

To Balance, viz:	
Cash,	\$4,984 66
Other Asset:	
Land Bonds,	666 57
Bond of Duval County,	1,000 00
South Carolina Bond,	1,492 44
State Stock,	48,500 00—51,659 01
	\$56,643 67

A Summary of the Receipts and Disbursements at the Treasury from the 1st day of Nov., 1857, to the 31st day of Oct., 1858.

RECEIPTS.

On account of State of Florida,	\$125,438 70
“ “ “ School Fund,	44,907 46
“ “ “ Seminary do,	13,211 67
	\$183,557 83

PAYMENTS.

On account of State of Florida,	\$90,484 04
“ “ “ School Fund,	18,255 58
“ “ “ Seminary do,	7,560 44

BALANCES.

State, Cash,	\$34,954 66
--------------	-------------

SCHOOL FUND.

Cash,	\$26,317 66
Bonds,	334 22— \$26,651 88

SEMINARY FUND.

Cash,	\$4,984 66
Bonds,	666,57— \$5,651 23

\$183,557 93

REGISTER'S REPORT.

STATE REGISTER'S OFFICE, }
November 1st., 1858 }

To His Excellency, MADISON S. PERRY,
Governor of Florida:

SIR:—As Register of Public Lands and Superintendent of Common Schools and Seminaries for the State, I have the honor to submit to your Excellency the following as my Biennial Report:

SEMINARY FUND.

From October 31, 1856 to November 1, 1858, I have sold of the lands belonging to this Fund 1,605 54-100 acres at an average price of \$3,07 per acre, producing in cash \$2,163 42, and Bonds \$3,823 43.

Add this number of acres to the 31,046 05-100 stated as having been sold at the date of my last Report, and it appears that the whole number of acres belonging to this fund sold since the first establishment of this Office is 32,651 59-100, producing in cash and Bonds the sum of \$71,625 24-100.

The following table shows the receipts and disbursements on account of this fund during the period embraced in this Report:

RECEIVED IN CASH.

From cash payments made for entry of lands,	\$2,163 42
“ Bonds given for credit installments,	\$3,091 32—\$5,254 74.

DISBURSEMENTS.

For appraising,	\$33 60
“ Advertising,	78 50
Amount paid to Treasurer,	5,138 92
Balance on hand yet unpaid,	3 72 \$5,254 74

SCHOOL FUND.

From 31st October, 1856, to 1st November, 1858, I have sold of lands belonging to this Fund 24,354 51-100 acres, at an average price of \$1 62 $\frac{3}{4}$ per acre, yielding in cash \$13,983 07, and Bonds \$28,661 85, total \$42,644 92. Add this number of acres to the 22,527 45-100 stated in my last Report as having been sold by me, and it appears that the whole number of acres belonging to this Fund sold by me since I took charge of the Office on the 23d November, 1850, is 46,881 96-100 acres, producing in cash and Bonds the sum of \$78,680 59.

The following table shows the receipts and disbursements on account of this fund during the period embraced in this Report:

RECEIVED IN CASH.

From sales of lands being cash payments,	\$13,983 07
“ Payment of Bonds for credit instalments,	7,201 89
“ United States five per cent fund,	5,535 18
“ Premium on draft for above per cent,	166 06
Amount unexpended at date of last Report,	21 05—\$26,886 20

DISBURSEMENTS.

For locating and appraising,	\$2,345 60
“ Printing blanks,	7 50
“ Advertising,	93 50
“ Amount paid C. H. Austin, Treasurer,	24,410 96
Balance on hand not paid over,	28 64—\$26,886 20

COMMON SCHOOLS.

The following statement shows the number of children in each county between the ages of five and eighteen years, and the amount of money I have apportioned to each county, accruing from the interest of the School Fund:

THE APPORTIONMENT of interest accruing on the School Fund from July 1st, 1857, to July 1st, 1858, among the several Counties in the State of Florida.

