

**ACT OF CONGRESS (1850) TO ENABLE STATES TO RECLAIM
"SWAMP LANDS."**

AN ACT To enable the State of Arkansas and other States to reclaim the "Swamp Lands" within their limits.

[9 U. S. Stat. L., 519, 520.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be, and the same are hereby, granted to said State.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the governor of the State of Arkansas, and at the request of said governor cause a patent to be issued to the State therefor; and on that patent, the fee simple to said lands shall vest in the said State of Arkansas, subject to the disposal of the legislature thereof: *Provided, however,* That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied, exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

SEC. 3. *And be it further enacted,* That in making out a list and plats of the land aforesaid, all legal subdivisions, the greater part of which is "wet and unfit for cultivation," shall be included in said list and plats; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

SEC. 4. *And be it further enacted,* That the provisions of this act be extended to, and the benefits be conferred upon, each of the other States of the Union in which such swamp and overflowed lands, known as (and) designated as aforesaid, may be situated.

Approved, September 28, 1850.

**ACTS OF FLORIDA LEGISLATURES (1851-1855) RELATING TO THE
EVERGLADES.**

AN ACT To secure the swamp and overflowed lands lately granted to the State, and for other purposes.

[Fla. Stats., No. 21, chap. 332.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in general assembly convened,* That the governor is authorized, and hereby requested, to take such measures as to him

may seem expedient and most to the interests of this State, in securing and classifying the lands lately granted to this State, designated as "swamp or overflowed lands," and that the plats of said land, as soon as secured, shall be delivered to the register of this State, and said lands shall be subject to sale under the same rules, regulations, and restrictions as are now, or may hereafter be, imposed upon the sale of Seminary lands.

SEC. 2. *Be it further enacted*, That all the necessary expenses of examining the lands to be secured, or in procuring maps, plats, records, field notes, or other evidence touching the title and description of said lands, shall be paid out of any moneys received from the sale of said lands: *Provided further*, That the accounts shall be first audited by the comptroller, and his warrant drawn therefor, as in other cases.

SEC. 3. *Be it further enacted*, That there shall be, and hereby is, created and constituted, a board of internal improvement for the State of Florida, to consist of the governor, attorney general, treasurer, comptroller, and State register of public lands, for the time being, who shall be, *ex officio*, members thereof, and one member from each of the judicial districts of this State, to be elected by the general assembly, to serve two years, and until their successors shall be elected, which said members, *ex officio* and elected, shall constitute the board of internal improvement of the State of Florida, and shall hold an annual meeting on the first Monday in December in each year.

SEC. 4. *Be it further enacted*, That the treasurer shall keep a separate and distinct account of all moneys or bonds received from the sales of all swamp or overflowed lands, and shall make an annual statement of the same to his excellency the governor, to be laid before the general assembly at their regular session.

SEC. 5. *Be it further enacted*, That the said register shall report biennially to the governor, at least ten days before the meeting of the general assembly, to be laid by him before them, upon the several matters committed to his charge, the progress made in securing the said lands, and such other matters as may be deemed proper in connection therewith, and shall report at all other times to the governor when he may think the public interest may require it to be done.

SEC. 6. *Be it further enacted*, That settlers on said lands shall be entitled to the benefit of the present preemption laws as on other lands.

Passed the house of representatives January 23, 1851. Passed the senate January 23, 1851. Approved by the governor January 24, 1851.

AN ACT To amend "An act to secure the swamp and overflowed lands lately granted to the State, and for other purposes."

