

II. TREATY, ACTS, RESOLUTIONS, REPORTS, AND PAPERS RELATING TO THE EVERGLADES OF FLORIDA.

TREATY OF 1819 WITH SPAIN CEDING FLORIDA TO THE UNITED STATES.

The United States of America and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions by a treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and His Catholic Majesty has appointed the most excellent Lord Don Luis De Onis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the Corporation of the city of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendee, Knight-Pensioner of the Royal and Distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Council of His Catholic Majesty; His Secretary, with Exercise of Decrees, and His Envoy Extraordinary and Minister Plenipotentiary near the United States of America;

And the said Plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ARTICLE 1. There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens and His Catholic Majesty, his successors and subjects, without exception of persons or places.

ART. 2. His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissioners or officers of the United States, duly authorized to receive them.

ART. 3. The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of

the River Sabine, in the sea, continuing north, along the western bank of that river, to the 32° of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then, following the course to the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42° north; and thence, by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42°, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42°, and thence, along the said parallel, to the South Sea:

All the islands in the Sabine and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever.

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ART. 15. The United States, to give to His Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favor the commerce of the subjects of His Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted for the term of 12 years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

ART. 16. The present treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof we, the underwritten Plenipotentiaries of the United States of America and of His Catholic Majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have hereunto affixed our seals, respectively.

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Done at Washington this twenty-second day of February, eighteen hundred and nineteen.

JOHN QUINCY ADAMS. [SEAL.]

LUIS DE ONIS. [SEAL.]

The foregoing treaty was ratified by the Senate of the United States, February 24, 1819, and on October 24, 1820 by His Catholic Majesty, Ferdinand the Seventh, King of the Spains, who declared it to be his deliberate will that this ratification be as valid and firm and produce the same effects as if it had been done within the determined period (six months from February 22, 1819). By the same ratification His Catholic Majesty annulled three grants of Florida lands made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas. (See Treaties, Conventions, etc.; S. Doc. No. 357, 61st Cong., pp. 1651, 1657.)

ACTS OF THE CONGRESS OF THE UNITED STATES.

AN ACT To appropriate proceeds of sales of public lands and granting one-half million acres to Florida.

[5 U. S. Stat. L., 455.]

* * * * *

And there shall be, and hereby is, granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission and while under a Territorial government, for purposes of internal improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

Approved, September 4, 1841.

AN ACT For the admission of the States of Iowa and Florida into the Union.

[5 U. S. Stat. L., 742, 743.]

Whereas the people of the Territory of Iowa did, on the 7th day of October, 1844, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government; and

Whereas the people of the Territory of Florida did, in like manner, by their delegates, on the 11th day of January, 1839, form for themselves a constitution and State government, both of which said constitutions are republican; and said conventions having asked the admission of their respective Territories into the Union as States, on equal footing with the original States:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the States of Iowa and Florida be, and the same are hereby, declared to be States of the United States of America, and are hereby admitted into the Union on equal footing with the original States, in all respects whatsoever.

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SECTION 5. *And be it further enacted,* That said State of Florida shall embrace the Territories of East and West Florida, which by the treaty of amity, settlement, and limits between the United States and Spain, on the twenty-second day of February, eighteen hundred and nineteen, were ceded to the United States.

SECTION 7. *And be it further enacted*, That the said States of Iowa and Florida are admitted into the Union on the express condition that they shall never interfere with the primary disposal of the public lands lying within them, nor levy any tax on the same whilst remaining the property of the United States: *Provided*, That the ordinance of the convention that formed the constitution of Iowa, and which is appended to the said constitution, shall not be deemed or take(n) to have any effect or validity, or to be recognized as in any manner obligatory upon the Government of the United States.

Approved, March 3, 1845.

AN ACT Supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes.

[5 U. S. Stat. L., 788.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in consideration of the concessions made by the State of Florida in respect to the public lands, there be granted to the State eight entire sections of land for the purpose of fixing their seat of government; also section numbered sixteen in every township, or other lands equivalent thereto, for the use of the inhabitants of such township, for the support of public schools; also two entire townships of land, in addition to the two townships already reserved, for the use of two seminaries of learning, one to be located east and the other west of the Suwanee River; also five per centum of the net proceeds of the sale of lands within said State, which shall be hereafter sold by Congress, after deducting all expenses incident to the same; and which said net proceeds shall be applied by said State for the purposes of education.

