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SETTLERS, BUREAUCRATS, AND PRIVATE LAND CLAIMS: THE "LITTLE ARREDONDO GRANT"

by Edward F. Keuchel and Joe Knetsch

IN HIS STUDY OF United States land policy, historian Paul W. Gates wrote, "No problem caused Congress, officials of the General Land Office, and federal courts more difficulty or took up as much time as the private land claims, that is the grants of land made by predecessor governments in areas acquired from Great Britain, France, Spain, Mexico, and in the Oregon country by agreement with Great Britain."¹ There were also problems in Florida since land had been granted by both the Spanish and British governments, and the "little Arredondo grant" of Columbia County demonstrates the complexities in the settlement of private land claims. For almost a century, the little Arredondo grant vexed territorial, state, and federal officials, and was a source of major concern to the residents of Columbia County.

In the treaty with Spain of February 22, 1819, the United States agreed to honor prior land grants. John Quincy Adams, the American negotiator, had originally proposed that only grants made before 1803 be honored, but Luis de Onis, the Spanish minister, argued that January 24, 1818, was a more valid cut-off date since that was when Spain had first showed a willingness to yield Florida. Adams finally agreed, realizing that the largest grants (Alagon, Punonrosto, and Vagas) were made after that time. Article XI of the treaty provided that all claims exceeding 3,500 acres would be placed in the hands of Congress.²

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1. Paul W. Gates, *History of Public Land Law Development* (Washington, DC, 1968), 87.
2. Sidney W. Martin, *Florida During the Territorial Days* (Athens, GA, 1944), 69-71.

There had been similar problems earlier, most recently in Louisiana which prior to the purchase had been under French, British, and Spanish rule. Grants of land in Louisiana had been made ranging in size from the small farms of the Cajuns to tracts of hundreds of thousands of acres. The United States government felt bound to honor prior titles and grants, but because of confusion and fraud, Congress declared in 1804 that all grants after 1800 were null and void. Most of the smaller claims involving people who actually resided on the land were upheld, but the large claims were often of doubtful validity. Senator Thomas Hart Benton of Missouri, spokesman for the landed proprietors of Missouri which was a part of the Louisiana Purchase, proposed that the government should acknowledge all but patently fraudulent claims. Doubtful claims should be accepted.³ In effect the burden of proof was upon the federal government to disprove private land claims.

Benton's influence was seen in the act of May 26, 1824, which provided that any person who had a Spanish or French claim to land in Missouri could have the claim submitted for examination by the District Court of Missouri with the right to appeal to the Supreme Court of the United States. A supplementary act of May 23, 1828, extended the authority to Florida persons and provided for the adjudication of all private land claims involving grants of over 3,500 acres by the judges of the superior courts of the districts concerned. Under the act of 1828, 130 claims were filed in east Florida embracing close to 4,000,000 acres of land. The largest claims were the massive Forbes grant of 1,427,289 acres east of the Apalachicola River, the Pedro Miranda claim in Tampa Bay of 368,640 acres, and the Arredondo grant of 289,645 acres.⁴

Don Fernando de la Maza Arredondo was a favorite of the Spanish crown and a member of the ruling junta of Cuba. On December 22, 1817, he and his son Joseph received a vast tract of land in Florida known as Alachua. The grant stated that the boundaries of the land extended "four leagues to each wind" reckoned from the center of Alachua.⁵ In 1822 and in 1824,

3. Harry L. Coles, Jr., "Applicability of the Public Land System to Louisiana," *Mississippi Valley Historical Review* 43 (June 1957), 39-58.

4. Gates, *History of Public Land Law Development*, 101.

5. Martin, *Florida During the Territorial Days*, 79.

Arredondo and his son Joseph conferred sections of the grant to Moses Elias Levy, a Moroccan-born merchant who had moved to Havana in 1815 and was the father of David Levy Yulee, Florida's first United States Senator. The two parcels of the grant that were especially difficult to confirm were tracts of 38,000 and 20,000 acres located in present-day Columbia County. The 20,000-acre tract, encompassing much of present-day Lake City, was the most vexatious of the two, and it became known as the "little Arredondo grant."

