

# REGISTER'S REPORT.

REGISTER'S OFFICE,  
Tallahassee, Nov. 1, 1862.

To His Excellency JOHN MILTON,  
Governor of Florida:

Sir: As Register of Public Lands and *ex officio* Superintendent of Schools and Seminaries, I have the honor to submit to your Excellency the following as the biennial report of this Office:

## SEMINARIES AND SEMINARY FUND.

From October 31st, 1860, to November 1st, 1862, there have been sold of lands belonging to the Seminary Fund, nine hundred and twenty-one 81-100 acres, at an average price of a little over \$1.69 per acre, for which was received in cash \$863.49 and in bonds \$758.85. If the previous statements in the Register's reports be correct in reference to the quantity of lands sold and amounts paid therefor, the whole number of acres belonging to this fund sold since the establishment of this office is 33,573 40-100, producing in cash and bonds \$86,557.92.

Annexed you will find a statement of my account of receipts and disbursements during the period embraced in this Report.

At this time it is impracticable to form any opinion from the transactions of the two past years relative to the prospects and usefulness of the two Seminaries. In common with business of every kind which has not arisen from the present necessities of the country, the Seminaries have been embarrassed by the war. I have received no reports of the doings of the respective Boards of Education, their receipts and expenditures, but I know that the amounts received from tuition have been less than in previous years.

Under the "Resolution authorizing the Governor to purchase arms, &c.," approved December 1, 1860, all the stocks held for the School and Seminary Funds, other than those of the State, were turned over to the Governor. No provision was made for substituting any bond of the State for the amounts so withdrawn from the Funds, and in consequence the Funds could not receive their stated amounts of interest for distribution. I suggest the propriety of ascertaining the exact amount of such indebtedness of the State, and making such arrangements as will

enable the interest of the Funds to be paid annually or semi-annually.

The fact that the Seminary lands sold during the past two years have produced in cash and bonds only \$1,622.34, and that the expenses of managing the Fund during that period exceed \$1,200, would seem to call for some legislation whereby means may be provided either for an increase of the Fund or a reduction of the expenses, or both.

#### SCHOOLS AND SCHOOL FUND.

From October 31st, 1860, to November 1st, 1862, there have been sold of lands belonging to the School Fund 4,479 76-100 acres, (all of which except 245 10-100 acres, was sold at \$1-25 per acre,) yielding in cash \$2,628 91-100, and, in bonds, \$3,410 02-100. The whole number of acres belonging to this Fund sold since November 23, 1850, appears to be 66,188 83-100, yielding in cash and bonds \$105,719 94-100.

My account for receipts and disbursements is hereto annexed.

In 1861 there was no apportionment of interest of the School Fund among the several counties, for the reason that said Fund had been placed in the hands of the Governor for the purchase of arms, and the interest upon the same was therefore not collected. In 1862 the amount of interest received and apportioned was \$5,316 61-100.

The number of children in the State according to the last reports received from the County Superintendents is 22,441, making the amount apportioned for each child, a little less than 23 7-10 cents. The law requiring annual reports to be made by the County Superintendents has almost become a dead letter upon the statute book; but few of the Superintendents reporting any thing, except the number of children in the county between the ages of five and eighteen years. This year only seven of the Superintendents made any report at all.

#### PUBLIC LANDS.

Since the passage of "An Ordinance relative to the Public Lands of this State," there had been sold on the first of October last, at the Land Offices for the Western, Middle, Suwannee and Southern Circuits, 112,140 59-100 acres of the lands derived from the United States by secession, for which was paid \$29,700 82.

The following is a statement of the sales in the several Circuits aboved named.

*At Tallahassee.*

41	33-100	acres	at	\$2 50	per	acre	yielding,	\$106 03
1,354	09-100	"	"	1 25	"	"	"	1,692 60
278	47-100	"	"	1 01	"	"	"	281 25
4,481	89-100	"	"	1 00	"	"	"	4,481 89
394	25-100	"	"	76	cts	"	"	299 63
2,553	77-100	"	"	75	"	"	"	1,915 32
39	90-100	"	"	25	"	"	"	9 98
1,435	14-100	"	"	12 $\frac{1}{2}$	"	"	"	179 38
25,425	93-100	"	"	10	"	"	"	2,542 44

Total, 36,004 77-100 acres, \$11,508 52

*At Ucheeanna in the Western Circuit.*

320	35-100	acres	at	\$1 00	per	acre,	yielding	\$320 35
2,757	44-100	"	"	75	cts	"	"	2,067 32
22,871	51-100	"	"	10	cts	"	"	2,286 53