* * * * *
Approved, March 3, 1845.

RESOLUTION BY THE LEGISLATURE OF FLORIDA.

PREAMBLE And resolution by the Legislature of Florida, adopted December 10, 1845, recommending the adoption of measures for reclaiming the Everglade lands in that State.

Whereas there is a vast and extensive region, commonly termed the Everglades, in the southern section of this State, embracing no inconsiderable portion of its entire peninsula, which has hitherto been regarded as wholly valueless in consequence of being covered by water at stated periods of the year, and the supposed impracticability of draining it. And whereas recent information, derived from the most respectable sources, has induced the belief, which is daily strengthening, that these opinions are without foundation, and, on the contrary, that at a comparatively small expense the aforesaid region can be entirely reclaimed, thus opening to the habitation of man an immense and hitherto unexplored domain perhaps not surpassed in fertility and every natural advantage by any other on the globe. And whereas it is no less the interest of the General Government than of Florida, with its vast donation of unlocated land, to

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adopt some early and efficient measures to test the accuracy of these representations:

Be it therefore resolved by the senate and house of representatives in general assembly convened, That our Senators in Congress be instructed, and our Representative requested, to bring this important subject to the attention of Congress at the earliest day, and earnestly press upon its consideration the propriety and policy of forthwith appointing competent engineers to examine and survey the aforesaid region.

Resolved, That immediately upon their passage and approval his excellency the governor be requested to transmit to the persons above named, to the Commissioner of the General Land Office, and to the President of the United States certified copies of the foregoing preamble and resolution, and to communicate with the latter officer, and furnish him with all the information in his possession in reference to a subject of deep interest to the General Government as well as to our own.

Passed by the senate December 2, 1845. Passed by the house of representatives December 4, 1845. Adopted by the governor December 10, 1845.

STATE OF FLORIDA:

I, James T. Archer, secretary of state of the State aforesaid, do hereby certify that the foregoing contains a true transcript from the preamble and resolutions in my said office.

Witness my hand and the great seal of the State of Florida, at the capitol, in Tallahassee, this 11th day of December, A. D. 1845, and seventieth year of American independence.

[L. s.]

JAMES T. ARCHER,
Secretary of State, Florida.

EXTRACT FROM LETTER FROM HON. JAMES D. WESTCOTT, JR., TO THE SECRETARY OF THE TREASURY.

WASHINGTON, *May 11, 1847.*

SIR: Referring to the conversations I have had with you, and the letters I have written on the subject of measures being adopted by the Government to reclaim the vast quantity of valuable lands on the peninsula of Florida, called the "Everglades," now submerged by fresh water, I will recapitulate my views as to the incipient steps advisable to be taken. You have the opinions of that intelligent and able gentleman, and practical engineer, Gen. Gadsden, in a letter addressed to you at my request. He has promised to give them more particularly and in detail. This subject has, since 1822, attracted no little attention in Florida. Years before the cession the project was partially attempted by the Spaniards, but was not carried out, because those who undertook it were not competent to the task. Gen. Charles F. Mercer, of Virginia, some years ago examined the subject, and wrote an elaborate essay for the public prints, setting forth the advantages of the measure to the country. Petitions have been repeatedly proposed to our local legislature for its aid, and it has more than once passed resolutions invoking the action of the General Government to effect the reclaim-

