in Queens County, New York: Containing Its History From Its First Settlement* (New York, 1852); Stuyvesant Fish, *Ancestors of Hamilton Fish and Julia Ursin Niemcewicz Kean, His Wife* (New York, 1929), 36-38; Joyce E. Harmon, *Trade and Privateering in Spanish Florida, 1732-1763* (St. Augustine, 1969), 56-57, 90; Robert L. Gold, *Borderland Empires in Transition: The Triple-Nation Transfer of Florida* (Carbondale, 1969), 41, 44-45, 75, 138; Jesse Fish to Governor and Captain General of Florida and King of Spain, March 23, 1789; Governor of Florida to Minister of Justice, October 6, 1789, Edward Lawson Papers, Box 10, P. K. Yonge Library of Florida History, University of Florida, Gainesville; Census Records of East Florida during the Second Spanish Period, St. Augustine, 1783, 1786, 1787. St. Augustine Historical Society Library, St. Augustine; Mark F. Boyd, unpublished history of eighteenth-century Florida and Don Juan Elixio de la Puente, Mark F. Boyd Library of Florida History, Florida State University, Tallahassee.

4. *Ibid.*

5. Governor of Florida to Minister of Justice, October 6, 1789, Lawson Papers.

6. Katherine S. Lawson, "Luciano de Herrera, Spanish Spy in British St. Augustine," *Florida Historical Quarterly*, XXIII (January 1945), 170-76.

7. Governor of Florida to Minister of Justice, October 6, 1789, Lawson Papers.; Jesse Fish Property Register as recorded by Luciano de Herrera, St. Augustine, 1763-1784, East Florida Papers, Bundle 319, microfilm reel 146, P. K. Yonge Library.

Royal Havana Company in Cuba could not fulfill Florida's needs in the eighteenth century, the New York firm received a contract to furnish provisions and supplies. Although forbidden, Anglo-Spanish trade supplemented St. Augustine's meager agricultural production and undependable subsidy. As early as 1726, the Waltons began shipping in staples, and Fish subsequently acted as their factor. Both he and his employers apparently prospered, and, although he maintained his Protestant faith, he lived as a respected and successful businessman in Catholic St. Augustine.⁸

When England acquired Florida in 1763 the total Spanish population of Apalache, Pensacola, and St. Augustine emigrated to Cuba and New Spain. Spaniards were promised compensation, new proprietorship, and other employment opportunities outside Florida. Fear of Protestant prejudice also persuaded Floridians to emigrate. From April 1763 to February 1764, 3,726 people departed from St. Augustine and its outposts. According to the Treaty of Paris Floridians were permitted to sell their property to English subjects within a eighteen-month period, but there were few potential purchasers. Spanish agents tried in vain to dispose of St. Augustine buildings and domains. Finally, Don Juan José Elixio de la Puente, a former Florida official returned to St. Augustine several months after the last of the émigrés had departed as the King's agent to sell all remaining private and royal lands.⁹ Puente's mission at first seemed impossible. Because

8. John J. TePaske, *The Governorship of Spanish Florida, 1700-1763* (Durham, 1964), 77-107, 228; Gold, *Borderland Empires in Transition*, 8-10, 31, 41, 45, 75, 138; Harmon, *Trade and Privateering in Florida*, 12-22, 40-82, 90; "Memorial of William Walton of the City of New York to Sir Charles Hardy, Governor and Captain General of the Province of New York. New York, January 29, 1757," New York Colonial Manuscripts, Volume 84, document 51, New York State Library, Albany; James Robertson to Thomas Gage, March 8, 1764, Public Records Office: Colonial Office (hereinafter cited as PRO:CO) 5/83; Esteban de Peña to Viceroy of New Spain, March 2, 1763, Archivo General de la Nación (hereinafter cited as AGI), Mexico 529, Documents 1-11; Jesse Fish contract with St. Augustine, February 1, 1754, AGI 87-3-13/20A; royal officials to Crown, May 14, 1764, AGI 87-1-14/4, photostat copy, Stetson Collection, P. K. Yonge Library. Hereinafter cited SC.

