

## Establishes Patent Series (1824)

### CHAPTER 64.

#### **An ACT for appropriating the vacant Land in the State of Tennessee, between Walker's Line and the latitude of thirty-six degrees and thirty minutes.**

*Approved by the Kentucky General Assembly on December 18, 1824*

**WHEREAS** by the compact between this State and the State of Tennessee, settling the boundary line between the said States, and by the fifth article of said compact, it is in substance declared, that all the vacant and unappropriated lands in the State of Tennessee, east of the Tennessee river, and north of the parallel of latitude thirty-six degrees and thirty minutes north, shall be the property and subject to the disposition of the State of Kentucky, and that the State of Kentucky might rightfully make all laws necessary and proper for disposing of and granting said lands, or any part thereof; and it now appears to the present General Assembly of this Commonwealth, expedient to dispose of said vacant and unappropriated lands: *Wherefore,*

Section 1. **Be it enacted by the General Assembly of the Commonwealth of Kentucky,** That from and after the first day of March next, any person or persons may acquire title to as much vacant and unappropriated land in the State of Tennessee, between Walker's line and the latitude thirty-six degrees thirty minutes north, and between Cumberland river, near Oby's river, and Tennessee river, as he, she or they shall desire to purchase, upon the payment into the Treasury of this State the consideration of twenty dollars for every one hundred acres, and in the same proportion for a greater or smaller quantity; and after the said time, any person or persons may, in like manner, acquire title to as much vacant and unappropriated land, as he, she or they may desire to purchase, between the said Walker's line and the latitude aforesaid, and between the said Cumberland river and top of the Cumberland mountain, upon the payment of the consideration of ten dollars per hundred acres, and in the same proportion for a greater or smaller quantity; the payment for said lands to be made to the Treasurer of this Commonwealth who shall thereupon deliver to the purchaser a receipt, specifying the purpose for which it was paid, the quantity of land, and whether for land lying east or west of the Cumberland river, in the territory aforesaid; which, being delivered to the Auditor of public accounts, he shall give to such person or persons a certificate, in like manner, stating the quantity of land he, she or they may be entitled to, and whether lying east or west of the Cumberland river, in the territory aforesaid; which, being delivered to the Auditor of public accounts, he shall give to such person or persons a certificate in like manner, stating the quantity of land he, she or they may be entitled to, and whether lying east or west of Cumberland river. Upon lodging such certificate with the Register of the land office, he shall grant to such person or persons a printed warrant, under his hand and seal of office, specifying the quantity of land and the territory in which it is to be located, and authorizing the surveyor, by himself or deputy, to survey and lay off the same; which warrant shall be valid, until executed by actual survey.

Section 2. **And be it further enacted,** That the owners of such warrants shall lodge the same with the proper surveyor, hereafter mentioned, and shall cause an entry to be made on such warrant in a

book to be by the surveyor kept for that purpose, and shall in such entry describe the land designed to be appropriated, with such reasonable certainty, that others locating lands may be enabled to avoid an interference therewith; and any entry so made, shall be good and valid against any subsequent entry for the same land.

Section 3. **And be it further enacted**, That it shall be the duty of the owner of any entry, to cause a survey to be made on the land called for in such entry, to cause a survey to be made on the land called for in such entry, within three months from the date of the entry; and it shall be the duty of the surveyor hereafter designated, to make such survey and record the same in a book to be kept for that purpose; and upon the payment of the usual fees allowed by law for similar services in this State, the surveyor shall deliver to the owner, his agent or attorney, the plat and certificate of survey, with the original warrant, upon producing which to the Register of the land office of this State, the Register shall, without delay, issue a grant therefore according to law; and for registering the plat and certificate of survey, and issuing a grant thereon, the same fee shall be allowed as is now allowed by law in other cases of the like kind; and the fee to the Register for issuing and recording any land warrant, issued by virtue of this act, and affixing the seal of office thereto, shall be fifty cents, to be accounted for as the other fees.