The case of the parent Arredondo grant was held in the Superior Court of the Eastern District of Florida in St. Augustine in 1830. Thomas Douglas of Indiana, a Jackson appointee, was the United States District Attorney for East Florida. For the Arredondo and Forbes cases, Douglas was assisted by Daniel Brent and Richard Keith Call, later territorial governor of Florida. Brent served less than a year, and Call prepared most of the materials for the government's case. Douglas was paid an additional yearly salary supplement of \$1,500 to handle private land claims, while Call was paid \$500 for each case argued before the Superior Court and \$1,000 for each case argued before the Supreme Court.⁶

Private land claims such as the Arredondo grant required considerable preparation by governmental officials. They often opposed some of the best and highest-paid legal talent in the nation since the claimants of large tracts usually had strong financial backing. It was not uncommon for members of Congress to represent large claimants even while they were members of the House or the Senate. Daniel Webster (Massachusetts), John McPherson Berrien (Georgia), Thomas Hart Benton (Missouri), and David Levy Yulee (Florida) all served claimants during their senatorial careers. Berrien, Webster, and Joseph White, Florida's territorial delegate to Congress, represented the Arredondo and Forbes interests. White was finally paid a retainer fee of \$3,000 by the federal government not to appear against the United States in any land cases except those involving the Arredondo or Forbes grants.⁷

6. Thomas Douglas, *Autobiography of Thomas Douglas* (New York, 1856), 83-86; Herbert J. Doherty, Jr., *Richard Keith Call, Southern Unionist* (Gainesville, 1961), 58.

7. Gates, *History of Public Land Law Development*, 90; Doherty, *Richard Keith*

Douglas, the United States District Attorney for East Florida, was to work with United States Attorney General John McPherson Berrien, but since Berrien had represented the Arredondo and Forbes interests before he became attorney general, President Jackson appointed William Wirt to handle the defense. Wirt had been John Quincy Adams's attorney general. Richard Keith Call, assistant to Wirt, and Thomas Douglas made trips to Cuba to obtain the original documents or copies of them. Call found some of the records and title transfers missing and others at a variance with the copies used by the claimants.⁸

The parent Arredondo case was tried in Superior Court in St. Augustine in 1830, and the decision was in favor of the claimant Moses Elias Levy. Call had sought to have the entire grant invalidated on the grounds that Fernando and Joseph Arredondo had not met the conditions of the grant that specified 200 Spanish families had to be settled on the land within a period of three years. In 1832, the United States Supreme Court upheld the validity of the grant. Call, Wirt, and Attorney General Roger B. Taney represented the United States, while Webster, White, and Berrien represented the claimants.⁹

Locating the tracts became the problem for confirming the 38,000- and 20,000-acre grants. Descriptions of the land in the Spanish grants and surveys centered on the Indian village "Alligator Town" which was described as a place known as "Big

Call, 58-59. On February 11, 1829, White, formerly in the office of the United States Land Commissioners for Florida, presented Congress with a translated collection of all Spanish and French laws and ordinances affecting land titles in Missouri, Arkansas, Louisiana, Mississippi, Alabama, and Florida. White's compilation was prepared from the records left by Spanish authorities in Louisiana, East and West Florida, and from the Spanish archives in Cuba. Congress ordered White's compilation to be printed. This work and White's 1839 publication, *New Collection of Laws, Charters and Local Ordinances of the Governments of Great Britain, France and Spain, Relating to the Concessions of Land in Their Respective Colonies Together with the Laws of Mexico and Texas on the Same Subject*, provided much of the basis for the defense of land claims in the courts. See Gates, *History of Public Land Law Development*, 102.

8. Douglas, *Autobiography*, 86; Doherty, *Richard Keith Call*, 59-61.

9. Doherty, *Richard Keith Call*, 62-63; *United States v. Arredondo*, 6 Peters 691, 698, 705. In addition to the Arredondo claim, the Supreme Court, during the 1830s, rendered thirteen additional decisions confirming Spanish grants in Florida.

Hammock, about 20 miles from the River Suwanee, about 80 miles westward from St. Johns."¹⁰

Translations of the Spanish documents into English caused some of the problems. Where was the "Big Hammock"? "Hammock" or "Hammoc" was the English translation of the Spanish word "Montes" as found in the original Spanish grants, plats, and surveys. In an appeal to the Territorial Court of Appeals, John Rodman, solicitor for Fernando Arredondo and Juan de Entralgo, argued that the Spanish word "Montes" did not conclusively mean "Hammoc" in English and that "Pine Hills" was an equally acceptable translation.¹¹

It was even more difficult for the court to resolve problems of locating the Indian village of Alligator Town mentioned in the Spanish documents. Was the American town of Alligator built on the site of the Indian village? The question was important because if the site of the Indian village could not be located, then the Arredondo grants were in jeopardy of confirmation.

