

lease the same from year to year; and the money arising from the rent of said lands shall be appropriated to the use of schools, and the erection of a seminary of learning, in such manner as they may direct; and they shall have power to pass laws for the preservation of said lands from intrusion and trespass until Florida shall be admitted into the Union as a state.

Location of the grant to the Deaf and Dumb Asylum of Kentucky.

SEC. 3. *And be it further enacted*, That the incorporated Deaf and Dumb Asylum of Kentucky shall have the power, under the direction of the Secretary of the Treasury, of locating so much of the township of land granted to the said institution, as has been taken by the claims of those who are entitled to the right of pre-emption in the territory of Florida, under the provisions of the act aforesaid; which shall be located in sections upon any unappropriated and unreserved lands in either of the territories of Florida or Arkansas; which said tracts, when so located, shall be disposed of by the corporation of said Deaf and Dumb Asylum, agreeably to the provisions of an act passed the fifth of April, one thousand eight hundred and twenty-six, entitled "An act for the benefit of the incorporated Deaf and Dumb Asylum of Kentucky."

APPROVED, January 29, 1827.

1826, ch. 24.

STATUTE II.

Feb. 8, 1827.

CHAP. IX.—*An Act to provide for the confirmation and settlement of private land claims in East Florida, and for other purposes.*(a)

Decisions made by the commissioners appointed to ascertain claims, &c., to land in East Florida, contained in their reports, &c., transmitted to the Secretary of the Treasury, confirmed.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the decisions made by the commissioners appointed to ascertain claims and titles to land in the district of East Florida, and those recommended for confirmation, under the quantity of three thousand five hundred acres, in favour of claimants to lands and lots, contained in the reports, abstracts, and opinions, of said commissioners, which have been transmitted to the Secretary of the Treasury, according to law, and referred by him to Congress, on the twenty-first of February, eighteen hundred and twenty-five, and the twenty-first of February, eighteen hundred and twenty-six, be, and the same are hereby confirmed.

Certain conflicting Spanish claims confirmed.

Act of May 8, 1822, ch. 129, sec. 4.

Proviso.
Proviso.

SEC. 2. *And be it further enacted*, That all the conflicting Spanish claims, reported in obedience to the fourth section of an act of Congress, approved May the eighth, eighteen hundred and twenty-two, entitled "An act for ascertaining claims and titles to lands in the territory of Florida," be, and the same are hereby confirmed: *Provided*, That this confirmation shall only operate as a relinquishment of the title of the United States: *Provided further*, That nothing in the foregoing sections shall be construed to prevent or bar the judicial decision between persons claiming titles to the lands confirmed.

Commons in the city of St. Augustine confirmed to the corporation.

Parochial church, &c., confirmed, &c.

Old Episcopal church lot relinquished.

Proviso.

SEC. 3. *And be it further enacted*, That the commons in the city of St. Augustine be, and the same are hereby, confirmed to the corporation of said city, to the same extent that they were used, claimed and enjoyed under the Spanish government. And the parochial church and burying ground in possession of the Roman Catholic congregation are confirmed to them: and the old Episcopal Church lot is, hereby, relinquished and confirmed to the Incorporated Episcopal church of St. Augustine: *Provided always*, That the grants in this section specified shall forever inure to the purposes for which they are confirmed, and shall not be alienated without the consent of Congress.

Duty of the secretary of the late commissioners.

SEC. 4. *And be it further enacted*, That it shall be the duty of the secretary of the late board of commissioners to deliver over to the receiver and register, to be appointed for the district of East Florida, all

(a) See notes of the decisions of the Supreme Court of the United States on Florida land claims, act of May 8, 1822, ch. 129.

records, evidence, and papers, in the possession of said board, relating to claims and titles to land, in said district; and it shall be the duty of said receiver and register, to examine and decide all claims and titles to land, in East Florida, not heretofore decided by the late board of commissioners, subject to the limitations, and in conformity with the provisions of the several acts of Congress providing for the adjustment of private land claims in Florida.

SEC. 5. *And be it further enacted*, That the several claimants to land in said district, whose claims have not been heretofore decided on or filed, before the late board of commissioners, be permitted to file their claims, and the evidence in support of them, with the register and receiver of said district, and evidence in support of those filed before said board, at any time before the first of November next, whose duty it shall be to report the same, with their decision thereon, and those already filed, to the Secretary of the Treasury, on or before the first day of January, one thousand eight hundred and twenty-eight, to be laid before Congress at the next session.

SEC. 6. *And be it further enacted*, That the receiver and register shall have power to appoint a clerk, and prescribe his duties; and the receiver and register shall each be entitled to receive the sum of fifteen hundred dollars per annum, to be paid quarterly out of any money in the treasury not otherwise appropriated, as a full compensation for the performance of their duties as receiver and register, and the additional duties required by this act, and shall not be allowed any other fees or commissions whatever; and the clerk appointed by them shall be allowed the sum of one thousand dollars, to be paid quarterly out of any money in the treasury not otherwise appropriated.

