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Kentucky Ancestors

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A Patriotic Clan from Eastern
Kentucky in the War
to End All Wars

North or South?
Finding Your Kentucky
Civil War Ancestor

The Kentucky Secretary of State's
Land Office
Lincoln Entries Database

The Kentucky Secretary of State's Land Office Lincoln County Entries Database

(The third in a series of articles regarding the Internet availability of Kentucky Land Office records)

By Kandie P. Adkinson, Administrative Specialist
Land Office Division

The last slice of homemade chocolate pie remains in the refrigerator. Fudgy chocolate pie topped with a mile-high mound of homemade meringue, browned to perfection. You announce to everyone within shouting distance that you are calling "dibs" on that last piece of pie and no one else may have it. Immediately a family member enters the kitchen and offers to strike a deal for a portion of the remaining delicacy—perhaps the entire slice. A family member in another room answers your "dibs" by declaring his "dibs" had previously been called. You leave the kitchen to ask the family member for specifics—when and where ownership had been declared—and the names of all witnesses. When you return to the kitchen you find your spouse savoring the last bite of that fudgy chocolate pie with the mile-high mound of homemade meringue, browned to perfection. You remind your spouse you had called "dibs" and the piece was yours "for the taking" when you wanted it. Your spouse replies, "So sue me." You return to the refrigerator and make a salad--and dream of the day when another homemade chocolate pie graces the refrigerator with its presence.

Wait a minute. How does chocolate pie relate to "Lincoln County Entries"? Let's examine selected portions of Virginia's land laws for a possible correlation.

"An Act for Adjusting & Settling the Titles of Claimers to Unpatented Lands Under the Present & Former Government, Previous to the Establishment of the Commonwealth's Land Office," Chapter XII, Approved May 1779, by the Virginia General Assembly

Entries for land on the "western waters" made before 26 October 1763, and authorized by specific

warrants were declared "good and valid." (Section I)

Entries with the county surveyor could be filed by residents of villages and towns who qualified for preemption warrants if they could produce commissioners' certificates within twelve months after the close of the May 1779 Virginia General Assembly. (Section V) Note: Subsequent legislation extended the deadline.

Other persons who qualified for 400 acre or 1000 acre preemption warrants were required to "take out their warrants from the register of the land office within ten months and enter the same with the surveyor of the county within twelve months" after the close of the May 1779 Virginia General Assembly. (Section V) Note: This deadline was also extended by subsequent legislation.

(For complete text, see "Land Law A" under "Virginia & Old Kentucky Patents" in the "Legislation" section of the "Reference Library" channel, Kentucky Secretary of State's Land Office Website <http://sos.ky.gov>).

"An Act for Establishing a Land Office and Ascertaining the Terms and Manner of Granting Waste and Unappropriated Lands," Chapter XIII, Section 3, Approved May 1779, by the Virginia General Assembly

This Act authorized the sale of Treasury Warrants "to create a sinking fund in aid of the annual taxes to discharge the public debt." The purchase price was forty pounds per hundred acres. (Note: The purchase price was later reduced.) Treasury Warrants opened Kentucky's lands to settlers who did not qualify for Certificates of Settlement or Preemption Warrants, Revolutionary War soldiers who had served from states other than Virginia, and speculators. See the

The Land Office Lincoln County Entries Database, *continued*

Autumn 2007 and Winter 2007 issues of *Kentucky Ancestors* (respectively) for articles regarding the “Revolutionary War Warrants Database” and the “Certificates of Settlement & Preemption Warrants Database.”

Warrants were lodged with the county surveyor “wherein the said lands or the greater part of them lie.” Individuals directed the location “so specially and precisely as that others may be enabled with certainty, to locate other warrants on the adjacent residuum; which location shall bear date the day on which it shall be made, and shall be entered by the surveyor in a book to be kept for that purpose in which there shall be left no blank leaves or spaces between the different entries.”

As entries were filed for persons who were not inhabitants of his county, the surveyor appointed a time when the land would be field surveyed. The non-resident received a written notice regarding the scheduled survey.

If the surveyor refused to enter a location, “under pretense of a prior entry for the same lands made by some other persons” the applicant had the right to view the earlier filing. The surveyor had to provide a certified copy of the entry if requested. (Perhaps this

was an early version of an “open records request.”)

“But it shall not be lawful for any surveyor to admit an entry for any land without a warrant from the register of the land office, except in the particular case of certificates from the commissioners of the county for tracts of land, not exceeding four hundred acres allowed in consideration of settlements.”

