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THE RAILROADS AND THE PUBLIC LANDS
OF FLORIDA, 1879-1905
by J. E. DOVELL

Opportunities for profitable economic enterprise in Florida, capitalizing on the resources of the mild climate and millions of acres of unsettled land, had intrigued Northern investors long before the Civil War when Yankee visitors built the state's first tourist industry.¹ During the war, Northern investors moved into the federally occupied areas and planned continued and accelerated economic invasion of Florida. In the years of Reconstruction the state was "full of northern men looking for a proposition" for profitable investment.² The visitation of Northerners increased from 1870 to 1890 as the United States enjoyed the new industrial expansion resulting from the profits of the war and ever mounting sums of surplus capital were made available for investment. The wilderness of the Florida peninsula attracted uncounted thousands who sought to take advantage of the opportunities of the southernmost frontier.

The greatest drawback to the development, however, remained in the lack of adequate transportation facilities. In the post-bellum years the only readily exploitable resource was located in the millions of acres of the public domain. The Internal Improvement Act of 1855 was the foundation upon which the ante-bellum state government had planned to build railroads, dig canals, and reclaim swamp and overflowed land before the war. Thus, in the post-war period public officials turned to the Improvement Fund for public assistance for private projects. In the interim, however, the public land trust had fallen upon evil days.

1. J. E. Dovell, *Florida: Historic, Dramatic, Contemporary* (New York, 1952), I, 379-384.
2. *Ibid.*, II, 526 *passim*. See also R. L. Clarke, "Northern Plans for the Economic Invasion of Florida, 1862-1865," *Florida Historical Quarterly*, XVIII (April, 1950), 263-264; G. W. Smith, "Carpetbag Imperialism in Florida," *ibid.*, XVII (October, 1948), 107-108.

The predicament of the Improvement Fund was a result of the pledging of lands for railroad and canal construction or for the payment of railroad construction bonds. The railroad companies, exempt from taxation, had then issued bonds which were endorsed by the Trustees of the Fund. During the Civil War and Reconstruction the railroads defaulted on bond payments and the carriers reverted to the Improvement Fund. The Trustees sold the roads to promoters, often at twenty per cent of the original value usually payable in bonds, at face value. Many of these bonds had been quietly cornered for as little as twenty cents on the dollar. Land and bond subsidies for railroads, were issued continuously during the years of Reconstruction, although little railroad construction was accomplished.

Interest coupons on the bonds were in default when *one* of the original bondholders of the Florida Railroad instituted a suit and the Improvement Fund was placed in receivership. The Trustees continued to sell parcels of land through the Receiver, but these sales did not suffice to keep the debt from increasing and the Fund was being depleted by compound interest and legal expenses.³

The State officials made numerous attempts to sell enough of the lands to redeem the state's equity, but insolvency seemed the inevitable doom of the entire Fund. When William D. Bloxham became governor in 1881, 14,000,000 acres of Improvement Fund lands were encumbered with a debt of \$1,000,000 which bore an interest of \$70,000 a year. Meanwhile, the creditors proposed to the Federal Court administering the receivership that they either take over the lands or force the sale of the lands for settlement.

3. *Governor's Message*, January 2, 1833; Helen R. Sharp, "Samuel A. Swann and the Development of Florida, 1855-1900," *Florida Historical Quarterly*, XX (October, 1941), 187-193; J. E. Dovell, "The Everglades Before Reclamation," *ibid.*, XXVI (July, 1947), 1-43.

The Disston Drainage Contract

Among the Northerners who visited Florida after the war was Hamilton Disston, heir to a prosperous Pennsylvania saw-making industry. Disston, an avid sports fisherman, had come south in 1877 and was no doubt apprised of the opportunities for investment and the sad affairs of the Improvement Fund by his friend General Henry S. Sanford. The developer of the town of Sanford may have interested the Philadelphian in Florida as a field for enterprise, for in February, 1881, Disston and several associates drew up articles of agreement with the Improvement Trustees to drain and reclaim the swamp and overflowed lands south of Township 23 East and east of Peace Creek in return for half the acreage involved. When the promoters found that the court decree would prevent the conveyance of lands under the contract, Bloxham induced Disston to purchase outright 4,000,000 acres of land for a million dollars.⁴ By the Disston sale, of May, 1881, the state improvement officials were able to pay off the debts and to assume an independent position with regard to further land disposition. The same sale allowed the Disston associates to proceed with the drainage contract in the Kissimmee-Okeechobee-Everglades watershed.