Total, 25,949 30-100 acres " \$4,674 20

*At Archer, in the Suwannee Circuit:*

3,557	08-100	acres	at	\$1 00	per	acre,	yielding,	\$3,557 08
120	"	"	"	75	cts.	"	"	90 00
23,353	69-100	"	"	20	"	"	"	4,670 91
16,376	47-100	"	"	10	"	"	"	1,637 44

Total 43,407 24-100 acres, yielding, \$9,955 43

*At Tampa, in the Southern Circuit:*

3,182	19-100	acres	at	75	cts.	per	acre,	yielding,	\$2,386 55
1,522	49-100	"	"	50	"	"	"	761 21	
2,074	60-100	"	"	20	"	"	"	414 91	

Total 6,779 28-100 acres, yielding, \$3,562 67

*Recapitulation:*

Quantity sold.		Price per Acre.		Amount of purchase money.	
Acres.	100ths.	Dolls.	Cts.	Dollars.	Cts.
41	33	2	50	106	03
1,354	09	1	25	1,692	60
278	47	1	01	281	25
8,359	32	1	00	8,359	32
394	25		76	299	63
8,613	40		75	6,459	19
1,522	49		50	761	21
39	90		25	9	98
25,428	29		20	5,085	82
64,673	91		10	6,466	41
1,435	14		12½	179	38
Aggregate,	112,140		59	29,700	82

No returns have been received from the Salesman of the Eastern Circuit.

The Land Office for the Western Circuit was opened at Uchee-anna in February last. The office for the Suwannee Circuit was opened at Archer on the 28th of April, but was subsequently suspended and re-opened at Newnansville on the 10th of October. The office for the Southern Circuit was opened at Tampa on the 9th of June, and that for the Eastern Circuit was opened at Palatka on the 8th of September. The latter has been removed to Orange Springs.

Under the Ordinances no power is given to the Register to designate the place in the Circuit where the Land Office shall be located. Inasmuch as it is desirable that said offices shall be permanent and not be removed whenever the Receiver may change his residence, I suggest that they be fixed by law.

Mr. James C. Pelot was first appointed Receiver for the Suwannee Circuit. He subsequently enlisted in the service of the Confederate States and left the State. During his absence he entrusted the business of the office to a substitute or deputy. According to the opinion of the Attorney General, "the duties of the Receivers are of a fiduciary character and should be discharged by the persons lawfully appointed so to do. Deputies can only exist where they are expressly authorized by law, which has not been done in the instance under consideration." The question rests for the consideration of the Legislature whether the entries, or any of them, made under these circumstances shall be

legalized, or whether they shall be declared void. I suggest in this connection that some provision be made whereby the Land Offices may be kept open during the unavoidable temporary absence of the Receivers.

By section 10 of ordinance No. 33, the officers of the several U. S. Land Offices were required to account with the Register for all moneys which had come to their hands from sales of lands since the 10th of January, 1861. I am advised that no sales were made after that date in the Land Offices at Tallahassee and St. Augustine. At Newnansville and Tampa cash entries were made and Land Warrants located. The Land Warrants have been returned to this office, but no account has been rendered of the cash received. If the entries are considered legal, the Receivers are the only parties responsible for the money, for, so far as I have been advised, they executed no bonds to the State for the faithful discharge of their duties. If the entries are illegal, the purchasers will be compelled to resort to the Receivers and Registers for redress. My opinion is that such sales and locations were unauthorized by law, but have suspended any action relative thereto that the General Assembly may take such steps in the premises as may be deemed best for the interests of the State and its citizens. If said sales and locations are not legalized, I recommend that the purchasers be allowed a reasonable time to perfect their entries in preference to other applicants.

Many entries made in the U. S. Land Office were suspended on account of informalities and mistakes, which may easily be remedied by the parties entering, but which must be cancelled unless the corrections are made. These lands were sold at prices varying from  $12\frac{1}{2}$  cents to \$2.50 per acre. If vacant now, the same lands could be bought at from ten cents to one dollar per acre. If the entries are cancelled, the purchase money must be refunded. It certainly is not for the interest of the State to refund to a purchaser from the United States \$1.25 per acre for a tract of land and then sell him the same tract for ten cents per acre. I recommend either that all U. S. entries be confirmed where they do not conflict with the rights of others, or that when entries are cancelled the lands be held subject to entry at not less than the price originally paid.

