John McCormack — Kentucky Land Grant — Patent No. 5342 (Removed Certificate No. 369)

50 Acres on Owens Branch, a Branch of Tradewater River, Henderson County, Kentucky

Assignee of William Owen, Assignee of Justinian Cartwright, Assignee of Jeremiah Holcomb

Land Record Abstract and Survey Summary

Disclaimer

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Source Citation

Kentucky Secretary of State, Land Office, Kentucky Land Grants (South of Green River), Grant No. 5342, John McCormack, assignee of William Owen, assignee of Justinian Cartwright, assignee of Jeremiah Holcomb, 50 acres, Henderson County: Livingston County Court certificate, 2 March 1802 (test. Enoch Prince, C.L.C.), with removal order of February Court 1806 and assignments on the back; survey for William Owen, 11 November 1806, with assignment to John McCormack, 3 August 1807, endorsed "Recorded Book 5, page 69," received 14 August 1807; Auditor's Office receipt, 18 October 1814; patent, 18 October 1814, Grant Book 15, pages 260–261. Digital images supplied by the Kentucky Secretary of State, Land Office. Indexed in Willard Rouse Jillson, *The Kentucky Land Grants: A Systematic Index to All of the Land Grants Recorded in the State Land Office at Frankfort, Kentucky, 1782–1924*, Filson Club Publications No. 33 (Louisville: Standard Printing Co., 1925; reprint, Baltimore: Genealogical Publishing Co., 1994), "South of Green River," p. 372.

Abstract

On 2 March 1802 the Livingston County Court found Jeremiah Holcomb entitled to 200 acres in Livingston County, including his improvement. Holcomb assigned the certificate to Justinian Cartwright, and at the February 1806 court the certificate was permitted to be removed, the land having been taken by a prior claim. Cartwright assigned it to William Owen on 25 August 1806. On 11 November 1806 Deputy Surveyor John Gordon surveyed 50 acres of it for Owen on both sides of Owens Branch in Henderson County, adjoining "said Owen's former survey" and Walker's 200-acre survey. Willis Rolls and John McCormack carried the chain, and Owen was marker. Owen assigned the plat and certificate to McCormack on 3 August 1807, witnessed by Samuel Hopkins, and the survey was received on 14 August 1807. The $7.28 balance was paid in Holcomb's name

on 18 October 1814, and Governor Isaac Shelby issued Grant No. 5342 to McCormack the same day; the patent was delivered to Gilbert Christian the day it issued.

Survey Description

Metes and bounds as written in the survey and confirmed against the patent. Distances are in poles.

Surveyed for William Owen, assignee of Justinian Cartwright, assignee of Jeremiah Holcomb, 50 acres by virtue of part of a removed certificate from Livingston County, in Henderson County on both sides of Owens Branch, a branch of Tradewater River. Beginning at a white oak and three dogwoods standing in a line of said Owen's former survey; running South 30° West 120 poles to a hickory, corner of said Owen's survey; thence South 60° East 62½ poles to a hickory and elm standing in a line of Walker's 200-acre survey; thence North 35° East 125 poles to a dogwood and elm, corner of Walker's survey; thence North 60° West 72½ poles to the beginning. As recorded, the courses leave a gap of about 5 poles at the closing corner.

Record Summary

Certificate Number	369 (part of a removed certificate; the certificate itself leaves the number blank, and the receipt and patent give 369)
Survey Grant Register Number	5342
Original Claimant	Jeremiah Holcomb
Surveyed For / Patentee	Surveyed for William Owen, assignee of Justinian Cartwright, assignee of Jeremiah Holcomb; patented to John McCormack, assignee of William Owen (assignment of 3 August 1807)
Acreage	50 acres (part of the 200-acre certificate; the other 150 acres was surveyed for William Owen the same day as KLG 5341)
Watercourse	Both sides of Owens Branch, a branch of Tradewater River
County in Survey	Henderson County (the certificate was originally granted in Livingston County — see Research Notes)
Certificate Date	2 March 1802 (Livingston County Court); removal permitted at the February Court 1806
Survey Date	11 November 1806 (survey received 14 August 1807)
Recording	Survey: Book 5, page 69. Patent: Grant Book 15, pages 260–261.

