

## CHAPTER III

## SPANISH LAND GRANTS

In the 198 years that Spain governed Florida prior to the English occupation she made no attempt whatever to induce settlement from the outside; but following its re-possession in 1783, the Spaniards inaugurated an entirely different policy in this particular. Under Royal Decree of 1790, it became only necessary for the applicant to set forth his desires in a memorial to the governor asking for lands to the amount permitted according to the number of his family and his slaves, the location desired being named in the memorial. The usual reply of the governor to these applications was: "Let the lands asked for be granted without injury to a third person."<sup>a</sup> It was done in one of two ways: By Grant, which gave title of absolute property to the petitioner; or by Concession, the terms of which included a provision of some sort, such as requiring the land to be kept under cultivation usually for a period of time designated by Spanish law.

The treaty for the transfer of Florida by Spain to the United States was ratified in February, 1819, and the actual change of flags took place in July, 1821; grants of land made during this interval under the Donation Acts of the U. S. Congress were designated Donations.

\*The acquisition of Florida by the United States was not through direct purchase from Spain. The treaty was drawn around a claim clause of the United States and its citizens against the Spanish government for alleged damages for various reasons. The United States agreed to cancel its claims and assume the payment of those of its citizens to not exceeding \$5,000,000, in consideration of which Spain ceded Florida. The interest accumulating upon these claims eventually amounted to \$1,489,768. Therefore Florida cost the United States \$6,489,768, but Spain did not get a dollar of it.

After the formal transfer of Florida in 1821, Congress passed what were known as the "Land-Grant Acts", providing for the appointment of commissioners to investigate and confirm legitimate claims for title under Spanish grants and concessions. These commissioners were usually called the land-grant commissioners and will be referred to by that