

Personal Empires: Mapping, Local Networks, and the Control of Land in the Lower Mississippi Valley

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ABSTRACT: The Louisiana and Florida territories sat at the intersection of empires in the late eighteenth century. Between 1750 and 1820 the area was controlled by the French and Spanish empires, the emerging United States of America, as well as the Choctaw, Creek, and Seminole nations. While political surveys produced images of the moving borders between sovereign powers, cadastral surveys show the constancy of local landowners. Landowners superseded national distinction and were a constant in an area in the midst of great change. As control of the region shifted, landowning families continued their way of life. The continued circulation of Spanish cadastral surveys after the transfer of the region to the United States of America shows how Spanish spatial representations of property ownership shaped the image of the Lower Mississippi Valley.

KEYWORDS: Cadastral Survey; Land Grant; Spanish West Florida; Louisiana Purchase.

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RESUMEN: *Imperios personales: mapeo, redes locales y control de tierras en el valle del bajo Misisipi.*— A finales del siglo XVIII, los territorios de Luisiana y Florida se situaban en la intersección entre imperios. Entre 1750 y 1820, el área estuvo bajo el dominio de los Borbones franceses y españoles, los nuevos Estados Unidos y las naciones indígenas Choctaw, Creek y Seminole. Mientras que los reconocimientos territoriales con carácter político produjeron imágenes con el desplazamiento de las fronteras imperiales, los catastros mostraron la permanencia de los propietarios locales. Las particiones entre estos propietarios locales se solaparon con las fronteras nacionales y se mantuvieron constantes en un área de grandes cambios. Aunque diplomacia alteró los poderes nacionales sobre la región, las familias y propietarios sobre el terreno mantuvieron su forma de vida. La circulación y uso continuados de catastros hispanos, con concesiones de tierras coloniales, después de transferir de la región a los Estados Unidos, muestra cómo las representaciones espaciales de los terratenientes siguieron dibujando la imagen del valle del bajo Misisipi.

PALABRAS CLAVE: Catastro; Concesiones de tierras; Florida Occidental Hispana; Compra de Luisiana.

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INTRODUCTION

In November of 1789, Charles Trudeau, the Surveyor General of Louisiana, set out to map a vacant plot of land along the Mississippi River just north of the Fort of Baton Rouge.¹ Estevan Miró, the Governor of Louisiana, had granted the land to Joseph Maria de la Barba for its occupation, maintenance, and cultivation. Barba amassed a considerable amount of land near Baton Rouge over the course of a decade, connecting a patchwork quilt of plots. He bought and sold property from American, British, Spanish, and French nationals—his neighbors in Spanish West Florida and the Lower Mississippi Valley. In 1829, however, Barba's original ownership of some of this land came into dispute. An American farmer claimed that a plot of Barba's land was abandoned since no American cadaster included the land. By then, however, Barba had sold the land to two other American farmers. The Americans took their conflicting claims of ownership to the United States Supreme Court.² At the heart of the case was the question of whether landowners could negotiate the transfer of land apart from the governmental diplomacy. A second question was whether Spanish land grants and their accompanying cadastral mappings were evidence of ownership in an American court. Was Barba's land abandoned?

The Lower Mississippi Valley has been the subject of knowledge creation and (re)creation by European and American actors since the early sixteenth century. As Cameron Strang has shown, the region fostered dynamic encounters between a diverse set of actors that were critical to the construction of new natural knowledge (2018). European images of the Gulf region territories stretching from the Florida panhandle to the Mississippi and Sabine Rivers have created, divided, possessed, and transferred space between the Spanish, French, and British empires (Sánchez-Fabrés Mirat, 1977; Weber, 1992, pp. 265-270; Mapp, 2011, pp. 417-422). The region also contributed to the cartographic imagination of the United States of America. Leading up to and following its independence citizens imagined their nation stretching from Canada to the Gulf, as it was represented in popular cartography (Brückner, 2006, pp. 90, 116). During the early republic, politicians also attempted to have agents infiltrate and covertly map the Gulf region for future settlement (McMichael, 2008, pp. 54-76; Stagg, 2009, pp. 13-51). Toponyms assigned to prominent features of the landscape also bear witness to the continual presence and territorial claims of indigenous actors. American Indians of the Lower Mississippi Valley were physically displaced by successive colonial enterprises and adapted to new economic systems, including by becoming slaveholding planters (Usner, 2003, pp. 95-110). Throughout this period, settlers, cartographers, and emigres moved between these imperial divisions and their personal aspirations often transcended imperial restrictions. Actors settled, bought, and transferred land in ways that enriched themselves personally, leaving it to courts and government ministers to adjudicate the resulting sovereignty disputes. These land transfers are documented in cadasters—mappings of property ownership, bound-

aries, and, often, as assessment of its value. As European settlers moved into the region and partitioned it between empires, dividing it into smaller administrative districts, the continuity of the larger Gulf region remained underneath these superficial political geographies. And yet, the space imagined in these imperial images and transferred between these imperial powers always existed simultaneously and continuously as personal space.

This article traces the circulation of Spanish cadastral maps within the Lower Mississippi Valley before and after the transfer of the territory to the United States of America. The actors described here were both Spanish subjects and American settlers, who often had no difficulty seeing themselves as both simultaneously. By placing their personal ambitions above the political process of land transfer, these actors saw the Gulf region as an uninterrupted landscape unmarked by the superficial imperial divisions. Through their acquisition of properties in the Lower Mississippi Valley, these actors also employed subjective definitions of land ownership, property division, and homesteading in the lower Gulf region. The Lower Mississippi existed in two opposing cartographic understandings in early nineteenth century America. As the legal dispute involving Barba's land demonstrates, the United State Supreme Court ruled that local land politics were superseded by international treaties between sovereign nations. However, local landowners and national figures, including Andrew Jackson, continued to value Spanish cadastral surveys that predated the transfer of the region to the United States. It was the Spanish vision of the Lower Mississippi, then, that shaped the American imagination of the region, and Spanish estates that served as the model for homesteading.