In preparation for the 1830 Arredondo case in St. Augustine, depositions were taken from people with knowledge of the contested region. Strong evidence seemed to indicate that the Indian Alligator Town was the site of Alligator, Florida, but the allegations did not go unchallenged. Reuben Charles, who lived in Florida before American acquisition and had operated a ferry over the Suwannee River, deposed before Justice of the Peace Elias B. Gould on February 12, 1830. Charles stated that he had been employed by Moses Elias Levy and Joseph Arredondo in 1824 to search for a tract that he understood had been conveyed to Levy by Arredondo. Charles claimed that he had found the site of Alligator Town which, in 1824, was only an old field with a number of uninhabited Indian huts in ruins. The only people there were an "old Mr. Edwards" and "two men by the name of Austeen [Osteen]." John Lee Williams, who had helped select Tallahassee as the site of the territorial capital and was the author of *A View of West Florida* (1827), testified on February 25, 1830. He stated that the place on Alligator Pond some fifty

10. "Public Lands in the Arredondo Grant, Columbia County, Florida," House Report 1532, 54th Cong., 1st. sess., ser. 3462, 3.

11. *Arredondo and Entralgo v. Moses E. Levy*, Territorial Court of Appeals Case Files 1825-1846, record group 970, ser. 73, box 1, folder 10, 17, Florida State Archives, R. A. Gray Building, Tallahassee.

miles north of Paynes Town was once an Indian settlement called Alligator Town. Britton Knight, in his deposition of November 24, 1829, claimed that Alligator Town was an Indian village on the northeast end of a lake, but that no stream ran from the lake to the Suwannee River as stated in the Spanish grant. In addition, he declared, the Arredondo tract could not be located because the grant described Alliator Creek as flowing into the Suwannee, which it did not. Under cross-examination, Knight admitted that Alligator Creek flowed into the San Taffee [Santa Fe] River which in turn emptied into the Suwannee.¹²

The suits involving the 38,000- and 20,000-acre tracts in Columbia County worked their way through the territorial and federal courts during the 1830s. In 1836, the United States Supreme Court upheld the validity of the 20,000-acre tract then held by Benjamin Chaires, Peter Miranda, and Gad Humphreys, all important political persons in Florida during the territorial period. The court accepted as accurate the Spanish survey of Andres Burgevin conducted in 1819.¹³ The 38,000-acre tract had not been surveyed by the Spanish, but in 1839, the United States Supreme Court held that the absence of a survey did not interfere with the validity of the grant. However, the court added an important qualification. In delivering the opinion of the court, Associate Justice James M. Wayne wrote, "If, however, neither Alligator Creek can be found, nor any creek . . . entering into the Suwannee . . . and if Alligator Town cannot be found, then it is the opinion of this court that the remaining description in the petition of the locality of the concession is too indefinite to enable a survey to be made, and that the appellees can take nothing under the concession."¹⁴

It was apparent that new surveys of both tracts would be needed for a satisfactory resolution of the titles, and that determination of the location of the Indian Alligator Town was necessary for the surveys. There was little or no surveying in Columbia County during the Second Seminole War (1835-1842) as Tiger Tail and his band of Mikasuki warriors often conducted

12. Historic Records Survey, "Spanish Land Grants in Florida," (Tallahassee, 1941), typewritten copy, Robert M. Strozier Library, Florida State University, Tallahassee, vol. 2, 51-55.

13. *United States v. Benjamin Chaires, et al.*, 10 Peters 308.

14. *United States v. Heirs of F. M. Arredondo, et al.*, 13 Peters 133-35.

raids throughout the county. The area around Fort White in the southern part of Columbia County was especially precarious, but no part of the area was safe. Columbia County remained dangerous even as the war neared its end. On January 5, 1842, David Levy, the Florida Congressional delegate, wrote to Secretary of War John C. Spencer expressing concern over the danger still present in Columbia, Duval, and Nassau counties. On May 14 and 15, a Creek force under Octahachee struck Alligator and the surrounding area resulting in four civilian deaths.¹⁵

By the end of 1842, the war was over, and surveys of the tract were possible. On June 6, 1843, Joseph Chaires applied to Florida Surveyor-General Valentine Y. Conway for a survey of the grant confirmed to his late father Benjamin Chaires. To accelerate the process, Joseph Chaires offered to pay "any unusual and extraordinary expenses" above the \$4 per mile stipend paid for such surveys.¹⁶ Conway requested advice from Thomas H. Blake, commissioner of the General Land Office in Washington, DC. He informed Blake that Deputy Surveyor-General Lewis Prevost had attempted unsuccessfully to locate Alligator Creek, but that Joseph Chaires would not accept this as the final word. Conway was convinced that continual litigation would be the result of additional delays in completing the surveys of the private land claims in east Florida.¹⁷

