

The Kentucky Land Grant System

(continued)

researchers to examine both sides of warrants when studying the patenting process because assignments are recorded on the “back.”

Step #2: The Entry

This record is often considered a patent in itself when, in actuality, it is merely an intention to file for a patent. The surveyor records in his entry book the name of the person wishing to reserve for patenting a particular piece of land, the type of warrant authorizing the survey, and the date the intention is declared. Entries are not binding and may be altered or withdrawn if an individual so desires. Jilison's *Old Kentucky Entries and Deeds* lists entries in early Jefferson, Lincoln, and Fayette counties as well as the Military District. The originals of those records, with the exception of the Jefferson County Entry Books housed at the Jefferson County Archives in Louisville, are stored in the Land Office in Frankfort. Subsequent surveyor entry books are housed on the county level. The passage of time has resulted, at best, in a scattered availability of those records.

Step #3: The Survey (syn. Plat, Survey Certificate)

The next stage in land patenting is the preparation of the Survey depicting the tract and describing metes and bounds. In a statement prepared by the county surveyor, the name of the person having the survey made is given as well as the type of warrant authorizing the survey. Any assignments that have already occurred are also mentioned. The county is recorded as well as the name of the closest watercourse, in most instances. Points such as trees, “bear wallows,” and schoolhouses were accepted in the survey description; surveyors today use more modern methods of measuring distance and bearing. (The only area in Kentucky that meets federal surveying guidelines, that is, sections, townships, ranges, etc., is the Jackson Purchase mapped in 1820.) Surveys, like warrants, can also be traded, sold, or reassigned, so it is imperative the researcher study both sides of the document to determine if a transfer was made after the Survey and before the Grant was issued.

The name of the county surveyor, or his deputy, is given at the end of the survey description, generally in the right column. The names of the surveying party are recorded in the left column; the list most generally includes chain carriers, markers, and housekeepers.

Step #4: The Grant (syn. Patent Deed, Patent)

The issuance of the Governor's Grant finalizes the

land patenting process. Easily recognized by the governor's name in the heading, this document states the name of the land recipient as well as the other assignees involved in the patent. Also included is the date of survey, the type of warrant used, the metes and bounds description, the date of grant issuance and the governor's signature. The original record (grant) is mailed to the land recipient and a copy is entered in the Land Office Grant Book. Sales of the property then become a county responsibility and are known as “deeds.” Deeds are not registered in Frankfort; therefore it is incumbent upon each county clerk, as well as county historical agencies, to ensure all records of land transactions within their area are secured and properly preserved.

There are two other terms associated with land-patenting that need to be included in our study of the patent system. Kentucky is known as a “state-land-state” meaning the Kentucky government has assumed the responsibility for land appropriation within our borders. Other state-land-states include the thirteen original colonies as well as Maine, Tennessee, Texas, Vermont, West Virginia, and Hawaii. The remaining states are in “public domain” meaning the federal government acts as the appropriating agency.

How Are Land Grants Filed?

Time periods and possible land locations play an important role in determining which group or groups of land grants need to be researched. For example, if the historian feels the grant was issued before June 1792, the first series to study would be the Virginia Land Grant Series. No, that does not require a trip to Richmond, Virginia; records of all Virginia-issued land grants are in Frankfort at the Land Office.

—Virginia Series

Generally includes Warrants, Surveys, and Grants completed before 1792. There are some instances where the researcher will have to obtain copies of the Warrant and Survey from the Virginia Series, then copy the Grant from the Old Kentucky Series. Approximately 10,000 patents are filed with this grouping, some of which were authorized by military warrants. Although the researcher can find the grant book reference in Jilison's *Index to Kentucky Land Grants*, the patent number of this series will have to be researched using the *Master Index to Virginia Surveys and Grants* prepared by the Kentucky Historical Society.

—Old Kentucky Series

There are over 7,600 patents filed in this series, some