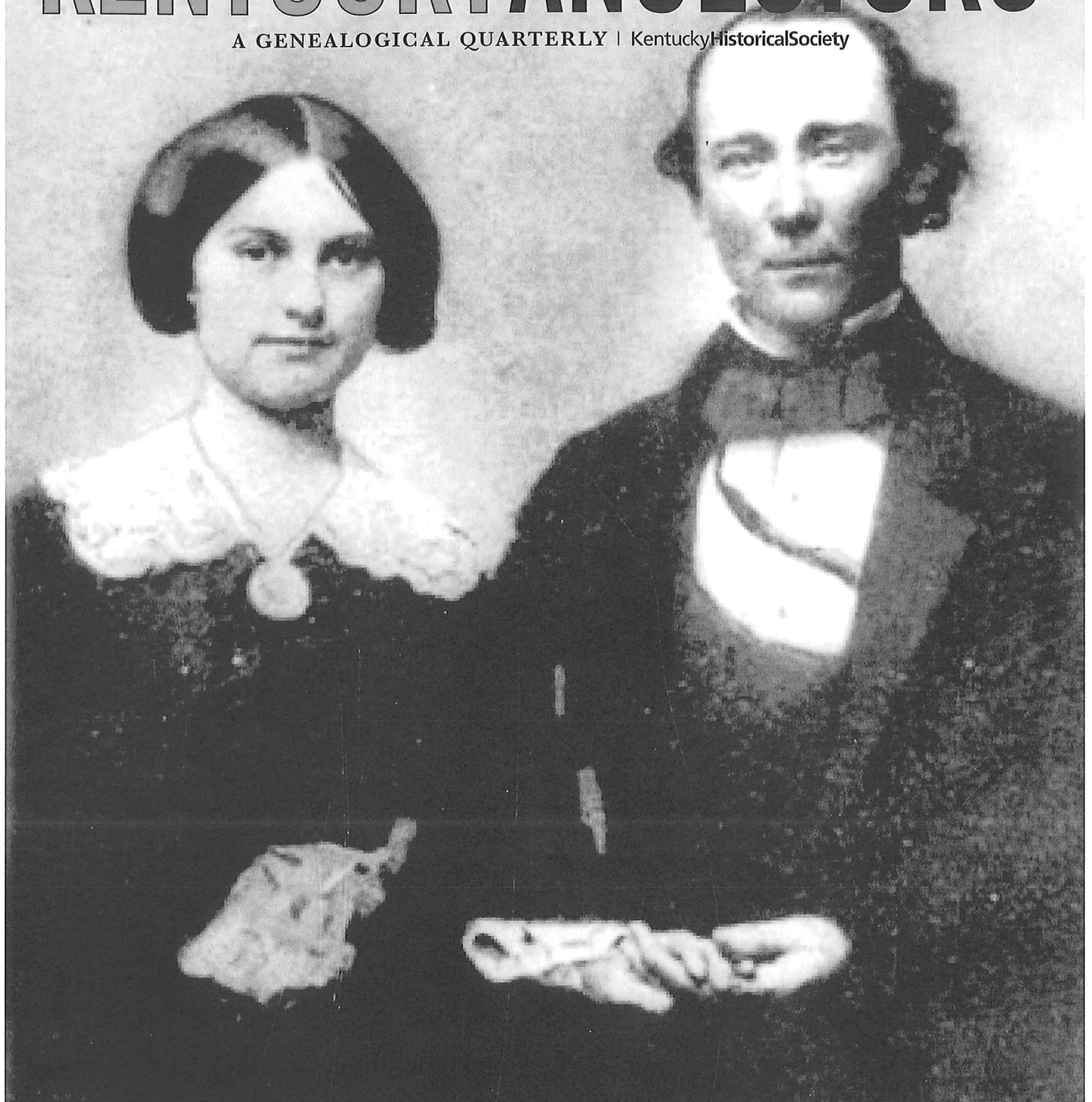


KENTUCKY ANCESTORS

A GENEALOGICAL QUARTERLY | Kentucky Historical Society



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Emilie—Abraham Lincoln's Sister-in-Law