In 1845, President James K. Polk reappointed Robert Butler to the office of surveyor-general of Florida. Butler, who had served earlier in this post, had a strong sense of duty to his commission, and he proceeded to expedite the private claim surveys. For the work in Columbia County, Butler selected deputy surveyor Dr. Arthur Morey Randolph, one of Florida's best-known surveyors. As the owner of a large plantation, a physi-

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15. David Levy to John C. Spencer, January 5, 1842, Clarence E. Carter, ed., *Territorial Papers of the United States*, 27 vols. (Washington, DC, 1962), *Florida Territory*, XXVI, 415-16; *Niles' Register* 62 (May 28, 1842), 208; Edward F. Keuchel, *A History of Columbia County, Florida* (Tallahassee, 1981), 33-58.
 16. Joseph Chaires to Valentine Y. Conway, June 6, 1843, "Miscellaneous Letters to the Surveyor General," vol. 1,237, Land Records and Title Section, Florida Department of Natural Resources, Marjory Stoneman Douglas Building, Tallahassee (hereafter cited as DNR).
 17. Conway to Thomas H. Blake, June 30, 1843, Carter, *Territorial Papers*, XXVI, 675-76.

cian, the son-in-law of former Governor William Pope DuVal, and a surveyor, Randolph was a man of excellent standing in the community.¹⁸ In November 1845, Butler instructed Randolph to survey the "20,000 acres situate [sic] at or near the Indian Village called Alligator where the chief of that name resided," and the "38,000 acres situate [sic] westwardly of the 20,000 acres." Butler stated that it was necessary to locate the Indian village in order to survey both tracts, and it was important for the survey to proceed in order to "enable Settlers to make future provisions for the settlements which they have made within the limits of these grants"¹⁹

Although Butler's instructions were clear, Randolph seemed to have questioned the location of the Indian village. Butler's position was that the Indian village was marked on the Spanish [Burgevin] plat and was referred to in affidavits gathered in 1830 and as recently as 1845 that demonstrated the American town of Alligator was established on or near the site of the Indian village.²⁰ In a letter of January 26, 1846, Butler was even more emphatic. "The town of Lancaster is the ancient scite [sic] of the Indian village and you will please consider them [the affidavits] as evidence [Butler's emphasis] or make your own starting point with a view of establishing a beginning for these claims; one of the decrees points out, if I mistake not, the starting from the Center of the Village."²¹

In his reply, Randolph noted that Burgevin's starting point was only an "X" slash-mark on a pine tree, but that he would "make a starting point," as Butler directed, "from the center of Lancaster and carry out your instructions otherwise in every respect & at an early date."²² Instead of surveying, however,

18. Randolph Whittield and John Chapman, comps., *The Florida Randolphs and Some Related Families*, 3d ed. (privately printed, 1978), 84-89.

19. Robert Butler to A. M. Randolph, November 13, 1845, "Letters of the Surveyor General," vol. 5, 128-29, DNR.

20. Butler to Randolph, December 22, 1845, *ibid.*, 141-42.

21. Butler to Randolph, January 26, 1846, *ibid.*, 161. In 1836, the territorial legislature designated Alligator as the county seat of Columbia County and then changed its name to Lancaster after the military fort established there during the Second Seminole War. It was later changed back to Alligator. Keuchel, *History of Columbia County*, 75.

22. Randolph to Butler, February 14, 1846, "Letters and Reports from Deputy Surveyors to the Surveyor-General, 1823 to 1847" (hereafter referred to as "Letters and Reports"), vol. 1, 359, DNR.

Randolph proceeded to gather additional information about the Indian village. Twelve days after Randolph informed Butler of his intention to start the survey in the center of Lancaster, William Reid, who had testified in St. Augustine in December 1845 that Lancaster was the site of the Indian village, wrote to George McClellan. "It is a matter of much surprise to me that a Mr. Randolph saying he is a deputy surveyor appointed by Col. Butler is annoying me with letters to know where exactly is his starting point; the centre of Alligator, etc." Reid qualified his December testimony by stating that he had only been in the area since 1833 and thought Lancaster was the site of the Indian village because letters to and from Lancaster were postmarked "Alligator."²³

It is difficult to ascertain Randolph's motives in delaying the surveys, but his actions infuriated Butler. Both Butler and Randolph had access to affidavits being gathered from 1845 through 1847 in preparation for yet another Arredondo trial in the circuit court in St. Augustine. Similar to the 1830 depositions, these new affidavits presented evidence on both sides in the dispute, but the stronger evidence seemed to support Alligator/Lancaster as the site of the Indian village.

