

Establishing County Court Order Patents

CHAPTER 875.

AN ACT to appropriate the vacant Lands in this Commonwealth, north and east of the Tennessee River, to the Counties in which they lie, for the purpose of Internal Improvement.

Approved February 18, 1835

Section 1. **BE it enacted by the General Assembly of the Commonwealth of Kentucky,** That all the lands within this Commonwealth east and north of the Tennessee River, which shall be vacant and unappropriated on the first day of August next, shall be, and the same are hereby vested in the respective county courts of the county in which any of the said lands may lie.

Section 2. **Be it further enacted,** That said county courts respectively may sell and dispose of any such unappropriated lands named in the first section, for such price as the court may think best, but for not less than five dollars per hundred acres; and it shall be the duty of any person desiring to purchase any vacant and unappropriated land described in the first section, to apply to the court of the county in which the land lies, and agree with the court for the price; and such court shall, by an order on its records, direct the county surveyor, or any of his deputies, to survey the quantity of land sold to any individual or individuals at the expense of the purchaser, and to return a survey and plat thereof to said court, specifying the quantity, and a well marked boundary; and on the return of the survey to the court, and the payment of the price, the court shall order said survey to be recorded, and direct a copy of the order and survey to be certified by the clerk; and the clerk shall deliver such certified copy of the order and survey to the purchaser, and such survey delivered to the register shall be his authority to issue a patent to the purchaser according to the survey; and the surveys hereby directed shall be assignable. The register shall issue a patent without fee.

Section 3. **Be it further enacted,** That the proceeds of said land shall constitute a fund for the improvement of the roads and bridges in the counties respectively, and shall never be by the county courts appropriated to any other purpose whatever. They shall have power and jurisdiction to appoint one or more commissioners, with power and authority to dispose of said land, and superintend the disbursement of the proceeds thereof.

Section 4. **Be it further enacted,** That no location or appropriation of land whatever under this act, shall prevail against any actual settler including to his boundary, whether such actual settler has any title in law or equity deducible from the Commonwealth or not, **provided** he has either a deed or bond for the land; and every survey or patent which interferes with the settlement or boundary of any such actual settler shall be utterly void; **and furthermore,** no location of land under this act shall interfere with appropriations of vacant land already made by law, for the improvement of roads, rivers or bridges, although such appropriations may not be carried into grant at the said first day of August next: **And, provided also,** that this act shall not be construed to apply to any land stricken off to the state for non-payment of taxes, or forfeited for non-entry for taxation; and any survey or patent made or issued under

this act, which interferes with any survey or patent heretofore made or issued shall be null and void; and all laws coming within the purview of this act, are hereby repealed.

REF: "Acts of the Kentucky General Assembly", 1835.