The Disston associates placed the advertising and sale of their lands in several companies. One of the companies accepted the drainage contract and assembled dredges at Ft. Myers and Kissimmee to work in the Caloosahatchee and Kissimmee River valleys. While most of the drainage efforts were devoted to the Kissimmee-St. Cloud area, where extensive drainage works and agricultural production were undertaken, enough canals were excavated to provide river boat navigation from Kissimmee on Lake Tohopekaliga to Lake Okeechobee and Ft. Myers. By 1883 four steamboats were operating from Kissimmee when President Chester A. Arthur made a fishing trip down the Kissimmee River,

4. Internal Improvement Fund *Minutes*, II, 433 *passim*.

where the *New York Tribune* of April 10th reported the Chief Executive "had reached the end of civilization." Shortly thereafter, a dozen steamboats were operating on the lakes and rivers of central and south Florida, some of them making scheduled thirty-six hour runs from Kissimmee to Ft. Myers.⁵

In the area around the Tohopekaliga lakes at the headwaters of the Kissimmee River the Disston interests sponsored the introduction and production of various crops on the drained land. Sugar cane plantings were made on the prairie between the two lakes, beginning with twenty acres in 1885. By 1887, the sugar plantation, named St. Cloud, had grown to a hundred acres. The harvest of that year averaged thirty-five tons of cane per acre with a sugar extraction of eight percent, or almost 5,000 pounds of granulated sugar for each acre of cane, a record not surpassed in the United States at the time.⁶ When Disston found the sugar yield satisfactory a separate corporation was organized to take advantage of the federal two cent per pound sugar bounty of 1890.

"The business was handled by promoters inexperienced in cane or other agricultural pursuits, and when the high bounty was taken off sugar the Disston Company went into bankruptcy with hundreds of other sugar companies in the cane and beet fields of the country."⁷

In order to secure accurate information on sugar cane growth in the soils of the reclaimed lands Disston persuaded the United States Department of Agriculture to establish an experiment station near St. Cloud, where in 1891 over thirty varieties of cane had been introduced from the East and West Indies and

5. J. E. Dovell, "Development of Commercial Transportation in Florida," *Economic Leaflets* (Gainesville, Florida), X (September, 1951), 2.

6. R. E. Rose, *The Disston Sugar Plantation - Its Success and Failure* (Tallahassee, 1912); C. Lyman Spencer, *The Sugar Situation* (Jacksonville, 1918), 88.

7. Spencer, *op. cit.*, 88.

the nation at large. In 1891, Dr. Harvey W. Wiley, in charge of the St. Cloud experiment plots, reported on the prospects of these and other similar lands in Florida. Wiley's observations were made in the Kissimmee Valley, around Lake Okeechobee, and in the Caloosahatchee Valley. Along the Kissimmee River he noted thick deposits of muck soils on a level with the water line which suggested artificial drainage through levees and pumps, similar to the installations on the plantations on the Mississippi below New Orleans.⁸ On the southern border of Lake Okeechobee, Wiley observed what he called the largest body of muck lands in the world and proposed two methods for their drainage: a canal 300 feet wide and 12 feet deep from the lake to the Atlantic Ocean or recovery of portions progressively through the construction of levees and canals.

As for gravity drainage of the Okeechobee lands, Wiley wrote "there is abundant natural fall to carry off the whole of the water, provided a canal of sufficient size can be constructed." He noted that these muck lands were sixteen feet deep, underlined with limestone of a high phosphoric content. As head of the Chemistry Bureau of the Department of Agriculture, his observations that the muck soils were wholly organic in composition and markedly deficient in mineral constituents were perhaps the first scientific notes of these most important characteristics of this class of south Florida lands. Even more significant for the future were this agricultural chemist's report that the drained muck lands under cultivation in the St. Cloud area for eight years had suffered a subsidence of several inches and his conclusion that "if the organic matter which these muck soils contain should decay there would of course, be a marked depression."⁹ In regard to climatic factors, he viewed the ad-

8. Harvey W. Wiley, "The Muck Lands of the Florida Peninsula," *Report of the Secretary of Agriculture*, 1891, *House Executive Documents* 1, part 6, 62 Congress, 1 Session, 163-171.

9. *Ibid.*, 167.

vantages of seasonal rains from May to October, and a dry season from October to June as particularly desirable for the growing and harvesting of sugar cane and rice. The disadvantages of dry winter and spring seasons could be overcome through installations of "artificial irrigation."

Wiley found several thousand acres of overflowed lands freed of water by the Disston drainage operations. Of these, 2,000 acres were in sugar cane, 5,000 acres in rice, and many acres in commercial vegetable gardens. His optimistic, yet largely prophetic conclusions, were that: "In no instance has cane been known to freeze in the Florida peninsula, during the period over which these observations extend. . . . It may be said, then, with confidence that in the region of Okeechobee Lake the lands which may be recovered for sugar making purposes have all the advantages of the climate of Cuba." He concluded: "There is practically no other body of land in the world which presents such remarkable possibilities of development as the muck lands bordering the southern shores of Lake Okeechobee. With a depth of soil averaging, perhaps eight feet, and an extent of nearly half a million acres, with surface almost level, it affords promise of development which reaches beyond the limits of prophecy."¹⁰

The Disston drainage venture was largely unsuccessful as the canals were too small to handle flood waters in the rainy seasons. In 1882 an agent for the Improvement Trustees cited the need for canals from Lake Okeechobee to the Caloosahatchee, St. Lucie, New, and Hillsboro rivers to effectuate the drainage plan. The Disston company continued some drainage operations until 1894 when the Trustees decided the provisions of the contract had been fulfilled.¹¹

10. *Ibid.*, 168-170.