Three Who Went Off to the Civil War:
William L., Samuel D., and John Green

Kentuckians Appearing in the *Nashville Banner*,
October-December 1887

The Kentucky Secretary of State's Land Office County Court Orders Database

Kandie P. Adkinson

Administrative Specialist, Land Office Division

The fifth in a series of articles regarding the Internet availability of Kentucky Land Office records.

Kentucky land appropriation can be compared to a quilt that covers the entire commonwealth. Our quilt is comprised of an assortment of blocks united by a strong thread that has held for over 220 years--and is still in the needle.

Quilt blocks represent the various types of warrants or certificates used to patent land. Many of the warrants were issued for service in the French & Indian War, Lord Dunmore's War, or the Revolutionary War. Other certificates were obtained by meeting residency requirements. After 1815, warrants were purchased from the Kentucky Land Office, and after 1835, warrants became known as "county court orders."

Entries and surveys depicting the borders of patented properties serve as the hem of our coverlet. The blocks and borders are backed by governor's grants issued since 1779. Court decisions regarding the validity of warrants, certificates, entries, surveys, and grants serve as the batting that adds dimension to our land appropriation quilt.

The threads uniting all components are the royal proclamations, land laws, and Kentucky Revised Statutes that guide applicants, surveyors, and government officials through the land appropriation process—yesterday, today, and tomorrow. If you have researched Kentucky land appropriation on a casual basis, you may consider the coverlet a

crazy quilt rather than a quilt of carefully-designed construction. As we understand the four steps involved in land patenting and the development of the various patent series, the quilt pieces fall into place.

In earlier articles we have discussed Revolutionary War Warrants, Certificates of Settlement, Preemption Warrants, and certificates authorizing surveys in the Jackson Purchase. We have also discussed the role of entries in land patenting in our "Lincoln Entries" article. As a reminder, the process for patenting land consists of four steps:

- **Warrants or Certificates** authorize the filing of an Entry with the surveyor's office;
- **Entries** reserve the land for the field survey;
- **Field Surveys** depict and describe the land being patented; and
- **Governor's Grants** (often called patent deeds) finalize the patenting process by transferring title to the grantee.

In this issue of *Kentucky Ancestors*, we will summarize the various patent series and provide information regarding their internet availability on the Kentucky Secretary of State's website. Emphasis will be placed on the "County Court Orders Patent Series."

Kentucky Land Patents are filed in nine major

series based on time period and land location. The title of the patent series may indicate the type of warrant used to authorize surveys. The nine major groupings are as follows:

Virginia Series

(Grants issued prior to 1792)—9,441 surveys

Old Kentucky Series

(Grants from 1792 forward)—7,668 surveys

Patents in the Virginia and Old Kentucky Series were authorized by French and Indian War Warrants, Governor's 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, and other legislative acts. In the next issue of *Kentucky Ancestors*, we will discuss the online availability of Virginia and Old Kentucky patent files.

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 were required to occupy the land one year prior to submitting their request for a warrant/certificate. 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 twenty-one years of age or older. The minimum age was later lowered to eighteen. 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. *The South of Green River Patent Series Database is currently under construction. Upon completion, the information will be added to the Secretary of State's Land Office Website. To obtain copies of South of Green River patent files, contact the Kentucky Historical Society's Research Library or the Kentucky Land Office, both in Frankfort.*

Tellico Series

590 surveys

Portions of southeast Kentucky and northeast

Tennessee were 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 outside the Tellico Region. *The Tellico Patent Series Database with scanned images is being edited for internet presentation on the Kentucky Secretary of State's Land Office website. The anticipated launch date is the summer of 2009. Copies of patent files are also available from the Kentucky Historical Society's Research Library and the Kentucky Land Office, both in Frankfort.*