ing of those lands. I have before inclosed to you a printed copy, as laid before Congress, of those adopted at a recent session. The project has been favorably referred to in more than one official report of the United States officers on duty in Florida. Gen. Gadsden, more than 20 years ago, noticed it approvingly. Gen. Worth, or the late Lieut. Blake, topographical engineer, and others of high reputation, have, I believe, called the attention of the Government to it in official correspondence or reports. I have caused maps and plats, exhibiting the general character of that region and of the face of the country, to be submitted to you, from which you can, I think, form a pretty safe opinion of the practicability of the plan proposed. I am no engineer—know but little of such matters, but any man can venture to decide that if, as is alleged, the waters in the Gulf or Straits of Florida opposite the Everglades, are some 6, 7, or 8, and perhaps 10 feet, below the waters in the Glades, and that the general depth of the waters in the Glades, when there is no freshet, is but from 1 to 5 feet, except in channels and some deep ponds across the peninsula; and that the distance from the edge of the Glades to the shores of the Florida Straits is in many places less than 6 miles; and that the actual distance to the heads of several navigable streams emptying into the straits is not more than a mile; and that the narrow ridge which separates them from the waters of the Glades is of soft coral rock, requiring excavation, easily made, of but 10 or 12 feet at most to unite the fresh and salt waters, and drain the lands in the Glades, the scheme is feasible and without very great risk. What would be the value of the now subaqueous lands, reclaimed by such work, I will not pretend to say. Of course, it would depend on their quality. As to this, I rely greatly on the representations of the Hon. John P. Baldwin, Col. Wm. F. English, Col. Richard Fitzpatrick, and George McKay, Esq., all of whom have resided in their vicinity, and who have repeatedly informed me that many of them would be the best sugar and rice lands in the United States. I believe they would, at all events, give us the desideratum of lands that could enable us to rear the tropical fruits we now import from Cuba and the West Indies, even if not sufficiently fertile for, or adapted to, rice or sugar. Their being reclaimed would also occasion settlements to be made at least on some of them, and it is important for the country that South Florida should be densely populated. All the gentlemen I have last above named are of the highest respectability and intelligence, and Mr. McKay is a United States surveyor, who surveyed most of the contiguous coast of the Atlantic or straits, and up to the margin or "rim of the basin" of the Glades. Doubtless, on draining the vast lake called the Everglades—nearly 90 miles in length and from 50 to 70 in breadth—interspersed with islands, and what are now bogs or morasses, there would be left rivers and channels running through it, and some of the spongy morasses might be irreclaimable for any valuable purpose for years hence. Doubtless, too, the sudden exposure of such a vast extent of soil, so long covered with fresh water, to the action of an almost vertical sun, and the immense quantity of dead fish and vegetable substances thereby exposed to decomposition upon it, might occasion temporary pestilence in its neighborhood, but it would probably not extend beyond one season, and could be guarded against; and this, in fact, furnishes a reason why the work should be done

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before many settlements are made on the coast. The quantity of lands that would probably be reclaimed has been variously estimated from one to two, or even three, millions of acres, and indeed more. I do not consider it practicable to estimate it at anything like certainty.

The waters in the Gulf of Mexico opposite the Glades are said to be considerably below those in the Glades, but not so much as the waters of the straits. It is also said they sometimes mingle through the lagoons and creeks in the bayous and coves above Cape Sable and below the northwest point of Charlotte Harbor. If so, it is not a chimerical idea to anticipate a cut from the Gulf to the Glades would effect a channel for at least small coasting vessels and steamboats through that part of the peninsula at comparatively small expense, and it is not improbable that passes on the Gulf coast may have to be stopped and the shore in some places leveed to promote this object and aid in the keeping such channel open. * * *

Now, sir, under this responsibility I do not hesitate to say that I regard it important that this work should be undertaken and completed as soon as possible. It is decidedly advisable that the Government should satisfy itself—send an agent to make a reconnoissance of these lands and make report as to the probable practicability of the work, to be laid before Congress at its next session. * * *

I assure you of my high respect.

Your obedient servant,

JAMES D. WESTCOTT, Jr.

HON. R. J. WALKER,
Secretary of the Treasury.

EXTRACTS FROM INSTRUCTIONS TO BUCKINGHAM SMITH, ESQ.,
BY THE SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, *June 18, 1847.*

SIR: You are hereby designated, under the eleventh section of the act of Congress of August 6, 1846, "providing for the better organization of the Treasury Department and for the collection, safe-keeping, transfer, and disbursement of the public revenue," an agent to examine the land offices at Tallahassee, Newnansville, and St. Augustine, in the State of Florida, said examination to be prosecuted and completed with all convenient dispatch and to be concluded before the 1st day of November next, and full report thereof made to this department. * * *

But the most important service expected of you is the procurement of authentic information in relation to what are generally called the "Everglades" on the peninsula of Florida.

It has been represented to the department that there are several millions of acres of public lands in the vast lake called by that name, and which can be reclaimed and rendered valuable at an expense comparatively small with the advantages resulting from such measure. It is represented that these lands can be drained by two or three small canals, from the lake into the rivers opposite to it, emptying into the Gulf of Mexico, and into the straits of Florida. Copies of sundry communications to this department on this subject are inclosed to

you. They are for your own consideration and to be returned to the department with your report. You will please give them an attentive perusal, with a view in your report of correcting any errors of fact or opinion they may contain. The legislature of the State of Florida has, by resolution, asked the action of the Federal Government in relation to draining these lands. This department is not in possession of any official information in relation to them which would justify its recommendation of such measure; but the opinion is entertained, from the representations made, that the measure is not only practicable, but would be beneficial to the public interests. The department relies upon you to procure and furnish, in your report, full information on this subject. It is expected that you will visit personally and make a reconnoissance of that section of the peninsula. You are herewith furnished sundry maps, charts, etc., of portions of it, some of which, though not regarded as entirely correct, may still be of service to you. You are not expected to make a survey of the country, either topographical or otherwise, but it is desired that your reconnoissance should be as full and complete as practicable.

