

BEFORE THE INDIAN CLAIMS COMMISSION

THE SEMINOLE INDIANS OF )  
THE STATE OF FLORIDA, )  
 )  
Plaintiff, )

v. )

Docket No. 73

THE UNITED STATES, )  
Defendant. )

THE SEMINOLE NATION OF )  
THE STATE OF OKLAHOMA, )  
 )  
Plaintiff, )

v. )

Docket No. 151

THE UNITED STATES, )  
Defendant. )

Decided: June 28, 1968

Appearances:

Roy L. Struble, 1100 Kane Concourse,  
Miami Beach, Florida 33154; Effie  
Knowles, 432 Pan American Bank Bldg.,  
Miami, Florida 33131; Charles Bragman,  
National Press Building, Washington,  
D. C. 20004: Counsel for Plaintiff in  
Docket No. 73.

Roy St. Lewis, National Press Building,  
Washington, D. C. 20004; Paul M. Niebell,  
1201 19th Street, N. W., Washington, D. C.  
20036: Counsel for Plaintiff in Docket  
No. 151.

Arthur Lazarus, Jr., 1700 K Street, N. W.,  
Washington, D. C., 20006\*

\*/ Counselor Lazarus is the approved attorney for a group known as The Miccosukee Tribe of Indians of Florida. That group has moved to intervene in the above consolidated dockets. The listing of Counselor Lazarus as a matter of professional courtesy is not to be construed as approval of the intervention motion, no decision on that motion having been made.

Appearances: (cont'd)

Craig A. Decker, with whom was  
Mr. Assistant Attorney General  
Clyde O. Martz: Counsel for  
Defendant.

OPINION OF THE COMMISSION

Holt, Commissioner, delivered the Opinion of the Commission.

Preliminary consideration of those consolidated cases culminated in a Commission decision dated May 8, 1964. Seminole Indians, et. al. v. United States, 13 Ind. Cl. Comm. 326, 342; aff'd 180 C. Cls. 375 (1967). By that decision, the Commission established that the plaintiffs could claim peninsular Florida (Finding 25):

. . . The area so exclusively used in Indian fashion is everything, including Keys, south and east of The Old Spanish Road from St. Augustine west to its intersection with the perimeter of the amplified Pensacola Purchase and thence around the eastern edge of that perimeter to the Gulf of Mexico, less certain areas.

Since the Commission observed that the then record lacked sufficient evidence to establish the various pertinent boundaries with certainty, the boundaries were left to be established in subsequent proceedings.

Obviously, the chief boundary disputes related to The Old Spanish Road in terms of modern landmarks, and its western terminus, also in terms of modern landmarks. Other boundary disputes related to the Seminole reservation in Florida and the southern boundary of the Picolata Purchase on the east coast of Florida.

The boundary proceedings were held before this Commission on March 11 and 12, 1968, at which time documentary evidence and the testimony of expert witnesses were adduced. The parties announced agreement upon the extent of the Forbes Purchase, all but one of the boundary lines of the reservation, and the import of the peninsular configurations. The parties' respective positions have been briefed, and their proposed findings filed. This Opinion will treat (1) the location of The Old Spanish Road; (2) the location of the perimeter of the amplified Pensacola Purchase; (3) the southern boundary of the Picolata Purchase; and (4) the disputed 50,000 acre triangle comprising a northwestern "corner" of the reservation.

#### THE OLD SPANISH ROAD

This Commission in the preliminary decision adverted several times to the Old Spanish Road without delineating it in terms of modern landmarks. Naturally, when the parties went about establishing the location, the defendant tended to place it as far to the south as logic would permit, and conversely the plaintiffs tended to place it as far to the north as reason would allow.

While composition of the preliminary decision required a number of allusions to The Old Spanish Road (e.g., Findings 6, 10, 12, and 17), only the first of these contains the language with which the determination of locations must be consistent. It was stated in Finding No. 6 (Seminole Nation, supra, p. 330):

There was a series of well-used trails run by the Spanish between the administrative centers of St. Augustine [East Florida] and Pensacola [West Florida]. Eventually these trails became known collectively as The Old Spanish Road. It was first surveyed by the British.