PERSONAL EMPIRES IN THE LOWER MISSISSIPPI VALLEY

Frontage on the Mississippi River north of Baton Rouge was the site of rapid development of new estates during the final decades of Spanish possession of Louisiana. With encroachment from Anglo settlers in the Mississippi and Kentucky territories, Spanish officials feared that Spanish sovereignty in the Lower Mississippi Valley along the boundaries of Louisiana and Spanish West Florida would be challenged. This area (Fig. 1) was located between the Mississippi River to the west and the Apalachicola River to the east, with an ambiguous and porous northern border coinciding with the 31st degree of latitude.³ In the early eighteenth century, an official census of French Louisiana counted only two thousand French subjects, a few hundred German farmers, 1,400 enslaved people of African descent, and 150 indentured American Indians in the Lower Mississippi Valley (Usner, 1996, pp. 48-49, table 2). Further, this population was densely concentrated near the Gulf Coast at the settlements located between Pensacola and New Orleans (Usner, 1996, p. 50). The interior of the Lower Mississippi Valley remained open for the establishment of new properties. The second half of the eighteenth century saw massive migrations

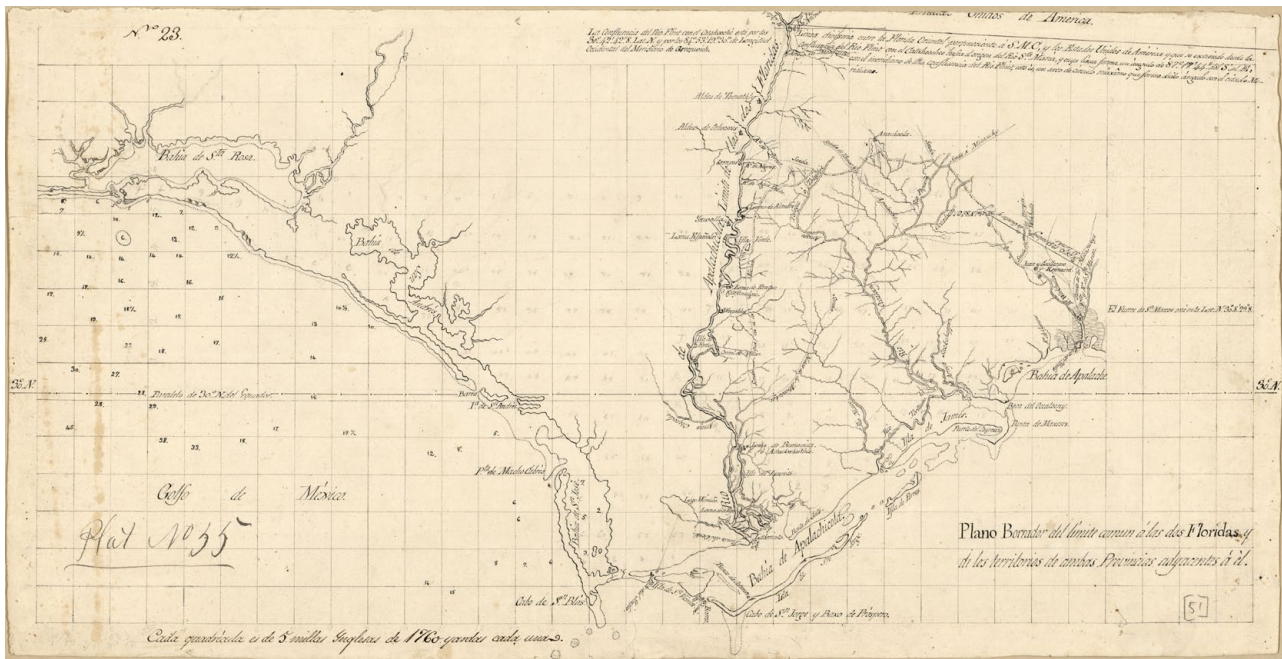


FIGURE 1. *Plano borrador del límite común á las dos Floridas y de los territorios de ambas provincias adyacentes á el, c. 1815.* Image courtesy of Library of Congress, Geography and Map Division.

to the region, including French relocation of Acadian farmers and Spanish relocation of “Isleño” farmers and fishermen (Weber, 1992, pp. 202-203; Usner, 1996, pp. 108-115, 114-115, table 3). The Canary Island settlers, in particular, settled deep in the Lower Mississippi Valley more than seventy miles upriver from New Orleans and farther west along the Gulf Coast.

As Spanish ministers engineered plans to populate the Lower Mississippi Valley, they also sought to map the area as evidence of sovereignty, to control navigation of the Mississippi River, and to direct future areas of settlement (Sánchez-Fabrés Mirat, 1977, pp. 53-54). The Atlantic policies of the Bourbon Reforms had been directed at protecting Spanish colonial possessions and preventing foreigners from settling along the frontiers. Military officials had been focused on restricting French access to Texas, but following Spain’s acquisition of Louisiana their focus shifted to preventing British expansion across the Mississippi River (Kuethe and Andrien, 2014, pp. 280-281).⁴ Spanish ministers organized expeditions to survey the Gulf region, producing an impressive cartographic archive of what would become the Spanish-American borderlands of the early nineteenth century (Weber, 1992, pp. 294-295). Political cartography of the Lower Mississippi Valley was supplemented by practical mappings, namely cadastral surveys. Land surveys in Spanish Louisiana and Spanish West Florida created claims of land ownership that tied individual Spanish settlers to the landscape.⁵ Land that remained unclaimed in the region remained the possession of the Spanish Crown, by law.

Starting in 1770, Governor Alejandro O’Reilly granted each family settling Spanish Louisiana six to eight arpents of river frontage, for which they were required to establish a road alongside the levee and to clear and en-

close the adjacent land.⁶ Additionally, settlers could only sell their land grant after three years of possession and only with permission from the governor, or risk forfeiting their claim of ownership. The regulation remained in force late into the Spanish colonial period. In 1797, for example, a farmer from Barataria, Josef Andoeza, petitioned the Baron de Carondelet, then Governor of Louisiana, to grant him a new plot of land since he had been forced to abandon his estate due to severe flooding.⁷ Carondelet ordered the royal surveyor to locate and map a suitable plot for Andoeza to be granted to him with “the usual stipulations” that he clear a road and hold the land for three years.⁸ Thus, private land sales that were approved by the Spanish governor and land grants from the governor were the exclusive means of legally obtaining prime real estate. Settlers in the region came to acquire property under the terms of the Spanish land grant policy. With an oath of fidelity to the Spanish Crown, settlers would gain prime river frontage for the cultivation of reliable cash crops such as upland cotton, indigo, and timber.