By the fourth section of "an ordinance for redeeming the Treasury Notes of the State of Florida," (No. 49,) the Register is required to make a record of all Treasury Notes received for Public Lands. At the end of each quarter the Notes are paid over to the Treasurer and compared with the record. Then after paying the claims due from the fund, the remainder of the notes are stamped and filed away. Under this regulation the debts due from the public land fund can be paid only four times

a year, that is, at the times when the Treasurer and Register have compared the notes and are about to stamp them. By this rule, also, the same note may be several times recorded and paid over to the Treasurer and as many times paid out. This involves unnecessary labor in the recording of notes, and also causes some confusion in the record, it being necessary to designate thereon which notes have been cancelled and which reissued. The inconvenience may be remedied by authorizing the Register and Receivers to receive in payment for lands any warrants drawn upon the fund.

Under section 10 of ordinance 49, granting pre-emption rights to persons enlisted in the military service, a question of some difficulty arises which must be in some manner determined before patents can safely issue for entries made since the passage of said ordinance. Said section provides that any person enlisted in the military service of the State or Confederate States, who shall have any of the public lands in actual settlement or cultivation, shall have the right to enter not exceeding 160 acres embracing such settlement or cultivated lands, at any time within six months after the termination of the war, and, upon application by such person, his agent or a member of his family, describing the lands, and declaring the intention to claim the same, the Register or Receiver shall designate the lands claimed upon the plats and books, and not permit such lands to be entered by any other person until the expiration of the preemption. That section may, I think, reasonably be construed as vesting each soldier with a preemption right at the time of its passage and before the performance of any act done by him or on his behalf, so far as relates to the particular tract or tracts upon which his settlement or cultivated lands are located. The provision for making application describing the lands and declaring the intention to claim the same, is not at all inconsistent with such construction, and where practicable is proper to be made for the purpose of giving notice to the Register and Receivers of what part of his improvements he desires to claim under the ordinance, where the soldier may choose to abandon a portion of his improvements and make up the 160 acres from adjacent unoccupied lands, or where the cultivated lands may exceed 160 acres, and also for the purpose of enabling the soldier to select from the adjacent public lands such other tracts as will make up his claim to 160 acres if his improvements do not embrace so much. If this construction of the ordinance is correct, it will be necessary to withhold patents upon entries made since January 23d, 1862, until, in each case, proof is furnished that the tract entered does not embrace the settlement or cultivated lands of any citizen of this State, who prior to the date of the entry, was enlisted in the service of

4App.

this State or of the Confederate States. No patents have yet been issued under said ordinance.

If the ordinance be construed to vest the right of preemption only upon application being made in the manner prescribed, some of our soldiers will be deprived of the fruits of their labor, and the circumstances call for legislation in their behalf. But few preemption claims have been filed. At the time of the passage of the ordinance the greater part of the soldiers were beyond the limits of the State. Many of them, in all probability, have never been advised of the passage of the ordinance. Many of them could not describe their lands without a personal examination of the lines, and it may reasonably be supposed that their duties in the camp and field leave them little time to take care of their interests at home.

In order more fully to protect the interests of our absent soldiers, I suggest that all persons hereafter applying to enter public lands be required to make an affidavit, that the lands applied for do not embrace the residence, cultivated lands or improvements of any person enlisted in the military service of the State or Confederate States, and that patents shall not issue to the purchasers until that fact is certified to by the County Surveyor, or proved by at least two disinterested witnesses in each case.

While such a provision would protect the settlement and improvements of the soldier, it will however fail to place him in his absence upon an equal footing with others. The improvements of many will be rendered to them comparatively valueless, if all the adjacent lands are subject to entry at a nominal value, while the settlers themselves have not an opportunity of purchasing. The only remedies for this evil which I can suggest are, to suspend the sale of public lands during the war, except to pre-emptors, or to increase the price of the lands so as to remove the temptation to speculation which is offered by the present rates.