No entry or location of land could be admitted:
within the county and limits of the Cherokee Indians

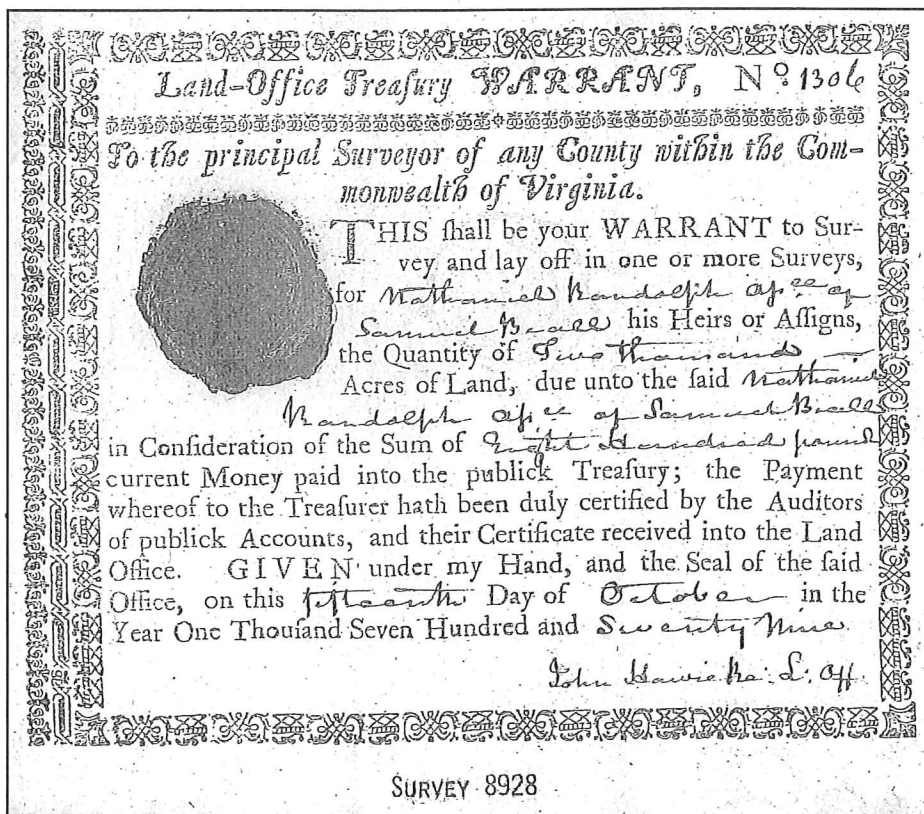
or on the north west side of the Ohio River
or on the lands reserved by act of the assembly for any particular nation or tribe of Indians

or on the lands granted by law to Richard Henderson & Company

or in the Military District reserved for Virginia’s veterans of the Revolutionary War.

Any chief county surveyor who desired to patent lands within his county of jurisdiction had to file his entries, based on warrants, with the county court clerk. The survey (for the chief surveyor) had to be completed by a deputy surveyor within six months of the entry filing. If a deputy surveyor was not available, the survey had to be performed by the surveyor or deputy surveyor of an adjacent county. If

One of fourteen Treasury Warrants purchased by Samuel Beall and assigned to Nathaniel Randolph that authorized Virginia Patent No. 8928 in the Jackson Purchase.



The Land Office Lincoln County Entries Database, *continued*

the chief surveyor did not follow that procedure, the entry was void and the land could be entered by another person.

The chief county surveyor had to proceed "with all practicable dispatch" to survey all lands entered in his office. If the person(s) for whom the survey was being made resided within the county, the surveyor had to give the individual(s) personal notice of the time of the field survey or publish such a notice by fixing an advertisement on the county courthouse door on two "several" court days. The designated date for the field survey was at least one month after the personal notice was given or after the second advertisement was published.

If the surveyor arrived for the field survey but the party (or a representative) failed to appear with proper chain carriers and a person to mark the lines (if necessary), the entry was declared void and subject to entry by another person.

Immediately after the entry was filed, the surveyor had to direct a deputy surveyor to perform the field survey if he (the chief county surveyor) could not perform the actual survey.

(For complete text, see "Land Law B" under "Virginia & Old Kentucky Patents" in the "Legislation" section of the "Reference Library" channel, Kentucky Secretary of State's Land Office Website, <http://sos.ky.gov>.)

Land patenting in early Kentucky, before and after our statehood in 1792, was a four-step process:

- **Warrants** (or certificates) authorized the filing of an Entry with the county surveyor's office.
- The **Entry** reserved a specific location for a field survey.
- The **Field Survey** depicted and described the tract being patented.
- The **Governor's Grant** finalized the patenting process by conveying title.

