

# William Cooley

## AND THE LAND OFFICE:

### *A Note on Frontier Settlement*

by JOE KNETSCH

The introduction to William Cooley's autobiographical letter of August 11, 1851, published in the Winter/Spring 1989 issue of *Broward Legacy*, noted Cooley's role as justice of the peace at the Homosassa settlement in present-day Citrus County and his acquisition of 160 acres there through the Armed Occupation Act of 1842. Additional research has produced even more documents relating directly to Cooley's life at Homosassa and some problems arising from his official duties and his attempts to begin life anew after the tragic massacre of his family on New River at the outset of the Second Seminole War.

Immediately following the New River massacre, Cooley, with the other New River settlers, sought refuge first at the Cape Florida lighthouse and then at Indian Key. As the Seminole War intensified with the United States Army and Navy stepping up efforts to protect Florida settlers and force Indian removal, Cooley found himself employed in a variety of war-related capacities — as lighthouse keeper, ship pilot, scout, and express rider. In 1837, the latter two duties brought him from south Florida to the area between Tampa Bay and the Withlacoochee River, at that time the heart of military operations in the territory. The

conclusion of the war in 1842 found Cooley on the Homosassa River. While still pursuing compensation claims for his New River losses, he also sought during this period to carve a new life for himself by applying for Armed Occupation Act lands.

Promoted tirelessly by Seminole War army commanders, prominent Floridians,

and United States Senator Thomas Hart Benton of Missouri, among others, the Armed Occupation Act went into effect on August 4, 1842. The act authorized the federal government to award, from an area of 200,000 acres, tracts of 160 acres each in peninsular Florida south of Gainesville to any head of family or single man over

**Best known for his leadership of the pre-Seminole War New River Settlement and the massacre of his family there in 1836, William Cooley left his mark on many other areas of Florida as well. His long, full life spanned the period from the second Spanish occupation to the Civil War and involved him in a variety of frontier economic enterprises, in exploration of uncharted wilderness areas, and in local and territorial government and finance.**

**In "William Cooley and the Land Office," Joe Knetsch documents Cooley's activities on the Homosassa River in the years immediately following the Second Seminole War — activities which in some way paralleled his leadership role on New River. Dr. Knetsch also demonstrates how Cooley's experiences typified the bureaucratic entanglements which plagued numerous settlers seeking to obtain the benefits of the Armed Occupation Act, which opened much of the central and southern peninsula to settlement.**

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eighteen years of age who was able to bear arms and who would erect a house on the property, clear and cultivate at least five acres, and reside there for at least five years. The purpose of the act was two-fold; it was intended to encourage the settlement of central and south Florida, while at the same time providing an armed buffer zone between settled portions of north Florida and the hostile Seminoles who remained in the south. To administer the act and issue land permits, the United States General Land Office established two offices in Florida, one at St. Augustine and the other at Newnansville in Alachua County.

William Cooley's problems with the Land Office began the day he applied for the armed occupation permit, December 15, 1842. While applying in Newnansville for his own allotment, he graciously picked up the permits for nearly thirty other settlers residing in the Homosassa vicinity.<sup>1</sup> Since Cooley was a leader in the budding community and its justice of the peace, this action seemed quite natural and responsible. However, Cooley's generosity does not appear to have appealed to the sense of propriety of Richard M. Young, commissioner of lands with the United States General Land Office.

On April 24, 1847, more than four years after the permits had been issued, Young questioned the conduct of the Newnansville Register of Lands in awarding them. Reviewing the status of the permits' issuance, Young noted that Cooley had been given the permits, but that the land office at Newnansville had erred in allowing him to enter all of the names on the same day. As Young put it, "... you were merely required to correct these certificates as respects the area of the tracts and not to issue other certificates, of another date, and in the name of another individual for the same land. Such proceeding is inadmissible under any circumstances."<sup>2</sup>

The upshot of the register's error must have created some anxiety among the settlers because the commissioner ordered the original certificates gathered and returned to his office and directed the Newnansville register to issue new land certificates after he had returned all of the originals to Young, a process, given the travel difficulties of the day, that took many months. During this time the settlers may have wondered at the fate of their land claims.