Kentucky Land Warrant Series

(Grants from 1815 forward)—26,080 surveys

Warrants authorizing patents in this series were purchased or issued by the Kentucky Land Office. Many were authorized by the General Assembly for the development of Kentucky's infrastructure; proceeds from warrant sales were used to build roads. *The Kentucky Land Warrants Patent Series Database is currently under construction. Upon completion, the information will be added to the Secretary of State's Land Office Website. To obtain copies of Kentucky Land Warrants patent files, contact the Kentucky Historical Society's Research Library or the Kentucky Land Office, both in Frankfort.*

South of Walker's Line Series

(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. *The South of Walker's Line Patent Series Database is currently under construction. Upon completion, the information will be added to the Secretary of State's Land Office Website. To obtain copies of South of Green River patent files, contact the Kentucky Historical Society's Research Library or the Kentucky Land Office, both in Frankfort.*

West of Tennessee River Military Series

(Grants from 1821 to 1828)—242 surveys

This area in western Kentucky 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. *The West of Tennessee River Military Patent Series Database with scanned images of patent files is available online under the "Military Registers & Land Records" channel of the Kentucky Secretary of State's Land Office website. The website address is <http://sos.ky.gov/land>. The database and images are also included in the "Non-Military Registers & Land Records" channel under "Patent Series" and on the easily bookmarked "Searchable Databases" channel of the Land Office website. Copies of patent files may also be requested by contacting the Kentucky Historical Society's Research Library or the Kentucky Land Office, both in Frankfort.*

West of Tennessee River Series

(Grants from 1822 to 1900)—9,308 surveys

As 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. Land sales were held in Princeton. Upon presentation of a receipt, the Register issued a certificate authorizing the grant. In 1825, public sales were authorized in Waidborough 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. *The West of Tennessee River Non-Military Patent Series Database with scanned images of patent files is available online in the "Patent Series" section of the "Non-Military Registers & Land Records" channel on the Kentucky Secretary of State's Land Office website. The website address is <http://sos.ky.gov/land>. The database and images are also included on the easily bookmarked "Searchable Databases" channel of the Land Office website. Copies of patent files may be requested by contacting the Kentucky Historical Society's Research Library or the Kentucky Land Office, both in Frankfort.*

County Court Order Series

(Grants from 1835 to present date)—70,239 surveys.

Although we have no official records to document our hypothesis, the number of patent series undoubtedly made it difficult for the Land Office

to determine which set of laws applied to incoming patent applications. Patents that should have been filed with the Tellico Series due to location are filed with the South of Green River Series, for example. Compounding the problem were Kentucky Land Warrants being parceled and used to patent lands in multiple counties. On 18 February 1835, the Kentucky General Assembly approved legislation entitled "An Act to appropriate the Vacant Lands in this Commonwealth, north and east of the Tennessee River, to the Counties in which they lie, for the purpose of Internal Improvement." All vacant and unappropriated lands on 1 August 1835, became the responsibility of the county court. According to the legislation:

"Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the lands within this Commonwealth east and north of the Tennessee River, which shall be vacant and unappropriated on the first day of August next, shall be, and the same are hereby vested in the respective county courts of the county in which any of the said lands may lie.

Be it further enacted, That said county courts may sell and dispose of any such unappropriated lands...for such price as the court may think best, but for not less than five dollars per hundred acres and it shall be the duty of any person desiring to purchase any vacant any unappropriated land... to apply to the court of the county in which the land lies, and agree with the court for the price. And such court shall, by an order on its records, direct the county surveyor, or any of his deputies, to survey the quantity of land sold to any individual or individuals at the expense of the purchaser, and to return a survey and plat to said court, specifying the quantity and a well-marked boundary; and on the return of the survey to the court, and the payment of the price, the court shall order said survey to be recorded, and direct a copy of the order and survey to be certified by the clerk; and the clerk shall deliver such certified copy of the order and survey to the purchaser, and such survey delivered to the register shall be his authority to issue a patent to the purchaser according to the survey; and the surveys hereby directed shall be assignable. The register shall issue a patent without fee.