The defendant coupled this finding with a varient reference in the opinion (Seminole Nation, supra, p. 347) that

An English cartographer, Lt. Pittman, was detailed to survey routes between Pensacola and St. Augustine. Pittman, described by the defendant's expert witness as "a conscientious cartographer", traced the northern [land] and southern [sea] routes from Pensacola to St. Marks, and the trails which comprised a road from St. Marks to St. Augustine. This route from Pensacola to St. Augustine was described in Boyd's Florida History, Vol. 17, No. 1, which included the Stuart-Purcell map of 1778.

to support its position that The Old Spanish Road from St. Augustine to Pensacola necessarily included St. Marks as one of the main points on the line. The plaintiffs, on the other hand, adopt only the last sentence of the quotation immediately above, and use it to support their contention that the Commission's preliminary decision ". . . confined The Old Spanish Road to the Stuart-Purcell Map of 1778". Neither position is tenable. The defendant has obviously misread the sentence in Finding No. 6: "It was first surveyed by the British." to require that whatever northern boundary the Commission might have intended was whatever route the British first surveyed in point of time. The plaintiffs must have adopted the second sentence of the quotation from page 347 of the Opinion badly out of context to argue that the Stuart-Purcell map controls but the allusion to St. Marks in the same quotation does not.

Roughly contemporaneous data make it possible to commence running the northern boundary of the plaintiffs' Florida holdings, beginning in the east. Shortly after United States sovereignty attached, Congress received a Memorial from the "inhabitants of East Florida" petitioning Congress to authorize the laying out and opening of public roads in the Territory of

Florida (1823 AnCong 824). This Memorial resulted in an Act, approved February 28, 1824, entitled "An Act to authorize the laying out and opening certain public roads in the Territory of Florida" (1824 AnCong 3200). The first section thereof provided:

That the President of the United States be, and he is hereby, authorized to cause to be opened, in the Territory of Florida, a public road from Pensacola to St. Augustine, commencing at Deer Point, on the Bay of Pensacola, and pursuing the Old Indian Trail to the Cow Ford, on the Choctawhatchy river; thence, to the Ochessee Bluff, on the Appalachicola river; thence, in the most direct practicable route, to the site of Fort St. Louis; thence, as nearly as practicable, on the old Spanish road to St. Augustine, crossing the St. John's river at Picolata; which road shall be plainly and distinctly marked, and shall be of the width of twenty-five feet.

The "Cow Ford" therein mentioned is not be confused with the East coast "Cowford" (the Seminoles' Wacca Pilatka) which is now known as Jacksonville.

The Act quoted immediately above establishes that up to 1824, it was common practice to identify with certainty a known route from Fort St. Lewis to St. Augustine by the words "the old Spanish road". It was not merely "the casual remark by Boyd" (Dr. Mark F. Boyd, a Seminole historian, now dead) dismissed out of hand by the defendant's witness as of no consequence.

There is no dispute that the eastern terminus of The Old Spanish Road is St. Augustine. Proceeding westward, the first checkpoint is Picolata. Crossing the St. Johns River at San Fernando, a minute southern turn to Fort Pupa on the west bank of the St. Johns is the commencement point for the southwesterly trend of The Old Spanish Road.

From Fort Pupa, the route proceeds southwesterly to a point four

miles due west of the northernmost point of Georges Lake, also known as Etonia Lake. From that point, the trend is nearly due west to the northernmost point of Sante Fe Lake and west of Keystone Heights on a modern map. From Sante Fe Lake, the route is due west to Waldo. From Waldo, the trend is slightly south of west to a crossing of the creek from the northern point of Newmans Lake, called Cowpen Creek and continues westerly, passing north of Gainesville to the present Alachua, not to be confused with the Seminoles' Alachua which is now known as Gainesville.

From Alachua, The Old Spanish Road trends more sharply north to the High Springs which the Seminoles knew as the Hetopokee Camping Ground and crosses the Sante Fe River to a point six miles due north of Hildreth which is misdesignated by the defendant's expert witness as the Lake City [rail] Junction.