Cooley's own Armed Occupation Act permit also came under close scrutiny by Young. On July 24, 1848, Young wrote the Newnansville office that Cooley's permit had been revoked for "reasons given in my letter of the 9th of May last..."<sup>3</sup> Though this letter has not surfaced to date, it may be surmised that either Cooley's description



Relative locations of the New River and Homosassa settlements, as well as other localities in south and central Florida associated with William Cooley.

of his land was unclear, or, ironically, it did not fall into an exact quarter section of land, as required by the amended law of 1844. The irony noted here comes from the knowledge that it was Cooley who had taken it upon himself to write the General Land Office requesting that surveys of the area be made as soon as practical because it would "... enable him to fill up applications for permits for settlers under the 'Armed Occupation Act.'" Thus, if Cooley's own tract did not conform to the survey he had requested, the irony was very real.

Fortunately, Cooley did not have too long to wait for an answer. In early 1849, his permit was approved, after a report from an agent of the Land Office was filed under the procedures of the Land Act of July 1, 1848.<sup>4</sup> He finally owned 159 acres of land in the north-

east quarter of Section 28, Township 19 South, Range 17 East.<sup>5</sup> Because of variations either in the survey or in the landform of the area, his claim fell one acre short of the standard 160 acres specified by the Armed Occupation Act.

A question arises at this point which must be asked, though it cannot be directly answered. As Cooley was one of the first settlers on the Homosassa, many other permit applications used his claim as the focal point for their permit description. If Cooley's permit had been totally revoked, what might have happened to the permits of Charles H. Haven, Robert Hodges, and John Alvaris, all of whom noted Cooley's settlement in their applications?<sup>7</sup>

The clerical errors of the Newnansville register continued to plague Cooley when he sought to add to his holdings. On March

10, 1848, Richard Young again wrote to the Newnansville office, specifically to one John Parsons. This time Young found error with the number assignment on Cooley's land certificate. Because of this error, "...the assignment of William Cooley cannot be returned because he assigns certificate 356 (should be 350) and 384 in the same

assignments, which have been filed, the certificates not having been patented [sic].<sup>10</sup> Not until November 24, 1849, was this error corrected and the certificate issued to Cooley's assignee, John James.<sup>9</sup> Cooley now added the forty-acre parcel in the northwest quarter of the northwest quarter of Section 27 (same township and

range) to his Homosassa homestead.<sup>10</sup>

In 1856, Cooley again encountered difficulty with the Land Office, this time in Tampa, where he had established permanent residence by 1850. A land office had been opened in Tampa in 1853 to accommodate the rapidly increasing population of the region. The new commissioner of lands, Thomas A. Hendricks, wrote the Tampa register and receiver on October 28 that the latter had given the wrong number of a military warrant used on a certificate issued to Cooley on June 20, 1855.<sup>11</sup> This error did not threaten Cooley's purchase of the land indicated on his warrant, but, as required, he was apprised of the fact. One can almost imagine his expression of disgust at the Land Office's seemingly endless errors.

Even with these bureaucratic errors, Cooley persevered and amassed an attractive and substantial holding on the Homosassa. The records indicate that, in addition to the two specified tracts noted above, he also obtained the northwest quarter of the northwest quarter of Section 28, the northeast quarter of the northwest quarter of Section 27, the west half of the northeast quarter of Section 32, and the east half of the northeast quarter of Section 32; all in Township 19 South, Range 17 East. This added up to a comfortable tract of 478.22 acres at a total cost of \$400.30.<sup>12</sup>

This figure probably does *not* reflect the total land holdings of William Cooley. The military warrant referred to above was not noted in the tract book for the Homosassa area. As the military warrants were payments to soldiers in land, they could be located anywhere on federally owned land in the state. It may very well be that when Cooley obtained the certificate to the land in 1855, he immediately sold it to another party, which would explain why it does not appear in the tract book. One is tempted to speculate that he sold it to his "neighbor" at Homosassa, David L. Yulee, but such assumptions would be dangerous and probably inaccurate.<sup>13</sup>