When the United States Land Offices in the State were transferred to this office, certain duties devolved upon the Register which at this time it is impossible to discharge without an increase of clerical force. All the United States entries which had been made for about two years prior to secession have to be patented and the patents recorded. In addition to these, several hundred cases of old suspended entries have to be examined and adjusted. To do this, in the condition of the books and plats of the local Land Offices, and without the facilities which were had at the General Land Office, will require the undivided labor and attention of at least one experienced clerk. Before patents may safely issue for lands lying in at least one of the U. S. Land Districts, the books should be examined and corrected from the first entry made down to the date of secession. The Swamp

Land grant has not been fully adjusted even where the selections have been made, and in the more recently surveyed townships, the selections have not been completed. All sales and locations, and other appropriations of Public Lands should be posted into one sett of books, so that the condition of any tract may at once be known without a tedious investigation with an uncertain result. If the General Assembly consider that the performance of these duties is required for the interest of the State, it would be well to have them commenced as soon as practicable, for it is more than probable that after the close of the war, the current duties of this office will be much more laborious than at present. The additional expense might be counterbalanced by making the expenses incurred in compensation of receivers payable (as they properly should be at present prices) by the purchasers, instead of deducting the amount from the purchase money paid.

Under the act approved December 17, 1861, entitled "an act relative to the Public Lands of the State of Florida," no private lands claims have been presented directly to the Register by any claimant, but the following was, under the United States laws, presented to and investigated by the Register and Receiver of the United States Land Office at St. Augustine a few weeks before the secession of the State, and the petition and evidence of cultivation has been transferred to this office, to-wit: A claim by the heirs of Sarah Fish, under concession of the Spanish Government, to 10,000 acres of land on Anastasia Island.

Had said claim been regularly presented to me under the act of Dec. 17, 1861, it would have been reported in class number one, having been in possession of an cultivated by the claimants or those under whom they derive title for more than twenty years, the title from the Spanish Government bearing date as far back as 1795, and being one which in my opinion ought to be confined. The same claim was recommended to Congress for confirmation in 1825 by the Board of Land Commissioners.

Respectfully submitted,

HUCH A. CORLEY,  
Register of Public Lands.

*Hugh A. Corley, Register, in account with the School Fund:*

		DR.	
1860.	November 1.—To balance on hand,		\$892 69
	November.	“ cash payments for lands,	347 56
	“	“ notes paid,	829 90
	“	“ interest paid,	1 24
	December.	“ cash payments for lands,	30 00
	“	“ notes paid,	270 96
	“	“ interest paid,	20 67
1861.	January.	“ cash payments for lands,	229 87
	“	“ notes paid,	606 41
	“	“ interest paid,	7 13
	February.	“ cash payments for lands,	215 00
	“	“ notes paid,	447 35
	“	“ interest paid,	4 44
	March.	“ cash payments for lands,	30 00
	“	“ notes paid,	1,966 75
	“	“ interest paid,	6 61
	April.	“ cash payments for lands,	250 90
	“	“ notes paid,	1,689 73
	“	“ interest paid,	5 49
	May.	“ cash payments for lands,	117 85
	“	“ notes paid,	194 50
	June.	“ “	220 22
	“	“ interest paid,	1 00
	July.	“ notes paid,	259 14
	“	“ interest paid,	2 94
	August.	“ cash payments for lands,	15 00
	“	“ notes paid,	140 59
	September.	“ notes paid,	89 35
	“	“ sales wrecks & derelict property in Manatee Co.,	14 40
	October.	“ notes paid,	319 54
	November.	“ notes paid,	414 19
	“	“ interest paid,	9 38
	December.	“ cash payments for lands,	312 27
	“	“ notes paid,	606 94
	“	“ interest paid,	19 98
1862.	January.	“ cash payments for lands,	30 00
	“	“ notes paid,	440 07
	“	“ interest paid,	3 66
	February.	“ cash payments for lands,	29 75
	“	“ notes paid,	370 49
	“	“ interest paid,	14 96
	March.	“ cash payments for lands,	29 54
	“	“ notes paid,	395 18
	April.	“ notes paid,	439 05
	May.	“ cash payments for lands,	14 75
	“	“ notes paid,	424 90
	“	“ interest paid,	3 00
	June.	“ notes paid,	282 30
	“	“ interest paid,	1 91
	July.	“ cash payments for lands,	496 78
	“	“ notes paid,	394 63
	“	“ interest paid,	24 87

August.	"	cash payments for lands,	119 60
"	"	notes paid,	187 68
"	"	interest paid,	7 99
September.	"	cash payments for lands,	282 04
"	"	notes paid,	53 10
October.	"	cash payments for lands,	78 20
"	"	notes paid,	180 25
"	"	interest paid,	6 12