26 D and C. withdraws his 1000 acres Prescription on a Branch of muddy creek and reenters the same, on a Branch of muddy creek about 15 miles from Boonsborough Ga about 3 miles above Cyprians chain Beginning about 1/4 mile above his Improvement, and to run down both sides of the branch towards the main creek for quantity
 Col. George Rogers Clark offers to make the following amendment to his several entries of 73,962 acres entered 18th May 1780 viz to begin on the Ohio at the mouth of the Tennessee River running down the Ohio bounded by the Downes lands of said river and the waters of the Mississippi of 73,962 acres in one or more surveys. It is the 73,962 acres should be 73,962 acres, but cannot be altered unless copy given out in Return

Col. George Rogers Clark's amendment of his previous Entries reserving 73,962 acres for patenting. (Ref: Kentucky Secretary of State's "Lincoln County Entries Database" & Lincoln Entry Bk 1, pg 88, 26 October 1780.) The acreage was surveyed in two tracts: VA Patent 8924 (37,000 acres) & VA Patent 8928 (36,962 acres).

Warrants and Surveys could be assigned to other individuals. Entries could be amended or withdrawn. Subsequent conveyances after the Grant was issued are filed on the county level with Deeds, Wills, and, perhaps, other court records.

On 30 June 1780, the Virginia General Assembly approved legislation, effective 1 November 1780, that divided Kentucky County into three counties: Lincoln (county seat: Harrodsburg), Fayette (county seat: Lexington), and Jefferson (county seat: Louisville). The surveyor of Kentucky County was permitted to select one of the three counties he wished to serve. He also had to "deliver to each surveyor of the other two counties, a fair and correct copy of all entries for lands in such other county which had not been surveyed, with the warrants or rights upon which such entries were founded." For each of the entries he recorded, he received three pounds of tobacco from the county surveyor receiving the copy. (Ref: "Act of the Virginia General Assembly Establishing Lincoln County," "Kentucky County Formations Database," Kentucky Secretary of State's Land Office Website, <http://sos.ky.gov>.)

George May, surveyor for Kentucky County, Virginia, was commissioned Chief Surveyor for the

The Land Office Lincoln County Entries Database, *continued*

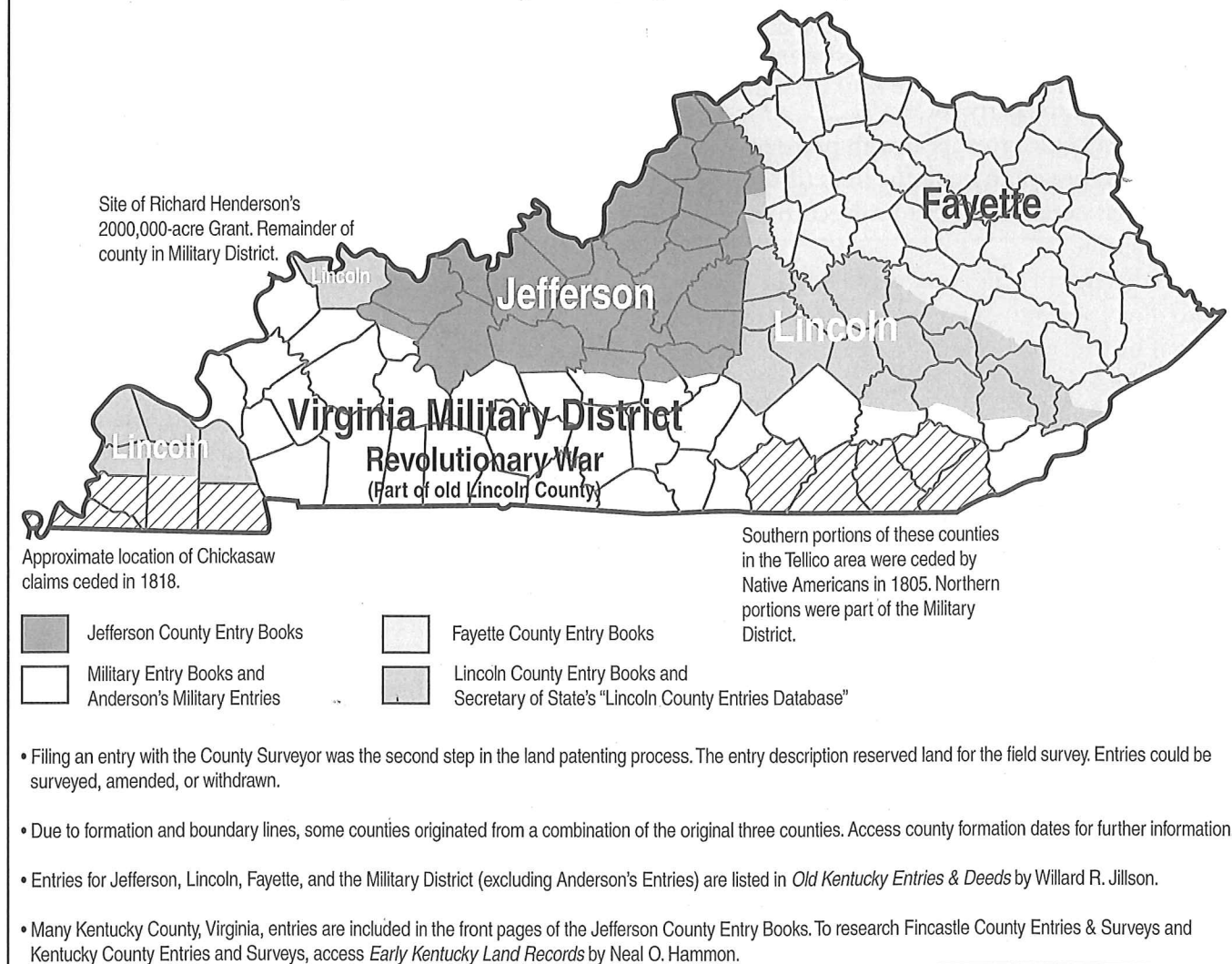
newly formed Jefferson County. He copied entries applicable to Fayette county for the newly-appointed chief surveyor, Thomas Marshall. He copied entries applicable to Lincoln County for the newly-appointed chief surveyor, James Thompson. May recorded entries for Kentucky County, Virginia, in the front pages of the Jefferson County Entry Book. (Note: We are indebted to Neal Hammon, Kentucky historian, for discovering May's inclusion of Kentucky County Entries in the Jefferson Entry Book.)