9. Puente represented the Florida proprietors following thirty years of residence and royal service in St. Augustine. Because of his extensive land holdings in the capital and experience as an accountant, he was appropriately chosen by the Cuban administration to dispose of all the unsold property in the peninsula. Residents of St. Augustine to Don Juan José Elixio de la Puente presenting him with their powers of attorney to sell their real estate, February 10, 1772, Papeles Procedentes de Cuba, *legajo* 372, SC; Governor of Cuba to Minister of the Indies Julián de Arriaga, May 18, 1772, AGI 86-7-11/150, Santo Domingo 2574, SC.

of the limited number of settlers, the military character of Florida, and the expectation of grants from George III, relatively few Englishmen revealed interest in Spanish real estate. Facing these frustrating circumstances and an uncertain future, Puente sought other means to discharge his duties. Eventually, he was forced to transfer all unsold property to someone who could represent Spanish proprietors in East Florida. In July 1764, the majority of the houses, lots, and territories (approximately 200 estates) in and around St. Augustine passed from Puente to Fish.¹⁰

Fish purchased some of the properties for himself, paying insignificant prices for most of the city plots which he planned to dispose of later. A total of 185 buildings and lots brought a "low" appraisal of 6,169 pesos. Real estate north of the governor's home and west of the central plaza was signed over to Fish for 3,701 pesos, while the houses and lots in the southern part of the town sold for 2,468 pesos. He also controlled several church properties. In a confidential compact with Puente, he agreed to dispose of the unsold lands beyond the stipulated time limits of Article XX of the treaty. Only forty-five days remained of the eighteen-month selling period when this arrangement was negotiated in the late summer of 1764.¹¹

Fish agreed to render to Puente "or to his order, a most punctual account, and payment of the proceeds of the said houses and lots— the sale of which I promise to verify as soon as purchasers may offer, and to the best possible advantage."¹²

For Fish this scheme with the Spaniards involved him in perilous intrigue. This was an illegal operation, and Fish ran a

10. Robert L. Gold, "Politics and Property During the Transfer of Florida from Spanish to English Rule, 1763-1764," *Florida Historical Quarterly*, XLII (July 1963), 26-34; Gold, *Borderland Empires in Transition*, 38-48, 196-97; Puente to Governor of Cuba, February 10, 1772, Papeles Procedentes de Cuba, *legajo* 372, SC; Puente to Governor of Cuba, March 4, 1772, AGI 86-7-11/24, SC; Governor Melchor Feliú to Minister Julián de Arriaga, March 14, 1764, AGI 86-7-11/22, SC; Governor of Cuba to Minister Julián de Arriaga, May 18, 1772, AGI 86-7-11/150, Santo Domingo 2574, SC; "Report of the Solicitor of the Treasury, with Documents in Relation to the Claim of the Catholic Church at St. Augustine to Certain Property Held by the United States at that Place," *Senate Executive Documents*, 30th Cong., 2d sess., no. 21, 1849, 29-31; Florida Deeds: Town lots and Lands, Volume 357, document 20, Field Note Division, Department of Agriculture, Tallahassee, Florida.

11. *Ibid.*

12. *Ibid.*

great risk if he was discovered. He needed whatever protection he could get, and he had to extend Spanish proprietorship beyond the transfer period. A contract was signed by Fish and Luciano de Herrera who had stayed on in St. Augustine to collect the proceeds from the land sales. Presumably, Fish received compensations for the risks he was taking.¹³

Apparently he had engaged in other illegal enterprises earlier in Florida. In the fall of 1762, when St. Augustine was almost destitute, Fish, John Cordon, a business friend, and Puente had smuggled enough food in from South Carolina to save the settlement from starvation.¹⁴ Since England and Spain were still at war this was a treasonable act. Years later, in a petition to Charles IV, Fish reminded the King of this service to his colony: "I not only helped individual people with provisions, goods, and even pesos from my own pocketbook, but . . . I also assisted Your Majesty's government at the risk of my life and with the loss of many thousands of pesos."¹⁵

By 1765, Fish controlled most of the city property in St. Augustine. The census of 1783 declared that he owned "houses, lands, and domains, all with deeds of title, and in such quantity that they cannot be incorporated into the accounts."¹⁶ According to a map of the area, of an aggregate total of 121 lots, 299 major buildings, and ninety-eight minor buildings in the capital, Fish apparently owned or controlled forty-seven lots and 156 major and forty-eight minor buildings.¹⁷ He also held more than one-third of the lots and more than one-half of all the private houses. A relative, Jacob Kipp, also owned thirteen structures and seven lots, and held an additional twenty-six sites in partnership with

13. *Ibid.*

14. Puente to Governor of Cuba, February 10, 1772, Papeles Procedentes de Cuba, *legajo* 372, SC; Puente to Governor of Cuba, March 4, 1772, AGI 86-7-11/24, SC; Governor of Cuba to Minister Julián de Arriaga, May 18, 1772, AGI 86-7-11/150, Santo Domingo 2574, SC.