Patent / Grant Issued	18 October 1814, signed by Governor Isaac Shelby; delivered to Gilbert Christian the same day
State Price Notation	$7.28, per Auditor's Office receipt dated October 18, 1814, recorded in Jeremiah Holcomb's name, "balance in full without interest"
Deputy Surveyor	John Gordon, D.S.; Edmund Talbot, S.H.C. (Surveyor, Henderson County)
Chain Carriers / Marker	Willis Rolls and John McCormack, chain carriers; William Owen, marker

Chronology

2 March 1802	Livingston County Court finds Jeremiah Holcomb entitled to 200 acres in Livingston County, beginning on Winfry Bond's line and including his improvement (test. Enoch Prince, C.L.C.). The date was first written "January Court 1802," then "February the second," both struck through for "March."
Undated	Jeremiah Holcomb assigns the certificate to Justinian Cartwright; witness Jos. S. Wither[spoon?]
February Court 1806	Livingston County Court permits the certificate to be removed, satisfactory proof being made that the land was taken by a prior claim (test. Enoch Prince)
25 August 1806	Justinian Cartwright assigns the certificate to William Owen, for value received; witnessed by a Cartwright whose first name is abbreviated
11 November 1806	50 acres surveyed for William Owen on both sides of Owens Branch, Henderson County, by Deputy Surveyor John Gordon; chain carriers Willis Rolls and John McCormack, marker William Owen
3 August 1807	William Owen assigns the plat and certificate to John McCormack, "without any retrospect or recourse on me in case a better right appears"; witness Sam[ue]l Hopkins
14 August 1807	Survey received; recorded Book 5, page 69 (endorsement on back of survey)
18 October 1814	Auditor's Office receipt for $7.28, the balance in full without interest on 50 of 200 acres, Certificate No. 369, recorded in Jeremiah Holcomb's name

18 October 1814	Patent issued to John McCormack, signed by Governor Isaac Shelby and Secretary M. D. Hardin; delivered to Gilbert Christian the day it issued (margin note)

Persons Named in the Record

Jeremiah Holcomb	Original claimant; Livingston County Court certificate of 2 March 1802 for 200 acres (written "Halcomb" on the receipt and patent)
Justinian Cartwright	Assignee of Jeremiah Holcomb; assigned the certificate to William Owen, 25 August 1806
William Owen	Assignee of Justinian Cartwright; the survey was made for him; marker; assigned the plat and certificate to John McCormack, 3 August 1807; owner of the adjoining "former survey." Also the patentee of the companion 150-acre tract, KLG 5341
John McCormack	Chain carrier on the 11 November 1806 survey; assignee of William Owen; patentee
Enoch Prince	Clerk of the Livingston County Court (C.L.C.); attested the original 1802 certificate
John Gordon	Deputy Surveyor (D.S.) who made the 11 November 1806 survey
Edmund Talbot	Surveyor of Henderson County (S.H.C.)
Willis Rolls	Chain carrier on the 11 November 1806 survey (very likely Willis Ralls); also a chain carrier on KLG 5341 and 5352
Samuel Hopkins	Witness to the Owen-to-McCormack assignment, 3 August 1807
Jos. S. Wither[spoon?]	Witness to the Holcomb-to-Cartwright assignment (surname partly illegible)
Isaac Shelby	Governor of Kentucky; signed the patent, October 18, 1814
M.D. Hardin	Secretary of the Commonwealth; countersigned the patent
George Madison	Signed the Auditor's Office receipt, October 18, 1814, as Auditor
Gilbert Christian	Received the patent the day it issued (margin note)

Jesse Walker	Adjoining landowner ("Walker's 200-acre survey," KLG 5352)
Winfry Bond	Named in the original Livingston County location ("Winfry Bond's line")

Land Description

50 acres on both sides of Owens Branch, a branch of Tradewater River, Henderson County (later Hopkins County), Kentucky.

Research Notes

One certificate, two tracts: Jeremiah Holcomb's 200-acre Certificate No. 369 was divided. 150 acres was surveyed for William Owen as KLG 5341 and the remaining 50 acres became this grant; both surveys were made on 11 November 1806.