While the land grant policy had been designed to prevent encroachment, it had the unintended consequence of creating a robust cartographic and demographic archive of the region. These land grants were catalogued by the Surveyor Generals, Charles Laveau Trudeau⁹ and Vicente Sebastián Pintado.¹⁰ Their maps of the Feliciana district—just upriver from Baton Rouge—demonstrate the effectiveness of the Spanish land grant policy in an area that had not seen widespread development during the British or French colonial periods. Spanish cadasters of the Feliciana district allow one to view the settlement of a region in real time, watching as plots become joined and separated with each trip through the region by Trudeau and Pintado. Single land grants are divided within family

units and common boundaries are clarified when natural boundaries, such as Cypress groves, are removed.

These cadasters also force us to question our pre-conceptions about the residents of Spanish Louisiana and Spanish West Florida. Land grants in the Lower Mississippi Valley were not exclusive to Spanish settlers, but rather reflected the racial, religious, and linguistic diversity of the intersecting colonial spaces.¹¹ In 1797, Richard Tickell wrote to Manuel Gayoso de Lemos, the governor of Louisiana, to request river frontage north of Baton Rouge.¹² Tickell reported to the governor that he had a large family, “considerable property” in the form of enslaved people, and was fleeing the United States. Tickell was likely a loyalist seeking protection from the Spanish monarchy against the resentment of his anti-monarchist neighbors. A few years earlier, David Fitzgerald, an Irishman, had also received a land grant along the Mississippi River. He established himself in New Orleans in 1791 and shortly thereafter the conde de Campomanes wrote to Francisco Bouligny, the lieutenant governor of Louisiana, asserting that Fitzgerald would aid in the growth of the colonial economy and become a useful vassal of the King.¹³

Spanish surveyors also worked to standardize land deeds that dated to the French period, ensuring uniformity in the cartographic record of property ownership and preventing overlapping claims of ownership. Charles Trudeau traveled twenty miles upriver from New Orleans in 1799 to survey two adjoining plots that Pedro Daspit St. Amant was purchasing from Antonio Duvernais and Louis Lambert in Saint Charles Parish.¹⁴ This plot was located along the German Coast that had been established under the French colonial authority in the 1720s, but which had failed to grow to a dense settlement (Usner, 1996, pp. 31-34). While Duvernais and Lambert did not hold original deeds to their plots from the French colonial government, they certified their ownership of their farms and walked the stone boundaries with Trudeau. Trudeau’s survey described the individual plots and the new boundaries of the single plantation that St. Amant was creating, producing a detailed record of the land possession and its continual occupation. Trudeau also took care to outline the adjoining plots of land that were open for future land grants, ensuring that the area would continue to be populated.

All these settlers to the Spanish territories would be joined by Catholics, free people of color, and indigenous actors in appealing to the Spanish Crown for land to occupy on the periphery of American expansionism and Spanish colonialism (Weber, 1992, pp. 326-333; Strang, 2018). For example, among Trudeau’s papers is a receipt for a land deal between Gabriel Martin and Jean Baptiste Bauvay in 1798.¹⁵ Martin received 200 piastres for a plantation he sold to Bauvay in the Bayou Rapides area along the Red River, northwest of Baton Rouge. The receipt states that the plantation is bordered by land belonging to the late Mathieu Nugent and the property of Jacques Minar, a free black.¹⁶ In this way, cadastral mappings were as much about individual identity construction as the construction of national boundaries. The Spanish colonial government granted land freely because it demonstrated

Spanish sovereignty over the Lower Mississippi Valley as a buffer against encroachment by American settlers above the 31st parallel. For free people of color, indigenous actors, and other marginalized groups, however, cadastral mappings legitimated their tenurial claims thereby offering social status and economic mobility.

The Devil’s Cypress [*Cipriera del Diablo*] is an inauspicious tract of land. With a modest amount of frontage on the Mississippi River, the land had been abandoned for some years when, in 1785, the Smith brothers of Baton Rouge petitioned Estevan Miró, Governor of Spanish Louisiana, to grant them its title.¹⁷ The brothers—Santiago and Benjamin Smith—wished to “establish a plantation [...], to introduce slaves on the land, and to cultivate it.” Miro dispatched Charles Trudeau to measure the plot in preparation for a formal concession. And so, the Spanish governor of Louisiana sent a surveyor of French-Canadian descent to measure land to be granted to two brothers of uncertain nationality.

The acquisition of land near the Devil’s Cypress by the Smith brothers is representative of the land granting process and its archival tracks. In September of 1785, Benjamin and James Smith petitioned Estevan Miró for a land grant along the Mississippi.¹⁸ The brothers reported themselves to be residents of Baton Rouge who wished to establish a plantation north of the fort. They further identified an abandoned plot of land that had belonged to a Felipe Comins, noting that the plot ought to be considered Royal Land under the land concession policy in the province.¹⁹ In response, Governor Miró dispatched Charles Trudeau to survey the abandoned plot so that a legal grant could be made. While petitioners would occasionally submit their own charts of land they wished to be granted, the size of the plot requested by the Smith brothers demanded that Trudeau be sent to survey the surrounding area personally. Trudeau submitted his plat survey certificate to Governor Miró on October 20th, measuring the plot of land at 2,100 square arpents with 27 arpents of river frontage.²⁰ Trudeau also noted that the land was bordered by land petitioned for by Francisco Pussent and a plot abandoned by Lewis Chutbert (Fig. 2). Miró issued the land grant to the Smith brothers shortly thereafter.²¹ Just over a year later, James Smith and his wife, Ann, sold part of the plot to a New Orleans merchant, David Ross.²²

While settlers like the Smiths saw the land granting process as a means to acquire land, participate in the slave trade, and achieve economic stability, others, like David Ross, appear to have purchased plots as an investment. A new survey was conducted by Trudeau as part of the sale and his map reveals that Ross had acquired the plot that had been abandoned by Lewis Chutbert. Ross continued to grow his landholdings north of Baton Rouge, purchasing another portion of James and Ann Smith’s land in 1798.²³ There is circumstantial evidence to connect David Ross to the British slave trade, which would explain his interest in acquiring property in the Lower Mississippi Valley (Hall, 1992, pp. 280). The archival record is not explicit regarding the nationality of the Smith brothers, David Ross, or Francisco Pussent. In order to officially possess land along the Mississippi