15. Jesse Fish to Governor of Florida and King of Spain, March 23, 1789, Lawson Papers.

16. Census Records of East Florida during the Second Spanish Period. St. Augustine, 1783, St. Augustine Historical Society Library.

17. Thomas Jefferys served George III as a cartographer in colonial America. After England's acquisition of Florida in 1763, he prepared several excellent maps of the peninsula, Pensacola, and St. Augustine, featuring city structures, topography, and harbor facilities. His drawing of the capital was especially descriptive and detailed and even included those local proprietorships that bordered the port-city. For additional biographical information see "Thomas Jefferys," *Dictionary of National Biography*, X, 706.

Enoc Barton, a friend of the Fish family. The Waltons, Fish's employers, also acquired approximately thirty pieces of St. Augustine property. Except for several other English speculators who purchased a few of the proprietorships, most of the remaining houses and lots were bought individually by settlers seeking homes for their families.¹⁸

In the immediate St. Augustine area Fish seemed similarly wealthy, with land acquisitions amounting to more than forty-two acres, about one-fourth of the occupied territory. His holdings outside St. Augustine comprised more acreage than any other investor, although the Henderson estates included almost another fourth of those adjoining lands, or thirty-seven acres. After 1763 a few perceptive purchasers secured all the available property for future speculation and sale.¹⁹

Fish also claimed to be the only proprietor of Santa Anastasia Island, located across the harbor from St. Augustine.²⁰ According to contemporary assessments, the island contained 10,000 acres along twelve miles of the Atlantic coast from the capital south to Matanzas Inlet. Fish built his home, El Vergel, on the island, and its fruit and flower gardens and orange groves apparently flourished for many years. Thousands of sweet oranges and hundreds of barrels of orange juice were eventually produced and exported from this plantation. Florida citrus had been sold abroad as early as 1717, but El Vergel became a noted center for produce before the end of the English era.²¹ The fame of Fish's oranges was noted by a French observer in 1805:

The oranges which are gathered in Carolina are not fit to eat. Those which are consumed here come from the island of Santa Anastasia, which is opposite St. Augustine, the capital

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18. Thomas Jefferys, "Plan of St. Augustine and surrounding area in 1765," PRO:CO, Florida 8, photostat, Library of Congress; Governor Feliú to Minister Julián de Arriaga, March 14, 1764, AGI 86-7-11/22, SC; Puente to Governor of Cuba, February 10, 1772, Papeles Procedentes de Cuba, *legajo* 372, SC; Puente to Governor of Cuba, March 4, 1772, AGI 86-7-11/24, SC.
 19. *Ibid.*; Governor of Florida to Minister of Justice, October 6, 1789, Lawson Papers; *Spanish Land Grants in Florida*, 5 vols. (Tallahassee, 1940-1941), v. 120.
 20. Today Santa Anastasia Island is connected to the city of St. Augustine by the Bridge of Lions which crosses the harbor south of the Castillo de San Marcos.
 21. Jesse Fish to Governor of Florida and King of Spain, March 23, 1789; Governor of Florida to Minister of Justice, October 6, 1789, Lawson Papers.

of East Florida. They are sweet, very large, have a thin skin, and are more esteemed than those brought from the West Indies. It is fifty years since the seeds of this species were brought from India, [?] and given to an inhabitant of this island, who has increased them so much as to have made an orchard of them of forty years. I had an opportunity of seeing this fine plantation when I was in Florida in 1788.²²

Fish also held slaves (seventeen in 1786-1787) and hundreds of wild horses on his hacienda.²³ By the beginning of Spain's second administration in Florida, Santa Anastasia Island seems to have become a site for ranching as well as a citrus culture.

