

## 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.