

BACK TO BROWARD

ANOTHER VIEW

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The Back to Broward League has for its motto, "Save the honor of Florida," no one can quarrel with the motto as such.

The trouble with this League is, it assumes that the honor of Florida is in jeopardy and proposed to prevent its loss or to recover it, if it has already been cast away by the state officials since the death of Broward, "Florida's Greatest Son."

Now, this league to preserve the honor of Florida is a proposition made largely by and on the special behalf of one of the corporations, under philanthropic guise, who own land in the Everglades, to the end that the state who owns about one million two hundred thousand acres of the four million acres of land in the Drainage District shall pay the bill for drainage.

The league says if the state does not agree to this proposition, which includes turning the whole business over to a board or committee to be chosen from the land owners, including the membership of the corporations, and let this board or committee go to work at once spending the money on the "unit plan," whatever that is, she will lose her "character in the community."

The facts in the case are these:

Florida required all the swamp and overflowed lands within her limits by the Act of Congress of September 28,

1850, but patents were not issued and the title passed until the lands were selected by the state and such selections approved by the United States Government. Not until 1903 did Florida obtain the patent to the Everglades.

The congressional act of 1850 applied to all states in the union. The lands were granted for the purpose of enabling the states to construct the necessary levees and drains, to reclaim the swamp land therein, and the act provides "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."

The Supreme Court of the United States has held that the grant was "in present" without conditions and no trust followed; that the obligation, if any, to drain the lands was enforceable, if at all, only by the United States Government and rested in the good faith of the two sovereign powers.

In 1885, the Legislature of Florida, in order to aid the work of certain internal improvements consisting of the building of railroads and canals in the state, created the Internal Improvement Fund and placed all the swamp lands in it, and then pledged them as security for the interest upon bonds that might be issued by the railroads under the act. The fund had not been

relieved of this first trust until recently, and it cost the fund many millions of acres of land. The second trust was contained in Section 16 of the Act, which provided that the Trustees shall make such arrangements for the drainage of the swamp lands as in their judgment may be most advantageous to the fund.

Now, between 1879 (nearly twelve years before the first bonds issued by the railroads under the act matured, and long before that trust was discharged) and 1900 — the Legislature granted to railroad corporations to aid them in the construction of their roads all the lands contained in the fund including those to which patents were thereafter to be obtained.

Many suits were instituted to force the Trustees to convey the land by deed to the different railroads, who claimed them under the different Acts of the Legislature. If they had succeeded there would not have been enough such land in Florida to go around, including all the Drainage District.

In 1901 W.S. Jennings became Governor and at once offended the railroad corporations by insisting that the railroad land grants were subject to the duty of the Trustees to "make such arrangements for the drainage of the swamp lands as in their judgement may be most advantageous to the fund." The railroads at once claimed

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that the "honor of the state was about to be destroyed by the unprincipled office holders, who for political reasons only, were trying to deprive the railroads of that which in good faith the Legislators had granted and the railroads had earned." So the railroads, also at that time wanted to save the honor of the state. Governor Jennings said, "The Trustees must make arrangements for draining the lands." But the patent to the Everglades was not obtained until 1903. Governor Jennings successfully fought the railroads' position in the courts and laid the plans for successfully concluding these suits during the succeeding administrations.

Napoleon B. Broward succeeded Governor Jennings. His administration began in the midst of many law suits by the railroads against the Trustees to compel the conveyance of the lands. It was important that the Trustees would make arrangements for beginning the work of reclaiming the Everglades, else the railroads would say that the state showed no disposition to drain the lands and therefore the state's position could not be maintained.

So Governor Broward went to work "digging ditches." That he had no plans, specifications, system of drainage or estimate of cost when he began such work, no one who knows anything at all about the history of this state during the Broward administration would deny. It was essential that a showing be made toward actual drainage operations. In regard to financing the project, Broward also realized that the only reasonable, just, fair and equitable plan for raising money to carry on the work of reclaiming the Everglades and lands that would naturally be included in a drainage district (that is to say, lands which by reason of their location, the elevations and depressions of the surrounding country would naturally be affected by drainage of the Everglades, many of which were then owned or claimed by railroads and other corporations under railroad land grants) was by a special tax for drainage purposes on all the lands in the district to be benefited, including those owned by the Trustees. The lands of the Trustees would be disposed of from time to time, as the