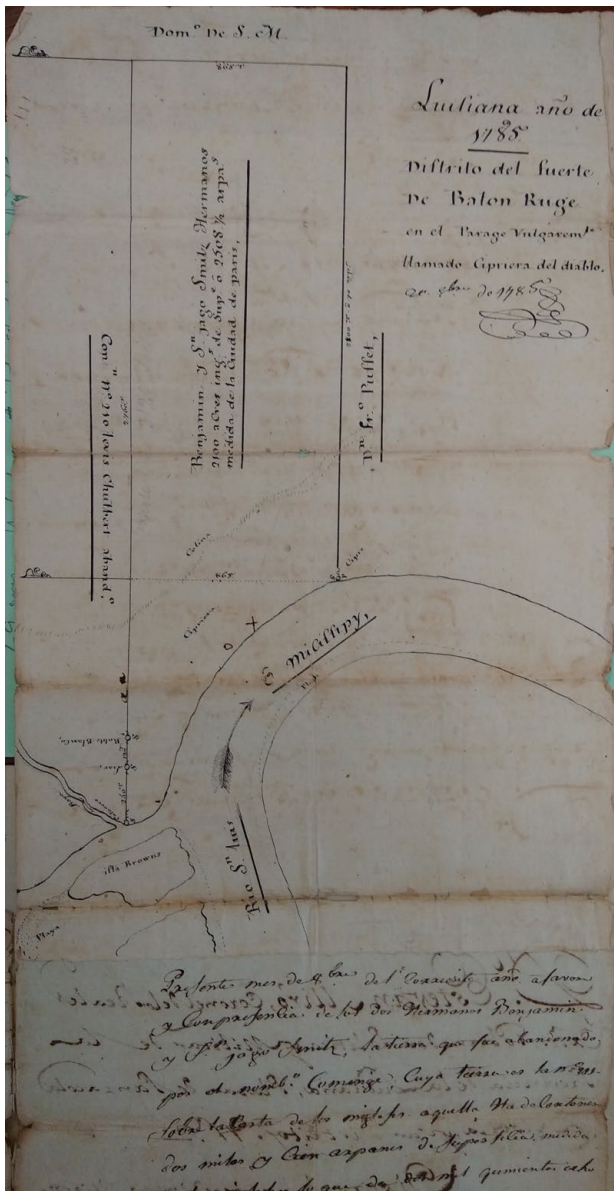


FIGURE 2. Plat and surveyor's certificate for land sought by Benjamin and Santiago Smith, Baton Rouge post, 1785 October 20. Image Courtesy of Rosemonde E. and Emile Kuntz Collection, LaRC-600, Tulane University Special Collections.

north of Baton Rouge, however, all must have made at least nominal oaths of fidelity to the Spanish Crown. Still, this process fulfilled the purpose of the land grants as imagined by Spanish officials. By producing a lengthy record of land ownership and tenure, Spanish sovereignty in the region was well documented against claims of abandonment by Anglos—first, the British colonial government and, later, the United States—and their westward designs.

THE LEGAL STATUS OF LAND GRANTS

Returning to Joseph Maria de la Barba and the opening anecdote regarding his land acquisitions allows us to

consider the legal status of Spanish land grants within the United States. The United States Supreme Court tested the legal force of these cadastral documents as part of a lawsuit between American settlers in 1829. At issue were twin concerns: what legal force did the federal government understand Spanish colonial documents to possess, and how were colonial land grants circulating both locally and at the federal level? The case, *Foster and Elam vs Nielson*, concerned ownership of a plot in the Lower Mississippi Valley.²⁴ Before arriving at the American parties, this plot had passed through the considerable holdings of Joseph Maria de la Barba.

The archive contains many traces of Barba's land deals between 1790 and 1805, including some surveys such as those conducted by Trudeau. Barba sold and subdivided his land frequently, however, leading to confusion over which land was retained and which was sold. Governor Esteban Miró had granted Barba, a military officer, the formal title (Fig. 3) to a plot of 1,015 square arpents of land located along the Mississippi River north of Baton Rouge in November of 1789.²⁵ Barba later sold a plot of land in 1803 to two businessmen from Baton Rouge, which the archival record suggests may have been the same land grant.²⁶ In 1804, Jayme Joydra [*sic*] purchased forty thousand arpents of land in the Feliciana district from Juan Ventura Morales, acting on behalf of the Spanish colonial government.²⁷ A year later she sold 6,000 arpents to Joseph Maria de la Barba, who also sold a plot of 3,000 arpents on the very same day to Françoise Pointet. Though lawyers argued that the plots were one and the same in 1829, there was no document present to support that supposition.

This inauspicious plot of land achieved national attention when, in 1811, Pointet attempted to sell her 3,000 arpents to James Foster and Pleasants Elam, but they soon found that David Nielson had already established a farm on the property and categorically refused to relinquish it. Instead, Nielson challenged the legality of the land sale by claiming the property had been abandoned. The court held that the central question of the case was not whether land in the Feliciana district had been legally sold, but if it had ever been legally possessed. The Supreme Court ruled that Pointet's purchase was illegal under the terms of the Louisiana Purchase, Nielson won the right to homestead the land.

In order to understand the reasons why this land sale became so complicated, it is helpful to reflect on the political history of the region. The Feliciana district had been transferred between sovereign powers repeatedly during the latter part of the eighteenth century as a portion of the larger Louisiana territory. France and Spain granted Great Britain formal claims in the region as territorial concessions following the Seven Years War (1754-1763). These concessions were reversed after Spain joined the American Revolution. After Spain entered the conflict against the British colonial forces, Bernardo de Gálvez (1746-1786), the Spanish Governor of Louisiana, launched military campaigns to regain the territory surrounding Baton Rouge, Natchez, Mobile, and Pensacola. When the United States



FIGURE 3. Plat and surveyor's certificate for land in possession of Joseph Maria de la Barba, Baton Rouge District, 1789 November 16. Image Courtesy of Rosemonde E. and Emile Kuntz Collection, LaRC-600, Tulane University Special Collections.

of America purchased the Louisiana Territory from Napoleon in 1803, ownership of Feliciana became contested due to the ambiguous definition of the eastern boundary of Louisiana. President Thomas Jefferson viewed these portions of West Florida as included in the Louisiana Territory purchased from Napoleon in 1803, but Spain insisted the region had not been included as part of Louisiana.²⁸ American settlers rejected these claims and denied the legitimacy of Spanish West Florida. In 1810 American settlers rebelled and established an independent state in the region, the Republic of West Florida, in order to petition the United States to annex their small republic. Spanish officials in the area north of Lake Pontchartrain and west of the Amite River documented their tightening boundaries after 1810, but officials refused to cede Spanish West Florida and did not recognize the United States' claims to the territory until 1819 with the negotiation of the Adams-Onís Treaty.