“Be it further enacted, That the proceeds of said land shall constitute a fund for the improvement of the roads and bridges in the counties respectively, and shall never be by the county courts appropriated to any other purpose whatever. They shall have power and jurisdiction to appoint one or more commissioners, with power and authority to dispose of said land, and superintend the disbursement of the proceeds thereof.” (*To read the act in its entirety, access <http://www.sos.ky.gov/land/reference/legislation/countyorders/> in the Secretary of State’s Land Office online Reference Library.*)

Patent #1 in the County Court Order Series was issued to Patrick Fitzimmons for 202 acres on the Franklin-Shelby county line. The survey was conducted 9 November 1835; the grant finalizing the patent was issued 12 September 1836. (Images of this patent are included on the County Court Orders Database.)

Patent #70239 in the County Court Order Series was issued to the Mt. Vernon Fleeting Service, Inc., for 2.0632 acres in Henderson County. The survey was conducted 7 September 2000; the grant was signed 17 October 2000 by Governor Paul Patton.

Although the legislation has been amended several times since 1835, the basic principles of the County Court Orders Patent Series have remained intact. Selected amendatory legislation includes:

- requiring the appointment of a county treasurer to oversee funds collected for land patents (approved 21 February 1837);
- allowing county courts to issue warrants for vacant lands in their counties as payment for work on public roads or in compliance with any contract for road improvement (approved 21 February 1837);
- allowing the Pike County Court to apply the proceeds of the sales of court orders to the removal of obstructions in any navigable stream within the county (approved 18 January 1849);
- allowing Whitley County to receive bonds in place of money for the sale of county orders for vacant lands although the grant could not issue until the bond had been redeemed with money or labor (approved 5 March 1850);
- repealing the act entitled “An act to revive and

amend the laws in regard to the sectionalized lands west of the Tennessee River” (approved 17 January 1860). This legislation terminated the process for patenting lands in the West of Tennessee River Non-Military Patent Series. As a consequence, land appropriations in the Jackson Purchase counties became part of the process dictated for the County Court Order Patent Series.

- Limiting warrants to 200 acres per person (KRS 56.210) & limiting patents to 200 acres per person in any one county (KRS 56.230).
- Vesting title to the patentee on the survey date rather than the grant date if the patent application is filed within six months of the survey date; if longer than six months, title vests on the grant date (KRS 56.230).

Legislation regarding Kentucky Land Patents and the land appropriation process is codified in Chapter 56 of the Kentucky Revised Statutes available online at <http://www.lrc.ky.gov/KRS/056-00/CHAPTER.HTM>. We also recommend researchers access Chapter 56 of “Michie’s Kentucky Revised Statutes” available in many courthouse libraries and attorneys’ offices. (The Legislative Research Commission website provides text of Kentucky laws. Michie’s publications include the text of all Kentucky laws as well as summaries of court decisions pertaining to the statutes.) As the 70,239 patents in the County Court Order Patent Series are the most frequently litigated, we also recommend researchers study laws applicable to the time period when the patent was issued.

On 3 December 2001, then-Secretary of State John Y. Brown III introduced the County Court Orders Database to the worldwide web. The data enhanced “The Kentucky Land Grants, Volume II” published by Willard Rouse Jillson by adding information regarding survey names, grant dates, and other search functions. On 11 June 2004, Secretary of State Trey Grayson announced the linking of County Court Order patent numbers 1-8241 to the existing database. As remaining files are scanned, they will be added to the online presentation. *To obtain copies of County Court Order files, contact the Kentucky Secretary of State’s Land Office, Capitol Annex, Frankfort, KY 40601. County Court Order Grants are available on microfilm at the Kentucky Historical Society’s Research Library also in Frankfort.*



State of Kentucky,

Lawrence County Court,

Term, 1887.