Fish also faced some frustrations in his land speculations in Florida. A couple of his schemes to acquire additional property in partnership with John Gordon were obstructed by British officials. Almost immediately, the two lost the church buildings that they had purchased from Puente. The English seized these properties, claiming them to be Crown possessions. Since the Spanish monarchy enjoyed proprietorship rights in the *patronato real* relationship of church and state, those same privileges existed for the English monarch, who had assumed sovereignty in Florida. All *realengas* in St. Augustine, including the church estates, therefore, escheated to the throne. The Catholic Church and the two speculators were subsequently obliged to surrender the buildings and every bit of territory in their transaction to the British government. According to orders from abroad, the Convent of St. Francis became a barracks for the troops and the Spanish bishop's house was converted into a center for religious activities.²⁴

22. Francois A. Michaux, *Travels to the Westward of the Alleghany Mountains, in the States of the Ohio, Kentucky, and Tennessee, and Return to Charleston, through the Upper Carolinas*, B. Lambert, transl. (London, 1805), 349.

23. Census Records of East Florida during the Second Spanish Period. St. Augustine, 1786-1787, St. Augustine Historical Society Library.

24. Michael J. Curley, *Church and State in the Spanish Floridas, 1783-1822* (Washington, 1940), 21-22; Gold, *Borderland Empires in Transition*, 41-42, 138-39; Charles L. Mowat, "St. Francis Barracks, St. Augustine: A Link with the British Regime," *Florida Historical Quarterly*, XXI (January 1943), 269-70; Thomas Gage to Henry Conway, March 28, 1766, in Clarence E. Carter, ed., *The Correspondence of General Thomas Gage with the Secretaries of State and with the War Office and the Treasury, 1763-1775*, 12 vols. (New Haven, 1933), I, 87; "Claim of the Catholic Church at St. Augustine," *Senate Document* 21, 30th Cong., 2nd sess., 1849, 27-28; Puente to Governor of Cuba, March 4, 1772, AGI 86-7-11/24, SC.

Fish and Gordon also claimed a mammoth section of land amounting to more than 4,500,000 acres on both banks of the St. Johns River, but the British refused to accept the validity of their "purchase." One officer observed that their titles to the site seemed "far from indubitable." Governor James Grant refused to register their deeds and distributed the property to other settlers. Many years later, after innumerable applications, the intercession of influential friends in London, and a trans-Atlantic voyage to Great Britain, John Gordon received some remuneration from the Crown for his losses and the costs of litigation.²⁵ Presumably, his partner Fish shared in this compensation.

Meanwhile, Fish enjoyed a realty empire in St. Augustine without parallel in the colonial period. Only the kings of Spain controlled or ceded more city property in the peninsula than the eighteenth-century Englishman from New York. Between 1763 and 1780 he sold the proprietorships of seventy-one houses and lots and sixty-four lots lacking improvements. Altogether, he transferred the titles of 138 estates, and some of those sites were traded several times. Fish also managed eleven other sales of goods and materials which had been left behind by the Spanish émigrés. There were two periods when his realty business greatly prospered. During the early years of the English occupation of St. Augustine, 1763-1770, Fish sold ninety-five separate pieces of property. Then, in the seventies, 1774-1778, when the Loyalists were fleeing south to Florida and the Minorcans of New Smyrna deserted. Dr. Andrew Turnbull's settlement, the capital was flooded with immigrants who needed immediate housing. Fish's

25. Lawrence Henry Gipson, *The British Empire Before the American Revolution*. 15 vols. (New York, 1936-1970), IX, 183-89; Fowler Walker, *The Case of Mr. John Gordon, with Respect to the Title to Certain Lands in East Florida, Purchased of His Catholick Majesty's Subjects by Him and Mr. Jesse Fish, for Themselves and Others His Britannick Majesty's Subjects: In Conformity to the Twentieth Article of the Last Definitive Treaty of Peace* (London, 1772); Gold, *Borderland Empires in Transition*, 51-54; Gage to Lord Halifax, March 10, 1764, in Carter, *Correspondence of General Gage*, I, 19; James Robertson to Gage, March 8, 1764, PRO:CO 5/83; Testimony of Governor Melchor Feliú, Estaban de Peña, and Major Francis Ogilvie to Gordon's ownership of the disputed lands, December 1 and 2, 1763, PRO:CO 5/550; James Grant to Board of Trade, November 22, 1764, PRO:CO 5/540; Grant to Board of Trade, September 9, 1768, PRO:CO 5/550; Memorial of William Thomson, William Greenwood, and William Higginson in behalf of John Gordon, September 6, 1765, PRO:CO 5/540.