[Fla. Stats., No. 17, chap. 496.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in general assembly convened*, That the third section of the act to which this is an amendment, approved January twenty-fourth, eighteen hundred and fifty-one, be, and is hereby, repealed, and that the following be substituted in lieu thereof, viz: That there shall be, and hereby is, created and constituted a board

of internal improvement for the State of Florida, to consist of the State engineer as president and eight commissioners to be elected by the general assembly, to wit, two of said commissioners shall be appointed from each judicial district, to hold their offices for four years and until their successors are appointed, and in case of vacancy from any cause, the governor is empowered to fill such vacancy until the next meeting of the general assembly; the engineer, with the two commissioners of each district, shall be a competent board to determine upon and recommend plans for the reclamation of swamp lands and to appraise the value of said lands, either before or after reclamation of said lands, as may be deemed by them most advisable, in the respective districts in which said lands may be situated, and they shall also be competent to determine and recommend any plans for local works of internal improvements, to be laid before the general assembly for its action; the State engineer is hereby authorized and empowered, whenever he may deem that the interest of the State requires it, to convene a general meeting of the board of internal improvement by giving at least thirty days' notice by letter to each commissioner, informing him of the time of said meeting, and for such and any service the commissioners shall receive from the swamp-land fund or any moneys which may be in the hands of the treasurer belonging to said fund, while engaged in such service, the same per diem and mileage as are paid to members of the general assembly.

SEC. 2. *Be it further enacted*, That if, in the opinion of the governor and board of internal improvement, there is any work connected with the reclamation of swamp lands which it is deemed advisable to be done during the interval of the sessions of the general assembly, the governor, with the consent of the board of internal improvement, may authorize the State engineer to contract with persons or companies to reclaim swamp lands for a portion of said lands, not exceeding one-half of said lands so reclaimed; the State engineer shall make a biennial report of his proceedings to the governor, to be laid before the general assembly, and he may report at such other times as he may deem the public interest to require it.

Passed the house of representatives, December 30, 1852. Passed the senate, January 5, 1853. Approved by the governor, January 10, 1853.

AN ACT To provide for and encourage a liberal system of internal improvements in this State.

[Fla. Stats., No. 1, chap. 610.]

Whereas the constitution of this State declares "that a liberal system of internal improvements, being essential to the development of the resources of the country, shall be encouraged by the government of this State, and it shall be the duty of the general assembly, as soon as practicable, to ascertain by law, proper objects of improvement in relation to roads, canals, and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements": Therefore—

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in general assembly convened*, That so much of the five hundred thousand acres of land granted to this State for

internal improvement purposes, by an act of Congress passed the third day of March, anno Domini eighteen hundred and forty-five, as remains unsold, and the proceeds of the sales of such of said lands heretofore sold as now remain on hand and unappropriated, and all proceeds that may hereafter accrue from the sales of said lands; also all the swamp land or lands subject to overflow, granted to this State by an act of Congress approved September twenty-eighth, anno Domini eighteen hundred and fifty, together with all the proceeds that have accrued or may hereafter accrue to the State from the sale of said lands, are hereby set apart and declared a distinct and separate fund, to be called the Internal Improvement Fund of the State of Florida, and are to be strictly applied according to the provision of this act.

SEC. 2. *Be it further enacted*, That for the purpose of assuring a proper application of said fund for the purposes herein declared, said lands and all the funds arising from the sales thereof, after paying the necessary expenses of selections, management, and sale, are hereby irrevocably vested in five trustees, to wit: In the governor of this State, the comptroller of public accounts, the State treasurer, the attorney general, and the register of State lands, and their successors in office, to hold the same in trust for the uses and purposes hereinafter provided, with the power to sell and transfer said lands to the purchasers and receive payment for the same and invest the surplus moneys arising therefrom, from time to time.

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SEC. 16. *Be it further enacted*, That the trustees of the internal improvement fund shall hereafter fix the price of the public lands included in the trust, having due regard to their location, value for agricultural purposes, or on account of timber or naval stores, and make such arrangements for the drainage of the swamp or overflowed lands, as in their judgment may be most advantageous to the internal improvement fund, and the settlement and cultivation of the land, and the said trustees shall encourage actual settlement and cultivation of said lands by allowing preemptions under such rules and regulations as they may deem advisable: *Provided*, That in no case shall a preemption for more than one section of land be granted to any one settler.

Passed the house of representatives December 29, 1854. Passed the senate January 2, 1855. Approved by the governor January 6, 1855.