Cooley's problems with the Land Office were somewhat typical of that day, and especially of the Newnansville office. Frontier settlement was difficult enough without the harassment of apparently incompetent frontier bureaucrats and their cautious Washington superiors. However, in fairness to the Land Office, it must be stated that land frauds on the frontier were legendary and not always punished. The men in Washington were well aware of the vast potential for corruption and collusion in

To the Register of the Land Office at *Newnansville Fla.*

Under the provisions of the Act of Congress approved on the 4th day of August, A. D. 1842, entitled "An act to provide for the armed occupation and settlement of the unsettled part of the Peninsula of East Florida,"

### To all whom it may concern:

**NOTICE** is hereby given that under the provisions of the act of Congress above cited, I, *William Cooley*

do hereby apply to the Register of the proper Land Office for a PERMIT to settle upon *One hundred and sixty acres* of unappropriated public land, lying south of the line dividing townships numbered *nine* and *ten*, south of the base line, and situated as herein described.

I aver that I am *the head of a Family*

and that I became a resident of Florida in the month of *December* in the year *Eighteen Hundred and thirty*

I aver that the settlement herein intended is not "within two miles of any permanent military post of the United States, established and garrisoned," at the time of such settlement, and that the same is not known or believed to interfere with any private claim that has been duly filed with any of the Boards of Commissioners, surveyed or unsurveyed, confirmed or unconfirmed.

#### DESCRIPTION OF THE INTENDED SETTLEMENT.

*Beginning at a corner on a Alagnoda on the bank of the Homosassa River and running due South Forty chains to a corner thence running due East Forty chains to a corner thence running due North Forty chains to a corner thence running Forty chains due West to the place of beginning.*

*Given Under My Hand this 15<sup>th</sup> day of December A. D. 1842 (Signed) Wm Cooley*

*I do Certify that the above is a true copy of the original now on file in this office*

*John W. Simpson  
Register  
Prothonotary  
Recorder*

10-The party filing this Notice will sign his name to the certificate of the description of the land intended to be applied for, affixing the proper date on the above—the description to be numbered, if correct, on the following page—22. Copies of the entry of the land intended to be applied for shall be included in, and form part of, this Notice. The executive board shall not be sworn to by the applicant before a Justice of the Peace, and the affidavit to be returned to the Office.