From Weechatooka, the point six miles due north of Hildreth, the route of The Old Spanish Road trends more or less parallel to the Suwanee River past "the last place river is seen" to the Cold Spring Old Fields which could be located on a modern map as Emerson, north of O'Brien. The Old Spanish Road then crosses the Suwanee River where that river bends sharply northward near Dowling Park.

The witnesses testified variously that either the first sixteen turning points were not disputed, or that there was no real dispute at all between the parties' respective concepts of The Old Spanish Road, but it is apparent that at the Suwanee River crossing there is a parting of the ways. This disparity is due in large part to two theses propounded by the defendant's expert witness. First, that The Old Spanish Road would

necessarily be "direct travel from Pensacola to St. Augustine, or vice-versa." Second, that any route designated The Old Spanish Road would have to include St. Marks, very near the Gulf Coast at the Apalachee Bay.

The Commission is of the view that what would be practical to a modern mind does not necessarily control ancient facts; that The Old Spanish Road from the Suwanee River crossing to its western terminus did not follow a route which would be most appealing to modern topographical concepts. It follows that the allusion in the earlier Opinion (Seminole Nation, supra, at 347) to Lt. Pittman's cartographic efforts should not be interpreted by the parties as an effort to decide the issue in advance of the evidence.

The question, then, is the route of The Old Spanish Road after the Suwanee River. The trend of The Old Spanish Road after crossing the Suwanee River continues northwesterly some 14 miles to a point about four miles southeast of Madison. At that point, the trend becomes distinctly more westerly until it crosses the Aucilla River four miles north of the present town of Aucilla. From the Aucilla River crossing, the route is nearly due west to a point near Tallahassee, being the site of Fort St. Lewis as specified in the Act of 1824 (supra), 4 Stat. 5, 6.

From the site of Fort St. Lewis, sometimes designated San Luis, the trend of The Old Spanish Road is distinctly northward and slightly west, skirting the western edge of Lake Jackson and crossing the Ochlockonee River about five miles southeast of Havana. From the Ochlockonee River crossing, the trend is again northwesterly to and across the existing Florida-Georgia border at  $84^{\circ} 33' 45''$  of west longitude. The route of The

Old Spanish Road from its exit at the existing Florida-Georgia border to its re-entrance into the now State of Florida is immaterial to the disposition of the case at bar, the plaintiffs having limited their claims to lands within the now State of Florida (Pet., Dkt. 151, pars. III and XXIX(1)).

The Old Spanish Road, trending southwest, re-enters Florida about four miles east of Noma and from that re-entry swings west and north of west through a four-mile arc to a crossing of the East Pittman Creek and then angles south of west to the confluence of the Choctawhatchee River and the East Pittman Creek. From that confluence, the trend is again west for three miles and then rather abruptly northwest for about eight miles, merely brushing the existing Florida-Alabama border where the existing Florida State Route 81 becomes Alabama State Route 87. From that point, the trend is a scant eight-mile swing slightly southwest to west to northwest to and across the existing Florida-Alabama border at  $86^{\circ} 6' 0''$  of west longitude.

Again, the route of The Old Spanish Road from its exit at the existing Florida-Alabama border to its re-entrance into the now State of Florida is immaterial to the disposition of the case at bar (supra). The point of re-entry is, on a southwest trend, at  $86^{\circ} 33' 0''$  of west longitude. That trend continues more south than west to  $86^{\circ} 36' 0''$  of west longitude three miles south of the existing Florida-Alabama border. At that point occurs the last clearly westerly, and slightly northern, trend in The Old Spanish Road, which continues on that heading to a crossing of the Blackwater Creek two miles south of that Florida-Alabama state line. From the Blackwater Creek crossing, the trend is southwest to a crossing of the Coldwater Creek at  $87^{\circ} 1' 0''$  of west longitude,  $26^{\circ} 0' 0''$  of north latitude.



After crossing the Coldwater Creek, the trend of The Old Spanish Road is slightly more westerly to its intersection with the perimeter of the Amplified Pensacola Purchase on the Escambia River some four miles due east of the now Cottage Hill, Florida.