Enoch Daniels, in his deposition before Judge George S. Hawkins in St. Augustine on May 9, 1846, stated that he was at Alligator Town in 1813. The chief was called Alligator, and some sixty or seventy Indian families were living there. Daniels located the village on the northeast side of Alligator Lake or Pond. He thought that the Indians had departed in 1814 because of the fighting and had moved to safer areas farther south. When he returned to the site in 1818, he had found only ruins and no white settlers.²⁴

23. William Reid to George McClelland, February 26, 1840, "Surveyors Reports, Correspondence and Depositions Relating to the Arredondo Grant" (typewritten copy of papers in the Field Note Division, Department of Agriculture), 8, DNR.

24. Historic Records Survey, "Spanish Land Grants," vol. 2, 56. There are problems with Daniel's chronology, and it is possible that 1813 was not the year he was in Alligator Town. He gave 1814 as the year of the Newnan expedition instead of 1812. It is most likely that Chief Alligator and his tribe left the village early in 1813 when Colonel John Williams and a force of 250 Tennessee mounted volunteers moved into northern Florida and devastated Indian settlements east of the Suwannee. Keuchel, *History of Columbia County*, 13-14.

John D. Osteen, in his deposition before Judge George Hawkins in Newnansville on May 4, 1846, said that when he arrived in the area in 1823 or 1824, he had found two households in the vicinity of Alligator; Noel Raulerson lived at the site of what later became the courthouse, and Henry Edwards lived about one and one-half miles northwest of Raulerson. On the northeast end of Alligator Lake, Osteen had found the ruins of an Indian settlement and two Indians: Bill and Charley Emathla who told him that this was the site of the Indian community known as "Alpata Telopka" or Alligator Town.²⁵

Jacob Summerlin and William Cooley presented some of the strongest counter-evidence. In a deposition given before S. Scarborough, clerk of the circuit court, Columbia County, on March 18, 1846, Summerlin— who became one of Florida's wealthiest stockmen in the Peace River Valley after the Civil War— stated that he came to Columbia and Alachua counties in 1825. He said that there was no creek as described in the Arredondo grant, and that Reuben Charles had told him that he was unable to find the tract that he had been hired by Levy and Arredondo to locate. In his deposition before R. R. Sanchez, clerk of the circuit court, Alachua County, on May 5, 1846, Cooley stated that he had known the area of Columbia County since 1814 when he was at the place later called Lancaster, and that he had found no Indian named Alligator and no village.²⁶

While Butler and Randolph sparred over the start of the survey, the settlers of Columbia County became more concerned about their land. Jesse Carter, representing a group called "Citizens of Columbia County" contacted Butler and attempted to persuade him to delay the survey. During their conversation, Carter apparently brought up the possible use of force to prevent the survey.²⁷ Butler, though a friend of Carter, stood his ground as an official of the government and told Carter that the survey must be completed as decreed. "I beg you as a

25. Historic Records Survey, "Spanish Land Grants," vol. 2, 60-61.

26. *Ibid.*, 57-60. Cooley lost his family in the second massacre of the Second Seminole War. He later served as a scout in the Everglades and as a justice of the peace in Homosassa. Cooper Kirk, "William Cooley: Broward's Legend," *Broward Legacy* 1 (October 1976), 12-20 and (January 1977), 24-36; Joe Knetsch, "William Cooley Explores the Everglades," *Broward Legacy* 12 (Winter/Spring 1987), 40-43.

27. "Letters of the Surveyor General," vol. 5, 181, DNR.

friend," he wrote Carter, "to represent me fairly in this matter to the people of Columbia County; I love them and their interests, as much as any other man in Florida . . . but the Surveyor General says to me his instructions, his oath, his bond, and responsibilities must not be lost sight of in the execution of his official duties."²⁸ In good conscience, Butler could not yield to Carter's demands, but he did warn Randolph of a possible confrontation in Columbia County.²⁹

By March 17, 1846, the "Citizens of Columbia County," chaired in committee by Jacob Summerlin, had met and had written to Randolph. They bluntly told Randolph of the "fixed and solemn determination of the great body of the Citizens of this County to prevent if necessary by other than ordinary means the commencement of said survey" unless there was totally conclusive proof that the original landmarks and plat were exact and evident to all.³⁰ This was, as they knew, an impossible stipulation.