You can doubtless, without ascertainment by instruments of the levels, approximate to the relative elevation of the waters in the rivers on the Gulf and Atlantic coasts, opposite to the Everglades, with the waters in the Everglades; and you can ascertain pretty correctly the general depth of the water in the lake and the probable quantity of land that can be reclaimed by draining it by canals into those rivers. You can ascertain the opinions of intelligent persons and you can obtain data for the formation of your own opinion as to the quality of those lands so susceptible of being reclaimed and their value and their adaptation to the cultivation of different products. You will particularly specify those products. This information will be important. You will examine personally, if you can, the region where the proposed cuts will have to be made; state its character; geological formation; the probable length and breadth and depth of the proposed cuts or canals; the probable excavation necessary; and also the character and anticipated expense and results of the work sought to be undertaken. Any information that you can obtain in writing, from intelligent citizens acquainted with this subject, you will communicate with your report, and you will seek from them facts and specific data showing the grounds of opinions that may be given. It is to these, rather than mere opinions, that Congress and the department must look to justify action on any subject. * * *

The department relies with confidence on your impartial fulfillment of this service, free from any sectional or local predilections, and that your report will confirm the character for intelligence (which it) has received in relation to you from your friends of different sections of the Union.

I am, sir, very respectfully, your obedient servant,

R. J. WALKER,
Secretary of the Treasury.

BUCKINGHAM SMITH, Esq.,
St. Augustine, East Florida.

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**RESOLUTION BY THE LEGISLATURE OF FLORIDA, APPROVED
JANUARY 6, 1848.**

PREAMBLE And resolution in relation to draining the Everglades.

Whereas large tracts of the public lands lying in the vicinity of Lake Okeechobee, and in that region south of said lake, called "The Everglades," being covered with water, are incapable of being surveyed and subdivided, and are therefore valueless to the United States; and

Whereas it is believed that a large portion of said lands may be drained by canals, reclaimed, and made valuable for the cultivation of tropical plants and fruits; and

Whereas it is believed that these lands, if reclaimed, would not only remunerate this State for the expense of such reclamation, but would yield a considerable surplus above such expense: Therefore

Resolved by the Senate and House of Representatives of the State of Florida in general assembly convened, That Congress be requested to grant to this State all of said lands lying south of Carloosa Hatchee River and of the northern shore of Lake Okeechobee, and between the Gulf of Mexico and the Atlantic Ocean, on condition that the State will drain them and apply the proceeds of the sale thereof, after defraying the expense of draining, to purposes of education.

Passed the senate December 30, 1847.

C. W. DOWNING,
Secretary of the Senate.

D. G. MCLEAN,
President of the Senate.

Passed the house of representatives January 6, 1848.

W. B. LANCASTER,
Clerk House of Representatives.

JOHN CHAIN,
Speaker House of Representatives.

Approved, January 6, 1848.

W. D. MOSELEY.

STATE OF FLORIDA:

I, James T. Archer, secretary of state of Florida, do hereby certify that the foregoing is a correct transcript of a resolution on file in my office entitled "Resolution in relation to draining the Everglades."

Witness my official signature and the great seal of the State aforesaid, at Tallahassee, this 22d day of February, A. D. 1848.

[L. S.]

JAMES T. ARCHER,
Secretary of State.

**REPORT OF THE SECRETARY OF THE TREASURY TO THE SENATE
OF THE UNITED STATES.**

TREASURY DEPARTMENT, *August 10, 1848.*

SIR: In compliance with the resolution of the Senate of the 9th instant, requiring "that the Secretary of the Treasury be directed to communicate to the Senate any information in his department as

to the practicability of reclaiming the Everglades in the State of Florida, or as to the expediency of ceding them to the said State for that purpose; and his opinion as to the best mode and means of accomplishing such object," I have the honor to transmit to the Senate a copy of the report of Buckingham Smith, Esq., a gentleman of character and intelligence, who was in 1847 employed by this department to examine the land offices in Florida, and directed also to make a reconnoissance of the Everglades as a part of the public lands, for the purpose of ascertaining the practicability and expediency of draining them, etc., and appended to which are sundry documents and letters furnishing information on the same subject. Annexed hereto are also copies of the instructions of this department to Mr. Smith and to Lieut. Martin, commanding the revenue cutter *Wolcott*, who assisted Mr. Smith in his examinations, and also copies of the application to the department, in compliance with which the examinations were directed.

