Introduction

to

Kentucky's Early Land Patent Series Session II



Alison Lundergan Grimes Kentucky Secretary of State

Presented by Kandie P. Adkinson for the "Second Saturday Workshop" sponsored by the Kentucky Historical Society & the Kentucky Genealogical Society at the Kentucky History Center, Saturday, April 14, 2018

Patenting Process: Step 1

WARRANTS

syn. CERTIFICATES, COMMISSIONERS' CERTIFICATES, or SPECIAL ACTS OF THE GENERAL ASSEMBLY

FUNCTION: Authorize Entries

Samples: Military, Certificate of Settlement, Preemption Warrant, Treasury, Finding Salt, Clearing a Road, Poor Widows Warrant, Purchased from Kentucky Land Office, or Purchased from County Court. Legislation for Relief of Poor Persons, Certain Persons, or Establishing Academies/Seminaries

•WARRANTS MAY BE ASSIGNED. •WARRANTS MAY BE USED IN WHOLE OR IN PART. •WARRANTS DO NOT CONVEY TITLE.

Patenting Process: Step 2

ENTRIES

FUNCTION: Reserve Land for Surveying

Early Kentucky, Fayette, Lincoln & Jefferson County Entries are available from the Kentucky Land Office. Subsequent Entry Books are kept on the county level.

Entries include the date of filing, name of applicant, type of warrant(s) being used, warrant number(s) & the location of the land to be surveyed.

- Entries may be withdrawn or amended.
 - Check marginal notations.
 - Entries do not convey title.

Patenting Process: Step 3 SURVEYS



FUNCTION: Depict & Describe the Tract being Patented

Surveys include: Plat Drawing, List of Warrant(s) being used, Name of Person(s) for whom the Survey is being made, County, Closest Watercourse, Metes & Bounds Description, Surveyor, Deputy Surveyor (if applicable), Chain Carriers, Housekeeper/Pilot/Director, Marker, Magnetic Variation, and Date of Survey.

SURVEYS MAY BE ASSIGNED.
SURVEYS DO NOT CONVEY TITLE.

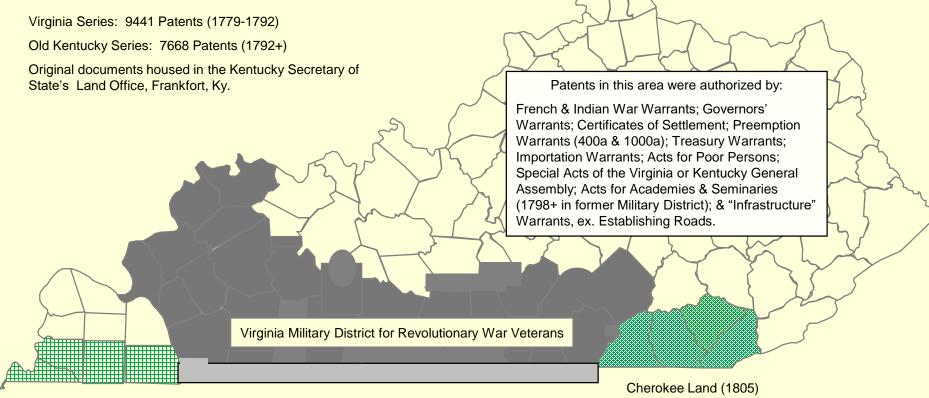
Patenting Process: Step 4

GRANTS

FUNCTION: Finalize the Land Patenting Process

- Grants include: Name of Governor or Lt. Governor, Name of Patentee(s), Type of Warrant(s) Being Used, Warrant Number(s), County, Watercourse, Metes & Bounds Description, Date of Issuance, Year of the Commonwealth (Virginia or Kentucky), & the Signature of the Governor or Lt. Governor (on original document). <u>Note</u>: Original Grants, decorated with the Seal & Official Signature are sent to the Patentee. The Land Office enters a copy of the Grant in the Land Office Grant Book.
 - Conveyances after the Grant is issued are filed with the county clerk.
 - There is no central registration of deeds in Kentucky.
 - Conveyances may be recorded as Deeds or included in Will bequests.