11. I.I.F. *Minutes*, IV, 260-261. For contemporary observations of the operations, see: "Across South Central Florida in 1882: Reprint from New Orleans *Times-Democrat*," Tequesta, X (1950), 49-88 and *ibid.*, XI (1951), 63-92.

A committee of the Florida legislature, in 1885, reported: "We feel assured that the problem is capable of solution with an expenditure of money, time, and labor not disproportionate to the results. . . . The reduction of the waters is simply a question of sufficient capacity in the canals which may be dug for their relief." Another legislative committee, in 1909, concluded that the work performed by the Disston company should have been continued, but that the Trustees' transfer of 1,652,711 acres, finally deeded to the Disston drainage company, was too great a price to pay for demonstrating the feasibility of draining the state's wet lands in central and southern Florida."¹²

The long range value of the Disston works, however, cannot be overestimated as a step in the future development of central and southern Florida. Had the creditors of the Improvement Fund forced a liquidation in 1881 the effects would have been disastrous in many respects. The Disston efforts proved that the wet lands could be drained, but that drainage works required maintenance to remain beneficial. The records of the agricultural productions at St. Cloud, especially in sugar, were not lost to other developers who followed Disston.

Years of Indecision

The value of Governor William D. Bloxham's "disencumberment" of the public domain under the control of the Internal Improvement Fund through the Disston sale remains debatable. That the Disston sale assisted in opening an era of prosperity for Florida is beyond doubt, and had the sale not been made the liquidation of the Fund at the hands of the creditors would have been likely. The availability of the lands for bestowal to land-grant railroads, canals, other corporations, and state land

12. *Senate Document 89, 62 Congress, 1 Session, 23; Report of the Commission of the 1907 Legislature to Investigate the Internal Improvement Fund* (Tallahassee, 1909), 290.

selection agents certainly furnished one of the major post-bellum impulses for the attraction of Northern capital and the subsequent development of the entire state.

When Bloxham entered the governor's office in 1881 Florida had received patents to 14,800,000 acres of swamp and overflowed land of which 1,700,000 acres had been disposed of through 1880, including the lands alienated during the Reconstruction period.¹³ Under the 1850 federal swamp and overflowed land grant act the obligation had rested on the state of Florida to reclaim the swamp and overflowed lands. Prior to Bloxham's administration the Trustees of the Improvement Fund, by their interpretation of the 1855 law, had refused to recognize legislative grants to private companies which included more than the alternate sections of land on each side of a properly incorporated railroad or canal.¹⁴ When the 1879 legislature enacted several laws granting lands beyond the six mile limit, without regard to the liabilities, obligations, or trusts of the Fund, Governor George F. Drew vetoed the bills. The legislature, thereafter, circumvented the executive veto by making subsequent land grants "subject to the trust created in the Act of January 6, 1885."¹⁵ While this legislative artifice followed the spirit of the 1850 act of Congress in making the land grant, there were no practical results since further state interest in reclamation of the wet lands was negligible before 1900.

In the aftermath of the chaos of Civil War and Reconstruction the demand for railroad construction was greater than ever. With the departure of the Republican Carpetbaggers and the assumption of the "Conservative Bourbon Democracy" leadership, the legislature "grabbed the only available means of support – *the swamp and overflowed lands* – and handed them over

13. *Message of the Governor*, 1883.

14. *1907 Commission Report*, 296.

15. Chapter 3167, *Laws of Florida*, 1879; Chapter 3226, *Laws of Florida*, 1881.

in lavish fashion to *railroad* companies which, generally speaking, exacted an usurious rate of interest for the help they rendered in putting the *northern and western* portions of the state back on their feet.¹⁶ After 1879 the lands granted to the state under the 1850 act were rapidly pledged to corporate interests for the ultimate benefit of the state at the expense of and despite the obligation to reclaim the swamp and overflowed lands.¹⁷

The redemption of the Internal Improvement Fund paved the way for Florida's boom era of railroad building through land bonuses. In 1880-1882, Bloxham and the other Trustees disposed of 4,500,000 acres, or more than twice the number delivered in the three decades after 1850. By the end of Bloxham's first term the patented lands totalled almost 15,700,000 acres. In 1883-1884, the Bloxham group deeded over three million acres to railroads, four million acres on the Disston purchase, almost two million acres on the Disston drainage contract for a total of roughly 8,250,000 acres. To 1885, over 10,300,000 acres of public lands had been alienated with a balance of some 5,400,000 remaining.¹⁸

From the first administration of Bloxham in 1881, through his second administration in 1900, the Trustees honored the land grants of the legislature and executed deeds to the grantees. From 1879 to 1899, ninety-two acts were passed by the legislature granting lands to corporations which would have required *more than three million acres of land over and above the lands patented to the state by 1907 to have satisfied the grants in full.*¹⁹ By 1901, railroad companies had received 8,725,000 acres; the Disston and other canal companies, 2,780,000 acres; and sales and

16. D. Graham Copeland, *Policy: A Report to the Board of Commissioners of the Everglades Drainage District* (Fort Myers, Florida) 1930, 25.