Given the ambiguity between France and Spain over the eastern boundary of the Louisiana territory, the Supreme Court ruled in 1829 that property between Iberville and Perdido had been included in France's land sale. The Court ultimately held that Foster and Elam had purchased land that did not belong to its seller, giving David Nielson

the right to homestead the land. In addition to settling this specific dispute, the Supreme Court's ruling had declared all Spanish land grants issued after 1804 "null and void."²⁹ Importantly, the court held that:

A treaty is in the nature of a contract between two nations, not a legislative act. It does not generally effect, of itself, the object to be accomplished, especially so far as its operation is infra-territorial, but is carried into execution by the sovereign power of the respective parties to the instrument.³⁰

The justices declared that land ownership could not be decided between individual property owners, only by acts of nation-states. Despite this conclusive pronouncement from the Supreme Court, property ownership continued to function locally in the Lower Mississippi Valley. In 1841, for example, Barba's original land grants were translated to English by David Bradford.³¹ The continued interest in these land grants speaks their lasting importance locally. As plots of land were sold, Trudeau and Pintado's cadasters remained the documents of record. The plantation owners, small farmers, and settlers of the Lower Mississippi Valley relied on Spanish land grant documents to legitimate their land sales and validate their property boundaries. The small, personal empires between Iberville and Perdido that developed between 1770 and 1810 were legitimated across colonial regimes and American expansionism by the mappings of Spanish surveyors, not political treaties between sovereign powers.

THE CADASTER AND THE NATION

Local property owners were joined by the federal government in their continued interest in Spanish cadastral documents, despite the decision of the United States Supreme Court. After the Adams-Onís Treaty in 1819, the United States federal government and its boundary commission agents had repeatedly sought control of the cadasters produced by Trudeau and Pintado.³² Andrew Jackson, the new Governor of Florida, expressed his concerns over the legal ambiguity of land ownership in the Florida Territory in a letter to John Quincy Adams. He pleaded that:

The lands and land titles of the Florida require the most serious attention of Congress. [...] Whilst the honest grantee may be protected in his rights, the greatest pains should be taken to exclude the numerous fraudulent and antedated claims, founded on no possession, at the time of issuing the grant or concession, and without any original record or survey in West Florida that has yet been discovered.³³

American settlers' claims were complicated not only by the diffusion of Spanish cadastral documents across the region, but also by the overlapping authority of Trudeau and Pintado. While American authorities possessed some Spanish cadasters, others were missing and new documents continued to appear. Jackson blamed Spanish officials and not the recent history of ambiguous boundaries and overlying bureaucracies for complicating

the process: “For some years past, from all I can learn this has been a trading business with the Officers of the Spanish Government.”³⁴

Further, the challenges of determining legal ownership of local properties extended beyond bureaucratic inconvenience to jeopardize the land rights and livelihoods of American settlers in the new Florida Territory. Substantiating land grants often carried the implication of either approving fraudulent claims or disenfranchising rightful owners. One member of the United States boundary commission, Jeremy Robinson, described in his journal how access to all of the Spanish colonial documents—such as the Trudeau and Pintado cadastral papers—would allow the commission to complete its work resolving land disputes.

In the Spanish, English and French languages these archives [of the Floridas and Louisiana] contain various useful and valuable illustrations of sovereign, territorial, judicial, public and private rights relative to those former Spanish dominions as regards limits or boundaries, property and sovereignty, Indian rights on principles of intercourse, trade and commercial privileges, —resulting from which claims have been advanced to vast quantities of landed property or other real estate.³⁵

The extent and detailed nature of the Spanish land grants made them appealing remedies to local disputes. Only the archive of Charles Trudeau was available to boundary commissioners, however. Following the Louisiana Purchase, Trudeau had chosen to remain in New Orleans and had become a citizen of the United States. He also agreed to maintain his archive in the United States to settle land disputes. However, Pintado remained a servant of the Spanish Crown and left the Louisiana Territory first for West Florida, then for Havana. In dividing their archive of land grants, Trudeau retained documents related to Louisiana, while Pintado took documents that detailed properties in Spanish West Florida (Haas, 1986, pp. 10-12). The distinction between the territories was, of course, vague and Pintado brought vital land grants for vast properties across the Lower Mississippi with him to Cuba. Writing to John Quincy Adams, the Secretary of State, in 1821, James Forbes complained that:

I had heard that Captain Pintado the Surveyor of West Florida was in possession of several plans relating to that province and called upon him to ascertain their importance, but after several interviews, in which more art and mystery than Candor were exhibited on his part, I found that he considered the papers as his private property, and told the Governor so, and that if I wanted them for our Government, they must be paid for, at a price which he would not name [and] which were not in my opinion worth paying for as he observed that a Surveyor in New Orleans has made \$20,000 for those of Louisiana.³⁶

Despite Pintado’s claims that the documents were his “private property,” James Forbes warned John Quincy Adams that Pintado was charging American settlers for “public services” by issuing land grants. The concern

over spurious land grants increased the following year when two of the United States’ boundary commissioners claimed that “individual claimants [were] subjected to the payment of enormous sums” to Pintado.³⁷ “We have no doubt,” they stated, “that [Pintado] carried off those papers for the purposes of extortion and imposition.”

As part of its ruling in 1829, the Supreme Court noted that all Spanish land deeds had been examined by a boundary commission and legalized by an act of Congress in 1819.³⁸ However, it is clear that not all of the Spanish deeds had been available in 1819. While the court examined a series of Spanish cadastral maps produced by Charles Trudeau as part of their ruling, they had not been able to consult the maps of Vicente Pintado.

CONCLUSION

As large tracts of land were transferred, sold, or taken during the process of imperial transfer in the Lower Mississippi Valley, the cadastral maps produced by Spanish colonial officials became important legal claims in local disputes over land ownership. Even after the United States produced new mappings of their territory along the Gulf, it was Spanish maps that circulated as the true images of local property lines. Spanish cadastral maps were sought by American property owners, local bureaucrats, and the Supreme Court of the United States of America.