LAND WARRANT, No. 2097

This day Richard R. Thompson appeared in open Court, and he having paid the County Tax of five (5) cents per acre therefor: It is therefore, ordered by the Court, that he be permitted and authorized to appropriate twenty three (23) acres of the unappropriated lands of Lawrence County, by entering and surveying the same.

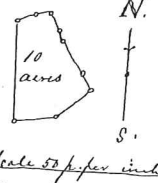
A Copy Attest:

J. O. Johnson Clerk, Lawrence County Court.

State of Kentucky } Richard R. Thompson var 23 G.
Lawrence County } et.

September 23rd 1881

Surveyed for Richard R. Thompson
10 acres of land by virtue of County
Court warrant No. 2097



Situate lying and being in the County of Lawrence and bounded as follows
Beginning on the East side of Little Blaine on the foot of a ridge at a chestnut and black oak growing together a corner of Jeremiah Thompson's and on the division line between said Thompson's thence up the hill N 91 E 2 5/8 rods to 2 black oaks at a Large Rock N 57 E 3/4 to 2 black oaks on top ridge at Dick Thompson's fence thence down the point N 33 W 10 p to 3 black oaks. N 36 W 20 p to 2 pines & black oak N 23 W 6 p to dogwood & hickory N 30 W 10 p to small black gum thence down hill with drain S 84 W 8 p to white oak S 74 W 10 p to post oak thence leaving said drain and running through the field due South 50 poles to the beginning

Samuel R. Thompson } J. R. Dean
Peyton Blackburn } C.C. }
R. R. Thompson } No. } E. F. Chapman
S.L.C.

Step 1 in the Land Patenting Process

In September 1881, Lawrence County Court issued Warrant 2097 to Richard A. Thompson. The Register of the Land Office or his deputy deemed the warrant "satisfied" each time the warrant was used. Research indicates the warrant authorized three surveys: ten acres, fifteen acres, and twenty-three acres. Note: Although Lawrence County used a printed form for Warrant 2097, most county court warrants are handwritten slips of paper.

Steps 2 & 3 in the Land Patenting Process

The Lawrence County Surveyor reserved specified land for field survey by recording entries in the county Entry Book. Entries for the County Court Order Patent Series are not dually recorded in the Kentucky Secretary of State's Land Office. On 23 September 1881, James R. Dean, Deputy Surveyor (DS) for Lawrence County, surveyed ten acres for Richard R. Thompson under the authorization of "part of county court warrant number 2097." Members of the surveying party were Samuel R. Thompson and Peyton Blackburn, chain carriers (CC) who measured the distance (metes) of the survey lines. R. R. Thompson was the marker (M) who blazed trees (bounds) at the end of each survey line. The survey was examined by E. F. Chapman, Surveyor for Lawrence County (SLC).

Luke P. Blackburn, Esq.

Governor of the Commonwealth of Kentucky.

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, That by virtue and in consideration of Part of a County Court Order
10 Acres from the Lawrence County Court at its 835th Term 1881
Lawrence Co. No. 2097.
No. 536 P. 8
there is granted by said Commonwealth unto Richard R. Thompson