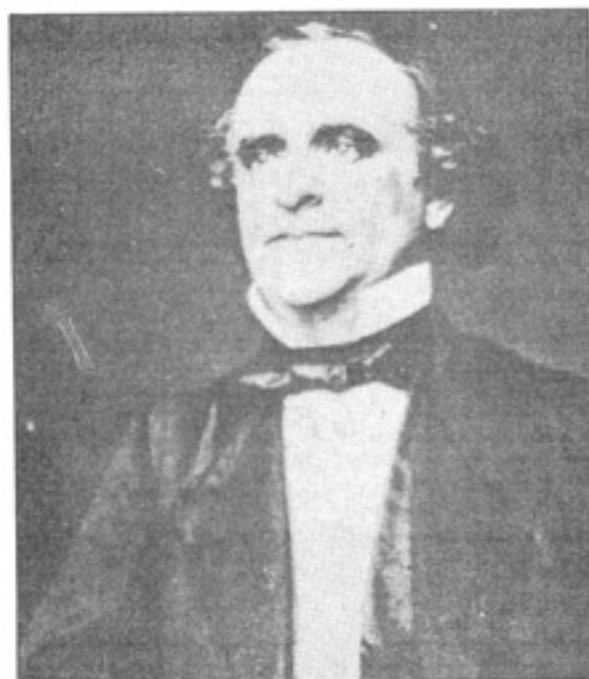
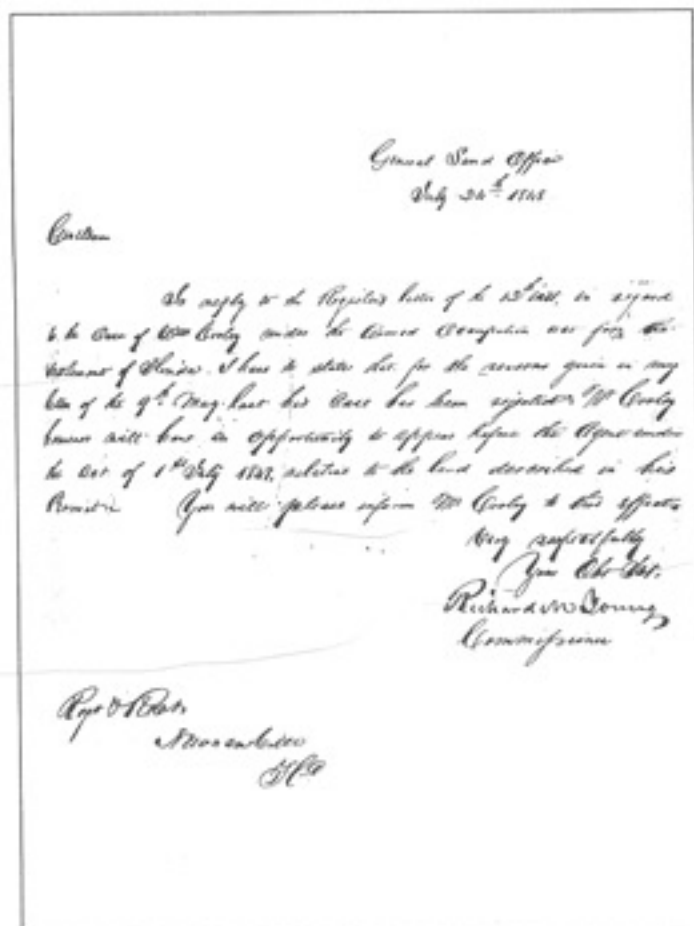
William Cooley's Armed Occupation Act permit application for land on the Homosassa River (document courtesy of Florida Department of Natural Resources).

the local land offices. Not knowing the players, the territory, or all of the circumstances, they could only fall back on procedural errors to help stem the potential tide. Broward County pioneer William Cooley, unfortunately, was one of the victims of this tenuous system.

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## Notes

1. U.S. Congress, Senate Executive Document No. 39, 30th Congress, First Session (1847).
2. Commissioners Letters, Newnansville: 1843-51, letter of April 27, 1847, P.K. Yonge Library of Florida History, University of Florida, Gainesville (collection hereafter cited as Newnansville).
3. Newnansville, letter of July 24, 1848.
4. Letter from Commissioner, volume 3: 1840-43, pp. 605-06, Florida Department of Natural Resources, Tallahassee.
5. Newnansville, letter of July 24, 1848.
6. Tract Book, Newnansville, volume 5, p. 168, Florida Department of Natural Resources, Tallahassee.
7. See Permits Nos. 230, 734, and 346 on file at Florida Department of Natural Resources, Land Records and Title Section, Tallahassee.
8. Newnansville, letter of March 10, 1848.
9. Newnansville, letter of November 24, 1849.
10. Tract Book, Newnansville, volume 5, p. 168.
11. Commissioners Letters—Tampa: 1852-56, letter of October 28, 1856, P.K. Yonge Library of Florida History.
12. Tract Book, Newnansville, volume 5, pp. 168-70.
13. *Ibid.* The Tract Book indicates that Yulee owned the adjacent land in Section 32. It may be assumed that the two men knew each other, but the exact nature of any relationship is unknown.



David Levy Yulee, Cooley's neighbor at Homosassa and one of Florida's first two United States senators.

Above is one of several Land Office communications concerning Cooley's property on the Homosassa River (document courtesy of Florida Department of Natural Resources).