17. William S. Jennings, "Florida's Public Land," *Legislative Bluebook*, 1917 (Tallahassee, 1917), 48-49.

18. *Report of the Commissioner of Lands and Immigration, 1883-1884* (Tallahassee, 1884), 23-25.

19. *1807 Commission Report*, 341.

other transactions completed the disposal of the remaining acres out of a total of 24,000,000 acres of land conveyed by the United States to Florida before 1900.²⁰ The proportions of the railroad boom were such that 564 railroad companies were chartered or incorporated in the state. Of these, 251 were actually built and 154 were still in operation in 1939, though most of the railroads were consolidated, through the years, into four major systems. From 1854 to 1936, land grants of 9,000,000 acres were made to the railroads by Florida, with additional grants of 2,220,000 acres being made separately by the United States. Within twenty years after Bloxham's first term there were 3,500 miles of railroad in the state.²¹

As early as 1885 the Trustees of the Internal Improvement Fund issued certificates, in lieu of grants, to various railroads for lands embraced in legislative acts. Twelve years later when Bloxham returned as governor in 1897 the only appreciable amount of land left in the Fund was located south and east of Lake Okeechobee. But the title to those lands was in doubt; and further, several railroad companies held certificates, in the gross, to more than encompass the whole Everglades area. After 1879, the legislature had granted, and the Trustees had honored, grants of land to corporations as high as 20,000 acres per mile of railroad. By Bloxham's second term the resources of the Improvement Fund, though their peculiar administration, were once again in a stalemate of claims, litigation, and bankruptcy duplicating the status of the Fund when the state was returned to the Bourbon Democrats by the Carpetbaggers in 1876.²²

The Disston land sale and the inception of drainage projects in the Kissimmee-Okeechobee region publicized an unknown

20. Jennings, "Florida's Public Lands," *loc. cit.*, 53-54.

21. Ralph G. Hill and James H. Pledger, *The Railroads of Florida* (Tallahassee, 1939).

22. I.I.F. *Minutes*, IV, 202; *Report of the Trustees of the Internal Improvement Fund*, July 28, 1904, *Senate Journal*, 1905, 536-561.

section and generated a curiosity which promoted another surge of travelers and explorers into central and south Florida. Under the sponsorship of the New Orleans *Times-Democrat*, a correspondent made a water trip from Kissimmee, through Lake Okeechobee and the Caloosahatchee River, to Ft. Myers in 1882. The trip was fully reported in the New Orleans newspaper which editorialized that: "It would result in material advantages to the country by making known a rich and promising section, hitherto closed to settlement."²³ The New Orleans paper sponsored a second trip in 1883 from Lake Okeechobee through the Everglades to tidewater, on the south, at Shark River. The correspondent reported, after a twenty-six day journey, that the area through which the party traveled would remain a vast and useless marsh forever.

The development of the lands along both east and west coasts brought the central area of the interior into focus and interest in the wet lands naturally followed. A railroad had reached Tampa by 1884 and extensions were made down the west coast soon thereafter. By 1888 a railroad extended to Daytona on the east coast and within a few years was extended to the Palm Beaches and Miami. The desirability of a cross-state connection was discussed, along with the potential development of vegetable lands, at a meeting of Henry B. Plant of the South Florida Railroad and Henry M. Flagler of the Florida East Coast Railroad in Tampa in February, 1892. James E. Ingraham, president of the South Florida road, later reported that Plant was leading the discussion "over a map which spread on the table, and he said to me, 'Mr. Ingraham, could we build a line from Fort Myers to Miami?'"²⁴ The upshot of the meeting was an expedition, under Ingraham's command, to run a line of levels across

23. "Across South Central Florida in 1882," *loc. cit.*, 53.