KENTUCKY LAND PATENTS: Virginia & Old Kentucky Series



Chickasaw Land (1818)

Location of Military District: "Southeast course from the head of Green River to the Cumberland mountains; with the said mountains to the Carolina line; with the line to the Cherokee or Tennessee River; with the said River to the said Green river; until the farther order." Ref: Virginia Land Law of 1779.

Notes: (1) Some Military Patents extend to the 36° 30' parallel into Tennessee due to the "former Kentucky boundary." (2) Although the eastern boundary of the Military District set the line as the Cumberland Mountains, the Land Law further stated no land could be entered or located within the county & limits of the Cherokee Indians. Portions of the shaded counties in eastern Kentucky were ceded in 1805 under the Tellico Treaty. (3) Soldiers who had settled in the southern counties of the Jackson Purchase had to wait until 1818 to patent their land. Their patents comprise the "West of Tennessee River Military Series."

Establishing SGR Patents (1795)

CHAPTER CCXX.

An ACT for the relief of the Settlers on the south side of Green River.

Approved by the Kentucky General Assembly on December 21, 1795

WHEREAS a number of people have settled themselves on the vacant land south of Green river, under a belief that they were no longer liable to be taken by military warrants, and that the legislature would grant them settlements therefore, on paying a moderate price for the same; and it is therefore thought proper to pass an act for that purpose. Therefore,

SECTION 1. **BE it enacted by the General Assembly**, That every house keeper or other free person above the age of twenty-one years, who shall have actually settled himself or herself on any land within that boundary, set apart for the said officers and soldiers on the south side of Green river, or any other vacant land within this state, which shall not have been previously taken by a military warrant, on or before the first day of January next, and shall actually reside thereon at that time, shall be entitled to hold any quantity of such land not exceeding two hundred acres including the settlement. Provided, they shall not include any salt lick, or any body of ore: that he or she shall on or before the first day of August next, make an entry thereof in the office of the surveyor of the county where the land lies, and pay for the same according to the directions and provisions of this act. And for the purpose of ascertaining who shall be entitled to land under this act,

SECTION 2. Be it further enacted, That three persons shall be appointed who shall have power and authority to hear and determine the right of settlements under this act, at a court to be by them held at a courthouse in the counties of Logan and Green, on the first day of June and July, and then continue by adjournment for the term of fifteen days at each place, if the business should require it; any person claiming a settlement right under this act shall before the said fifteenth day of July, lay in the same before the commissioners and have their or his witnesses ready to support his or her claim, and if the said court shall be of opinion that the said claimant under this act is entitled to the same, they shall cause it to be located, specially describing the boundaries, and certify the same to the surveyor of the county where the lands lie, who shall make an entry of the same in a well bound book kept for that purpose, and shall thereupon file away the certificate as his voucher, which shall accompany the surveyor of the land to the register's office to be by him safely kept.

SECTION 3. And be it further enacted, That the said court shall have power to compel the attendance of witnesses, to administer the necessary oaths, and to examine them touching any thing material to the matter in question. The sheriffs of Logan and Greene shall attend the said court by himself or deputy, and perform to them all the necessary duties of his office; and he shall be entitled to receive the usual fees for any services he may perform, to be paid by the party requiring the same, and in the usual way, exclusive of six shillings per day, which he shall be entitled to receive for his attendance on said court, to be paid out of the public treasury, on a certificate of his attendance signed

by the said court, and audited, if there should be as much money in the treasury arising from fees paid on certificates, and not otherwise.

SECTION 4. And be it further enacted, That the said court shall have power during the term aforesaid, to hear and determine all disputes between settlers who claim under this act; and their decision shall be final and without appeal.

SECTION 5. And be it further enacted, That in case of a contest respecting the right of settlers under this act, the person who made the first improvement shall be preferred, and no person shall obtain a certificate for more than one improvement.

SECTION 6. And be it further enacted, That in surveying the said settlement tract, it shall not exceed in its longest part twice the width of its narrowest part, unless it shall be restrained on the opposite sides by the lines of prior rights.