Research indicates there were multiple acts of the General Assembly regarding the filing and recording

of entries. We found one legislative act of particular interest. On 24 February 1808, the Kentucky General Assembly approved "An Act directing an examination of certain Entry Books, and for other purposes." The act states:

"Whereas by a resolution of the general assembly, passed on the 19th day of December, 1801, it was made the duty of the register of the land office, to transcribe all the entries of land made in Kentucky, commonly called May's books of entries; and whereas the then register copied 800 pages of those entries in two books, but died before he finished the copies,

Approximate Locations of Kentucky's Original Counties: 1780 and Resources for Researching Early Kentucky Surveyors' Entry Books



The Land Office Lincoln County Entries Database, *continued*

and the present register having completed the said copies from the said May's books, in three volumes, containing in all 1059 pages, and it being thought proper by the present legislature to have those copies so taken from said books, compared with the original entry books called May's, by commissioners, to be appointed by the governor, and that the present register ought to receive compensation for copying the said entries: therefore,

SEC. 1. Be it enacted by the general Assembly, That the governor be, and he is hereby empowered to appoint two fit persons as commissioners in behalf of this state, who, in the presence of the register, shall compare the copies taken from May's entry books in five volumes, and make report to the next general assembly, and the said commissioners shall each receive per day, for their service, one dollar and fifty cents for every day they are necessarily employed in the examination of the said books, out of the public treasury, by warrants from the auditor of public accounts.

SEC. 4. Be it further enacted, That the auditor be and he is hereby directed to issue a warrant in favor of the register for two hundred dollars in full for his services in copying 1059 pages of entries from May's old books." (Ref: Chapter DXXXIII, "The Statute

Law of Kentucky," Vol. III, compiled by William Littell, 1811, pgs 530-531.)

In 2002 two volumes of early Lincoln County Entries were introduced to the worldwide web by then Secretary of State John Y. Brown III. This database, linked to scanned images of individual entries, allows researchers to access information regarding 4763 entries filed from 3 November 1779 to 19 April 1792. (The database does not include entries filed with the principal surveyor for lands in the Virginia Military District, primarily located in old Lincoln County.) According to the "Frequently Asked Questions" page on the website, Henry Pauling, assignee of Julius Saunders, filed the first entry later identified as being in Lincoln County on 3 November 1779, on Boones Mill Creek under the authorization of Saunders' Certificate of Settlement. The final entry in the Lincoln County Entry Books was filed on 19 April 1792, by James Bryant, Jr., assignee of James Dupuy, when he withdrew his original filing.

Key Points to Remember

The "Lincoln County Entries Database" is located on the Secretary of State's Land Office Website at <http://sos.ky.gov/land/nonmilitary/lincoln/>.