Alarmed over the harsh tone of Summerlin's letter, Randolph wrote to Butler that the hostility and opposition of the community had removed "the necessity of my going to Alligator," and he awaited further direction from the surveyor-general.³¹ Butler's patience was at an end. He regarded his duties as surveyor-general comparable to a military mission, and he would not tolerate insubordination. The day after receiving Randolph's letter, Butler wrote a scathing reply. He made it clear to Randolph that the mission must go forward unless Randolph was stopped in the field by threats to his life. He bluntly told him also "not to address me again on this subject," and added that if Randolph did not conduct the survey, he would find another surveyor at Randolph's expense. In closing, Butler acted the good bureaucrat; he told Randolph that a copy of Randolph's last letter would be sent to the commissioner of the General Land Office in Washington "that I may stand exonerated if his instructions shall not be fulfilled."³²

28. Butler to Jesse Carter, March 2, 1846, "Surveyors Reports," n.p.n., DNR.

29. "Letters of the Surveyor General," vol. 5, 181, DNR.

30. "Letters and Reports," vol. 1, 365, DNR.

31. Randolph to Butler, March 20, 1846, *ibid.*, 361.

32. Butler to Randolph, March 21, 1846, "Letters of the Surveyor General," vol. 5, 188-89, DNR.

Randolph could no longer evade the issue. On April 4, he and his surveying crew arrived in Alligator where they were met near the courthouse by a delegation of some 80 to 100 Columbia countians headed by William B. Ross, one of the town's leading merchants and slave owners. Ross informed Randolph, "Sir you cannot pass." Randolph persisted, asserting that he was there as an official of the state of Florida. As he was reading from a letter of the surveyor-general, his compass and surveying chains were seized. Randolph then decided that his life and those of his group were in danger, a view shared by the chain crew and axe man.³³

Randolph described the conversation he had with Ross who had identified himself as the chairman of a public meeting of the citizens of Columbia County. Ross told Randolph that the citizens of Columbia County considered the survey as unjust and would never permit it. After the chains and compass were seized, Randolph chose discretion, informing Ross that his duty did not require him to "sacrifice my life or those of my men." He returned to Palatka without the survey, but he did note in his report that although he "discovered nothing to identify the position of a village," he did find a mound and a "secondary growth of timber evidencing former settlement & cultivation."³⁴

The failure of the survey troubled Butler beyond the failure of the mission itself. There was a matter of principle. For Butler, this was a test case of the supremacy of federal law which provided security to surveyors performing their duties. As he noted, "The State of Florida at present is without any judiciary of the United States, or Marshals within its limits, to enforce that law, hence the necessity for the President to adopt other measures, to give the Security necessary to the Surveyor ordered to perform his duty." Butler wanted federal troops, if necessary, to protect Randolph's party, but the commissioner would not cooperate.³⁵

The most eloquent defense of the actions of the settlers was provided by John C. Pelot of Columbia County who wrote Butler four days after the attempted survey. Pelot had chaired ear-

33. "Supplemental to April 10th, 1846 Report of Deputy Surveyor Randolph," n.p.n., DNR.

34. *Ibid.*

35. *Ibid.*

lier citizen committees that had passed resolutions relating to the Arredondo grants in the county. He cautioned Butler not to make too quick a response so that "prudence will yet predominate." He further counseled: "You must certainly conceive the feeling that must actuate the owners of land which this grant is about to cover. They are generally poor, harassed as they have been by a long and savage war, many of them losing all they possessed of after manfully defending their homes amid dangers of varied privations, are scarcely permitted to sit down in peace for twelve months, before they are turned out homeless upon the world without the means of settling again."³⁶

By early May 1846, Butler was in a more tolerant mood. He advised Pelot that the actions of the citizens were in violation of the 1830 act of Congress that gave protection to public surveyors, but he also noted he had told Jesse Carter that, should surveys be permitted, he would endeavor "to get the General Government to purchase these claims, & give claim titles to the Settlers." By offering resistance to Randolph's party, he stated, they not only had violated the law but may have forfeited the sympathy of the people of Florida. Butler closed his letter by stating that his reputation "at all times dearer than life" was at stake, and with a touch of humor added that although he was "a 'great man' in weight" (he weighed close to 300 pounds), he would humbly await Pelot's reply.³⁷

A diagram showing the approximate location of the claim was made in Butler's office in Tallahassee, and was approved by him on February 10, 1848. Legally the grant may have been satisfied, but in practical terms nothing was resolved. In 1850, Moses Elias Levy inquired of Benjamin A. Putnam, who had