real estate office was obviously busy. The scarcity of lodgings and the crowded conditions resulted in increased property prices and, probably, a profitable rental business.²⁶

Although Fish should have prospered from the sale and use of Spanish properties, he apparently neglected to keep necessary accounts of his activities. Later, he regretted his lack of land records. A long report containing some of his real estate transactions appeared in the last several years of his life, but it was the work of his old friend, Luciano de Herrera. This register, now among the East Florida Papers, has been inaccurately entitled "The Jesse Fish Account Book." Even in the eighteenth century it appeared as an impressive volume with double-column entries of debits and credits, realty sales records, and lists of St. Augustine proprietorships. Luciano de Herrera must have certainly consulted if not collaborated with the English businessman to prepare such a comprehensive and detailed document. According to the accounts for 111 properties and 133 people, Fish sold the Spanish possessions for 13,945.5 pesos in the seventeen-year period, 1763-1780. His charges for real estate services, including land surveys, billings, and deed processing, cost the Spaniards 4,759.6 pesos or approximately one-third of the total sales of all their real estate. In some of the transactions his realty expenses exceeded the closing prices of the property.

Loans, house repairs, and other "various charges" were also cited as debts owed Fish by the former inhabitants. He served the Spanish Floridians for exorbitant rates. Among his other financial activities Fish sold shellstone (coquina) blocks, doors, frames, and wooden sections from the buildings of St. Augustine.²⁸ According to the Account Book, he profitably disposed of all the unsold city property.

Despite all his financial dealings, no records have been found revealing payment to any of the Spaniards. Did he pay them during the British Period? Did Fish pay them surreptitiously through the intermediacy of their secret agent, Luciano de Her-

26. Gold, *Borderland Empires in Transition*, 48-50; Jesse Fish Property Register as recorded by Luciano de Herrera; "Jesse Fish Property Sales," Volume 357, document 28, Field Note Division, Department of Agriculture, Tallahassee, Florida: Grant to Secretary of State, April 26, 1766, PRO:CO 5/548.

27. The Jesse Fish Property Register as recorded by Luciano de Herrera.

28. *Ibid.*

THREE TYPICAL ENTRIES IN THE ACCOUNT BOOK²⁷
Doña Juana de Avila

<i>Debit</i> 1763 For a bill submitted: For various charges submitted by Francisco Salgado: 1764 (December 29) For the deed and the measurement of his lot: Debit Total:	49 pesos, 2¼ reales 14 pesos, 5¼ reales 4 pesos, 4 reales 68 pesos, 3½ reales	Credit 1764 (December 29) For the house and lot sold to Juan Wilson: Credit Total:	126 pesos, 2½ reales 126 pesos, 2½ reales
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Andres Palencia

<i>Debit</i> 1763 For money loaned: For various charges submitted by Francisco Salgado: 1768 (September 30) For the deed and the measurement of his lot: Debit Total:	4 pesos 41 pesos 3 pesos 48 pesos	Credit 1768 (September 30) For the house and lot sold to Thomas Finkinson: Credit Total:	111 pesos, 1 real 111 pesos, 1 real
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Luis Maniller

<i>Debit</i> 1763 For a bill submitted: For various charges submitted by Francisco 1764 (September 15) For the deed and the measurement of his lot: Debit Total:	12 pesos 55 pesos, 4½ reales 35 pesos 62 pesos, 4½ reales	Credit 1764 (September 15) For the house and lot sold to Maria Alexandro: Credit Total:	33 pesos, 5½ reales 33 pesos, 5½ reales
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ra? Did he pay them at all? Perhaps, he paid the Spaniards on one of his trips to Cuba. In 1766 Governor Grant permitted him to sail by the pilot boat Dependence “to the Havana to settle some of His Accounts,” but the results of that mission are not known.²⁹ Correspondence from Fish to the Crown of Spain in 1789 suggested that he had paid some of the previous property owners. He admitted in the same petition his debts of “many thousands of pesos.” Later testamentary proceedings of the St. Augustine populace supported his assertion of some payments.³⁰