#### THE PENSACOLA PURCHASE

It was stated in Finding No. 14 (Seminole Nation, supra, pp. 334, 335):

The first important congress was held by the British at Augusta in 1763. There, Creek representatives purported to speak for all of Florida. The Creek Indians demanded that "the English were not to go beyond the tide level in West Florida, and that the territory of the English in East Florida was not to reach beyond the St. Johns River in the neighborhood of St. Augustine."

A year later, at Pensacola [September, 1764], this Creek demand was interpreted by the British as a commitment that "no settlement should be made by the White People at Pensacola but within the ebbing and flowing of the Tide."

The Creek Indians at the first Pensacola congress granted to the British a described area around Pensacola Bay and the settlements formerly possessed by the Yamasees.

The "described area around Pensacola Bay" was identified with further particularity in the concurrent Opinion (id., p. 348).

Since the cession was made in the 1764 treaty and only refined as amplified in the second Pensacola treaty [November 2, 1771], we must look to the precise language of the 1764 treaty to determine with particularity the western land boundary of the awarded lands, as well as the western terminus of The Old Spanish Road.

Wolf King, Chief Speaker for the Creek Indians in the 1764 Pensacola congress with the British said on September 8, 1764:

When the Spaniards came first here they were settled by their Consent, and as they are now gone, He [Wolf King] is going by consent of all the Chiefs, to give King George a grant of land. Ten Miles in Depth from Deer Point, opposite to the Island of Saint Rose, quite round the Bay of Pensacola, and to Extend along the Sea Coast, to the Point of Mobile Bay, from thence up the East side of Mobile Bay, till it comes Opposite to the Town of Mobile.

They [the Creek Indians] likewise grant all the settlements formerly possessed by the Yamassas, and eight Miles round, and when this place is Settled, he desires there may be a Canoe kept, to bring over any of the head men that may come that way to this Fort [Pensacola].

For the purpose of determining the boundary issues of the Pensacola Purchase aspects of this case, the treaty language which must be accommodated will be found in these three phrases:

- a. From Deer Point.
- b. Ten miles in Depth.
- c. Quite round the Bay of Pensacola.

Any proposed boundary in the Pensacola area which does not give some meaning to each of these phrases ignores a significant portion of the treaty. On the other hand, the Commission takes the phrase ". . . opposite to the Island of Saint Rose . . ." as being merely an aid to locating Deer Point. The said Deer Point was heretofore located as "due west of the present Gulf Breeze, Florida" (Seminole Nation, et al. v. United States, 13 Ind. Cl. Com. 326 (1964), at 348). Thus, Deer Point is placed on the west side of Pensacola Bay where it flows into Santa Rosa Sound. The Commission observes that what was then Pensacola Bay includes the body of water now denoted Escambia Bay because of the Escambia River, formerly known as the River Scambia, which flows into the Escambia Bay from the north.

The defendant's expert witness testified that the treaty language of the second (1771) Pensacola treaty fixed no eastern boundary to the Pensacola Purchase. That witness does not appear to have considered whether the 1764 treaty fixed such an eastern boundary. The plaintiffs' position is that ". . . the Indians ceded only a small area around Pensacola.", depicted as the approximately ten-mile-wide strip between Perdido Bay and Pensacola Bay, bounded on the north by an approximate east-west line six miles south of the present Muscogee on the Perdido River.

The Commission agrees with the plaintiffs' approach, but disagrees as to the location of the northern extent of the Pensacola Purchase, and hence as to where its perimeter intersected The Old Spanish Road.

In his exposition on the Pensacola Purchase, the defendant's expert witness testified:

. . . the reason that there is no eastern boundary to this [1771 treaty] was that John Stuart and his subordinates felt they need not put an eastern boundary because they joined this given line they negotiated with the other Indians . . .

The "given" line there alluded to is found in the language of the 1771 treaty:

. . . should be distinguished by the following Boundaries, viz By a line running from the River Chactaw falling into Santa Rosa Bay, westward to the Bay of Pensacola, and round the said Bay to the River Scambia, opposite to the Mouth of a Creek known by the name of Boundary Creek, said Line from the River Chactaw to the Scambia to run across all the Rivers, Creeks & Bays as far up as the flowing of the Tide, & from the Confluence of Boundary Creek with the River Scambia, up by the Course or Channel thereof . . .