36. John Pelot to Butler, April 8, 1846, "Letters of the Surveyor General," vol. 5, 214, DNR.

37. Butler to Pelot, May 8, 1846, *ibid.*, 215. Rather than losing sympathy the Columbia countians might have stimulated additional resistance of settlers to surveyors throughout the state. On May 25, 1846, Deputy Surveyor Henry Wells wrote to Governor William D. Moseley that squatters in the Euchee Valley in present-day Walton County were removing line markers, cutting down marking trees, and committing other acts to hinder surveyors. The expedience of removing line markers and being noncooperative with surveyors appears to have been established practice in Florida. See file labeled "Wells and Randolph," DNR.

succeeded Butler in 1849, as to whether Alligator's village had yet been located.³⁸ It had not.

The lack of a survey had ramifications beyond that of inadequate frontier law enforcement. Commissioner J. W. Shields of the General Land Office informed Congressman W. H. Brockenbrough of Tallahassee that a proper survey was necessary before any lands in the Arredondo grant or the Forbes purchase tracts could be granted for schools, seminaries, or internal improvements.³⁹

As events unfolded, the absence of an official survey did not prevent land transfer in the contested area, but it did cloud land titles. Portions of the land were offered as United States public land in 1828 and again in 1831. The settlers who opposed Randolph's survey had obtained their lands under those offerings. Individuals made entries by cash purchases under those offerings from 1828 until 1860. After the Civil War, no entries were made until 1877 and later.⁴⁰

To complicate further the situation, the state of Florida started making selections in the grant area after the passage of the Swamp Land Act of 1850. The state also made school land selections in the tract. By the act of May 17, 1856, the United States granted lands in the tract to the state of Florida to aid in the construction of the Pensacola and Georgia Railroad and the Florida Atlantic and Gulf Central Railroad that were built through the county. The railroads and the trustees for their bonds to whom the land grants were conveyed, in turn, sold many parcels to individuals.⁴¹

Federal courts made another attempt to clarify the issues in the early 1880s. The task was not easy because, in addition to the fact that the tracts had never been surveyed, the land records were lost in a fire that destroyed the Columbia County courthouse in 1874. On April 10, 1882, in the case of *Benjamin Chaires, et al. v. The United States* in the Circuit Court of the United States for the Northern District of Florida, Judge Thomas Settle declared "that the said grant has never been located or surveyed

38. Moses Elias Levy to Benjamin A. Putnam, March 5, 1850, "Miscellaneous Letters to Surveyor General," vol. 2, 553, DNR.

39. J. H. Shields to W. H. Brockenbrough, May 8, 1846, file labeled "USLO 1826-1882," DNR.

40. "Public Lands in the Arredondo Grant," 1.

41. *Ibid.*, 2.

by the United States, and that a large portion of the lands covered by said grant have been sold or otherwise disposed of by the United States." The court decreed that scrip be issued to the holders of the Spanish grant. The scrip was issued on November 20, 1883.⁴²

After the holders of the Spanish grant had been satisfied with the scrip that enabled them to locate their land in other public land areas, the General Land Office suspended all additional entries within the 20,000-acre tract. This was done so that title to the land within the tract could be clarified.⁴³

On May 25, 1886, the General Land Office made a report to the Department of the Interior relating to Senate bill 440, titled "Confirming title to certain lands in the State of Florida." The General Land Office proposed the confirmation of title to land in the 20,000-acre tract to those who had purchased land from the state or from the railroad companies, and to allow a preference right of purchase in all cases to those parties who had at any time been in possession, under color of title, of any part of the land embraced in the Arredondo grant. It was the position of the General Land Office that the state of Florida had never received title to the land selected as swamp lands and had no legal claims to receive title because the land previously had been granted under the Arredondo grant and did not pass under the Swamp Land Act of 1850. Similarly the General Land Office held that no lands within the private-grant reservation had passed to the state under the railroad grants.⁴⁴

On May 7, 1887, the General Land Office notified Florida officials that the Arredondo grant of 20,000 acres had "never inured to the state" and was restored to the public domain subject to entry under the homestead and preemption acts.⁴⁵ This would mean that all settlers in the 20,000-acre grant area who had acquired their land from the state or from the railroads could lose their land or be forced to re-acquire it from the federal

42. Senate Report 952, 54th Cong., 1st sess., ser. 3366, 1-2.

43. *Ibid.*, 4. By 1883, the majority of the scrip was held by out-of-state investors, especially James H. King of Rockford, Illinois, John Cline of Newport, Kentucky, and Franklin B. Grover of Rolling Prairie, Wisconsin. See listing in "Record of Entries Under and by Virtue of Arredondo 38,000 Acre Claim, and 20,000 Acre Claim," P. K. Yonge Library of Florida History, University of Florida, Gainesville.

