

## Relief to Settlers (1797)

### CHAPTER CCCXV.

#### **An Act for encouraging and granting relief to Settlers.**

*Approved by the Kentucky General Assembly on March 1, 1797.*

*Repealed by the Kentucky General Assembly on February 10, 1798.*

SECTION 1. **BE it enacted by the General Assembly,** That any widow and free male person of the age of twenty-one years, and every other person having a family who shall settle upon the vacant and unappropriated land south of Green river, on or before the first day of July, one thousand seven hundred and ninety-eight, and reside thereon one year, clear and fence two acres of ground and tend it in corn, shall be entitled to two and not less than one hundred acres, to include such improvement in any part of the survey which they may express in their entry: **Provided,** that no person shall obtain a certificate for any settlement made on the lands ceded by congress to any Indian tribe.

SECTION 2. Every person who shall be entitled to a settlement by virtue of this act, shall lay in their claim before the commissioners hereinafter appointed when sitting for that purpose; describing the bounds of his or her lands, and have there his or her witnesses to prove their right to said settlement; and every claim shall be surveyed as nearly in a square as the interfering claims will admit of.

SECTION 3. There shall be paid by every person to whom a settlement is granted, into the treasury of this state, for each hundred acres of first rate land in that part of the country, sixty dollars; and for every hundred acres of second rate land, forty dollars; and every person obtaining a settlement, who shall fail or neglect to pay the same accordingly into the treasury, and take the treasurer's receipt therefore, and lodge the same with the auditor, and take his receipt for the same, within twelve months from the date of his or her certificate, his or her land shall be forfeited to the state, and be liable to be disposed of in any manner the legislature may in future think proper to direct.

SECTION 4. Each settler obtaining a certificate agreeably to this act, shall enter the same with the surveyor of the county in which the land lies, and shall have the same surveyed, and return a plat and certificate of such survey to the register of the land office of this state, within twelve months from the time of obtaining such certificate, and the register shall demand and receive the usual fees, and issue a grant as in other cases: **Provided,** however, that the patent shall not issue until the claimant shall produce to the register the auditor's receipt for the payment of the money for such claim into the treasury; and every surveyor with whom an entry is made on any claim granted by this act, shall cause the same to be entered in a well bound book provided for that purpose, and shall file the commissioner's certificate as his voucher.

SECTION 5. And for the purpose of ascertaining who shall be entitled to a settlement agreeably to this act, there shall be appointed by the governor three persons, not being members of the present general assembly, who shall be styled commissioners, who, or any two of them, shall have power and authority to hear and determine the right of persons to settlement agreeably to this act, and to

determine the class to which such land shall belong, according to the evidence which shall be produced to them, or from their own knowledge, at courts to be holden by them at the following places, to wit: At the courthouse in Lincoln county, on the first Monday in August, one thousand seven hundred and ninety-eight; at the court-house in Green county, on the first Monday in September, one thousand seven hundred and ninety-eight; at the court house in Warren county, on the first Monday in October, one thousand seven hundred and ninety-eight; at the court house in Logan county, on the third Monday in August, one thousand seven hundred and ninety-eight; and at the court house in Christian county, on the third Monday in September, one thousand seven hundred and ninety-eight; to continue by adjournment ten days at each place, if the business before them shall require it; and the said commissioners shall have power to compel the attendance of witnesses and examine them touching any thing material to the matter in question, and shall have power to hear and determine all disputes between settlers, during their sitting, who shall claim under this act, and award costs on the decision of any such contest as to them shall seem right: and in all disputes between settlers respecting the priority of settlement, the improvement first made shall have the preference; but no person shall obtain a certificate for more than one improvement.

SECTION 6. The commissioners shall appoint a clerk, whose duty it shall be to make out a certificate to each person to whom a claim shall be hereby granted, describing particularly the bounds of said person's claim agreeably to the location handed into the court by such person; which certificate shall be signed by the commissioners, shall be lodged in the register's office, and shall be admitted as testimony, or a copy therefrom attested by the register, in any future disputes between settlers.