Historians have focused at length on state sponsored cartography and commercially available maps and their role in shaping the image of nation-states (Kain and Baigent, 1992; Pickles, 2004; Black, 2009; Maier, 2016). Jordan Branch (2015) suggests that a new type of state emerged from this cartographic influence, while Lauren Benton (2011) has demonstrated how geographic evidence of sovereignty shaped legal cultures. Empires produced maps as symbols and tools of their political and cultural power (Akerman, 2009), while former colonies utilized maps to assert their independence and transform their decolonized space into sovereign nations (Akerman, 2017). Historians have also noted that cartography not only clarified political boundaries, but also that the act of surveying constructed national culture (Konvitz, 1987; Edney, 1999). Scholars have employed these methods to studying both the dissolution of the Spanish-Atlantic system and rise of independent republics in Latin America (Dym, 2017; Craib, 2004) and the early republican period (Brückner, 2006; Withers, 2017, pp. 75-100). However, to understand popular conceptions of the nation-state, we must also contemplate the work done by cadastral maps and other local cartographic products. Land deeds and other informal cartographic products were the most commonly engaged maps during the period of transformation in the Gulf region. In the Lower Mississippi Valley, local cadastral maps ensured that Spanish imaginations of the Spanish-American borderlands were irrevocably tied to the construction of the cartographic image of the new United States.

Scholars have focused on cadastral maps as tools of the state control, economic policy, and resource management (Kain and Baigent, 1992). This perspective is ech-

oed here by the interest of both the United States Supreme Court and agents of the United States boundary commission into acquiring and reviewing Spanish cadastral maps of the Lower Mississippi Valley. This article has presented another important aspect of cadastral mappings, namely their ability to serve as archives of the complex social world of contested spaces.³⁹ By reading these documents against their intended use, historians may uncover stories of resistance, perseverance, ingenuity, and migration.

Commercially available maps and governmental cartography were not the exclusive means of imagining sovereignty. As imperial regimes waxed and waned in contested spaces, personal means of occupying and working land remained constant across the period of political change. Landowners, both large and small, cultivated their personal agricultural spaces, with some amassing considerable estates. The manner in which these property owners understood boundaries, sovereignty, and cadastral maps as evidence of possession is just as important as the impact of their commercial or governmental counterparts.

The Louisiana and Florida territories sat at the intersection of nations in the late eighteenth century. Between 1750 and 1820 the Lower Mississippi Valley was controlled by the French and Spanish empires, the emerging United States of America, as well as the Choctaw, Creek, and Seminole nations. Landowners superseded national distinction and were a constancy in an area in the midst of great change. As control of the region shifted, land-owning families continued their way of life. Spanish cartography of the region both supported claims of imperial sovereignty and endured after the transfer of political control. The circulation of local maps, especially cadasters, as evidence of land ownership and continual occupation ensured that Spanish ideas about the Lower Mississippi Valley shaped the United States' understanding of its new citizens and the space they inhabited.

NOTES

- 1 "Plat and surveyor's certificate for land in possession of Joseph Maria de la Barba, Baton Rouge District, 1789 November 16," Rosemonde E. and Emile Kuntz collection, Manuscripts Collection 600, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA 70118 [Kuntz collection], Box 4, Folder 30; "Land grant by Governor Estevan Miró of Louisiana, New Orleans, to Joseph de la Barba, Baton Rouge District, 1789 November 20," Kuntz collection, Box 4, Folder 32.
- 2 Foster & Elam v. Neilson, 27 U.S. 253 (1829). The United States Supreme Court heard the dispute during their 1828 to 1829 term.
- 3 This line roughly conforms to the modern boundaries between Louisiana and Mississippi, Florida and Alabama. For visual representations of this region, see Vicente Sebastián Pintado, *Plano borrador del límite común á las dos Floridas y de los territorios de ambas provincias adyacentes á el*. [1 ms. map; 27 x 56 cm.] c.1815. Library of Congress (LOC) G3932.F555 1815 P5 [https://www.loc.gov/item/2013585061/]; Vicente Sebastián Pintado, *Plano borrador de la parte de la Florida Occidental contenida entre el Rio Mississippi y Bahía de la Mobila inclusives*. [1 ms. map; 32 x 82 cm.] 1820. LOC G4012.C6 1820 P5 [https://www.loc.gov/item/2013585043/]
- 4 While Spanish Louisiana was already populated by some French and Anglo-American settlers who were allowed to remain after 1762, officials did not extend similar rights of settlement to these groups along the northern frontier in Texas. Spanish authorities briefly sanctioned legal Anglo settlement in Texas after 1788, but quickly rescinded the policy. However, unlike in the Lower Mississippi Valley, foreign settlers west of the Sabine River had largely been squatters and not the recipients of land grants from Spanish authorities. For the culture of settlement along the northern frontier, see Weber (1982, pp. 158-178). For more on the influence of Spanish imperial cartography on the national image of Mexico, see Raymond Craib (2004, pp. 22-23).
- 5 For discussion of the establishment of boundaries between Spanish West Florida, Spanish Louisiana, and Anglo settlers, see McMichael (2008, pp. 10-34) and Sánchez-Fabrés Mirat (1977).
- 6 Schmidt, Gustavus, trans., 1928. O'Reilly's Ordinance of 1770: Concerning Grants of Land in Louisiana to New Settlers, Fencing of Same, Building of Roads and Levees, and Forfeiture of Strayed Cattle. *Louisiana Historical Quarterly*. 11, pp. 237-239.
- 7 "Petition submitted by Josef Andoeza, New Orleans, to the Baron de Carondelet, 1797 June 7," Kuntz collection, Box 5, Folder 43.
- 8 "Order issued by the Baron de Carondelet, New Orleans, regarding the petition of Josef Andoeza, 1797 June 8," Kuntz collection, Box 5, Folder 44.
- 9 Trudeau adopted the name Carlos under the Spanish regime in Louisiana. He was born in New Orleans to French-Canadian parents in 1750. He served as Surveyor General in Spanish Louisiana from the mid-1780s until 1805, when he elected to remain in the city and swore an allegiance to the United States. He served as city recorder, on the city council, and briefly as interim mayor of New Orleans. He also designed Lafayette Square in New Orleans. For more on his life, see *Dictionary of Louisiana Biography* (2017) [Online].
- 10 Born in Santa Cruz de la Palma, on the Canary Islands, in 1774, Vicente Sebastián Pintado quickly crossed the Spanish Atlantic and, by the late 1790s, had settled in Louisiana. At first, Pintado served as a military officer commanding sloop sailing Louisiana's interior lakes. Beginning in 1796, however, Pintado became an assistant surveyor for the Province of Louisiana under the French born, Charles Trudeau. Thereafter, from 1798 to 1805, Pintado continued to integrate himself into the province's military, political, and landowning social classes, serving as part of the cavalry in Nueva Feliciana, buying land in Baton Rouge, and then serving as an *Acalde* in Nueva Feliciana. For more on his life, see Hébert (1987).
- 11 For a reflection on the diverse nature of residents and the critical difference between frontiers and borderlands, see Adelman and Aron (1999).
- 12 "Petition submitted by Richard Tickell, [New Orleans?], to Governor Manuel Gayoso de Lemos of Louisiana, circa 1797 September," Kuntz collection, Box 5, Folder 51; "Order issued by Governor Manuel Gayoso de Lemos, New Orleans, regarding the petition of Richard Tickell, 1797 September 23," Kuntz collection, Box 5, Folder 52.
- 13 "Personal letter from El Conde de Campomanes, Aranjuez, to Francisco Bouligny, [New Orleans], 1792 April 23," Kuntz collection, Box 4, Folder 38; Archivo General de Indias, Santo Domingo 2559, f. 3, no. 21.
- 14 "Plat and surveyor's certificate for land purchased by Pedro Daspit St. Amant, Saint Charles Parish, 1799 October 28," Kuntz collection, Box 5, Folder 79.
- 15 "Receipt issued by Gabriel Martin, at Rapide, to Jean Baptiste Bauvay, 1798 November 26," Kuntz collection, Box 5, Folder 59.
- 16 We cannot be sure under which racial politics Jacques Minar is being coded as a free black.
- 17 "Petition of Benjamin Smith and Santiago [James] Smith, Baton Rouge post, to Governor Estevan Miró of Louisiana; survey order issued by Governor Miró, 1785 September 1," Kuntz collection, Box 4, Folder 8.