24. *Fort Lauderdale Tropical Sun*, January 1, 1922.

the Everglades. Leaving the western edge of the Everglades at Ft. Shackelford on March 21, 1892, the party reached Miami on April 7, but only after a harrowing and difficult passage through the rank vegetation and boggy terrain which was encountered.²⁵ While Ingraham's report did not encourage either Plant or Flagler in the proposition of a cross-state railroad this latter-day explorer found there was nothing "to prevent the water of the lake from flowing into the Ocean and leaving the land drained, if vents could be made in the long ledge of rock" on the eastern side of the Everglades.²⁶

Through these years the Trustees of the Improvement Fund received many proposals from individuals to enter and drain the wet lands of central and south Florida. Beyond receiving the proposals little was accomplished because of the belief, later cited by a commission of the legislature, which existed "in the minds of the Trustees. . . that the Fund belonged to the railroads."²⁷ On May 9, 1892, James E. Ingraham, president of the South Florida Railroad and leader of the expedition which had completed a passage across the Everglades a month earlier, appeared before the Trustees and presented a proposition "to drain the Everglades."²⁸ The Trustees notified railroad companies whose land grants had been earned but not fulfilled to attend a meeting on the following June 10 to show cause why contracts proposing to drain South Florida wet lands should not be consummated.

At the June meeting Ingraham presented propositions "to drain the Everglades," but representatives of six railroads protested the sale or pledge of any state lands until the land grant

25. Watt P. Marchman, editor, "The Ingraham Everglades Exploring Expedition, 1892," *Tequesta XVII* (1947), 3-43.

26. Everglades of Florida, *Senate Document*, 89, 62 Congress, 1 Session, 107.

27. *1907 Commission Report*, 292. For propositions relative to drainage, see I.I.F. *Minutes*, IV, 42, *passim*.

28. I.I.F. *Minutes*, IV, 198.

certificates held by their companies were satisfied. The Trustees "decided that in view of the fact that there was hardly a sufficient quantity of lands patented or to be patented to the state to satisfy the land grants to railroad companies earned but not yet satisfied, that the Board could not accept any of the propositions to drain or purchase any of the unpatented state lands."²⁹

The Flagler Drainage Contract

A short time after James E. Ingraham appeared before the Improvement Trustees with a proposal to drain the Everglades in 1892 he left the services of the Henry B. Plant enterprise. Ingraham then entered the employ of Henry M. Flagler as general agent, later becoming land commissioner and a vice president, of the Florida East Coast Railway. Though the project of draining the Everglades had attracted the attention of Plant, the railroad magnate was by no means sure that the scheme was feasible.³⁰ However, Ingraham's report of the possibilities of the lower east coast, made in connection with the 1892 Everglades expedition, intrigued Flagler and partly persuaded the developer to continue the railroad south of Daytona Beach.

The construction of the Florida East Coast Railroad was in no small part assisted by land grants from the state. The Flagler System then sponsored the Model Land Company, the Perrine Grant Land Company, the Chuluota Land Company, and the Okeechobee Company as agents in the promotion and sale of land acquired by the railroad. In order to attract purchasers and to develop sources of freight the Flagler agencies established industrial departments and employed agricultural representatives

29. *Ibid.*, 202. In May, 1893, Francis A. Hendry of Ft. Myers, a pioneer businessman and legislator, wrote the Trustees on behalf of several citizens of Lee County who wished to enter and cultivate a tract of unsurveyed land, at Ritta River, bordering Lake Okeechobee to raise winter vegetables, "If you will kindly grant this request it will doubtless prove of great advantage in the way of showing the great value of those waste lands, and prove to be of great interest to the State." *Ibid.*, 239-240.

30. *Senate Document* 89, 62 Congress, 1 Session, 107.

to assist their clients. With the opening of the railroad to Palm Beach and Dade counties rapid transportation for perishable fruit and vegetables was available and the Flagler interests quickly encouraged the cultivation of southeast Florida garden produce for the winter markets in the North and East.

After 1894 the East Coast Railroad devoted funds and efforts "toward opening and enlarging the natural streams for the purpose of lowering the water of the arms of the Glades during the winter season, in order to facilitate the growing of winter vegetables. This drainage also permitted some fruit growers owning small detached tracts of Glade land to so drain them that trees were successfully grown."³¹ James E. Ingraham wrote that "experiment proved that this work. . . was merely a matter of a great deal of digging. Henry M. Flagler took up the project, and it is being carried out by his lieutenants. We are not only making artificial outlets through the rock, but are also, by ditching and dredging, turning large bodies of water into rivers and creeks which flow to the ocean. The work has progressed far enough to enable me to predict confidently the opening in Florida, within a very few years, of a great tract of land of almost unprecedented fertility."³²

In February, 1898, Rufus E. Rose, representing James E. Ingraham, J. R. Parrott, and other officials of the East Coast Railway, sought a drainage contract for the development and sale of wet lands south of Lake Okeechobee. The Improvement Trustees agreed to deliver 20,000 acres of land for each 200,000 cubic yards of excavation for drainage purposes plus a cash settlement of \$5,000.³³ On June 29, 1898, the Trustees signed a contract with Rose, Ingraham, Parrott and others on this basis; in early October the Trustees agreed to the transfer of the

31. *Ibid.*, 95.

32. *Ibid.*, 107.