For "Chactaw", read "Choctaw", and add the Seminole suffix "hatchee", meaning stream or river, and we have the Choctawhatchee River which, even now, empties into the then Santa Rosa Bay, now known as the

Choctawhatchee Bay.

The line, then, was inland, cutting "as far up as the flowing of the Tide", across each river or stream or creek or bay to the Scambia River at the confluence of the Scambia [Escambia, supra] and Boundary Creek, and thence up the Scambia. Since the Pensacola Purchase perimeter "joined" the line from the Chactaw River west to the Scambia established in 1771, and since the Pensacola Purchase was a strip ten miles wide [Ten Miles in Depth] "quite round the Bay of Pensacola", the juncture of the two specified boundaries would necessarily be the now Escambia River, then known as the River Scambia. It follows that the northern reaches of the perimeter of the Pensacola Purchase, running "quite round the Bay of Pensacola" to the Scambia, extended ten miles up the course of the Scambia and thence westerly, and that The Old Spanish Road intersected that perimeter when it touched the Escambia River east of the now Cottage Hill, Florida, as determined above.

The Commission concludes, therefore, that the eastern perimeter of the Pensacola Purchase, which included the settlements of the Yamassas, considering both the 1764 and 1771 Pensacola treaties, ran down the Escambia River about ten miles to where the Escambia empties into the Bay, and thence along the western edges of the Escambia and Pensacola Bays to Deer Point, where the line trails off to the west along the Gulf of Mexico.

#### THE PICOLATA PURCHASE

The fifth and terminal Article of the Picolata treaty between certain Creek Indians of the Upper and Lower Creek Nations and British was intended to define the boundaries between English and Indian lands in the Province

of East Florida. The said Article 5th provided in part:

. . . we do hereby agree that for the Future the Boundary line of his Majesty's said Province of East Florida shall be all the Sea Coast as far as the Tide flows in the manner settled with the English by the great Tomichichie with all the Country to the Eastward of the River St. Johns forming nearly an Island from its source to its Entrance into the Sea, and to the Westward of St. Johns River by a Line drawn from the Entrance of the Creek Acklamaugh into said River above the great Lake and near to Spaldings Upper Trading Store house to the Forks of black Creek at Colville Plantation & from thence to that part of St. Mary's River which shall be intersected by the continuation of the line to the Entrance of Turkey Creek into the River Altamaha.

The underscored phrase in the above quotation is the source of the Commission's prior specification in Finding No. 15 (Seminole Nation, supra, at 335) that the Picolata Purchase extended from the then known headwaters of the St. Johns River northward to its entrance into the Atlantic Ocean. The issue is where the treaty participants meant by the phrase "from its source", the Supreme Court having established that the southern boundary of the Picolata Purchase is a line running east from that source. Mitchel, et al. v. United States, 34 U.S. 711 (1835), at 744, 745.

The plaintiffs contend that the point on the St. Johns from which a direct line to the Atlantic Ocean on the east should be laid is the same point [the confluence of the St. Johns River and the Oklawaha [Acklamaugh in the treaty; Oklywahaw elsewhere] as the southern terminus of the boundary ceding land east and west of the St. Johns River. The defendant contends that when a contemporary surveyor, De Brahm, was encamped on the San Juan [St. Johns] River in 1765 -- the year of the Picolata treaty -- he emphasized that his camp was in fact "at the Head of San Juan" and depicted the locale of that encampment as the Cape Canaveral latitude.

From these data, the defendant reasons that since De Brahm knew the headwaters of the St. Johns River was at the Cape Canaveral latitude in 1765, that particular latitude comprised "the then known headwaters of the St. Johns River" at the time of the Picolata treaty, also in 1765.