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\$14,900 61

		CR.						
1860.	November 2.	—By cash paid C. H. Austin, Treasurer,					\$892 69	
	December 3.	"	"	"	"	"	1,178 70	
1861.								
February	11.	"	"	"	"	"	1,164 84	
March	4.	"	"	"	"	"	466 79	
May	13.	"	"	"	"	"	2,635 66	
August	1.	"	"	"	"	"	795 62	
October	1.	"	"	"	"	"	259 34	
December	2.	"	"	"	"	"	743 11	
1862.								
January	7.	"	"	"	"	"	715 19	
February	5.	"	"	"	"	"	473 73	
March	5.	"	"	"	"	"	415 20	
April	1.	"	"	"	"	"	1,738 54	
May	6.	"	"	"	"	"	439 05	
July	7.	"	"	"	"	"	726 86	
October	14.	"	"	"	"	"	1,492 39	
November	1.	" balance on hand,						762 87

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\$14,900 61

		DR.		
1862.	November 1.	—To balance on hand,		\$762 87

HUGH A. CORLEY Register.

*Hugh A. Corley, Register, in Account with the Seminary Fund.*

		DR.	
1860.			
November 1.	To balance on hand,		53 90
"	" Notes paid,		23 43
1861.			
January.	" Cash payments for lands,		142 54
"	" Notes paid,	1,632	18
February.	" Cash payments for lands,		30 00
"	" Notes paid,	446	83
March.	" Cash payments for lands,		23 00
"	" Notes paid,		20 83
May.	" " " "	225	20
"	" Interest paid,		2 25
August.	" Notes " "		37 00
September.	" " " "		112 47
October.	" " " "		19 00
November.	" " " "		39 44
December.	" Cash payments for lands,		60 00
1862.			
January.	" Notes paid,		367 27
"	" Interest paid,		3 63
February.	" Cash payments for lands,		30 00
April.	" Notes paid,		59 46
"	" Interest paid,		2 19
May.	" Notes " "		95 60
"	" Interest " "		5 81
June.	" Notes " "		28 00
August	" " " "		112 44
September,	" " " "		384 15
"	" Interest paid,		1 41
October.	" Cash payments for lands,		577 95
"	" Notes paid,		46 78
			\$4,582 76

		CR.	
1860.			
November 2.	By cash paid C. H. Austin, Treasurer,		53 90
December 3	" " " " " "		23 43
1861.			
February 11	" " " " " "		1,774 72
March 4	" " " " " "		446 83
August 1	" " " " " "		227 45
October 1	" " " " " "		149 47
December 2	" " " " " "		58 44
1862.			
January 7	" " " " " "		60 00
February 5	" " " " " "		370 90
March 5	" " " " " "		30 00
May 6	" " " " " "		61 65
July 7	" " " " " "		129 41
October 14	" " " " " "		498 00
November 1	" balance on hand,		698 56
			\$4,582 76

		DR.	
1862.			
November 1.	To balance on hand,		698 56
			HUGH A. CORLEY, Register.

*Hugh A. Corley, Register, in account with the State of Florida:*

1861.

DR.

To the following amounts received from the sales of Public Lands, &c.,  
acquired by the Ordinance of Secession, viz:

Sept. 30.	—	From land sales from April 26, to date,		\$243 44
		“ sales of articles in Land Offices not worth trans-		17 83
		fering		1,414 68
Dec. 31.		From land sales 4th quarter 1861,		
1862.				
March 31.	“	“	1st “ 1862,	\$950 13
June 30.	“	“	2d “ “	2,910 67
Sept. 30.	“	“	3d “ “	2,989 59
Rec'd from J. Morrison,		salesman Western Circuit.	1st qr. 1862,	1,752 82
“	“	“	2d “ “	1,821 14
“	“	J. C. Pelot,	“ Suwannee “ “ “	1,954 00
“	“	J. Darling,	“ Southern “ “ “	1,055 61
“	“	“	“ “ 3d “ “	1,840 00
“	“	N. H. Moragne,	“ Eastern “ “ “	960 29
				<u>\$20,910 26</u>

1861.

CR.

Oct 1.	—	By amount paid C. H. Austin, Treasurer,		\$261 27
1862.				
Jan 7.	“	“	“	1,414 68
April 1.	“	“	“	3,949 93
July 9.	“	“	“	5,719 00
Oct.	“	“	“	9,564 81
“	“	“	“	51
				<u>\$20,910 20</u>

The amount paid over to the Treasurer the present year (\$19,233.74) was  
disposed of in accordance with Section 4, Ordinance 49, as follows:

Paid out for salary, expenses and debts,	\$5,611 25
Stamped “Redeemed,”	13,622 00
Remain in Treasurer's hands,	49
	<u>\$19,233 74</u>

HUGH A. CORLEY, Register.