Which Owen survey? The calls name "said Owen's former survey" and "said Owen's survey" without a number. William Owen then held KLG 4998 and 4999 (surveyed 1805), and 5341 was surveyed for him the same day as this one. A plat reconstruction in the Cluster A analysis fits this survey to the corners of 4999, but only after adjusting the first course from S 30 W to S 33 W, so that identification is a reconstruction rather than a statement in the record.

Surveyed for Owen, patented to McCormack: the survey was made for William Owen, with John McCormack as one of the chain carriers. Owen assigned the plat and certificate to McCormack on 3 August 1807 by an endorsement on the back of the survey, "without any retrospect or recourse on me in case a better right appears," witnessed by Samuel Hopkins.

Willis Rolls (very likely Willis Ralls) also appears as chain carrier on KLG 5352 (25 July 1806) and KLG 5341 (the same day as this survey). This survey and Jesse Walker's KLG 5352 were both received at the Land Office on 14 August 1807.

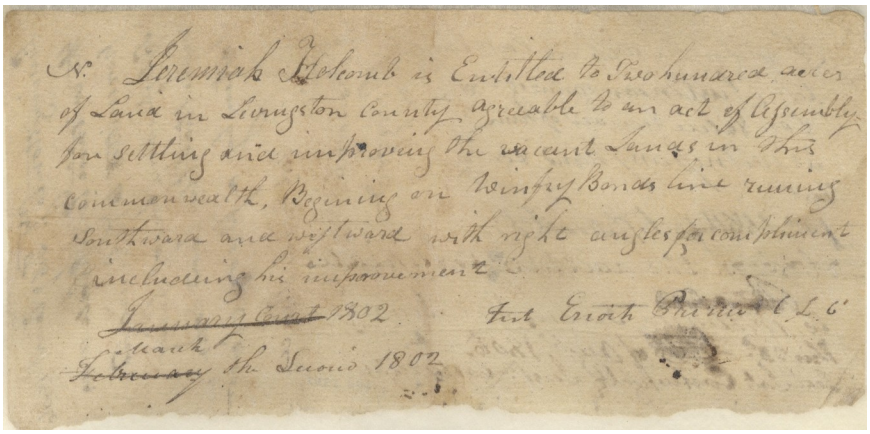
The certificate was removed: at the February Court 1806, the Livingston County Court permitted it to be removed, "satisfactory proof being made that the land was taken by a prior claim," which is why a Livingston County certificate was laid on land in Henderson County.

As with other records in this collection, the Auditor's Office receipt is in the name of the original claimant, Jeremiah Holcomb, although the certificate had passed through three assignments by the time of payment in 1814.

Owen's 150-acre share (KLG 5341) and this 50-acre share were surveyed the same day but patented years apart under different governors.

The patent was delivered to Gilbert Christian on the day it issued, unlike KLG 4998, 4999 and 5352, which were delivered to Gen. Hopkins.