COUNTIES.	Number of Children.	Amount.	REMARKS.
Escambia.....	920	\$288 14	No Report.
Santa Rosa.....	1082	338 77	
Walton.....	582	182 27	No Report.
Washington.....	535	167 55	
Holmes.....	331	103 65	No Report.
Jackson.....	1695	530 86	
Calhoun.....	250	78 29	No Report.
Franklin.....	506	158 47	
Gadsden.....	1057	331 03	
Liberty.....	310	97 08	
Leon.....	1243	391 29	No Report.
Wakulla.....	508	159 09	
Jefferson.....	865	270 90	
Madison.....	973	304 72	No Report.
Taylor.....	160	50 09	No Report.
Lafayette.....	160	50 09	No Report.
Hamilton.....	878	274 97	
Columbia.....	1745	546 52	No Report.
Nassau.....	305	95 52	
Duval.....	1602	501 73	
St. Johns.....	452	141 55	No Report.
Putnam.....	507	158 78	
Alachua.....	900	281 86	No Report.
Levy.....	232	72 65	
Hernando.....	269	84 24	No Report.
Marion.....	929	290 95	No Report.
Volusia.....	208	65 13	
Orange.....	220	68 89	
Brevard.....	100	31 30	No Report.
Hillsborough.....	700	219 20	
Manatee.....	79	24 73	No Report.
Monroe.....	582	182 29	
Dade.....			
	20,885	6,542 60	

In the case of Counties that made no report this year the number of Children is taken from the last previous report.

But few of the County Superintendents have made any Report on the subject of Schools in their respective Counties.

In Levy, Wakulla and Washington Counties, no teachers have been employed and no appropriations have been made for School purposes from the County Treasury.

In Putnam County, Teachers employed 2, children attending school 61. No appropriation from County Treasury.

In Monroe County, one Teacher employed; number of children attending school, 58; period taught, 12 months; am't paid Teacher from County Treasury, \$342 86, from State Treasury, \$89 25.

In Jackson County, number of Teachers employed, 16; number of children taught, 436; amount paid from County Treasury, \$537 50, amount paid from State Treasury, \$170 00; total compensation to Teachers, \$707 50. The period during which each Teacher was engaged was usually three months. The County Commissioners have levied a tax of ten per cent. upon the State tax for Common School purposes, amounting last year to \$891 19. This with the balance on hand in the County Treasury (\$487 47) makes the am't of \$1,276 16 now belonging to the School Fund of said County, arising from taxes.

Our School law, approved January 1st, 1853, was framed with great care to adapt it to the condition of our country and the wants of our people, and with the view of enabling the several Boards of County Commissioners to do as much good as possible with the means at their command.

By the fourth section of that Act, the County Commissioners are authorized "to add to the sum apportioned to the County by the State any sum that they may deem proper, to be paid out of the County Treasury," and having ascertained the whole amount which will be applicable to School purposes in their County, both from the State and County Treasuries, it is made their duty, "according to the best of their judgment and discretion, to use the fund for the promotion of the cause of Common School Education."

It will thus be seen that the fault is not in the law if every child in the State has not the opportunity of attending a good Common School. The School Fund of a County consists not only of the small amount received from the State, but also of as much more as the County Commissioners may choose to make it. There is no limit upon their discretion. The heavy responsibility rests upon them, therefore, of putting the means of education within the reach of all.

The plan of levying a County or Corporation tax for the support of Common Schools has only to be once tried to secure its continuance. No County or City has been known to abandon it after having once tried it. Experience soon demonstrates that it is not only better but far cheaper than any other. Under this system it costs less to educate all the children than it took to educate one half of them under the old plan. I need not go out of the City of Tallahassee to demonstrate this fact. She raises by taxation and pays to the Public Schools \$25 for each of the children, rich or poor, male or female, within her borders. The result is that nearly all her children are at school. And yet any intelligent parent who was sending four or five children to school before this system was introduced, will testify that the additional taxes he pays now to keep up the system do not amount to half as much as his former tuition fees.

I mention Tallahassee to illustrate this fact, only because I am more familiar with her affairs. I presume I might refer with safety also to

Key West, Apalachicola, Jacksonville, Marianna and Pensacola. I would most earnestly advise all the Judges of Probate and County Commissioners in the State to give the system a fair trial, and, then, if it does not succeed, let us try some other.