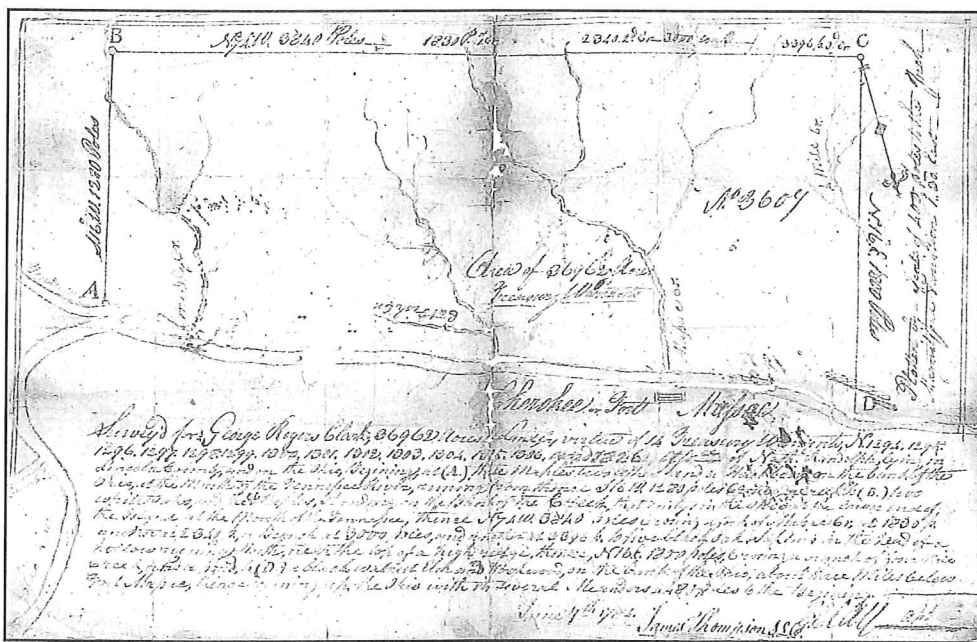
The filing of an entry reserving land for a field survey was the second step in the land patenting process.

The term "entered" does not refer to the first time the applicant actually walked the property. In some instances entries were filed by locators or land agents working for speculators "back home" or in other states.

Entries did not convey title.

Entries could be withdrawn, amended, or surveyed.

Although Lincoln County originally covered one-third



The Survey for George Rogers Clark, dated June 7, 1784, that authorized Virginia Patent No. 8928 at the confluence of the mouth of the Tennessee River and the Ohio River. This area is now Paducah. Notice the county location is cited as "Lincoln." Note: The plat drawing is inverted.

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The Land Office Lincoln County Entries Database, continued

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of the state, the "Lincoln County Entries Database" does not include that part of Lincoln County that was identified as the Virginia Military District.

The "Lincoln County Entries Database" includes entries for lands in the northern portion of the Jackson Purchase. (See "Sample Patents" on the Land Office "Virginia & Old Kentucky Patents Website" for Treasury Warrant patents issued to George Rogers Clark and others for lands north of the Chickasaw claims.)

The "Watercourse" function on the "Lincoln County Entries Database" links to the online gazetteer.

Use the online "Gazetteer" to determine the present-day county location for Lincoln County Entries.