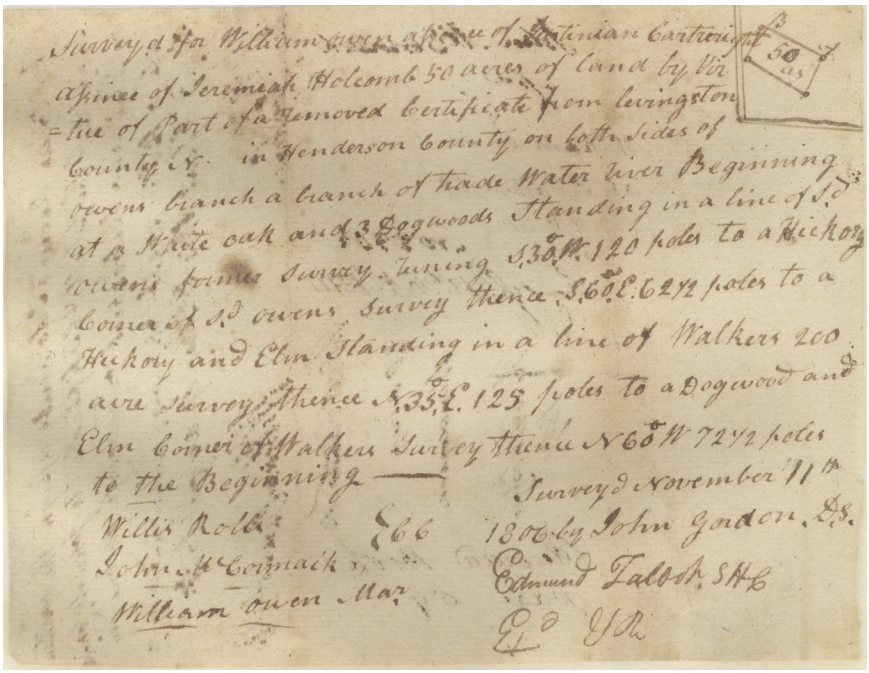
Images / Appendix



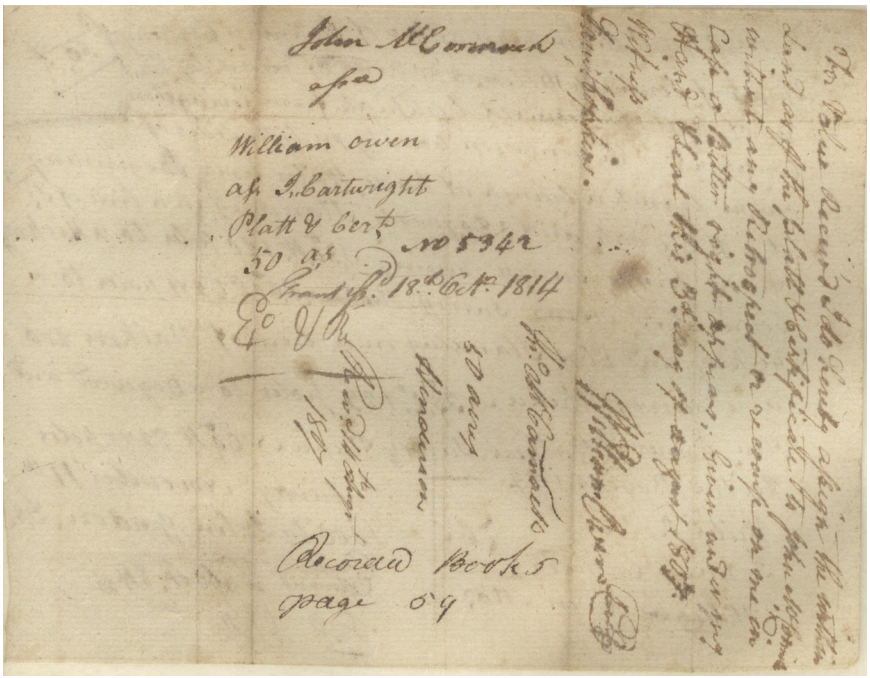
Appendix Image 1. Certificate (No. 369) — Front (Livingston County Court certificate, March 1802).



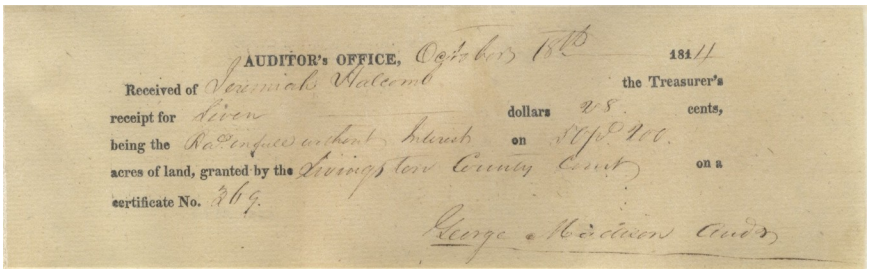
Appendix Image 2. Certificate — Back (assignments: Holcomb to Cartwright; Cartwright to Owen, 25 August 1806; removal order, February Court 1806).



Appendix Image 3. Survey No. 5342 — Front.



Appendix Image 4. Survey No. 5342 — Back (assignment Owen to McCormack, 3 August 1807; received 14 August 1807; recorded Book 5, page 69).