SEMINARIES.

In the month of May last, I had much gratification in making an official visit to the State Seminary at Ocala. I found it in a flourishing condition, and giving promise of much usefulness.

The accompanying Report from the Hon. John M. McIntosh, will advise your Excellency fully of the condition and prospects of that Institution.

The State Seminary at Tallahassee is also doing well. I am informed that there are now in it about two hundred children receiving instruction. Since my last Report this Seminary has become the owner, by gift and purchase, of the lots and commodious building known as the Leon Female Seminary. Upon the acquisition of this valuable property, the Board of Education immediately established a Female Department, and within the last five weeks one hundred and twelve children have been received into it, and the number is daily increasing.

From the promise now afforded us by the awakening interest of our people in our Common Schools and two State Seminaries, we may well hope that the time has almost arrived when all the children of Florida may and will be educated *in her own Institutions*. "A consummation most devoutly to be wished."

Very Respectfully,

D. S. WALKER.

To the Hon. DAVID S. WALKER, Register of Public Lands for the State of Florida, and ex-officio State Superintendent of Schools, Tallahassee, Florida:

The undersigned, Judge of Probate, and ex-officio Superintendent of Schools for the County of Marion, and a member and Secretary of the Board of Education for the East Florida State Seminary, located at Ocala, in said County, &c., respectfully submits the following Report, showing the number of pupils that attended said school during the two last sessions, the studies taught, and the income and expenditures made by the Board of Education during said period.

The number of students who entered the Seminary during the last scholastic year is as follows, to-wit:

From Oct. 1st, 1857, to March 1st, 1858, was (fifty-eight) 58
 " March 1st, 1858, to August 5th, 1858, was (sixty-five) 65

Three of the above Students (Females) were beneficiaries, who have filed with the Secretary their declarations, as provided for in the 8th Sec. of the Seminary Act of 24th January, 1851.

The following studies were taught, viz:

Spelling, Reading, Writing, Arithmetic, Geography, Eng. Grammar, History, Botany, Philosophy, Geology, Astronomy, Chemistry, Algebra, Geometry, Latin, &c.

Amount of Tuition, &c.:
 From Oct. 1st, 1857, to March 1st, 1858,
 Tuition and Music, \$485 00
 Amount of check received from State Seminary Fund, due 1st Jan. 1858, 1,339 24
 From 1st M'ch, '58, to 5th Aug. '58, Tuition, 570 99
 " " " " " " " " Music, 201 20
 Amount of check received from Seminary Fund, due 1st of July. 1858, 741 30

Total income from all sources for 1 year, \$3,337 73—\$3,337 73

The following disbursements were made, March 1st, 1858, by the Board of Education:

Salary of Teachers from Oct. 1st, 1857, to March 1st, '58, 742 58
 Treasurer's commission on \$1,339 24, at 5 per cent., 66 96
 Amount expended in payment of debts contracted 1st and 2d years after location of Seminary and incidental exp's during the above named period, 937 17
 Salary of Teachers from March 1st, 1858, to Aug. 5th, 1858, 1,172 19
 Treasurer's commission on \$741 50 at 5 per cent., 37 06
 Amount expended in payment of old debts and incidental expenses, &c., from 1st March, to 5th Aug. '58, 339 26
 Balance in hands of Treasurer at this date, 42 51

\$3,337 73—\$3,337 73

The above Report made out for the scholastic year, commencing 1st Oct., 1857, and ending 5th August, 1858, 10 Months.

Received from int. State Seminary Fund due 1st Jan., '58, and due 1st July, '58, \$2,080 54
 " from Tuition, Music, &c., during same period, 1,257 1

* Total am't received during said year, \$3,337 73—\$3,337 73

Amount paid to Teachers for same year, \$1,914 77
 Treasurer's comm's on amount rec'd from State \$2,080 54, 104 02
 3App

Amount expended in payment of debts contracted 1st, 2d and 3d years after location of Seminary and incidental exp's of said year, pr. Globes included,	1,276 43
Am't remaining on hand from said year,	42 51

\$3,337 73—\$3,337 73.