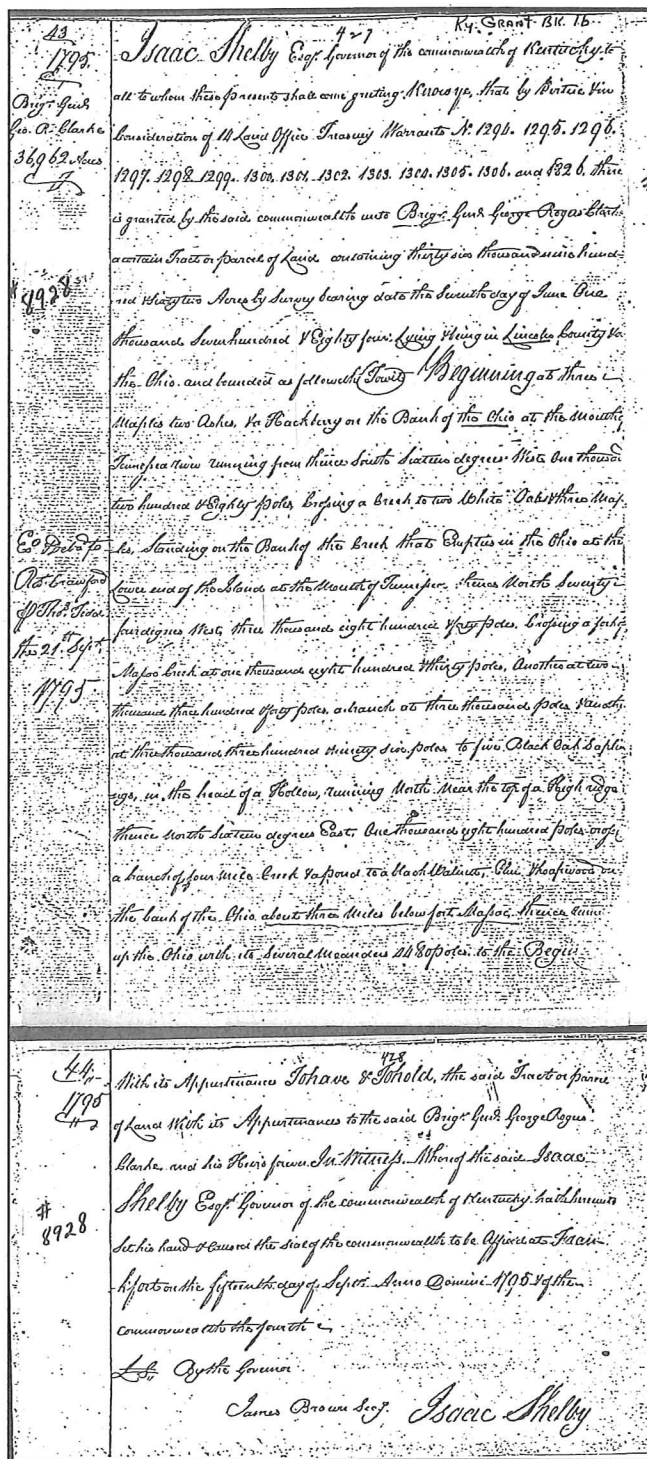
Use the online "County Formation Table" in the Land Office Reference Library to identify "mother counties" for present-day county locations.

Old Kentucky Entries & Deed by Willard R. Jillson lists individuals who: (1) received Virginia Revolutionary War Warrants; (2) filed entries with the military surveyor; (3) filed entries with the Jefferson County Surveyor; (4) filed entries with the Lincoln County Surveyor; (5) filed entries with the Fayette County Surveyor; and (6) were involved in deeds and other transactions recorded with the Court of Appeals. The term "Deeds" in the title of the book does not imply all individuals listed in each section obtained deeds to property. (For information regarding Kentucky County Entries & Surveys and Fincastle County Entries & Surveys, etc., see *Early Kentucky Land Records: 1773-1780* by Neal O. Hammon.)

Copies of Jefferson County, Lincoln County, and Fayette County surveyors' entries may be researched on microfilm at the Kentucky History Center Research Library and the Kentucky Department for Libraries & Archives, both in Frankfort. Contact your local public or genealogical library for microfilm availability in your area.

Women were permitted to file entries reserving land for surveying.

Many entries for Kentucky County, Virginia, are included in the Jefferson County Entry Books. Check the date of the entry to determine if the county location was cited as Kentucky County.



On September 15, 1795, Governor Isaac Shelby signed the Grant finalizing George Rogers Clark's 36,962 acre patent. The original Grant with the seal and signatures affixed was delivered to Robert Crawford and Thomas Todd for transport to Brigadier General Clark. A copy was recorded in Book 1b, Old Kentucky Patent Series, Secretary of State's Land Office, Frankfort, Ky.

The Land Office Lincoln County Entries Database, *continued*

The "Lincoln County Entries Database" complements other Land Office websites. For example, if an entry was authorized by a treasury warrant, access the "Treasury Warrants Database" to determine who purchased the warrant, when the warrant was sold, and the selling price. If the entry was authorized by a certificate of settlement or preemption warrant, access the "Certificates of Settlement & Preemption Warrants Database" to learn more about the authorizations. To determine if the Lincoln entry went to patent, access the "Virginia & Old Kentucky Patent Series Database" to view scanned images of the patent file.

The Entries Database is searchable by keywords such as cane, buffalo, mill, salt, and specific locations.

Land Office Entry Books are limited to early Fayette, Lincoln, and Nelson County Entries. The original Jefferson County Entry Books are housed with Jefferson County Archives in Louisville.

Contact the Kentucky Department for Libraries & Archives in Frankfort, or county officials (such as the county surveyor), or local historical agencies to determine the availability of subsequent Surveyors' Entry Books.