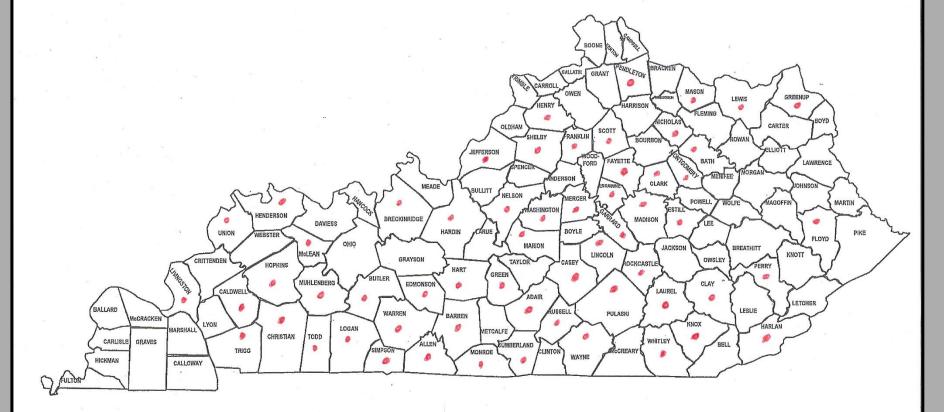
SECTION 7. And be it further enacted, That the lands located by virtue of this act shall be surveyed within six months from the said first day of August, and a plat and certificate thereof lodged in the register's office, within the space of six months from the date of such survey, upon which the register shall issue a grant for the usual fees; provided that the owner of every such survey shall pay the sum of thirty dollars for every hundred acres, and the same rate for every greater or lesser quantity contained in his said survey; the money aforesaid shall be paid to the treasurer, and his receipt for the same, specifying therein for what it was paid, shall be by the party lodged with the register, after which the grant shall issue, and not before.

SECTION 8. And be it further enacted, That if the survey claimed by virtue of this act be not lodged with the register, and the money due on such survey be not paid on or before the first day of November, in the year 1796, then the said survey shall revert to the state.

SECTION 9. And be it further enacted, That the governor shall appoint the said commissioners, who shall be allowed the sum of twelve shillings per day for every day they shall sit to do business, and in travelling to and from the place of holding their court; and for the purpose of paying them and their clerk to be appointed by them, who shall receive twelve shillings per day, there shall be paid down the sum of three shillings upon any certificate of a settlement allowed; and should there be any money remaining in the hands of the clerk, after retaining at the rate of twelve shillings per day for his own services, and paying each commissioner twelve shillings for his services, he shall pay the same in the public treasury, and take the treasurer's receipt therefore, and shall lodge the same with the auditor.

SECTION 10. And be it further enacted, That the said commissioners at the end of the term aforesaid, shall sign their proceedings and cause a copy of them to be lodged with the register. The aforesaid commissioners shall have power to award costs on the decision of a contest as to them shall seem right. Patents in the South of Green River Patent Series are not limited to the South of Green River area. Jillson's "Kentucky Land Grants" identifies SGR patents in counties marked with a dot. County formation dates may place SGR patents in daughter counties.

Kentucky Counties



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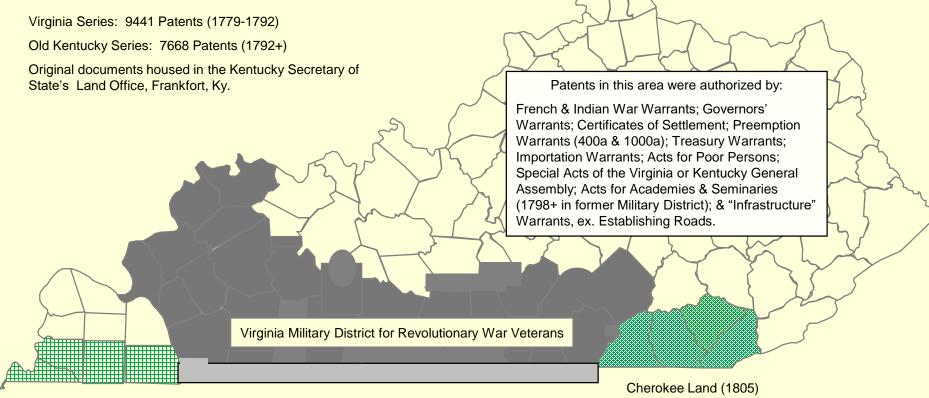
Warrant / Certificate South of Green River Patent #4322

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Land Office Copy of Governor's Grant South of Green River Patent #4322 Grant Book 2, page 539

KENTUCKY LAND PATENTS: Virginia & Old Kentucky Series



Chickasaw Land (1818)

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Establishes Patent Process (1810)

CHAPTER CLXXI.