Herewith likewise is submitted a letter from the Commissioner of the General Land Office to this department in reply to inquiries as to the quantity of public lands at the southern end of the Florida Peninsula, specifying the quantity of lands that have been surveyed, and those that are generally covered with water, and those that are only occasionally covered with water, and those that are capable of being surveyed or are too valueless for survey.

The papers transmitted contain all the information on the files of this department on the subject mentioned in said resolution.

As to the practicability of draining the Everglades, these data would seem to indicate that it is practicable, and at an expense probably not exceeding \$500,000, as estimated by Mr. Smith in his report. Of the value of the lands reclaimed by such draining, I am unable to give any decided opinion. Whether they will be worth the expense of the work is questioned by intelligent men acquainted with the country, and, on the other hand, equally intelligent men have expressed the opinion, which would seem most probable, that their value will far exceed the cost of draining the Glades and adjoining swamps. The test of experience can alone solve the doubt. These lands are, however, utterly worthless to the Government at this time, as stated in the letter of the Commissioner of the General Land Office.

The Committee on Public Lands of the Senate have transmitted to me a copy of the bill now before said committee, to cede said lands to the State of Florida, for the purpose of effecting their draining, and requesting my opinion as to its provisions. Upon a perusal of that bill it seems to me that its provisions are well calculated to insure the accomplishment of the object and by means more eligible than if attempted by the Federal Government. The cession to the State of these lands and of all others within it of similar character would seem to be the most proper and advantageous disposition that can be made of them.

I have the honor to be, very respectfully, your obedient servant,

R. J. WALKER,
Secretary of the Treasury.

To the PRESIDENT OF THE SENATE.

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LETTER FROM THE COMMISSIONER OF THE GENERAL LAND OFFICE TO THE SECRETARY OF THE TREASURY.

GENERAL LAND OFFICE, *August 10, 1848.*

SIR: In reply to your inquiries of this office as to any information in its possession respecting the Everglades in the State of Florida, and the lands in said State, below the line dividing townships 36 and 37, south of the base line in said State, I have the honor to state:

That the name "Everglades" designates that region of the peninsula of Florida lying south of Lake Okeechobee, and generally covered by water from 2 to 7 feet deep at least for some months in every year.

That the greater part of the peninsula below this line between townships 36 and 37, and which it is proposed by the bill now before the Committee of Public Lands of the Senate (which bill has been submitted to me by Messrs. Westcott and Cabell, of said State) to be ceded to the State of Florida, being unsurveyed, and there not being any nautical surveys of the western coast below Tampa in this office, an approximate estimate only can be made of the area of the peninsula and keys, including the lands and interior waters south of said line, and excluding the islands and keys south and east of Cape Sable. It is supposed, however, that such area may be stated at about 7,800,000 acres of land and water.

Of this aggregate area, it is estimated that there is always covered with water about 4,300,000 acres.

This estimate includes rivers, lagoons, sounds, and Lake Okeechobee, and other lakes south of said line, that it is not proposed to drain and can not be drained. It includes also the swamps and all those portions of country comprising parts of the region called the Everglades, the greater part of which it is not supposed can be reclaimed.

Of the aggregate before stated, it is estimated there are about 1,000,000 of acres that are only occasionally covered with water, i. e., for some months during and after the rainy seasons in each year; much of which, however, on the eastern and southern margins of the Glades, are represented as valueless until the Glades are drained, in consequence of such annual overflow, and of which also a considerable portion it is not anticipated will ever be made valuable by such draining.

Of the remaining 2,500,000 acres, the quantity of 1,000,000 acres has been surveyed (about 590,682 into sections and 409,318 by the exterior lines of townships), mostly of very inferior quality, judging from the small quantity (only 360 acres) sold since a large portion of them were brought into market. The residue of said lands, being 1,500,000 acres, are represented as poor and valueless generally, and most of them probably not worth the expense of surveying.