Section 4. **And be it further enacted**, That the Register shall enter in a well bound book, to be kept for that purpose, the number, date, proprietor and quantity of acres of every warrant, in which book, a column for remarks shall be left; and the Register, whenever a survey is carried into grant or exchanged, shall enter the same therein, with reference to the book and page where the same may be found; and the several surveyors and Register and other officers, shall make use of different books in making entries, recording surveys, registering, issuing and recording grants, and in all other things shall keep the books, papers and records of the claims derived under this act, separate and distinct from the books, papers and records relating to land claims in this State.

Section 5. The owner of any warrant may have one or more entries and surveys made thereon, not exceeding in the whole, the quantity of acres specified in such warrant; but no entry or survey shall be for a less quantity than one hundred acres, unless the same shall be bounded all around by other surveys of prior existence, and in that case the surveyor shall state in the certificate of survey, the names of all the persons whose lines the same may bind on. The Register shall receive and register such survey so certified, for a less quantity than one hundred acres.

Section 6. **And be it further enacted**, That every survey made under the authority of this act, shall be bounded plainly by marked trees, stones or stakes, except where a watercourse or ancient marked line shall be the boundary. And the surveyor shall note at the end of each plat and certificate of survey, who were chaincarriers and marker, and shall write on the face of the warrant, executed in full, or to as many acres as the case may be, and sign his name thereto.

Section 7. **And be it further enacted**, That every plat and certificate of survey made in virtue of this act, together with the warrant upon which it was founded, shall be lodged in the Register's office within six months from the date of such survey. When any warrant shall be carried into grant or exchanged,

the register shall write on the face of the warrant, satisfied, or exchanged, as the case may be, and sign his name thereto.

Section 8. **And be it further enacted**, That any person who may be, at the passage of this act, an actual settler and resident on any of the lands in the territory aforesaid, shall have the exclusive right to appropriate the place of his settlement and residence, with one hundred acres of land, including the centre of a square, when laid off to the cardinal points, at any time prior to the first day of August next, until which time no entry or survey (except by an actual settler and resident) shall be made, covering such actual settlement and residence; and where two actual settlers may reside so near each other as that the actual settlement and residence of each cannot be included in their respective surveys without interference, in that case, the distance between the two settlements is to be equally divided.

Section 9. **And be it further enacted**, That the surveyors of the several counties in this State, bordering on Walker's line, with the assistance of their deputies, shall receive the entries and make the surveys required by this act; and in performing the business of making the entries and surveys required by this act, they shall respectively be bounded on the east and west by lines drawn at right angles, from the extreme corners (on the State line) of their respective counties, south, to the said parallel of latitude, thirty-six degrees and thirty minutes; and on the south, the said entries and surveys shall not extend beyond a line drawn east and west by the same line of latitude, thirty-six degrees thirty minutes. And it shall be no objection to any entry or survey, that it may begin in one of said divisions and extend eastwardly or westwardly into another of said divisions of territory.

Section 10. **And be it further enacted**, That the money arising from the sales of said lands, shall be subject to the future disposition of the Legislature.

Section 11. **And be it further enacted**, That the surveys made under the provisions of this act, shall be run to the cardinal points, and shall not be in length more than twice the breadth, unless the adjacent older claims, may render it necessary to depart from the foregoing provisions; and all the warrants, entries, surveys and patents, issued in virtue of this act, shall be considered as made and issued at the risk of the claimants respectively.

Section 12. **And be it further enacted**, That it shall and may be lawful for the Governor of this Commonwealth, and he is hereby required to appoint some suitable surveyor to run and mark a line in the said latitude of thirty-six degrees thirty minutes, from the Tennessee river to the top of Cumberland mountain. And the Governor of this State, shall transmit to the Governor of the State of Tennessee, a copy of this act, with a notification of his appointment of a surveyor to run and mark said line, and request of the Governor of said State, the concurrence and assistance of said State, in the performance of said work.

REF: "Acts of the Kentucky General Assembly", 1825, pages 68-72.