- 18 "Petition of Benjamin Smith and Santiago [James] Smith, Baton Rouge post, to Governor Estevan Miró of Louisiana; survey order issued by Governor Miró, 1785 September 1," Kuntz collection, Box 4, Folder 8. Note, James Smith is referred to both as James and Santiago during the land granting process. I have used the anglicized version of his name throughout for consistency.
- 19 The Smith brothers note that land was abandoned and as is "publico y notario a toda la provincia, y por consecuencia reducida dedro al Dominio de S.M. conforme al Reglamiento de concesión." "Petition of Benjamin Smith and Santiago [James] Smith, Baton Rouge post, to Governor Estevan Miró of Louisiana; survey order issued by Governor Miró, 1785 September 1," Kuntz collection, Box 4, Folder 8, [f.1]
- 20 "Plat and surveyor's certificate for land sought by Benjamin and Santiago Smith, Baton Rouge post, 1785 October 20," Kuntz collection, Box 4, Folder 9.
- 21 "Land grant by Governor Estevan Miró to Benjamin and Santiago Smith, Baton Rouge post, 1785 November 8," Kuntz collection, Box 4, Folder 11.
- 22 "Act of sale of property, a transaction between James and Ann Smith, District of Baton Rouge, and David Ross, 1786 December 30," Kuntz collection, Box 4, Folder 17. This sale is somewhat unusual in that James Smith had held this portion of his land for less than three years, as required by law.
- 23 "Act of sale of property, a transaction between Santiago Smith of Baton Rouge and David Ross of New Orleans, 1798 January 8," Kuntz collection, Box 5, Folder 55.
- 24 Foster & Elam v. Neilson, 27 U.S. 253 (1829)
- 25 "Plat and surveyor's certificate for land in possession of Joseph Maria de la Barba, Baton Rouge District, 1789 November 16," Kuntz collection, Box 4, Folder 30; "Land grant by Governor Estevan Miró of Louisiana, New Orleans, to Joseph de la Barba, Baton Rouge District, 1789 November 20," Kuntz collection, Box 4, Folder 32.
- 26 "Act of sale of property, a transaction between Jose Maria de la Barba, vendor, and Juan Rhea and Roberto Cochran, buyers, 1803 October 29," Kuntz collection, Box 6, Folder 42.
- 27 Foster & Elam v. Neilson, 27 U.S. 253 (1829). The sale was dated 2 January 1804, but the final royal approval of the action by Morales didn't occur until 29 May 1804 and 20 February 1805.
- 28 Wood (2011, pp. 374-376) has described the Jeffersonian ambition for control of the coastline of the Gulf of Mexico.
- 29 Foster & Elam v. Neilson, 27 U.S. 253 (1829). "The land claimed by the plaintiffs in error under a grant from the Crown of Spain made after the Treaty of St. Ildefonso lies within the disputed territory, and this case presents the question to whom did the country between the Iberville and Perdido belong after the Treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory before Louisiana was acquired by the United States, that agreement would undoubtedly have ascertained its limits. But the declaration of France, made after parting with the province, cannot be admitted as conclusive."
- 30 Foster & Elam v. Neilson, 27 U.S. 253 (1829).
- 31 "Sworn copy, dated 1841 April 8, of English translation, signed and authenticated by David Bradford of Plat and surveyor's certificate for land in possession of Joseph Maria de la Barba, Baton Rouge District, 1789 November 16," Kuntz collection, Box 4, Folder 31; "Sworn copy, dated 1841 April 8, of English translation, signed and authenticated by David Bradford of Land grant by Governor Estevan Miró of Louisiana, New Orleans, to Joseph de la Barba, Baton Rouge District, 1789 November 20," Kuntz collection, Box 4, Folder 33.
- 32 I have written about the fate of the Pintado cadasters in the context of the Jeffersonian expansion of the United States of America. For a more detailed discussion of these documents, see Matthew E. Franco, "'The sooner they become American, the better': Spanish Imperial Geography and the Early Republic in the Age of Jefferson" (forthcoming in 2021 in the *Transactions of the American Philosophical Society*).
- 33 Jackson to Adams, 6 October 1821, in Carter et al., *The Territorial Papers of the United States*, 235.
- 34 Jackson to Adams, 6 October 1821, in *Ibid.*, 235.
- 35 Robinson Journal, VII, 292 as quoted in Hanna (1942, 229-230).
- 36 Forbes to Adams, 25 June 1821, in Carter et al., *The Territorial Papers of the United States*, 94.
- 37 Nathaniel A. Ware and Samuel R. Oberton to John Q. Adams, 25 August 1822, in *Ibid.*, 516.
- 38 Foster & Elam v. Neilson, 27 U.S. 253 (1829).
- 39 This methodological approach follows the path of pioneering work by Natalie Zemon Davis (1987) and others to use inquisitorial cases, legal records, notarial documents, and tax assessments to produce robust social and cultural histories. Recently, Marisa J. Fuentes (2016) and scholars of slavery have utilized similar methodologies to uncover the perspectives of enslaved women hidden within archival sources that provide fragmented images of the lived experiences of enslaved people.