No sufficient data, on which to base a correct statement of the quantity of lands within said limits legally subject to patent under the acts for the armed occupation and settlement of Florida, is in this office, but it is considered that 16,000 acres will certainly cover all such claims that can be legally established.

Twenty-three thousand and three acres have been granted by special acts of Congress to Dr. H. Perrine and his widow and heirs, within said limits, for the cultivation of tropical fruits and plants,

Respectfully,
R. J. Walker
Secretary of the

and which grant is allowed by law to be located in separate sections, and the reasonable presumption is, that they have located the choicest lands in that part of the country.

There are, it is believed, several claims under Spanish grants within said limits, amounting to many thousand acres; but inasmuch as they have not all yet been definitely confirmed, and the surveys thereof finally concluded, this office is without certain data whereon to base a precise statement of the aggregate quantity of such claims. The great Alagon claim covers two-thirds of the entire district proposed to be ceded to the State of Florida, and extends much higher up (north) than the line before specified. This claim is in suit, but it is not supposed there is the slightest danger of the claimants succeeding in such suit.

The project of draining the Everglades, if successful, may perhaps reclaim for cultivation, within the limits of the proposed grant to Florida, about a million of acres of these lands, now covered with water; some continually, and the residue occasionally only. It can not be anticipated to reclaim but a part of the Everglades, a part of the Atseenahoofa or Big Cypress Swamp, a part of the Halpatiokee Swamp, and the skirt of poor lands on the margin of the Glades, covered with water some months of every year, and which is very barren. Much of the subaqueous lands will still remain inundated; and no one can expect that the parts that are so drained can all be made susceptible of cultivation.

The entire peninsula south of the northern line of the proposed grant to Florida, whether occasionally covered with water or not subject to overflow, is, at this time, utterly worthless to the United States for any purpose whatever. Col. Robert Butler, the surveyor general of that State, in his official report, made October 2, 1847, says: "I now ask your attention to the Everglades, which can not be surveyed without first being drained;" and that officer recommends the cession of a moiety of that region to the State of Florida, for the purpose of having them reclaimed.

Draining the Glades, as suggested, will, it is supposed, still leave large rivers, lakes, ponds, and channels in the Glades filled with water; and, as before observed, many of the lands drained will also remain valueless. But the results of the proposed work can only be ascertained by actual experiment.

The great depth of Lake Okeechobee forbids the idea of draining it entirely; and, indeed, I learn from Mr. Smith's report, it is contemplated only to decrease its waters but a few feet, leaving it of sufficient depth to be navigated by vessels that may be able to navigate the canals from said lake to the Gulf and to the Atlantic. As before observed, the lagoons, bays, sounds, and rivers, within the said district will not be affected by the contemplated work.

The bill before the Committee on Public Lands of the Senate grants to the State of Florida alternate sections of the surveyed lands below said line dividing townships 36 and 37—the nearest township line to the north end of Lake Okeechobee. In consideration of the fact before adverted to, that the value of these lands, now esteemed of but little amount, will be perhaps enhanced by the proposed improvement to the legal minimum price of the public lands, and in consideration also, of the reclaiming of several hundred thousand acres of bottom land on the banks of the Kissimmee River and its tributaries outside and

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north of the proposed grant, and the benefit of which will inure solely and directly to the Federal Treasury, it is deemed that this provision is equitable and just.

In my annual report I had the honor to express my convictions as to the policy of the Federal Government with respect to all such lands as those proposed to be ceded, situate in any of the States, and I had the honor of advancing the principles I conceived to be sound on that subject, and I am gratified to find that the proposed bill sustains what I then deemed it my duty to say.

I transmit with this letter the map of this region, prepared at this office for Mr. Smith, which gives a better idea of it than can be given by any description.

I have the honor to remain, with great respect, your obedient servant,

RICHARD M. YOUNG, *Commissioner.*

HON. ROBERT J. WALKER,
Secretary of the Treasury.

BILL FOR DRAINING OF EVERGLADES, INTRODUCED IN THE THIRTIETH (1848) CONGRESS BY SENATOR WESTCOTT.

[Senate 338, public, 30th Cong., 1st sess.]