An ACT Appropriating the Lands Acquired by the Treaty of Tellico.

Approved by the Kentucky General Assembly on January 31, 1810

SECTION 1. Be it enacted by the general assembly, That it shall be lawful for every free white male, or widow, or other unmarried female, above the age of eighteen years, who may have actually settled and resided, and who may hereafter actually settle and reside, for the space of six months, on any waste and unappropriated lands, lying in that section of this commonwealth, acquired by the treaty of Tellico, to apply to the circuit court of the county in which such actual settlement may have been made, and upon proving to the said court, by two reputable and disinterested witnesses, that he, or she has actually settled and resided on the lands aforesaid for the space of six months last past, shall be entitled to a certificate for any quantity of land, not exceeding two, nor less than one hundred acres, including the said settlement, and which certificate shall contain a special location, describing as accurately as may be, the land so contemplated to be included in his said certificate, a duplicate of which said certificate shall be made out by the clerk, and delivered to the claimant, who shall pay the said clerk one shilling therefore. But no provision contained in this act shall authorize the appropriation of any salt spring, silver or lead mine, together with one thousand acres of land around such spring, or mine, including the same as near the center of a square, as may be.

SECTION 2. And be it further enacted, That the person obtaining such certificate, shall within twelve months after the date thereof, upon producing the same to the register of the land office, and paying to the treasurer at the rate of forty dollars per hundred acres, shall be entitled to a warrant for the same, in which warrant shall be contained the location as specified in the certificate for which warrant the proprietor shall pay to the register, twenty five cents.

SECTION 3. And be it further enacted, That the said warrant shall within twelve months from its date, be surveyed, the plat and certificate recorded in the surveyor's office, and returned to the register's office and the usual fees paid, on which patents shall issue on the usual rules.

SECTION 4. Be it further enacted, That no location, or survey, which shall be made in virtue of this act shall in its length, exceed its breadth more than one third, unless interrupted by prior claims only.]

SECTION 5. And be it further enacted, That in every case where conditional lines have been established between the claimants, those lines being so established shall forever thereafter remain and continue to be the true boundary between them, until altered by mutual consent; but where no such conditional line shall have been made, then, and in that case, a point to be determined, half way between their said improvements, shall be the boundary between them.

SECTION 6. And be it further enacted, That should any person who have actually settled and resided, or who may hereafter settle and reside as required by this act, on any lands acquired by the

Treaty of Tellico, and shall not within twelve months after the passage of this act, or settlement aforesaid, obtain from the circuit court of his or her county, a certificate for the lands so settled upon, that it shall, and may be lawful for any other person, who may have resided twelve months on any of the lands acquired by the said treaty of Tellico, at the expiration of the twelve months aforesaid, to give to such settlers, a notice in writing, and attested by two witnesses, notifying him or her, that should they fail of obtaining a certificate for the land so settled upon by the fourth day of the second circuit court after the delivery of the said notice, and should the settler as aforesaid, fail to avail him or herself, of the notice aforesaid, and obtain a certificate for the lands so settled upon, as is required by this act, that it shall and may be lawful for the person giving the notice as aforesaid, to apply to the next circuit court thereafter, and obtain a certificate, in his or her own name, for the land described in the said notice; provided, that a copy, or the original notice, shall at the time of applying for the certificate, be proven in court; and shall carry the said certificate unto grant, in the same manner as though by this act, he or she had been an actual settler; any thing in the act, to the contrary notwithstanding.

SECTION 7. Be it further enacted, That all the money which may be received into the public treasury under this act, within twelve months from its passage, shall be, and is hereby appropriated for the special purpose of procuring arms for the use of the militia of this state, and shall be kept apart to be thus applied, whenever the legislature may adopt measures for this purpose.