Fortunately for Fish, many of his creditors died in Cuba during the yellow fever epidemics which decimated the island’s population. In September 1766, Puente informed officials in Havana that 663 persons of a total of 3,096 immigrants from St. Augustine had already perished abroad. Enough of the Floridians survived however, to confront Fish later in the Second Spanish Period. Some of those Spaniards, their heirs, or representatives eventually returned to the Florida peninsula to reclaim their lands or receive the remuneration that was due them. Upon arrival in St. Augustine, their accounts with Fish were apparently settled in routine fashion. Shortly before his death in 1790, he described those encounters with evident sarcasm: “The Spaniards arrived, but among them very few of my old acquaintances and almost none of my debtors, who, after the treaty of peace permitting the re-possession of the province, remained in New Spain [and Cuba]. . . . What I owe the Floridians and what they owe me is shown in the enclosed book of debits and credits. No one has yet presented himself to pay the money owed to me, but several come, some empowered of heirs, to demand my payment to them which they received because of my benevolence.”³¹ Fish, therefore, fin-

29. Grant to Secretary of State, April 26, 1766, PRO:CO 5/548.

30. Fish to Governor of Florida and King of Spain, March 23, 1789, Lawson Papers; Testamentary Proceedings: Second Spanish Period, St. Augustine, 1783-1821, East Florida Papers, Bundles 301-18, microfilm copy, reels 134-39, P. K. Yonge Library. The documents cited above include numerous references to Fish, his property transactions, and the real estate confusion he left as a legacy to Spanish St. Augustine. Most of the testamentary proceedings regarding Fish, however, relate individual claims, cases, and charges of Spanish subjects in St. Augustine. The testimony, seemingly contradictory and contrived, actually contributes to the legend of Fish as the insidious land schemer of Spanish Florida.

31. *Ibid.*; Puente to Governor of Cuba, September 22, 26, 1766, AGI 87-1-5/3, Santa Domingo 2595, SC.

ally paid some of the Spaniards for the sale of their Florida property.

During the last months of his life, Fish claimed to be rapidly approaching financial ruin. Despite all of his real estate transactions, rentals, citrus production, and prodigious land holdings he complained of impecunious circumstances and indebtedness. He described his situation to the Waltons as an insurmountable sum in principal and interest. In the spring of 1789 Fish wrote to the King of Spain relating his economic situation and requesting permission to leave the province on a voyage to Europe. His anticipated itinerary included a business trip to London and an audience with Charles IV in Madrid. "I intend . . . to prostrate myself at the feet of His Catholic Majesty in whose merciful breast I hope to find grace and compassion and his royal clemency to relieve the sadness of a poor old man whose tender age, springtime, and flower were spent showing his faithful loyalty to the Spaniards."³² Fish was willing to put all his property in the possession of a royal agent while abroad. He probably never reached Europe since he died only eleven months after his request was presented.³³

By the time the petition had passed through the complicated bureaucratic channels of notification his demise was undoubtedly known to his neighbors in Florida. The memorial was still in St. Augustine in the autumn of 1789, although written in the preceding March. A local official mailed Fish's letter to the King with an accompanying commentary recommending that a passport for European travel be granted. The same Spaniard predicted that the old man would soon be dead: "He is in reality so advanced in age, and in such poor health that on a trip from this salubrious climate, in which he has lived more than half a century, he probably will not arrive, alive, at the first named capital [London]."³⁴ The prophecy was fulfilled, Fish died four months later on February 8, 1790.

In his correspondence with the Crown, the realtor had pre-

32. Fish to Governor of Florida and King of Spain, March 23, 1789, Lawson Papers.

33. *Ibid.*

34. In England, Fish hoped to obtain compensation for his unsold property according to a royal policy which other Englishmen had enjoyed following their emigration from Florida. Governor of Florida to Minister of Justice, October 6, 1789, Lawson Papers.

sented a revealing account of his financial affairs. First, he mentioned the many losses and debts that he had suffered in his service to Spain and the people of St. Augustine. Fish's explanation of his economic plight included statements of the honest and useful assistance he furnished the Florida community while employed by the Walton Company. He also emphasized how he had endangered his own life and had lost money while supplying St. Augustine with provisions during the Seven Years' War. Most of his indebtedness was incurred, he claimed, when he had acquired the unsold Spanish property and agreed to dispose of it as a service to the community:³⁵