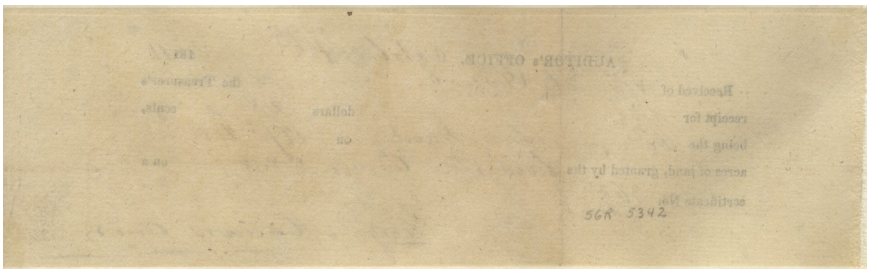


AUDITOR's OFFICE, October 18th 1814

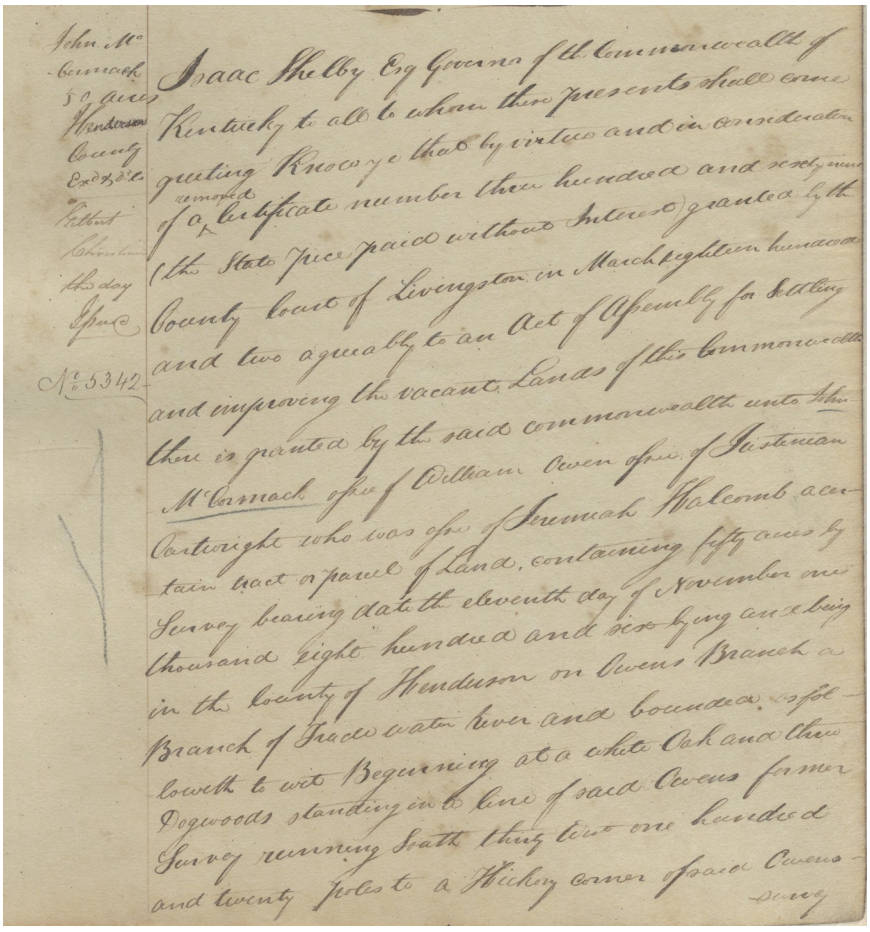
Received of Jeremiah Halcomb the Treasurer's receipt for Seven dollars 28 cents, being the Rad. in full without Interest on 50 pd. 200 acres of land, granted by the Livingston County Court on a certificate No. 369.

George Madison Audr.

Appendix Image 5. Auditor's Office Receipt — Front.



Appendix Image 6. Auditor's Office Receipt — Back.