You will perceive by the above Report, that the present Board of Education are economical in their management of the affairs of the Seminary. They have only paid to Teachers for the last scholastic year \$657 58, out of the \$2,080⁵⁴, received from the Seminary Fund, and have liquidated nearly all the old debts; I believe I might say all, for there are several accounts due for tuition which will be collected and will be sufficient to satisfy all the legal claims against the Seminary. There is a claim made against the Seminary for \$647, which the Board of Education do not feel authorized nor legally or morally bound to pay. I expect you will receive a communication from Col. S. St. Geo. Rogers on the part of the Board of Education in reference to said claim before this reaches you.

The present session commenced 4th Oct., 1858, with a very flattering prospect; there have 35 Females, and 17 Males attended this week, 52 in number, and we expect 6 or 8 additional pupils to enter next week. All opposition to the School and its management has subsided, and every person residing near Ocala, manifests satisfaction and a desire to promote and sustain the interests, as well as participate in the advantages offered, which no longer remain in doubtful obscurity, but are manifest to all who visit the School during recitation hours. The examination at the close of the last session was very satisfactory, and creditable to all concerned or in anywise interested, which has induced several students to come from other counties. With these few remarks, I respectfully submit the foregoing Report.

JOHN M. McINTOSH,
Sec. Bd. Ed. E. F. S. S.

Ocala, October 23, 1858.

ATTORNEY GENERAL'S REPORT.

ATTORNEY GENERAL'S OFFICE,
TALLAHASSEE, November 15, 1858. }

To His Excellency, M. S. PERRY, Gov., &c.

Sir:—The Act of July 23d, 1845, requires the Attorney General of this State, to report to the Governor "as to the effect and operation of the Acts of the last previous session, the decisions of the

courts thereon, referring to the previous legislation on the subject, with such suggestions as in his opinion the public interest may demand."

It will be found by a reference to the laws of the last session of the General Assembly, that they are of a nature not to bring them under early investigation by the courts, and as no decision upon any of them has come to my knowledge, and none of the rights and interests of the citizens generally of the State, so far as I have been able to learn, have been affected by any of them, I am unadvised of any particular "effect or operation" which they have had either as connected with any previous legislation, or as flowing directly from their several provisions.

If it may be permitted me to trespass somewhat beyond the limits assigned by the Act of 1845, I would respectfully call the attention of the General Assembly to the condition of the laws concerning costs in criminal cases, before Justices of the Peace. Owing to the want of some fixed rule to guide the Comptroller, he has found it necessary in most of the cases brought before a Justice of the Peace on a preliminary examination, to apply to me for my opinion as to whether the costs taxed by the Justice are payable by the State, and if so whether payment is to be made at the close of the case before him, or whether the officer who has thus rendered his services at the call of the State should be required to wait until the case is finally disposed of in the Circuit Court. On examining the question I was constrained to advise him that all such costs were payable at once and by the State. The reasons for this opinion will be obvious by attending to what follows: It is the duty of a Justice of the Peace, on complaint being made before him, to issue his warrant for the arrest of any person charged with a violation of any of the criminal laws of the State, and after examination either to commit, discharge, or hold the alleged criminal to bail. For the services thus rendered by him, the law has properly prescribed certain fees, but is silent as to the manner in which such fees are to be paid, even in the case of a commitment, or a holding to bail. No provision being made for the payment of the costs by the defendant, it follows that the State having called upon its officer, through its laws, to perform a certain service should itself satisfy him by paying what it has authorized him to charge. It cannot properly be urged that the Justice should await the final determination of the case before the Circuit Court, because, in the first place, his duty is ended when the examination before him is concluded; and in the second, there is no law which directs or authorizes the costs in his Court to be taxed in the case before the Circuit Court, and hence the costs before the Justice are not taxable nor taxed in the Circuit Court. I would therefore suggest that as frequent embarrassments, owing to the different phases of the cases that come up before Justices of the Peace, are presented to the Comptroller, the General Assembly will