REFERENCES

- Adelman, J., and Aron, S. (1999). "From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History." *The American Historical Review*, 104 (3), pp. 814-841. doi: <https://doi.org/10.2307/2650990>
- Akerman, J. R., ed. (2009). *The Imperial Map: cartography and the mastery of empire*. Chicago: University of Chicago Press.
- Akerman, J. R., ed. (2017). *Decolonizing the Map: cartography from colony to nation*. Chicago: University of Chicago Press.
- Benton, L. A. (2011). *A Search for Sovereignty: law and geography in European Empires, 1400-1900*. Cambridge: Cambridge University Press.
- Black, J. (2009). "Change in Ancien Régime International Relations: Diplomacy and Cartography, 1650-1800." *Diplomacy & Statecraft*, 20, pp. 20-29. doi: <https://doi.org/10.1080/09592290902813080>
- Branch, J. (2015) *The Cartographic State: Maps, Territory, and the Origins of Sovereignty*. Cambridge: Cambridge University Press.
- Brückner, M. (2006) *The Geographic Revolution in Early America: Maps, Literacy, and National Identity*. Williamsburg and Chapel Hill: Omohundro Institute of Early American History and Culture, University of North Carolina Press.
- Carter, C. E., Porter Bloom, J., United States, Department of State, United States, and National Archives and Records Service. (1934) *The Territorial Papers of the United States*. Washington, D.C.: National Archives.
- Craib, R. B. (2004) *Cartographic Mexico: A History of State Fixations and Fugitive Landscapes*. Durham: Duke University Press.
- Davis, N. Z. (1987) *Fiction in the Archives: pardon tales and their tellers in sixteenth-century France*. Cambridge: Polity Press.
- Dym, J. (2017) "Democratizing the Map: Between Imperial and National Mapping in Guatemala, 1821-2010." In: J. Akerman, ed., *Decolonizing the Map: cartography from colony to nation*. Chicago: University of Chicago Press, pp. 160-204.
- Edney, M. H. (1999). *Mapping an Empire: the geographical construction of British India, 1765-1843*. Chicago: University of Chicago Press.
- Fuentes, M. J. (2016). *Dispossessed Lives: enslaved women, violence, and the archive*. Philadelphia: University of Pennsylvania Press.
- Hass, E. F. (1986). "Odyssey of a Manuscript Collection: Records of the Surveyor General of Antebellum Louisiana." *Louisiana History: The Journal of the Louisiana Historical Association*, 27, pp. 5-26.
- Hall, G. M. (1992). *Africans in Colonial Louisiana: The Development of Afro-Creole Culture in Eighteenth Century*. Baton Rouge: Louisiana State University Press.
- Hanna, A. J. (1942). "Diplomatic Missions of the United States to Cuba to Secure the Spanish Archives of Florida." In: A. C.

- Wilgus, ed. *Hispanic American Essays: A Memorial to James Alexander Hamilton*. Chapel Hill: University of North Carolina Press, pp. 208-233.
- Hébert, J. R. (1987). "Vicente Sebastián Pintado, Surveyor General of Spanish West Florida, 1805-17. The Man and His Papers." *Imago Mundi*, 39, pp. 50-72. doi: <https://doi.org/10.1080/03085698708592616>
- Kain, R. J. P. and Baigent, E. (1992). *The Cadastral Map in the Service of the State: A History of Property Mapping*. Chicago: University of Chicago Press.
- Konvitz, J. W. (1987). *Cartography in France, 1660-1848: science, engineering, and statecraft*. Chicago: University of Chicago Press.
- Kueth, A. J., and Andrien, K. J. (2014). *The Spanish Atlantic World in the Eighteenth Century: War and the Bourbon Reforms, 1713-1796*. New York: Cambridge University Press.
- Maier, C. S. (2016) *Once Within Borders: Territories of Power, Wealth, and Belonging Since 1500*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press.
- Mapp, P. W. (2011) *The Elusive West and the Contest for Empire, 1713-1763*. Chapel Hill: University of North Carolina Press.
- McMichael, A. (2008) *Atlantic Loyalties: Americans in Spanish West Florida, 1785-1810*. Athens, Georgia: University of Georgia Press.
- Pickles, J. (2004) "Mapping the geo-body: State, territory and nation." In: *A History of Spaces: cartographic reason, mapping, and the geo-coded world*. New York: Routledge, pp. 107-123.
- Sánchez-Fabrés Mirat, E. (1977) *Situación histórica de las Floridas en la segunda mitad del siglo XVIII, 1783-1819: los problemas de una región de frontera*. Madrid: Ministerio de Asuntos Exteriores, Dirección General de Relaciones Culturales.
- Schmidt, G., trans., 1928. "O'Reilly's Ordinance of 1770: Concerning Grants of Land in Louisiana to New Settlers, Fencing of Same, Building of Roads and Levees, and Forfeiture of Strayed Cattle." *Louisiana Historical Quarterly*, 11, pp. 237-239.
- Stagg, J. C. A. (2009) *Borderlines in Borderlands: James Madison and the Spanish-American Frontier, 1776-1821*. New Haven: Yale University Press.
- Strang, C. B. (2018) *Frontiers of Science: Imperialism and Natural Knowledge in the Gulf South Borderlands, 1500-1850*. Williamsburg and Chapel Hill: Omohundro Institute of Early American History and Culture, University of North Carolina Press.
- "Trudeau, Charles Laveau" (2017) *Dictionary of Louisiana Biography*. Louisiana Historical Association. [Online]. Available at: <https://www.lahistory.org/resources/dictionary-louisiana-biography/dictionary-louisiana-biography-t/> [Accessed: 21 January 2020].
- Usner, D. H. (1996) *Indians, Settlers, & Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley Before 1783*. Chapel Hill: University of North Carolina Press.
- Usner, D. H. (2003) *American Indians in the Lower Mississippi Valley: Social and Economic Histories*. Lincoln: University of Nebraska Press.
- Weber, D. J. (1982) *The Mexican Frontier, 1821-1846: the American Southwest under Mexico*. Albuquerque: University of New Mexico Press.
- Weber, D. J. (1992) *The Spanish Frontier in North America*. New Haven: Yale University Press.
- Withers, C. W. J. (2017) *Zero Degrees: geographies of the Prime Meridian*. Cambridge: Harvard University Press.
- Wood, G. S. (2011) *Empire of Liberty: a history of the early Republic, 1789-1815*. New York: Oxford University Press.