Articles in the *Fort Lauderdale Sentinel* echoed the strong views of the paper's editor, Colonel George G. Mathews (courtesy of Fort Lauderdale Historical Society).

interest of the fund required, and the proceeds applied partly to the payment of the expenses of management of the fund, partly for the payment of the drainage taxes upon its lands, partly to pay the proportion belonging to the State School Fund, provided by the Constitution of 1868 and 1885 and the remainder for assisting in carrying on the work of drainage as the Trustees deemed most advantageous to the fund. To this end Broward proposed and the Legislature submitted in 1905,

a constitutional amendment providing for the establishment of a Drainage District and the levying of a drainage tax on the land in the district to carry on the work. The railroad corporations and land companies which had acquired many of the lands opposed the adoption of the amendment and it was defeated at the election of 1906. At the session of the Legislature of 1905, an act was passed, Chapter 5377 (in substance the same language as the proposed constitutional amendment).



The *Sentinel* newspaper building on Andrews Avenue appears at the left of this c. 1920 view. The sign on the right labels what is today Southwest Second Street as the "Road to the Everglades."

A drainage district was laid out and a tax levied upon the lands for drainage. This act was attacked in the United States Court by the land companies owning lands in the district and the act was declared unconstitutional. In 1907 the act of 1905 was amended by the Legislature. See chapter 5709 which Act was also attacked, but its constitutionality was upheld. All this happened during Broward's administration, and the work of reclaiming the Everglades was carried on under the system evolved and developed by Broward, as laid out and defined under the Act of 1905 as amended in 1907.

Broward's administration came to an end and he was succeeded by Governor Gilchrist, during whose administration the Broward plan was continued, and the work of cutting canals was let to contractors after a contract was made with the Randolph Commission to ascertain and refer to the Trustees and the Board of Drainage Commissioners upon the conditions existing at the drainage district and to submit a complete plan including a system of canals for the reclamation

of the lands. During the latter part of the Broward administration the first large sale of undrained lands was made, the Trustees agreeing to devote one half of the proceeds to the drainage under the law as it then existed. In 1913 the Legislature enacted a new drainage law which instead of providing for a uniform tax upon all the lands provided for a graded tax beginning at five cents per acre upon the lands laying far away from the canals and increasing as the lands lay nearer to the canals and thereby more speedily benefited.

All land in the Drainage District are now held first by railroad corporations or their assigns who acquired them under railroad land grants, second by persons who purchased large tracts from the Trustees with the knowledge that the lands were undrained and were being reclaimed by the state under Broward's system, viz, taxation upon the lands for benefits; third by individuals who purchased the land in small lots from land corporations organized for the purpose of profit; fourth by the Internal Improvement Fund, which owns only such lands as

the Trustees saved from the Legislative land grants to railroads.

When Broward began his administration, he found the railroads claiming all the lands. He said "Save the lands for the people." That was his policy and to that end he began the work of "digging ditches," to show that the trust imposed, "to make such arrangements for the drainage of the swamp or overflowed land" as in the judgment of the Trustees was most advantageous to the fund had not been abandoned and proceeded to formulate his policy of laying out a Drainage District and raising the money by taxation upon all lands for benefits.

That the Trustees had sold some land and devoted the proceeds to drainage is true, but it was never the purpose of Broward that the Trust Fund should foot the entire bill for drainage. To say that Broward's plan had been upset by the present administration or anyone succeeding his, is to misrepresent the facts. His plan and purpose was that the lands benefited by reclamation should pay the bills. An inspection of the records of the Trustees and an examination of the Acts of the Legislature during his administration will disclose this fact to the entire satisfaction of any unbiased investigator.

Why should the entire burden of drainage fall upon the Trust Fund, which owns less than a third of the lands to be benefited, especially when the other owners acquired their lands with a knowledge of the laws of 1905 and 1907 and received the lands knowing that they were undrained and that the work was being carried on as rapidly as the means available rendered possible.

It is idle to undertake to hold the State officials responsible for the representation made by too zealous land corporations and their agents engaged in selling lands or to charge the state with any unfortunate results from their too evident stupidity. The honor of the state is better protected by the policy of the Trustees, which deals fairly and justly with all the interests concerned, requiring each to contribute its quota to the general expense of the work scientifically and economically carried on.

The "Back to Broward League" is misnamed and those of its promoters and followers who profess a desire to save the honor of the state are misinformed.

Investigate; don't argue. Read the records. Don't listen to the one-sided statements from interested persons.

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