Mr. Westcott, of Florida, introduced the following bill, which was read twice and referred to the Committee on Public Lands:

A BILL To authorize the draining of the Everglades, in the State of Florida, by said State, and to grant the same to said State for that purpose.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to the State of Florida and its assignees, all the lands, lakes, and water-courses, with the appurtenances, situated in said State, and south of the line of the public land surveys therein, running due east from the Gulf of Mexico to the Atlantic Ocean, being the line dividing townships thirty-six and thirty-seven south, in said State; said grant to include the islands or keys adjacent to the coast north of Cape Sable, and not to include any such islands or keys that are south and east of said cape; and said grant is made to said State upon the following conditions, to be accepted by said State, by act of the legislature thereof, or this grant to be void, viz:

First. The said State shall, on or before the first day of January, eighteen hundred and fifty-one, cause to be commenced, under the direction of a competent engineer, to be appointed under authority of a law of said State, the construction of drains and canals, to be sufficient, if practicable, for draining the Everglades aforesaid, and for reclaiming the subaqueous land thereof, and for decreasing the waters of the Lake Okeechobee, and draining and reclaiming the swamps and low lands contiguous thereto, within said boundaries; and drains and canals for draining and reclaiming the swamps and low lands between the Everglades, and between said lake and the Atlantic and Gulf coasts and the coasts of the Straits of Florida, and so that, if practicable, a communication may be made by such canals, for vessels, between the Gulf and the Atlantic waters; and said State shall cause said works to be completed and finished within ten years from the time the same shall be commenced as aforesaid.

Second. That said State shall not sell, alien, transfer, pledge, or mortgage, or otherwise dispose of said lands, or any part thereof, or any of the rights or privileges derived from this grant, except to effect the full and faithful fulfillment of said condition above stated; and the entire avails and proceeds of any disposition thereof, or any part thereof, made by said State shall be exclusively and sacredly appropriated to the completion of said work.

Third. No sale of any of said lands shall be made for a less price than one dollar and a quarter per acre (and this restriction shall extend to lands within said boundaries not reclaimed as well as other lands) until said works are fully completed.

Fourth. Until the President of the United States shall authorize the same in writing, no entry or encroachment shall be made or allowed by said State, into or upon the district reserved for the Seminole Indians yet remaining in Florida, part of which is within said boundaries; and for any delay occasioned to the commencement or completion of said work by the withholding of such authority, the period stipulated for such commencement and completion in said first condition shall be extended a corresponding term.

Fifth. One thirty-sixth part of all said lands within said boundaries shall be reserved by said State, and appropriated to the use of common schools for the inhabitants of said lands, in lieu of the sixteenth section now so appropriated in each township of the public lands in said State; the said one thirty-sixth portion to be designated in such mode and manner as the legislature of said State may, by law, direct.

Sixth. Of the public lands south of said line, and surveys of which have been completed and approved prior to the passage of this Act, one-half is excepted from this grant; the same to be reserved by the Secretary of the Treasury for the United States, in alternate sections; and when there are fractional sections, one-half of such fraction to be reserved for the United States, the State, however, to have the right of way for said works through said lands. And the President of the United States may, at any time within two years from the passage of this Act, reserve for the United States, at such points, within said grant as may be reported after examination and survey by a proper officer, to be advisable, such tracts not exceeding half a section at each point, as may be necessary for lighthouses, forts, docks, arsenals, navy yards, or other public works within said boundaries, to be used by the United States for such public works, but upon relinquishment of such reservations, to revert to said State, conformably to this Act. And this Act shall in no wise affect rights acquired under any Spanish grant, heretofore or hereafter confirmed to any of said lands, or any rights acquired under any public sale by the United States, or by private entry of any of said lands, or under any donation or other grant by the United States, or under the preemption acts, or under the acts respecting the armed occupation and settlement of Florida.

Seventh. Any residue or surplus of the avails, or proceeds, of said sales of said lands, after defraying the expenses of said works stipulated to be completed in said first condition, as aforesaid, shall be devoted by the legislature of said State exclusively to the purposes of education within said territory hereby granted; the principal of such residue to be invested as the legislature of said State may by law direct, as a permanent perpetual fund, and the interest thereon only to be expended as aforesaid.

Eighth. No tolls or charges shall be exacted for passing through any of said canals, from vessels or boats of the United States, or in the service of the United States, or laden exclusively with public stores, munitions of war, or other freight of the United States, or the United States mails, or transporting, as aforesaid, troops in the service of the United States, through any of said canals; nor shall tolls or charges be exacted for any freight or mails of the United States or for such troops; but such reasonable tolls may be charged and collected from other vessels, and freight, and persons, as said legislature may by law allow, to be applied to keeping the said works in repair.