By Court
S. L. C
June 21st 1882

a certain TRACT OR PARCEL OF LAND, containing Ten and one thousand Eight hundred and
Eighty One acres, by survey, bearing date the 23rd day of September, one thousand Eight hundred and
Eighty One, lying and being in the county of Lawrence. Beginning on
the East side of Little Blaine on the foot of a ridge at
a Chestnut and Black oak growing together at
Corner of Jeremiah Thompson and on the division
line between said Thompson, thence up the hill N. 81
E 23 poles to 2 Black oaks at a large rock N 51. E 24 poles
to 2 Black oaks on top ridge at Dick Thompsons fence thence
down the point N 33. W 10 poles to 2 Black oaks N 36 W 20 poles
to 2 pines and Black oak N 23 W 6 poles to Dog wood and
thence make N 30 W 10 poles to small Black Gum thence down
hill with drain S 84 W. 8 poles to white oak S 74 W 10 poles
to post oak then a bearing said drain and run
away through the field due S on the 50 poles to the
Beginning

with its appurtenances: TO HAVE AND TO HOLD the said Tract or parcel of Land, with its appurtenances, to the said
Richard R. Thompson

and his heirs forever.

IN WITNESS WHEREOF, The said Luke P. Blackburn, Esq.,
Governor of the Commonwealth of Kentucky, hath hereunto set his hand, and caused
the Seal of the said Commonwealth to be affixed, at Frankfort, on the 27th day
of March in the year of our Lord one thousand eight hundred
and Eighty two, and of the Commonwealth the 20th

BY THE GOVERNOR: Luke P. Blackburn

James Blackburn Secretary

Step 4 in the Land Patenting Process

On 27 March 1882, Governor Luke P. Blackburn signed the Grant conveying title for ten acres of land in Lawrence County to Richard R. Thompson. A copy of the grant is recorded on page 194 in Land Office Grant Book 101. The file is identified as County Court Order Patent 55488 in the Kentucky Secretary of State's Land Office. Subsequent conveyances of the tract are recorded in Deed Books (or possibly Will Books) maintained by the Lawrence County Clerk's office in Louisa. Although this patent is indexed on the Kentucky Secretary of State's Land Office website under the "County Court Orders" channel, online images are not available at this time.

KEY POINTS TO REMEMBER

- Kentucky is a state-land-state. Kentucky is not part of the federal public domain system.
- Land patenting is the system by which Kentucky conveys title to unappropriated land.
- The Virginia Land Laws of 1779 established a Land Office and the patenting process; several of the early patents were authorized by warrants issued to soldiers of the French & Indian War under the terms of a Proclamation signed by King George III in 1763.
- Grants conveying title to Kentucky land are signed by governors, not by presidents.
- The system of patenting Kentucky land remains in effect. The process is codified in Chapter 56 of the Kentucky Revised Statutes.
- There is no patent map that identifies patent location—or land available for patenting.
- Each patent series is sequentially numbered; each patent series begins with a file designated as “1.” Each patent series may include duplicate patent numbers or omitted numbers. Warrant numbers are not the same as patent numbers.
- Counties do not issue land patents.
- County court orders serve as warrants. The county surveyor files the entry reserving the land for field survey; the county surveyor or a surveyor appointed by the court conducts the survey for the patent application. The court order, survey, and affidavits signed by the land applicant and surveyor are submitted to the Secretary of State’s Land Office in Frankfort. Documents are reviewed for statutory compliance by the office of the Attorney General. If the patent application is deemed acceptable, the Land Office generates a Grant for the governor’s signature. A patent file number is assigned, the Secretary of State writes “Satisfied” across the face of the warrant and the documents are added to the County Court Order Series Records Series in the Land Office.
- Subsequent sales of all patents are recorded in deed or will books maintained by the county clerk.
- Land patents are subject to litigation. To research case history, access circuit court files at the Kentucky Department for Libraries & Archives in Frankfort. Other court cases may be researched by visiting or contacting the Supreme Court Law Library, Capitol Building, Frankfort, Ky.
- The Kentucky Secretary of State’s Land Office website is located at <http://sos.ky.gov/land>.
- The County Court Orders Database is located under “Patent Series” in the “Non-Military Registers & Land Records” channel and the “Searchable Databases” channel.
- The CCO, Database features a quick-search function for determining patent information by patent number or grant book and page number. Note: Search results are limited to the County Court Order Series of Kentucky Land Patents.
- The Advanced Search function allows researchers to access patent listings by county, watercourse, grantee, survey name, and other search functions.
- The “Search Within These Results” function refines the search. For example, researchers who access information for Perry County will see 7,334 results. By clicking “Search Within These Results,” the search can be adjusted to the name of a watercourse such as Leatherwood. The results have now decreased to 410. The results can be sorted by several variables, such as alphabetically by grantee name (or survey name), numerically by patent number, survey date or grant. Up to 100 results can be viewed per page. (This is particularly helpful when printing the listings.)
- Currently there are 70,239 patent files in the County Court Order Series. All CCO patents are indexed online. The database links to images for CCO patent files 1-8241 (33, 392 pages).
- The “Advanced Search” function on the County Court Orders Database can be used to identify county locations for watercourses cited in other patent series. Researchers are reminded many watercourses share common names, such as Pond River. The “Gazetteer” in the “Reference Library” channel of the Secretary of State’s Land Office website may identify which watercourses are in the former Military District. County formation dates must also be considered when identifying current county location. A watercourse cited in a county in 1835 may actually be located in a daughter county. Hint: Sort the search results in descending order so the patents are listed newest to oldest. The current county location will be identified at the top of the listing. By accessing the “County Formation Quick Guide” under the Land Office “Reference Library” channel,