SECTION 7. And for the purpose of paying the said commissioners, their clerk, and for books and papers, there shall by each person to whom a claim is granted, be paid to the clerk before he delivers to such person a certificate, one dollar, to be disposed of as hereinafter directed. And the sheriff of the county in which the said commissioners are herein directed to sit, shall attend by himself or deputy, to perform to them the necessary duties of his office; and he shall be entitled to the usual fees for any services he may perform, to be paid by the party requiring the same, exclusive of six shillings per day, which he shall receive for his attendance on the said court, to be paid by the clerk out of the tax arising on certificates granted by this act.

SECTION 8. Each of the said commissioners shall receive for his services twelve shillings per day, and the clerk twelve shillings, whilst they are traveling to, attending on, and returning from said courts; and the clerk shall moreover be entitled to one shilling for each certificate for a settlement as aforesaid, and one shilling for entering the same in a book; and the clerk after paying the sheriff and commissioners, and retaining as much money as will pay for his services, books and paper, shall pay the balance, if any, into the treasury, and take the treasurer's receipt therefore, which he shall lodge with the auditor.

SECTION 9. The surveyors of the counties including any part of the boundary on the south side of Green river, known by the name of the military boundary, shall immediately apply to the surveyors of the Virginia state and continental lines residing in this state, for copies of all entries in their respective offices made on military warrants in the boundary aforesaid, and the surveyors of the said lines shall

give to the surveyors of the counties aforesaid, copies of all such entries within four months from the passage of this act, and may demand and receive from the surveyors to whom they deliver the same, six-pence for each entry, to be paid by said surveyors: and the surveyors of the counties aforesaid, on receiving the copies of such entries, shall enter the same in well bound books, to be provided by them for that purpose; and such surveyors may demand and receive for the copy of such entry, one shilling from the person receiving the same.

SECTION 10. Any person who shall obtain a settlement by virtue of this act, who shall not reside thereon, either by himself, or his or her representatives, at least one year next succeeding the date of his or her certificate, shall forfeit all his right, title and interest, he or she may have in such settlement, and the same shall revert to the commonwealth, and may be disposed of by the legislature; and no person who obtained a certificate for a settlement from the commissioners appointed under the authority of the act passed in the year one thousand, seven hundred and ninety-five, entitled "An Act for the Relief of the Settlers on the South Side of Green River," shall be entitled to a certificate for a settlement under this act.

SECTION 11. **And be it further enacted**, That any persons who obtained a certificate for a settlement agreeably to the before recited act, and have failed to pay the amount thereof into the treasury, as by the said act is directed, shall have further time until the first day of November next, to pay the same, without the forfeiture of the land, and pay five per centum interest thereon; and any person who obtained a certificate for a right to a settlement and neglected to enter the same within the time limited by law with the surveyor, shall have further time until the first day of November next to enter the same in the surveyor's office, and shall proceed to complete his or her title as by the aforesaid act required: **Provided always**, that nothing in this act contained shall be so construed as to destroy the claim of any settler for an improvement made before the passage of this act so near to the improvement of an older settler, that the quantity of two hundred acres cannot be obtained by each, if such claim would have entitled the younger settler to a settlement under the act of the last session, entitled "An Act for the Relief of Settlers on the South Side of Green River"; and that all and every salt lick and salt spring, with one thousand acres of land adjoining and around each, to be laid off in a square by lines at the cardinal points, as near as the interfering claims will admit of, shall be, and they are hereby reserved to the state; and if a grant shall be obtained therefore it shall be void.

SECTION 12. And when any person through mistake may have settled on a military claim that shall have obtained a certificate from the commissioners for such settlement in conformity to the said recited act, it shall be lawful for such person at any time on or before the first day of November, to remove him or herself and settle on any vacant and unappropriated land on the south side of Green river, and shall make an entry thereof in the surveyor's office for the county in which the land lies, accompanied by the commissioner's certificate, and shall then proceed to complete his or her title, in like manner as is directed by the said recited act.

SECTION 13. **And be it further enacted**, That the governor shall cause so much of this act as he may think necessary, to be published without delay in four newspapers of the most extensive circulation in

the United States, the expense of which shall be defrayed out of the public treasury. Any act or acts that come within the purview of this act shall be, and the same are hereby repealed.

This act shall commence and be in force from the passage thereof.

REF: "The Statute Law of Kentucky", Vol. I., by William Littell, pp. 682-687.