The defendant's reasoning is persuasive, providing that the Picolata participants had in mind the same data that were known by De Brahm. The plaintiffs' reasoning is not as persuasive, since they seem to equate the western boundary for lands ceded east and west of the St. Johns River with the western boundary for lands ceded only east of the St. Johns River. If this were so, it would seem pointless for the participants to have specified two parallel north-south boundaries in the treaty for the same land cession, one boundary within the cession, the other bordering it. We must, and do, conclude that the straight-line boundary on the west related only to land between that line and the Atlantic Ocean, wholly north of the confluence of the St. Johns and the Oklawaha, and that "all the Country to the Eastward of the River St. Johns forming nearly an Island from its source . . ." refers exclusively to land east of the St. Johns River and south of the confluence of the St. Johns and the Oklawaha.

The plaintiffs, too, cite De Brahm to resolve the issue of the southern boundary of the Picolata Purchase, but differently by way of other portions of the De Brahm record. They contend that the defendant ignores the "substantial evidence", such as De Brahm's ca. 1771 map showing a survey of two lines of the Picolata Purchase as well as the headwaters of the San Juan River, and the De Brahm contemporaneous field notes.

This Commission is of the view that the De Brahm map is too replete with details to present an unequivocal resolution of the Picolata boundary issue. However, that British Crown Surveyor was "on the spot", so to speak, at the time of the Picolata congress and his field notes represent the thinking of the participants and their conclusions anent the Picolata boundaries. De Brahm stated:

6. At this Congress the limits between East Florida and the Creek Indians were drawn from a pine tree upon St. Mary's Stream. This tree is laid down in my General Map; and expressed in the first table of my land surveys from Sander's Indian store, and comprehended in the third chapter of East Florida. This pine tree determines the Georgia Boundary; between the Settlements and Indians. The survey of this boundary appears at the end of the second chapter of Georgia. The line agreed upon from said pine tree was not to exceed the south side of Oklywahaw River, but turn with the said river home to its mouth, and from thence another line was to be drawn "towards sun rise" (due east) to the Atlantic Ocean.

7. Of the transactions or limits agreed upon at the Congress, I never received a copy to guide myself, as well in my surveys, which I was to perform as Surveyor General of Lands in the Southern district, as also to avoid transgressing the Indian limits by laying out private tracts of land for Grantees, it being the function of my office as Provincial Surveyor.

8. What is peculiarly admirable in the capacity of the Indians is their natural knowledge in Geometry. For in my future surveys, their first line, which they joined to that of Georgia, viz, from the pine tree, to the River Oklywaha, proved to be a parallel with the Atlantic Coast. This line contains 610000 links in length, and the due east line measures 345000 links, which two lines, St. Mary's stream and the Atlantic Coast include a tract of 1899975 acres of land, too much for a County, and too insignificant for a Province, which by the Indian Boundaries extends from latitudes  $30^{\circ} 22' 00''$ , no farther south than latitude  $29^{\circ} 16' 50''$  which is  $1^{\circ} 05' 13''$  in latitude, and  $0^{\circ} 50' 47''$  in longitude, all lands to the south from Lake Gordon [Lake George?], the great Swamp; and the head of Halifax Stream, comprehending the following tracts of lands laid out by the deputy Surveyor on His Majesty's Warrants and the Governor's private orders are within the Indian Reserve.

Taking these three paragraphs of the field notes together, as we think they must be viewed, rather than in discrete and unrelated segments, it is apparent that De Brahm in his capacity as British Crown Surveyor determined the extent by exterior boundaries of the entire Picolata Purchase and then, by means of a bisecting line, computed the acreage of a portion of it for governmental purposes not here germane.

Taking the field notes and the plain language of the treaty together, the following boundaries emerge: The northernmost western boundary is a straight line beginning well to the north of the subject lands at "the pine tree" and running to the confluence of the Oklawaha and the St. Johns. The southernmost western boundary is the course of the St. Johns River from the confluence of the Oklawaha and the St. Johns upstream to a point in Lake George. The southern boundary is that point in Lake George at  $29^{\circ} 16' 50''$  of north latitude and thence due east to the Atlantic Ocean. Of course, the northern boundary is the course of The Old Spanish Road from the Atlantic Ocean west to its crossing of the "pine tree" line and the eastern boundary is the Atlantic Ocean itself.