How does this article relate to fudgy chocolate pie topped with a mile-high mound of homemade meringue, browned to perfection? The entry phase of land patenting was the equivalent of calling "dibs" on a tract of land—perhaps that perfect place with lush meadows and a reliable water source or a tract that extended landowner's boundaries. Shortly after filing the entry, the individual may have been advised the tract had previously been claimed. After examining proof that the loca-

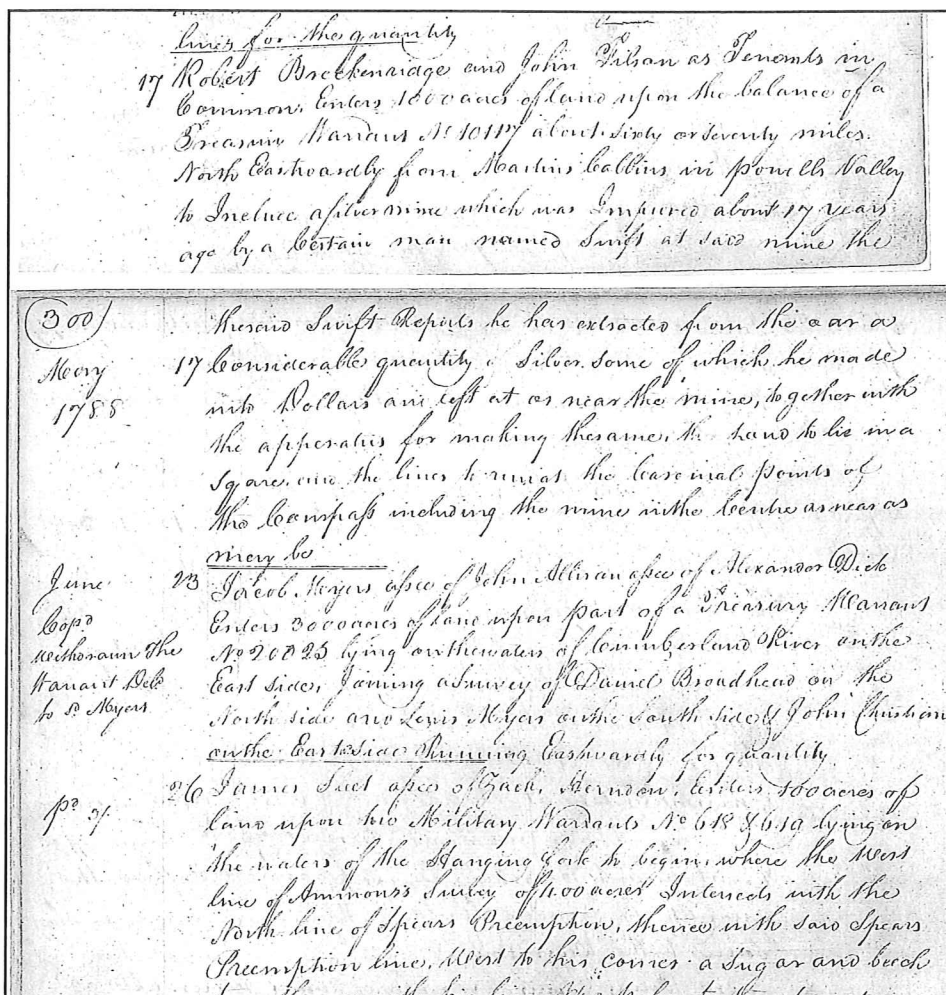
tion matched "the dibs," the applicant withdrew his entry and located a different parcel.

If the patenting process had not been completed for the first entry, perhaps the second claimant entered into negotiations to purchase the desired tract so the initial entry could be withdrawn.

If the first entry only covered part of the "dibs," an amendment could have been filed by the second claimant that altered the total acreage reserved for patenting or slightly adjusted the tract location.

Sadly, another scenario was the filing of a later entry by a person with a "So sue me" attitude. Those

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On May 27, 1788, Robert Breckenridge & John Filson reserved 1000 acres in Powell's Valley for patenting. The Entry included a silver mine which was "improved by a certain man named Swift about 17 years ago". (Ref: Kentucky Secretary of State's Land Office "Lincoln County Entries Database" & Lincoln Entry Bk 2, pg 299.) Perhaps the mysteries of Swift's Silver Mine could have been resolved if the Entry had progressed to the Survey & Grant stages of the patenting process.

Judges of the Kentucky Circuit Courts, 1831-1836, *continued*

³¹The new county of Breathitt was added to the 15th district. *Ibid.*, ch. 1192, February 8, 1839.

³²The legislature created the 17th judicial district in 1840, composed of Shelby, Franklin and Anderson (from the 4th), and Woodford (from the 9th). Grant (from the 2nd) and the counties of Oldham, Trimble and Carroll remained in the 4th district. *Ibid.*, ch. 250, February 8, 1840. In addition, the new county of Kenton was added to the 2nd district. *Ibid.*, ch. 175, January 29, 1840.