Ninth. *Be it further enacted*, That the surveys of the said lands by said State shall conform, as nearly as practicable, to the form and plan of the surveys by the United States of public lands in said States.

Report of the Committee on Public Lands to the United States Senate on the Westcott bill for the drainage of the Everglades.

[Senate Rep. Com., No. 242, 30th Cong., 1st sess.]

Mr. Breese made the following report to accompany bill S. 338:

The Committee on Public Lands, to whom was referred bill No. 338, "to authorize the draining of the Everglades, in the State of Florida, by said State, and to grant the same to said State for that purpose;" and to which was also referred the report of the Secretary of the Treasury respecting said measure, and the accompanying documents, report:

That from the data submitted to the committee, and accompanying the report of the Secretary of the Treasury, the committee has been induced to believe the measure proposed by this bill should be adopted.

The region proposed to be granted to the State of Florida, to enable that State to effect the desired improvement, is now nearly or quite valueless to the United States; and will so remain until reclaimed by draining it by means of canals. More than

six-sevenths of it is yet unsurveyed, and it is officially reported by the surveyor general of Florida that "it can not be surveyed without first being drained;" the correctness of which report is corroborated by all the evidence adduced on the subject. The portion that has been surveyed is also reported as being of little worth; and that the fact that but one-half section, out of 590,132 acres that has been surveyed in sections, has been sold fully proves the correctness of such statement. The suggested improvement, it is believed, may make some of these surveyed lands salable.

The cost of the proposed canals, it is estimated, will be about half a million of dollars.

The quantity of lands capable of being reclaimed and rendered fit for cultivation, it is estimated, is about 1,000,000 acres. But on this point and also as to the anticipated enhanced value of the other lands (besides those now covered with water within the region proposed to be granted to the State of Florida), to be affected by the proposed work, no certain calculation can be made based upon data obtained from mere explorations, or even from surveys of the most particular character. The true consequences and results can only be ascertained by the experiment being actually made.

The propriety of the Federal Government undertaking this work, even if it could do so with profit, is doubted by the committee.

It is believed that the work suggested can, for the reasons given in the documents appended to this report, and the cogency of which must be conceded by every practical mind, be best undertaken and completed by the State of Florida, or by associations of individuals under its authority. The improvements can in such case be made to effect not merely the draining of those now covered with water, but the enhancement of the value and price of the other public lands, and also the promotion of important local interests of that region in many respects, and at the same time the interests of the Union generally (beyond the pecuniary interest in these lands) may be advanced. The proposed canals being made channels of communication by vessels across the peninsula from the Atlantic to the Gulf waters, thus avoiding the perilous reefs farther south, is a consideration of no trifling moment to the navigating interests of the Union.

The bill referred to the committee provides for a grant to the State of Florida, with such view, of all the lands below a specified line of the public surveys, near the northern end of Lake Okeechobee, with certain reservations; and it contains stipulations and conditions which (if the State accepts the grant with such conditions) will, it is believed, insure the completion of the work as far as it can be effected.

By the proposed improvement, if successfully carried out, it is believed the United States will derive great immediate pecuniary benefit by the draining of several hundred thousand acres (outside of the boundary of the district proposed to be granted to Florida), being the bottom lands on the Kissimmee River and its tributaries, now valueless by reason of their annual overflow. The committee agree with the Commissioner of the Land Office that this is a full consideration for the grant made by the bill of the alternate sections of the surveyed lands below the northern boundary of the proposed grant, even if no other existed.

The committee will not enlarge on other important results beneficial to the whole Union, which may be anticipated, if the proposed work is successfully carried out. They are fully set forth in the documents annexed to the report of the Secretary of the Treasury, being the opinions of some of the most intelligent citizens of the United States, and well qualified to judge correctly on such subjects, and several of whom have personal knowledge of the region in question.

Nor do the committee deem it necessary to comment on the particular details of the proposed bill. These details have received the approval of the Secretary of the Treasury and of the Commissioner of the General Land Office, and they are deemed proper and suitable for the protection of the respective rights and the promotion of the respective interests of the Federal Government and of the State of Florida, with reference to the territory included in the proposed grant, and of those citizens who may become residents within its boundaries, and of all others; and they authorize, in the judgment of the committee, the measures best calculated to insure the successful accomplishment of the work, if it can be accomplished at all.

The committee therefore report the bill without amendment and recommend its passage.