33. I.I.F. *Minutes*, IV, 432.

contract to the Florida East Coast Drainage and Sugar Company, a corporation that was a subsidiary of the Flagler-held Florida East Coast Railway.³⁴

By the end of the year, Rufus E. Rose secretary and superintendent of the Florida East Coast Drainage and Sugar Company, sent a copy of the proposed system for reclamation to the Trustees at Tallahassee. After running survey lines from Miami, Biscayne, and Modelo, Rose reported a seven foot fall from the head of the Miami River to tidewater, and a gradient of four inches per mile on the open Glades to their eastern edge. "From a practical standpoint. . . the fall is ample to drain perfectly, a territory of not less than thirty miles broad, west of the headwaters of the streams, *always provided a sufficient number of canals, of a total cross section, equal to the aggregate cross section of the stream flowing out of this territory be provided.* If this territory be diked on its northern and western boundaries the enclosed area will be more quickly drained, and the water level maintained lower than if the 'spill' from Lake Okeechobee be allowed to pass through the interior drainage canals."³⁵ Rose stated that there was no necessity nor advisability to drain the entire area, but by enclosing portions with dikes and canals in accordance with the progress of the work and the demand for land, "the whole can be eventually be put into shape for agriculture."

The Flagler drainage contract had stipulated commencement of operations within a year, but in 1900 the company asked for a two year extension and the Trustees granted the request.³⁶ In 1902 the company again asked for an extension of the contract as "negotiations are now pending by which this Company expects to obtain the necessary funds, amounting to one million

34. *Ibid.*, 437-444, 446-450.

35. *Ibid.*, 456-457.

36. *Ibid.*, V, 31-32.

dollars, for the active prosecution of the work of drainage." The Trustees refused, however, to grant another extension.³⁷ An observer later wrote that Flagler had hoped to get possession of the Everglades, partly as a railroad land grant and partly by purchase, with a company formed for their reclamation; the railroad builder was fortunate that the Trustees blocked the plan, for ensuing events proved that the work was far beyond the reach of private capital.³⁸ Although the drainage plans of the Flagler Company were still-born, a prospectus offering 50,000 shares of stock in denominations of \$100 each was of more than passing interest. The scheme presented by R. E. Rose, to the Trustees in 1898, was "practically the same" that was followed later when the state officials assumed the work of reclamation.³³

In his biennial message to the legislature in 1899, Governor Bloxham called attention to "the great value of the partially submerged lands in the Everglades, the practicability of their drainage, and the steady march of improvement looking to the utilization of those lands."⁴⁰ Bloxham also cited the contract with the East Coast Drainage and Sugar Company and said that there was no doubt that the agreement would redound profitably to Florida. He expressed the view that the region "was capable, with small reclamation and intelligent cultivation, of furnishing the million and a quarter tons of sugar that are annually brought into this country." As for the Flagler Company, reference has been made to the fact that the drainage plans never went much

37. *Ibid.*, 128-129.

38. Frederick W. Dau, *Florida Old and New* (New York, 1934), 297.

39. Statement of Rufus E. Rose before the legislative commission investigation, *1907 Commission Report*, 319-320. The company proposed to drain 800,000 acres in the Glades by removing the rock barriers at the head of the Hillsboro, Cypress, Middle, Little, New, Arch Creek, Snake, and Miami rivers. The impounded waters would then flow to tidewater through 12 canals of 50 foot width and 12 foot depth, supported by numerous lateral canals. The prospectus stated that the work would require 5 dredges for 5 years at an estimated cost of \$845,000. *Prospectus of Florida East Coast Drainage and Sugar Company* (St. Augustine, 1902), II.

40. *Messages and Documents*, 1899, 26.

further from the issuance of a prospectus of the corporation offering the sale of stock.

State Participation: The Work of Jennings

The initiation of the state program to reclaim the wet lands of Florida, and officially assume the obligation of the federal grant of 1850, can be attributed to a variety of motives. References, previously noted, bear witness to the fact that the question was discussed at length in the territorial and statehood years of the nineteenth century. The inability of private capital to overcome the difficulties of drainage and reclamation of the swamp and overflowed lands was demonstrated by the largely unsuccessful ventures of Disston and Flagler. In 1899, when Bloxham referred to "the great value of the partially submerged lands in the Everglades, the practicability of their drainage, and the steady march of improvement looking to the utilization of those lands," the informed knew that drainage and reclamation would be accomplished through resort, finally, to governmental activity.⁴¹

Although Bloxham proudly stated that "no other transaction has been of greater service to the State" than the Disston sale, the deal had hardly been consummated before criticism arose that the Tallahassee Bourbon Democrats had sold out the citizenry to the "damyankee" capitalists. Bloxham and his immediate successors in answer, could point to the hundreds of miles of railroads, the large amount of capital invested in "our limits," the influx of population, and the large amount of property placed on the tax books. But the *Pensacola Commercial* echoed the opposition by noting the danger to the American people inherent in the large land grants to railroads, who, in turn passed the land along to non-resident speculators.⁴² From

41. *Messages and Documents, Florida, 1899*, 26.