researchers can determine the year the current county was formed and the names of mother counties. (Older deeds and land transfers may be filed with the mother county records.)

- Although no application form was required to purchase county court orders involved in land patenting, research indicates patents in the County Court Order Series were issued to women as well as African Americans before the Civil War.
- Warrants (county orders) and Surveys were assignable. Title conveyed to the Grantee (the person who received the Governor's Grant). The grantee may have been an assignee of numerous individuals involved in the patenting process.
- Although researchers may find proof of orders being issued by the county court and/or surveys being recorded in the county surveyor's entry and survey books, it is possible the land applicant never took title. It could have been determined the land was previously appropriated, fees were never paid, or the applicant simply stopped the patent process. Access the County Court Orders Database to determine if the person for whom the survey was made received the Grant. Use the "Advanced Search" function and search by "Survey Name." (Note: The Survey Name is the person for whom the survey was conducted; it is not the name of the surveyor who performed the survey.)
- Original documents of all land patent files are housed with the Kentucky Secretary of State's Land Office, Capitol Annex, Room T40, Frankfort, Ky. Copies of County Court Order grants are also available on microfilm at the Kentucky History Center Research Library and the Kentucky Department for Libraries & Archives, both in Frankfort.

In closing, topography and the color of title add vivid hues to our Kentucky land patent quilt. The yellow of goldenrod, rivers that cut through limestone cliffs or span as far as the eye can see, the beauty of redbud and mountain laurel in the spring, jet black coal, and grass so green it seems blue are among the many colors and natural features that accent the quilt's palette. Kentucky land has witnessed the birth of birds and wild game for centuries—and foals that have worn roses in May. But just as beautiful is the heritage of our people—the people who own

and work our soil. Native Americans who revered Kaintucke as a sacred hunting ground. Pioneers who blazed trails through the wilderness as they sought land ownership and a new start. Immigrants from other countries who came to Kentucky to find work. Their legacy has given us Bluegrass music, clogging, and stone walls; others have built factories that provide jobs for our people today. Kentucky land is the birthplace of Hollywood celebrities, athletes, astronauts, and hundreds of historical figures. The Kentucky land patent quilt cradled Abraham Lincoln. (The designation "Native Kentuckian" is a birthright that cannot be bought at any price.)

In spite of its age, the quilt is not frayed. Although it may be stained with tears and the blood of our fighting men and women, and there may be coal dust and tobacco in its seams, the Kentucky land patent quilt is resilient. Kentucky land is not just an important element of our past, Kentucky land is our future.

Next article in this series: "Virginia & Old Kentucky Patent Series Web site"