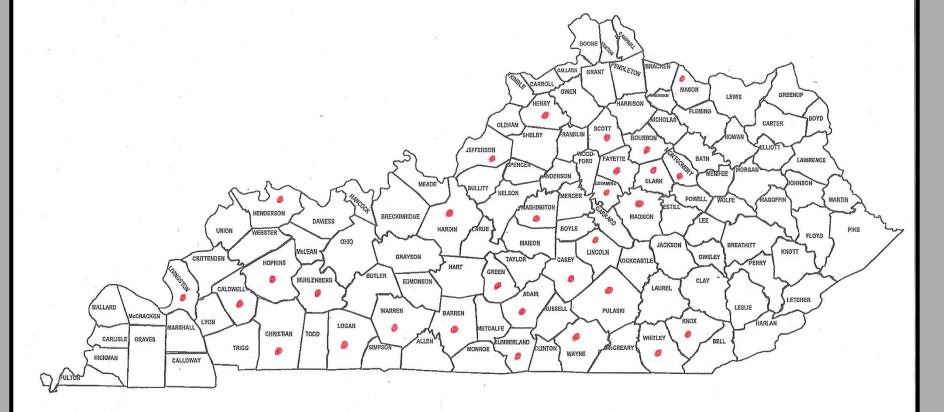
This act shall be in force from and after the first day of April next.

REF: "Acts of the Kentucky General Assembly", 1810, pp. 130-132.



Patents in the Tellico Patent Series are not limited to the Tellico area. Jillson's "Kentucky Land Grants" identifies Tellico patents in counties marked with a dot. County formation dates may place Tellico patents in daughter counties.

Kentucky Counties



QUICK GUIDE: KEY POINTS TO REMEMBER

- The federal government does not issue land patents in Kentucky. Kentucky patents are authorized by Acts of the Virginia General Assembly (prior to 1792) or the Kentucky General Assembly.
- Kentucky county formation must be considered when researching any facet of Kentucky history.
- The Secretary of State's Office is the repository for over 100,000 patent files containing warrants, surveys, and grants. Researchers do not have to travel to Virginia to research Kentucky land patents prior to 1792. Those records were sent to Frankfort shortly after Kentucky became a state.
- Land Office holdings are limited to land patents only. Although applications listing parents, family history, etc., were not required, there are instances in which wills, or other affidavits of descent, are part of the patent file.
- There is no "Master Patent Map" maintained by the Land Office.
- Warrants do not identify a certain tract or location.
- Neither warrants nor surveys convey title. Every step in the patent process must be followed. The Governor's Grant finalizes the patenting transaction.

- Not all Kentucky Patent Series are online. Contact the Kentucky Land Office for access to original patent files. The Kentucky History Center Library has printback books of Land Office Surveys and Grants. (These are ideal for researching an area rather than a family.) Microfilm reels of all original Warrants, Entries, Surveys, and Land Office copies of Grants are available at the Kentucky History Center & the Kentucky Department for Libraries & Archives.
- There is no central registration of deeds in Kentucky. Deeds are filed on the county level with the county clerk along with wills and marriages. Courthouse disasters, such as fires or thievery, are just that -- disasters. Records not previously microfilmed or removed for preservation are lost. Check the Grantor AND Grantee indices; some conveyances may be recorded in one book but not in the other. Research processioners' books and court judgments for division of disputed or inherited land.
- The Kentucky Department for Libraries & Archives is the state repository for county records, such as Wills and Deeds.
- Be creative when researching land patents and all land records! Names were spelled phonetically in many instances. Tax Lists may be indexed by given name rather than surname!

- Patents were issued to women as early as the 1700s. In some instances, they were heirs finishing patents initiated by their husband or a family member. In 1820, the Kentucky General Assembly allowed poor widows to patent up to 100 acres of land without fee payment.
- African-Americans patented land in Kentucky prior to the Civil War.
- Military grants comprise a small portion of Kentucky land patents. Most patents were authorized by purchasing treasury, state, or county warrants/certificates.
- The only military warrants honored in Kentucky were for service by Virginians in the French and Indian War, Lord Dunmore's War, and the Revolutionary War.
- Kentucky did not honor warrants for service in the War of 1812, the Mexican War, or subsequent conflicts. Those warrants had to be used in federal public domain states, such as Missouri or Illinois. (This partially explains the move westward by some Kentucky veterans or assignees; they had to relocate to a state that honored federal bounty land warrants.) Contact the Central Reference Division, National Archives, Pennsylvania Avenue, 8th St. NW, Washington, D.C. 20408 for information regarding military service, federal bounty land, and pension applications.