44. "Annual Report (1886) of the Commissioner of the General Land Office," cited in Senate Report 942, 4-5.

45. *Ibid.*, 5.

government. Understandably, the settlers were upset, and Florida Senator Wilkerson Call became their champion. On December 10, 1891, Call wrote to the General Land Office in regard to the matter. "It is already covered with improvements made under purchase from the railroad companies and State authorities. Two railroads pass through the grant. Town Lake City, of 4,000 or 5,000 inhabitants, is located on it. To open this land to settlement under the land laws of the United States would be a great calamity to the people. The subject has been presented to former Congresses, if I am not mistaken, and by your predecessor. I will introduce my bill, formerly introduced, and will obtain its passage by this Congress. I beg, therefore, you will not allow these lands to be opened to settlement."⁴⁶

Call was re-elected to the United States Senate in 1892, and he sponsored several bills that failed, although similar measures were passed by the House. The Department of the Interior opposed the legislation, preferring that all land matters be left to the General Land Office for resolution. Finally, in the spring of 1896, both houses of Congress agreed to resolve the little Arredondo grant issue. The House version of the bill, H.R. 4255 ("to provide for settlement of title and disposition of public lands in the Arredondo Grant in Columbia County, Florida"), was introduced by Congressman Charles Cooper of Jacksonville, while the Senate version was shepherded through the upper house by Florida Senator Samuel Pasco. President Grover Cleveland signed the bill into law on May 25, 1896. It cleared title to all lands entered or purchased from the United States, the state of Florida, or the railroads, prior to April 10, 1882, the date of Judge Settle's ruling that decreed the issuance of scrip to the Spanish grant claimants. The bill also validated all transfers of school land, swamp land, and internal improvement land in the tract to the state. Any remaining federal land in the tract was subject to entry according to existing federal regulations.⁴⁷

Congressional action also allowed the official survey of the tract to proceed. In 1896, Charles F. Hopkins was contracted to

46. Ibid. Call, an ex-Whig, was emerging more and more as a champion of the yeoman farmer which gave him a platform in the political struggles of the 1880s and 1890s. See Edward C. Williamson, *Florida Politics in the Gilded Age, 1877-1893* (Gainesville, 1976), 130, 144-50, 173-78.

47. Senate Report 952, 1-2; Jacksonville *Florida Times-Union*, May 4, 9, 1896; *Congressional Record*, 54th Cong., 1st sess., vol. 28, 5753.

perform the task.⁴⁸ Unfortunately, illness prevented completion of the assignment, and it was not until 1897 that Elisha B. Camp replaced him. Camp completed his survey and sent in drawings and field notes in October 1897. His work was complicated and delayed by the downing of many of the marked trees by the "cyclone of 1896."⁴⁹ Camp's official survey was approved in 1900.⁵⁰

The little Arredondo grant issue was finally resolved. It was only one of Florida's 869 confirmed private land claims representing 2,711,290 acres of land, but it was one of the most complex. It is difficult to evaluate the overall impact of the little Arredondo grant issue upon the development of Columbia County. At the least, the uncertainty of land titles and unofficial surveys was a neutral factor. More likely, though, the development of Columbia County was retarded, and the settlers and claimants suffered from the anxieties and legal expenses of the many years of litigation.

Professor Gates notes that some scholars contend if the federal government had analyzed private claims more critically, many of the Spanish claims would have been rejected. Others, he writes, hold that the United States should have purchased, possibly by condemnation, the very large grants, and thereby avoided much of the long and costly litigation endured by the federal government and the claimants. He holds that Anglo-Saxon legal tradition with its emphasis upon the supremacy of property rights prevented any such action. "All claimants, large and small, were given every opportunity to prove their rights to land."⁵¹ In the case of the little Arredondo grant, Gate's assertion is notably correct.

48. File of Charles Hopkins in drawer labeled "U.S. Surveyors: H-N," DNR.

49. "Miscellaneous Letters to Surveyor General," vol. 21, 176-77, DNR.

50. "Official U.S. Plat Map," DNR.

51. Gates, *History of Public Land Law Development*, 119. Gates notes that a final accounting of the acreage of confirmed private land claims lists 34,000,000 acres to have been confirmed in nineteen states.