#### THE RESERVATION

The reservation dispute is a comparatively minor matter, involving only the issue of whether one triangular area, estimated to embrace approximately 50,000 acres, was or was not a portion of the reservation set aside for the use of the Seminole Indians. If the northwestern triangular area in dispute were to be found an integral portion of the reservation, it would be valued as of a date in 1832; if it were not, it would be valued as of a date in 1823. Apart from this minor dispute, the parties are in agreement as to all of the exterior boundaries of the reservation; such boundaries conforming to



Royce Area 173, Florida Plate. It may be worth noting that Royce did not include the disputed triangle in his depiction of the said Area 173.

However, this Commission is not irrevocably wedded to the Royce maps as infallible representations of the various cessions. Lower Sioux Indian Community, et al v. United States, 10 Ind. Cl. Comm. 159 (1962), rev. other grounds 163 C. Cls. 329 (1963).

As the Commission noted in the earlier Opinion (Seminole Nation, supra, at 353), the original reservation proved inadequate in size and enlargements were effected from time to time. Among the enlargements was one proposed in 1825 which recommended (with map):

..... the Northern line as extended on the recommendation of Col. James Gadson be still further extended by running it twenty five miles West, then Southward, (to embrace the Big Hammock, or Swamp,) til it strikes the offset fifteen miles from the Gulph, at the angle where the South line 30 East direction, commences, & which terminates five miles from the main branch of Charlotte River, The object being to embrace the big Hammock, a Swamp, and to assign it to the Indians as part of the Territory ceded to them by the Treaty aforesaid, and in addition to the limits defined by such Treaty .....

An Order containing the above recommendation was signed by President James Monroe on February 24, 1825.

The "line as extended on the recommendation of Col. James Gadson" may be located on a modern map as the line dividing Townships 17S and 18S. Its western terminus prior to the Presidential Order of February 24, 1825, was the "Amaaura or With-la-couchey Creek", denoted "Amaura" [?] on the map accompanying the recommended extension. A modern map shows the Withlacoochee River at that location.

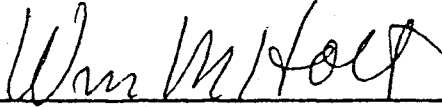
This Commission must and does assume that the extension which the President of the United States ordered to be effected was in fact effected. Extension of

the "Gadson" line twenty-five miles to the west and then turning that line south would enlarge the west-northwestern portion of the reservation sufficiently to embrace the Big Hammock which was a stated objective of the recommended extension. The witness upon whom both parties relied in the "reservation" aspect of the case at bar testified that he, as an expert surveying Engineer, investigated the different changes in the Seminole reservation boundary, and concluded that the changed boundaries included the small triangle in controversy, estimated by him to comprehend about 50,000 acres.

The Commission concludes that, representation of Royce Area 173 [Florida] notwithstanding, the triangular area in controversy was in fact a portion of the Seminole reservation at the times material hereto.

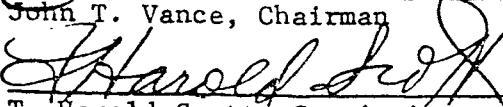
In view of the foregoing serial discussions of the four controversies in the case at bar, the conclusions with respect thereto, and the concurrent Findings of Fact issued herein, these consolidated cases shall proceed to a determination of the net acreage comprehended by the several boundaries herein established and the fair market value thereof on the respective relevant dates.

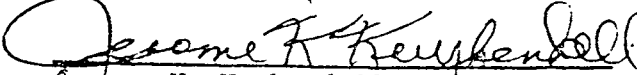
So ordered.

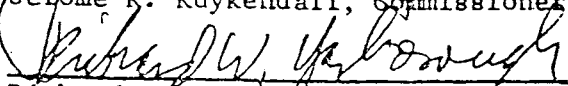
  
 Wm. M. Holt, Commissioner

We concur:

  
 John T. Vance, Chairman

  
 T. Harold Scott, Commissioner

  
 Jerome K. Kuykendall, Commissioner

  
 Richard W. Yarbrough, Commissioner