SEC. 7. *And be it further enacted*, That the keepers of public archives of East and West Florida shall furnish to the surveyor of public lands in Florida, without delay, a description of each claim to land, which shall have been confirmed, which shall specially designate the quantity, locality and connection of such claim; and where the confirmation may have been made on a grant or survey, a copy of the courses and distances contained in such grant or survey, and the date of the survey or grant; and it shall be the duty of the surveyor of public lands in Florida, to cause, under such instructions as he may receive from the Treasury Department, the said claims to be surveyed, and connected with the township lines of the public surveys, and to give to them their proper township and sectional numbers, agreeably to such descriptions; and he shall make separate plats and certificates of survey of the same, one of which shall be returned to the office of the register of the land office for the district in which the land may lie, and the other shall be delivered to the claimant. But it shall be the duty of the surveyor to withhold his certificate, if he shall have reason to believe that the lands claimed are other lands than those intended to be confirmed; or if it shall appear that the survey, under which the land is claimed, has been made subsequent to the date of the survey under which the claim was confirmed.

SEC. 8. *And be it further enacted*, That, so soon as the said tracts of land shall have been thus surveyed, and the surveys thereof returned to the office of the proper register, it shall be the duty of the said register to issue certificates in favour of the claimants entitled thereto; and, if it shall appear, to the satisfaction of the commissioner of the general land office, that the certificates have been fairly obtained, and correspond with the transcripts transmitted to the Secretary of the Treasury, and the plat returned by the surveyor, patents shall be granted, in like manner as is provided by law for the other public lands of the United States.

SEC. 9. *And be it further enacted*, That the surveyor of the public lands shall designate on the township plats the claims for which he shall have refused to issue his certificates of survey.

Duty of the register and receiver.

Claimants to lands whose claims have not been heretofore decided on, or filed, to file them at any time before the 1st of November next.

Receiver and register to receive each, as an annual compensation, 1500 dollars, and to appoint a clerk whose salary shall be 1000 dollars.

Keepers of the public archives to furnish to the surveyors of public lands in Florida, a description of each claim to land confirmed, which shall specially designate the quantity, &c., of such claim.

Duty of the register to issue certificates in favour of claimants.

Duty of the surveyor.

Expense of
surveying to be
paid by the
United States.
Proviso.

Patents.

Course to be
pursued by the
holders of
claims over
three thousand
five hundred
acres.

Duty of the
register and re-
ceiver.

The governor
and legislative
council to sell
one of the re-
served quarter
sections of land
near Talla-
hassee, and ap-
ply the pro-
ceeds to the
erection of pub-
lic buildings.

Persons
whose improve-
ments were in-
cluded in the
reserve made to
certain Indian
chiefs in the
treaty of Sept.
18th, 1823,
entitled to a
pre-emption to
the same quan-
tity of land.

SEC. 10. *And be it further enacted*, That the expense of surveying all claims founded on surveys or grants shall be paid by the United States: *Provided*, The same shall not exceed four dollars per mile, for every mile actually run and marked.

SEC. 11. *And be it further enacted*, That no patent shall issue, without the consent of the parties, for lands, the claims to which may have been confirmed on surveys, which interfere with each other, until a legal decision shall have been had on the same.

SEC. 12. *And be it further enacted*, That the holders of claims over three thousand five hundred acres, which have been filed with the commissioners, or with the register and receiver of the land office for West Florida, acting as commissioners for adjudicating on claims, or of claims which have been filed with the commissioners for adjudicating claims to land in East Florida, or which, under the provisions of this act, may be filed with the register and receiver of the land office for East Florida, and which claims have not been reported against by the said commissioners, or by the register and receiver, shall cause the same to be so connected with the township lines of the public surveys, and shall furnish to the surveyor of the public lands in Florida, such information as will enable him to exhibit, accurately, the said claims on his township plats, and the lands thus claimed shall be reserved from sale: *Provided*, The information required to enable the surveyor to exhibit them on the township plats, shall have been furnished to him within one year after the lines of the townships, within which such claims may lie, shall have been run; or, where the township lines have already been run, within one year from the passage of this act.

SEC. 13. *And be it further enacted*, That it shall be the duty of the register and receiver at Tallahassee, to deliver over to the keeper of the public archives of West Florida, all the records and papers of the late board of commissioners for West Florida; and it shall be the duty of the register and receiver of the land office for East Florida, to deliver to the keeper of the public archives of East Florida, all the records and papers of the late board of commissioners for East Florida, relating to claims confirmed by this act.

SEC. 14. *And be it further enacted*, That it shall be lawful for the governor and legislative council to sell one of the reserved quarter sections of land, near Tallahassee, and apply the proceeds to the erection of public buildings; and it shall be lawful for them to reserve such portion of the quarter section to the town of Tallahassee, contiguous to the creek and waterfall, as may, in their opinion, contribute to the health and convenience of the inhabitants; and they shall have power to pass laws for the preservation of, and expulsion from, the other two reserved quarter sections, all intruders, and to abate all nuisances; which said two reserved quarter sections shall be reserved for, and vested in, the state, should that territory ever be erected into one.

SEC. 15. *And be it further enacted*, That the three persons whose improvements were included in the reserves made to certain Indian chiefs, in the treaty with the Florida Indians, of the eighteenth of September, one thousand eight hundred and twenty-three, shall be entitled to a pre-emption to the same quantity of land, in said district, upon the same terms and conditions as other pre-emptions, to be located under the direction of the receiver and register, upon the production of proof that they would have been entitled to the provisions of the act granting the right of pre-emption, if the reserves had not been made.

APPROVED, February 8, 1827.