Kentucky Secretary of State Alison Lundergan Grimes

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Services

Kentucky Cities

Records

Records Online Resources *

Military Registers & Land

Non-Military Registers and Land

Links

Please note some of the links on this page may resolve to non-governmental agencies. The Secretary of State's Office does not control the information on these pages.

Kentucky Government Agencies and Professional Assocations

- Kentucky African American Heritage Commission
- Kentucky Association of Professional Surveyors []
- Kentucky Colleges and Universities
- · Kentucky County Clerks
- Kentucky Department for Libraries and Archives
- Kentucky Digital Library
- Kentucky Heritage Council
- Kentucky Historical Society
- Kentucky Legislative Research Commission
- Kentucky Military History
- Kentucky National Guard History
- Kentucky Native American Heritage Commission
- Kentucky Oral History Commission
- Kentucky State Board of Licensure for Professional Engineers and Land Surveyors
- Kentucky State Treasurer [] (unclaimed personal property)
- Kentucky Virtual Library
- · Kentucky Vital Statistics

Maps and Locations

- Kentucky Atlas and Gazetteer
- Kentucky Division of Geographic Information
- Kentucky Geography Network
- Kentucky Geological Survey Maps
- Kentucky Transportation Cabinet Maps
- National Geodetic Survey
- United States Geological Survey Maps

Other Research Libraries and Online Databases

- Daughters of the American Revolution, National Society
- Daughers of the American Revolution, Kentucky Chapter
- Eastern Kentucky University Digital Library
- Find A Grave
- Kentucky Vital Records Index []
- · Library of Congress "Chronicling America" Newspaper Project
- Library of Virginia
- Morehead State University Special Collections & Archives
- Murray State University Digital Archives
- National Archives and Records Administration
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MCGINN, DANIEL,

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Much Marice President of the United States of America,								
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:								
►	Francis Boykin, (a Major for three years) and by Joseph brockell, (a Major for three years) and by to the United States, in the Virginia Line on Continental Establishment, and in pursuance of an Act of the Congress							
	of the United Stat	es, passed on the 10th day of A	lugust, in the ye	ear 1790, intituled "An Act to enable the	Officers			
				o obtain Titles to certain Lands lying north				
				Acts of the said Congress, amendatory of				
	Act, There is gr	anted by the United States	unto Laco	s Bible Alsignee of John C	Asan			
1 - A	Junior wit	was afsignee of	Thomas 1.1. Anna	Mounting Idriver Afsignee. R.M. Mich Sources & residuor	y legater			
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QUICK GUIDE: KENTUCKY LAND PATENT SERIES

The patent series indicates what types of warrants were used to authorize surveys. Each series is based on time period and land location. The nine major groupings are as follows:

<u>Virginia Series</u> (Grants issued prior to 1792) -- 9,441 surveys

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Old Kentucky Series (Grants issued from 1792-1815) -- 7,668 surveys

Patents in the Virginia and Old Kentucky Series were authorized by French and Indian War Warrants, Treasury Warrants, Importation Warrants, Acts for the Relief of Certain Poor Persons, Acts for the Establishment of Academies and Seminaries, Warrants for Finding Salt, Warrants for Clearing Roads, Certificates of Settlement, and Preemption Warrants.