42. *Pensacola Commercial*, January 2, 1884. The article observed that "where the ownership of the soil is widely distributed men take the deepest interest in those things which tend towards the public good."

1876 to 1900 the close ties between the “developers” and the Bourbon Democrats were continued through economic subsidy, political control and the maintenance of the *status quo*. Corporations, especially railroad corporations, exercised undue influence and the hand of the vested and propertied interests was evident in public office and enactment.

When the Democratic Party espoused the basic principles of the Populist Party in 1896 and selected William Jennings Bryan as presidential nominee, liberals in the Florida Democratic Party were overjoyed. But when Bloxham, candidate of the party, and seeking his second term as governor, “cleverly skirted the real issues that faced Florida Democracy” and was elected, the liberal leaders began to prepare for the defeat of the Bourbons in 1900.⁴³ Florida’s farmers and merchants were experiencing the economics of high freight rates as well as the monopolistic practices of the land grant corporations; the liberal Democratic leaders proposed that the general welfare be considered along with economic expansion in Florida.

Indications of the trend to a new leadership were completed with the election of William S. Jennings as governor in 1900. A cousin of William Jennings Bryan, the first chief executive of the new century had campaigned on the national party platform of 1896. While Jennings made a good record as an administrator, especially in the field of public finance, his most significant contribution was made in the realm of public lands.⁴⁴

In the rush to grant the swamp and overflowed lands to the corporate interests from 1879 to 1900 there was very little public domain left in the Internal Improvement Fund when Jennings became Chairman of the Trustees in 1901. Millions of acres had passed to the railroads. In lieu of further lands to grant

43. Samuel Proctor, *Napoleon Bonaparte Broward: Florida's Fighting Democrat* (Gainesville, 1950), 145-146.

44. *1907 Commission Report*, 273 *passim*.

the Trustees had issued certificates to be granted when additional lands would be patented to Florida under the federal act of 1850. The only appreciable amounts of lands that might accrue to the Improvement Fund when Jennings became Governor and a Trustee were those south and east of Lake Okeechobee. In 1897, the Swamp Land Bureau of the Interior Department of the United States submitted list number 87 affecting 2,942,000 acres to the Florida Land Office, but revoked the list in May, 1898, "because it was thought to impinge upon the rights and interests of the Seminole Tribes."⁴⁵

In 1901, Jennings found the public land situation of the state to be something of a dilemma. Should the state receive the lands south and east of Lake Okeechobee, the land certificate holders were waiting to take up their claims. Should the title to the lands remain with the United States, there was little opportunity for drainage or reclamation or any other utilization of the lands by the state. The Governor and the other Trustees decided to employ three attorneys to study the powers and duties of the ex officio board under existing statutes and to submit opinions on the questions. The collective opinion of the special counsel formed the basis for a motion adopted in July, 1902, by the Board: "It is the duty of the Trustees of the Internal Improvement Fund under the act creating them to 'make such arrangements for the drainage of swamp and overflowed lands as in their judgment may be most advantageous to the fund and to the settlement and cultivation of the lands'. . . . In the judgment of the Trustees . . . the drainage, settlement and cultivation of the swamp and overflowed lands remaining undisposed

45. Fritzie P. Manuel, "Land Development in the Everglades," *National Defense Migration Hearings*. 77 Congress, 2 Session (1942), 12869. Bloxham had urged "action by both the General and State Governments, if homes are to be secured for the Seminole Indians remaining in this State." *Message and Documents*, 1899, 26.

... can best be accomplished by a sale of a portion of said lands." ⁴⁶

Shortly after the assertion of this policy the Trustees sold 100,000 acres of the Fund's land in several north Florida counties for \$223,000 and announced that the money would be utilized in discharging obligations first and that the remainder would be applied to the drainage of wet lands. Several railroad companies protested this action and brought suit to recover the lands or the money from the land sales. The railroads challenged the legality of the authority of the Trustees to use the money for any purpose other than the settlement of the claims of the railroads.

In March, 1903, Governor Jennings went to Washington "with a view to perfecting the State's title" to the Everglades area and obtained a new patent for 2,862,280 acres. ⁴⁷

Meanwhile Jennings began to collect data on the feasibility of draining the Everglades in preparation for the 1903 meeting of the legislature. ⁴⁸ In his message of 1903, the Governor presented the proposal for the drainage of the Everglades on the grounds that the wet lands could not be sold while under water and could not be drained until money was available from their sale. He placed the state in the position of the man who undertook to lift himself by his own bootstraps, and, "so far, has been almost as helpless in accomplishing the task." Citing the many reports on the possibilities of drainage, Jennings dwelt at length on the engineering feasibility and potential benefits to be derived from the proposed undertaking. He noted that a reported \$500,000 crop loss, from high water in 1903, which had occurred on the farms along the edge of the Everglades, would justify

46. I.I.F. *Minutes*, V, 118-119.

47. *Message and Documents*, 1903, 69; I.I.F. *Minutes*, V, 172.