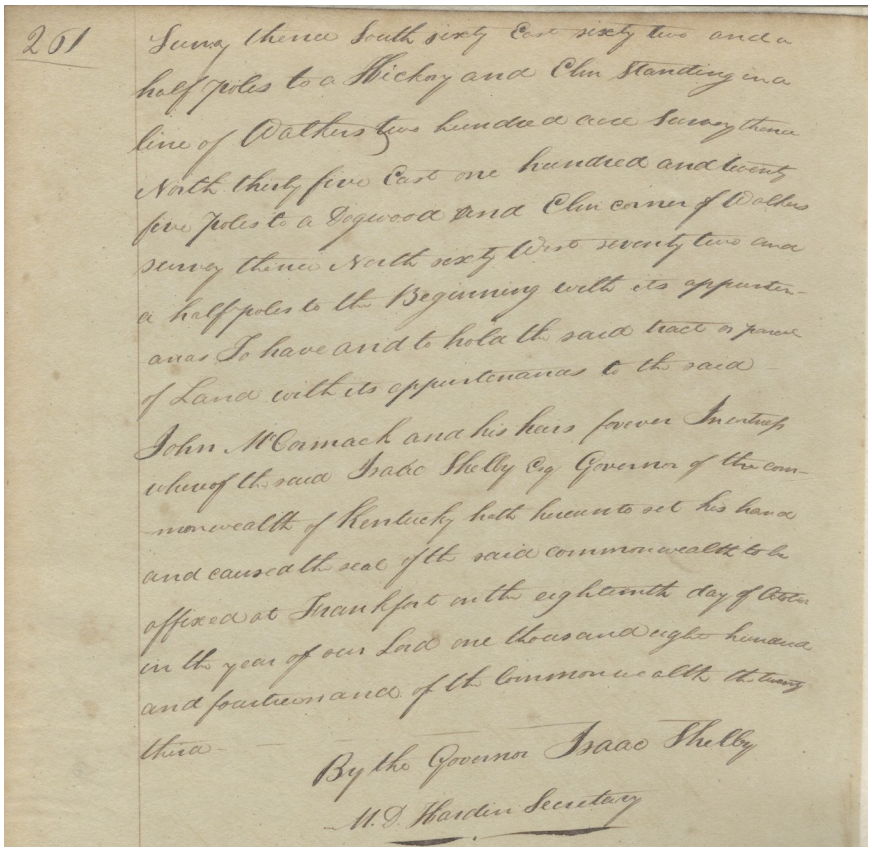


John McCormack 50 acres Henderson County Exd & D'l Gilbert Christian the day Issue

No. 5342

Isaac Shelby Esq Governor of the Commonwealth of Kentucky to all to whom these presents shall come greeting Know ye that by virtue and in consideration of a removed certificate number three hundred and sixty nine (the State price paid without Interest) granted by the County Court of Livingston in March eighteen hundred and two agreeably to an Act of Assembly for Settling and improving the vacant Lands of this Commonwealth there is granted by the said commonwealth unto John McCormack assee of William Owen assee of Justinian Cartwright who was assee of Jeremiah Halcomb a certain tract or parcel of Land, containing fifty acres by Survey bearing date the eleventh day of November one thousand eight hundred and six lying and being in the County of Henderson on Owens Branch a Branch of Trade water river and bounded as followth to wit Beginning at a white Oak and three Dogwoods standing in a line of said Owens former Survey running South thirty two one hundred and twenty poles to a Hickory corner of said Owens survey

Appendix Image 7. Grant/Patent No. 5342 — Page 1.



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Survey thence South sixty East sixty two and a half poles to a Hickory and Elm Standing in a line of Walkers two hundred acre Survey thence North thirty five East one hundred and twenty four poles to a Dogwood and Elm corner of Walkers survey thence North sixty West seventy two and a half poles to the Beginning with its appurtenances To have and to hold the said tract or parcel of Land with its appurtenances to the said John McCamack and his heirs forever In testimony whereof the said Isaac Shelby Esq Governor of the commonwealth of Kentucky hath hereunto set his hand and caused the seal of the said commonwealth to be affixed at Frankfort on the eighteenth day of October in the year of our Lord one thousand eight hundred and fourteen and of the Commonwealth the thirty third

By the Governor Isaac Shelby

M. D. Hardin Secretary

Appendix Image 8. Grant/Patent No. 5342 — Page 2.