- South of Green River Series (Grants from 1795 forward) -- 16,664 surveys
 This series opened the Military District to settlement by non-veterans. County commissioners approved the issuance of warrants/certificates to residents purchasing no more than 400 acres of unappropriated land. Applicants had to meet age and residency requirements and they had to have occupied the land one year prior to application. An improvement, such as a cabin or a crop, was also required. The original 1795 Act of the General Assembly required the applicants to be 21 years of age or older. The minimum age was lowered in 1798 to 18. Due to errors in patent series assignments, a number of patents in the South of Green River Series are located outside the region. Some are as far north as Pendleton County.
- <u>Tellico Series</u> (Grants in southeast Kentucky) -- 590 surveys This area was purchased from the Cherokee Indians in 1805. Under the Act of 1810, settlers meeting the six-month residency requirement could patent up to 200 acres of land by paying \$40 per 100 acres. Due to errors in patent series assignments, a number of patents in the Tellico Series fall out of the Tellico Region.
- <u>Kentucky Land Warrant Series</u> (Grants from 1815 forward) -- 26,080 surveys
 These warrants were purchased or issued by the Kentucky Land Office. Many were authorized by the General Assembly for the development of Kentucky's infrastructure, i.e., proceeds from warrant sales were used to build roads.
- <u>South of Walker's Line Series</u> (Grants from 1820 forward) -- 4,327 surveys These patents are located in northern Tennessee. They generally run to the 36 degrees 30 minute parallel or the baseline of the Jackson Purchase. The Kentucky Land Office has patent records for the following Tennessee counties: Sumner, Smith, Robertson, Macon, Montgomery, Stewart, Jackson, Claiborne, Clay, Fentress, Pickett, Scott and Campbell.
- <u>West of Tennessee River Military Series</u> -- (Grants from 1821 to 1828) -- 242 surveys
 This area was purchased from the Chickasaw Indians in 1818. A number of Revolutionary War soldiers occupied the land,
 known later as the Jackson Purchase, without having clear title. In 1820, the Kentucky General Assembly advised the veterans
 to immediately file for patents.
 - <u>West of Tennessee River Non-Military Series</u> (Grants from 1822 to 1900) -- 9,308 surveys While the Revolutionary War veterans were patenting their land, the Jackson Purchase was being mapped in ranges, townships and sections by William Henderson. In 1821, the General Assembly authorized the auctioning of "odd sections" in the West of Tennessee River area. Sales would be held in Princeton. Upon presentation of a receipt, the Register issued a certificate authorizing the grant. In 1825, public sales were authorized in Waidsborough in Calloway county. The state set a minimum price per acre for the land sales. By 1835, that price had been reduced to 12.5 cents per acre.
 - <u>County Court Order Series</u> (Grants from 1835 to present date) -- 70,238 surveys. In 1835, the General Assembly granted county courts the right to issue warrants authorizing surveys. Fees are set locally, however, the law requires a minimum of \$5 per 100 acres of unappropriated land. The County Court Order Patent Series is codified in Chapter 56 of the Kentucky Revised Statutes.

KENTUCKY LAND PATENTS What is online?

Secretary of State's Land Office Website: <u>http://www.sos.ky.gov/admin/land/Pages/default.aspx</u>

Virginia & Old Kentucky Series

- Patents authorized by: French & Indian War Warrants; Lord Dunmore Warrants; Revolutionary War Warrants; Certificates of Settlement & Preemption Warrants; Treasury Warrants, etc.
- West of Tennessee River Military Series
- West of Tennessee River Non-Military Series
- Jackson Purchase Locator
- County Court Order Series Database (over 8200 patents link to scanned images)
- Old Lincoln County Entries (excluding RW Military District)

KENTUCKY LAND PATENTS What is not online?

(Secretary of State's Land Office Website)

- South of Green River Patent Series
- Kentucky Land Warrants Patent Series
- Tellico Patent Series
- South of Walker's Line Patent Series (Note: Tennessee Land)
- Fayette County, Virginia, Entry Books
- Jefferson County, Virginia, Entry Books (Note: These books include Kentucky County, Virginia, Entries.)
- Entry Books for the Military District



Thank you for your efforts to preserve our history!

Glen Willis

In 1815, a story-and-a-half brick home replaced the old log "Glen Willis" built in the 1790s built by Willis Atwell Lee. In 1832 "Glen Willis" was purchased by Humphrey Marshall, Revolutionary War veteran, politician, and historian. Kandie Adkinson Room T21B Capitol Annex Frankfort, KY 40601 502-782-7408 Kandie.Adkinson@ky.gov