48. W. S. Jennings, "Florida's Public Lands," *Legislative Bluebook* (Tallahassee, 1917), 51-52.

reclamation and protection of the small areas then under cultivation. He offered, however, no suggestions for state activity, but recommended "that the Congress of the United States be memorialized for an appropriation of a million dollars to this end."⁴⁹

The stand taken by Jennings and his fellow Trustees was a courageous one in view of the land claims of the railroads of five million acres. Land certificates of almost 700,000 acres, issued by previous Trustees, were unsettled in 1904.⁵⁰ The Governor later wrote that "this was the beginning of the determination of the Trustees to save the public lands, and the establishment of a policy that in the future the public lands should represent value and be paid for."⁵¹ When Jennings left office there was a balance of three million acres of land in the Improvement Fund.

DISPOSITION OF SWAMP AND OVERFLOWED LANDS
 (to August 6, 1904)⁵²

Railroad Companies	8,252,317.69	acres
Canal Companies	2,252,816.96	"
Hamilton Disston	4,000,000.00	"
Dickerson	248,602.98	"
Jackson	113,064.00	"
Other individuals	2,200,130.31	"
Total	17,056,932.74	"
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Patented to State	20,133,837.42	"
Deeded by Trustees	17,056,932.74	"
Balance in Fund	3,076,904.68	"
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Total Land Surface of Florida	35,072,640	acres

49. *Message*, 1903, 64.

50. *Senate Journal*, 1905, 500-564.

51. Jennings, "Florida's Public Lands," *loc. cit.*, 55.

52. I.I.F. *Minutes*, VII, 532.

In the Jennings administration, 1901-1905, no deeds were made by the Trustees to any of the land grant claimants. The stand of the Trustees was attacked by several grantees and the matter was resolved in the case of the Southern States Land and Timber Company versus the Trustees of the Internal Improvement Fund in the federal court at Pensacola. The land companies sought to enjoin the Trustees from the disposition of any lands other than to deed them to the holders of legislative grants. In orders handed down by Judge Charles Swayne, in 1907, the court authorized the Trustees to sell or dispose of the swamp and overflowed lands for purposes of drainage and reclamation. The position of Jennings was sustained; to him must accrue the credit for inaugurating the state's development of the wet lands in central and southern Florida.⁵³ He collected data on the possibilities and through his efforts the tangled web was unwound. Although Jennings' plans could not be effected, they were "merged in the subsequent settlement and plans for drainage followed by subsequent administrations."⁵⁴

"Save and Reclaim the People's Land"

The weakest link in the chain of Jennings' argument that the claims of the Improvement Fund on the swamp and overflowed lands were superior to the claims of the railroad grantees was that the Trustees had no reclamation program to substantiate their claims. Jennings' first step toward the establishment of a state policy for reclamation came with the recommendation in his 1903 message to the legislature that a federal appropriation would provide an excellent foundation for the drainage project. Since Jennings was prohibited from succeeding himself, the cause of reclamation was carried into the governor's race of 1904 by Napoleon Bonaparte Broward.

53. *Ibid.*, 537-538.

54. Everglades of Florida, *Senate Document* 89, 62 Congress, 1 Session, 13.

Born in Duval County in 1857, Broward was descended from a French soldier of the American Revolution who had settled in Spanish Florida. He served as sheriff of Duval County and was a representative in the legislature in 1901. Prior to the Spanish-American War he had engineered several filibustering runs to Cuba and before his campaign for the governorship had engaged in towing and wrecking business in Key West. In 1903 Broward wrote: "I decided to become a candidate and give the people an opportunity to elect a governor who has never allowed himself to be put under obligations to the land corporations of this State, and who will not be hampered as Chairman of the Board of Trustees of the Internal Improvement Fund, in voting against giving away the State's lands, or in adjusting their claims to the money now in the State Treasury."⁵⁵

Broward's decision to seek the gubernatorial nomination in 1904 came, he said, after a futile search for a candidate who would attack corporate and special privileges and support railroad regulation, cleaner elections and "who would publicly pledge himself to deed no more trust lands, and do everything in his power to reclaim the Everglades."⁵⁶ The former sheriff had no political machine; he could not carry Duval County in either of the two primary elections. Evidence indicates, however, that Broward had the full support of Jennings and was heir to the drainage schemes that the governor had worked out.

55. N. B. Broward, *Napoleon Bonaparte Broward, Candidate for Governor of Florida*, reprint (Miami, 1938), 16; Proctor, *Broward*, 1-177.

56. Daniel A. Simmons, "'The Florida Everglades; How They Happened; What They Are; What They Will Be,'" *The World To-Day*, XVI (May 1909), 535; Proctor, *Broward*, 12.