³³In 1841, the legislature created a new 18th judicial district composed of Green, Barren and Hart (from the 7th) and the new county of Grayson. *Ibid.*, ch. 357, February 17, 1841.

³⁴The 1842 legislature created a number of new counties. Crittenden (*ibid.*, ch. 97, January 26, 1842 and *ibid.*, ch. 286, February 23, 1842), Marshall (*ibid.*, ch. 180, February 12, 1842) and Ballard (*ibid.*, ch. 188, February 15, 1842) were added to the 16th district. Boyle was placed in the 12th (*Ibid.*, ch. 189, February 15, 1842) and Letcher in the 15th (*ibid.*, ch. 394, March 3, 1842).

³⁵The legislature's flurry of county formation continued in 1843. Owsley was added to the 10th (*ibid.*, ch. 43, January 23, 1843; *ibid.*, ch. 241, March 7, 1843), Johnson to the 11th (*ibid.*, ch. 167, February 24, 1843; *ibid.*, ch. 272, March 9, 1843) and Larue to the 13th (*ibid.*, ch. 210, March 4, 1843). There was also a bit of district re-ordering: Crittenden was moved from the 16th to the 7th. *Ibid.*, ch. 165, February 24, 1843.

³⁶The legislature created the 19th judicial district in 1844 composed of Carter, Lawrence, Johnson, Pike, Letcher, Perry, Breathitt, and Floyd (from the 11th). *Ibid.*, ch. 211, February 27, 1844.

³⁷The new county of Fulton was added to the 16th district. *Ibid.*, ch. 44, January 15, 1845.

³⁸The new county of Taylor was added to the 18th district. *Ibid.*, ch. 26, January 13, 1848 and *ibid.*, ch. 260, February 18, 1848.

³⁹*Official Report of the Proceedings and Debates in the Convention Assembled at Frankfort, on the Eighth Day of September, 1890, to Adapt, Amend, or Change the Constitution of the State of Kentucky.* (Frankfort, Kentucky, E. P. Johnson, printer to the Convention, 1890 [1891]): 654-60.

⁴⁰*Ibid.*, 654. The delegate was Ben Hardin, who was one of the most renowned Kentucky trial lawyers of his era and a very influential member of the committee drafting the judicial provisions of the constitution.

⁴¹1850 Ky. Const. § 19.

⁴²1850 Ky. Const. § 24.

⁴³1850 Ky. Const. § 19.

⁴⁴*Ky. Acts*, ch. 22, art. 10, January 7, 1852.

⁴⁵The new county of Powell was added to the 10th district. *Ibid.*, ch. 325, January 7, 1852.

⁴⁶The new counties of Lyon (*ibid.*, ch. 32, January 14, 1854 and *ibid.*, ch. 471, March 4, 1854) and McLean (*ibid.*, ch. 125, January 28, 1854 and *ibid.*, ch. 887, March 10, 1854) were added to the 2nd and 3rd districts, respectively.

⁴⁷*Ibid.*, ch. 158, February 15, 1856.

⁴⁸Rowan had been established as a county earlier in the session. *Ibid.*, ch. 27, January 19, 1856

⁴⁹The new county of Jackson was added to the 12th district. *Ibid.*, ch. 167, February 2, 1858 and *ibid.*, ch. 344, February 11, 1858.

⁵⁰A new 14th judicial district was created in 1860 composed of Livingston, Crittenden, Union (from the 1st district), and Hopkins, and Henderson (from the 2nd). *Ibid.*, ch. 291, February 17, 1860. Several new counties were created: Boyd (*ibid.*, ch. 288, February 16, 1860 and *ibid.*, ch. 538, February 25, 1860), Magoffin (*ibid.*, ch. 437, February 22, 1860 and *ibid.*, ch. 965, March 1, 1860) and Wolfe (*ibid.*, ch. 1326, March 5, 1860) all placed in the 11th district; as well as Webster (*ibid.*, ch. 822, February 29, 1860) added to the 14th district.

The Land Office Lincoln County Entries Database, *continued*

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entries, often filed by wealthy speculators, blanketed an area that was previously patented thus sending the determination of land ownership to the court system. (The lack of a master patent map maintained by the Land Office and the failure to track early land patents through subsequent county formations also resulted in numerous shingled claims in Kentucky—and litigation that continues today.)

Ideally, the land for which the original “dibs” was called was carried into grant. If not, another unappropriated tract that might not be so desirable was entered, surveyed, and patented. Maybe, in time, another perfect place to build a home and raise a family would be deemed available for patenting so a “dibs” could be called again. If not, there's always Missouri.

Next article in this series: “Jackson Purchase Databases”