Then, that disastrous day arrived, as much bewailed by me as by the Floridians, when the cession of the province was to take place. I witnessed with pain in my heart, the exile of an honored people with whom I had been reared and Hispanized; they were to leave their native land forever. Besides becoming expatriates, many of them were destitute and so I exerted myself to help them, and their wives and children. I accepted their many goods and property on credit at a premium of six per cent, with a subsequent accumulation of interest upon interest until this present day. Since that time I have never found myself with the means to satisfy the interest which amounts, with the original debt [of purchase] to thousands of pesos.³⁶

Furthermore he claimed that many of the Floridians whose property he held had left in debt to him. These unpaid loans were listed as debits in his account book, and he later used them as evidence for his accusations against the émigrés. Nevertheless, he remained in arrears for approximately 9,100 pesos after the sale of their real estate. Fish also claimed that he owed the Walton Company money.³⁷ Indeed, as Fish described his situation, he did seem to be seriously in debt and economically insecure.

With all of his liabilities, there is the question of his assets after 1783. In his entreaty to El Rey de Espana, he mentioned "meager" holdings in St. Augustine: "The lands, houses, and lots that I have in this country, now of little or no value because of lack of population and consequently lack of buyers, comprise a

35. Jesse Fish to Governor of Florida and King of Spain, March 23, 1789, Lawson Papers.

36. *Ibid.*

37. *Ibid.*; Jesse Fish Property Register as recorded by Luciano de Herrera.

total of all I have in the world."³⁸ Even the slaves in his employ, Fish explained, were no longer his property, but belonged to his brother-in-law. He admitted, however, that his plantation on Santa Anastasia Island provided him with enough produce for subsistence following his retirement there in the late 1760s or early 1770s. For the rest of the British Period he lived as a recluse at El Vergel.³⁹

Fish apparently lived a solitary life to escape a number of personal problems. His reasons for abandoning St. Augustine seemed quite sensible: "Oppressed by my debts to the Waltons and afflicted by separation and domestic infelicity, I retired to my present habitation."⁴⁰ Marital difficulties probably also motivated his actions. A Spanish official later observed in 1789: "The domestic infelicity to which Fish alludes in his application relates to his decision to marry, late in life, a good looking young girl [Sarah Warner], who became such a madcap, that he retired to Anastasia Island rather than be present during her imprudences. There he remained many years until the restitution of Florida to His Catholic Majesty; in this interval and since the coming of the English occupation, he was overcome by his losses and unfortunate illnesses after living naturally as a man of spirit and mirth as well as physical industry."⁴¹ His misery, in this Spaniard's assessment, could also be attributed to costly business relationships with his wife's relatives, especially Jacob Kipp, whom Fish unfortunately had trusted to represent his realty affairs in St. Augustine.⁴² In his retirement Fish avoided contact with his wife and her family.⁴³

He had married Sarah Warner in 1768 when he was in his forties. Two children, Jesse, Jr., and Phoebe Furman Fish, were born to the couple before their marriage ended in separation. Sarah inherited El Vergel after the deaths of her husband in 1790 and their son in 1812, although her claims to the estate were

38. Fish to Governor of Florida and King of Spain, March 23, 1789, Lawson Papers.

39. *Ibid.*

40. *Ibid.*

41. Governor of Florida to Minister of Justice, October 6, 1789, Lawson Papers.

42. Jacob Kipp was probably Jesse's relative rather than a member of his wife's family as the Spanish governor suggests in his letter.

43. Fish to Governor of Florida and King of Spain, March 23, 1789; Governor of Florida to Minister of Justice, October 6, 1789, Lawson Papers.

eventually contested by both Spanish and American authorities. In 1791, Governor Juan Nepomuceno de Quesada challenged Jesse Fish's will, declaring that it included property which really belonged to the Crown, but Jesse, Jr., was later permitted to "repurchase" El Vergel. Since Sarah lived until 1827, she finally became sole owner of the entire estate, but by this time her legacy probably included little territory beyond the shores of Santa Anastasia Island.⁴⁴

There is then the question of what happened to Fish's wealth and vast land holdings. There was something of an explanation in his 1789 petition to the Spanish government when he stated that upon his retirement to his hacienda he had transferred most of the unsold real estate in trust to Jacob Kipp, who agreed to act as his agent in St. Augustine. Kipp was supposed to sell the property received from Puente and apply the sales commissions to the Walton Company account to satisfy Fish's debts. Fish had probably borrowed from the firm to make his land purchases. Later Fish discovered the folly of his partnership with Jacob Kipp:

He bargained and sold various houses and lots, but I did not receive the total amount of the sales because the produce of my plantation on the previously mentioned island provided me with sufficient support for my subsistence. I believed myself safe in his hands and expected him to put the proceeds of the sales toward the payment of the Waltons. But at the end of a few years my relative died, suddenly and intestate, and because of his mismanagement, carelessness, or the wickedness of those who were near him when he died, not only was there no estate remaining at all, neither were there records showing the sales and proceeds.⁴⁵

An official in St. Augustine, probably Governor Vicente Manuel de Zéspedes, wrote a letter in October 1789, supporting Fish's

44. *Ibid.*; Census Records of East Florida during the Second Spanish Period, St. Augustine, 1783, 1786, and 1787, St. Augustine Historical Society Library; WPA Division of Professional and Service Projects, *Spanish Land Grants in Florida: Briefed Translations from the Archives of the Board of Commissioners for Ascertaining Claims and Titles to Land in the Territory of Florida*, 5 vols. (Tallahassee, 1940-1941), III, 102.

45. Fish to Governor of Florida and King of Spain, March 23, 1789, Lawson Papers.

claims and summary of his losses.⁴⁶ He criticized him for his "indolent character" and "lethargy," but exonerated him from any involvement in Kipp's suspected embezzlement. According to Zéspedes's analysis, Fish could have become a man of "considerable fortune if he had carefully applied himself to his business interests" instead of relying on an opportunist like Kipp, who "having comprehended the indolent character of Fish, sold and disposed of the houses and lots at will, appropriating the proceeds without providing an account or reason to his employer, until, at last he died intestate, without any known estate or any explanation of the disposition of the payments received for the sold property. It was then that Fish first knew of the ruin in which his own reprehensible weakness had involved him."⁴⁷ Recognizing that the sale of Fish's entire possessions would not realize even half of his indebtedness to the émigrés, Zéspedes recommended that all the vacant property in St. Augustine, including Fish's portion, should be expropriated by the Crown for eventual division and distribution to returning Spanish Floridians. He also suggested that the King impose time limits for the repossession of unoccupied property in order to avoid chaos when the claims of the old proprietors or their heirs later appeared. Zéspedes likewise wanted to register all proprietorships purchased legitimately from such realtors as Fish during the British Period. His advice was motivated by his hopes to prevent the disruption of the entire property system in St. Augustine.⁴⁸ Following the exodus of 1763, twenty years of English authority, and another international exchange of Florida in 1784, Zéspedes faced a variety of property problems; his solutions seemed intelligent and applicable to the awkward situation in St. Augustine.

By 1784, Fish had lost most of his land and had accumulated large debts in St. Augustine and Cuba. He still held Santa Anastasia Island, forty houses and lots, and six other tracts of uncultivated territory in the vicinity of St. Augustine. His buildings were described by contemporary witnesses as being in the last stages of disintegration. El Vergel seemed to be in a similar

46. Although no signature appeared on the letter to the Minister of Justice, its tone and contents indicate that the correspondence must have come from the Governor and Captain General of Florida.

47. Governor of Florida to Minister of Justice, October 6, 1789, Lawson Papers.

48. *Ibid.*

condition according to a Spanish appraisal: "He has no jewels or furniture of value and the house which he inhabits on [Santa] Anastasia Island is in such a state of deterioration that it does not provide adequate protection against the inclemencies of the weather."⁴⁹

To meet his obligations of 9,199 pesos to the former proprietors, he offered the government all his property except El Vergel. His offer was apparently accepted, since his heirs later received El Vergel as their only legacy. Thereafter, the hacienda was known as "Fish Island." Within a year of his petition Fish was dead. He was buried on Santa Anastasia Island, since as a Protestant he could not be interred in the Catholic cemetery of St. Augustine. Robbers later desecrated his sepulcher searching for the money they believed to be buried with him.⁵⁰ So ended the saga of Jesse Fish, an eighteenth-century Florida entrepreneur and land speculator. Only his legend lived afterwards.

49. *Ibid.*

50. Fish's tomb and some old orange trees seem to be the only remains of "El Vergel" extant today.