Joseph Henry — Kentucky Land Grant — Patent No. 10098 (County Certificate No. 756)

100 Acres on the Waters of Weirs Creek, Henderson County, Kentucky

Assignee of Winney Mitchell

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. 10098, Joseph Henry, assignee of Winney Mitchell, 100 acres, Henderson County: Henderson County Court order, September County Court 1805, attested copy [Certificate No. 756]; survey for Winney Mitchel, 30 April 1807; Auditor's Office receipt, 11 December 1812; patent, 11 December 1812, second page numbered 402 [grant book not named]. 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. 332, as "Henry, Joseph."

Abstract

At the September County Court of 1805 the Henderson County Court heard Winney Mitchel claim 400 acres of land on account of settling the same, under the several acts of Assembly for settling and improving the vacant lands of this Commonwealth, lying on Weirs Creek, the waters of Tradewater. The claim began at a maple and birch near an old lick in the flat of Weirs Creek, a corner of a survey made for James Herron, and ran north with Herron's line to a corner made on that line (a red oak, sweet gum and dogwood), then westwardly with an old line, as the interfering lines would admit, to include her improvement. The court found that she had a right to a settlement of 400 acres and ordered a certificate to issue (No. 756; copy attested by Ambrose Barbour, C.H.C.). On 30 April 1807 Deputy Surveyor Asel Wier, for Edmund Talbot, S.H.C., surveyed 100 acres for Winney Mitchel by virtue of part of the certificate, on the waters of Weirs Creek in Henderson County, beginning at the same maple and birch and running north with Herron's line 200 poles to the red oak, sweet gum and dogwood, which the survey calls a corner of Silas McBee's survey, then south 45 west with McBee's line. William Henry and Joseph Henry carried the chain. On 11 December 1812 the Auditor received of Winney Mitchell $11.97, the rest in full with interest on 100 acres, part of 400, under Certificate

No. 756, "paid with a deduction of interest," and Governor Isaac Shelby signed the patent the same day to Joseph Henry, assignee of Winney Mitchell. The margin notes that it was examined and delivered on 4 January 1813 to "W R McGary" [?].

Survey Description

Metes and bounds as written in the survey and confirmed against the patent. Distances are in poles; where the survey's figures are damaged, the patent's are given (see Research Notes).

Surveyed for Winney Mitchel 100 acres of land by virtue of part of a certificate from the County Court of Henderson, lying on the waters of Wiers Creek in Henderson County. Beginning at a maple and birch near an old lick in the flat of Wiers Creek, corner of a survey made for James Herron; running North with Herron's line 200 poles to a red oak, sweet gum and dogwood, corner of Silas McBee's survey; thence South 45 West with said McBee's line [2]30 poles to a red oak and hickory in said McBee's line; thence South 72 East 1[6]0 poles to the beginning. Surveyed April 30th 1807.

Record Summary

Certificate Number	756 (Henderson County Court, September County Court 1805; this survey is "part of" the certificate)
Survey Grant Register Number	10098
Original Claimant	Winney Mitchell ("Winney Mitchel" on the court order and survey)
Assignment	To Joseph Henry; the patent names him assignee of Winney Mitchell (no separate assignment in the file)
Surveyed For / Patentee	Surveyed for Winney Mitchel; patent to Joseph Henry, assignee (indexed by Jillson as "Henry, Joseph")
Acreage	100 acres, part of a 400-acre certificate
Watercourse	Waters of Weirs Creek, waters of Tradewater
County in Survey	Henderson County
Certificate Date	September County Court 1805
Survey Date	30 April 1807
Received by Land Office	Not shown (no image of the back of the survey)
Recording	Patent: second page numbered 402 [grant book not named]
Patent / Grant Issued	11 December 1812, signed by Governor Isaac Shelby and Secretary Martin D. Hardin; delivered 4 January

	1813 to "W R McGary" [?]
State Price Notation	$11.97, the rest in full with interest on 100 acres, paid with a deduction of interest, 11 December 1812
Deputy Surveyor / Chain Carriers	Asel Wier, D.S., for Edmund Talbot, S.H.C.; William Henry and Joseph Henry, chain carriers
County Court Clerk	Ambrose Barbour, C.H.C. (Henderson County)

Chronology

September County Court 1805	Henderson County Court finds Winney Mitchel entitled to a settlement of 400 acres on Weirs Creek (Certificate No. 756)
30 April 1807	100 acres surveyed for Winney Mitchel by Asel Wier, D.S., for Edmund Talbot, S.H.C.; chain carriers William Henry and Joseph Henry
11 December 1812	$11.97 paid, the rest in full, with a deduction of interest; Grant No. 10098 issued to Joseph Henry, assignee of Winney Mitchell
4 January 1813	Patent examined and delivered to "W R McGary" [?]

Persons Named in the Record

Winney Mitchell (Mitchel)	Original claimant; settled the land; surveyed for
Joseph Henry	Assignee and patentee; chain carrier
William Henry	Chain carrier
Asel Wier	Deputy surveyor
Edmund Talbot	Surveyor of Henderson County (S.H.C.)
James Herron (Herren)	Adjoining landowner (beginning corner and east line)
Silas McBee	Adjoining landowner (north corner and north-west line)
Ambrose Barbour	Clerk of the Henderson County Court (C.H.C.)
W R McGary [?]	Received the patent (margin delivery note)
George Madison	Auditor
Isaac Shelby	Governor

Martin D. Hardin	Secretary

Land Description

A 100-acre tract on the waters of Weirs Creek, Henderson County, Kentucky, beginning near an old lick in the flat of Weirs Creek. Its east side runs north with James Herron's line and its north-west side runs south 45 west with Silas McBee's line; the third side runs back to the beginning.

Research Notes

Part of a 400-acre claim. The court order is for 400 acres; this survey takes 100 acres "by virtue of part of" the certificate, and the receipt is for "100 pt. of 400" acres. The rest of the certificate is not in this file.

The courses. The survey and the patent agree on the three courses. The second course reads South 45 West with McBee's line; on the survey its distance is at a hole in the paper, with only "_30" legible, and the patent reads "two hundred and thirty poles" (with "line" interlined and "South" interlined before "Forty Five"). The third course reads South 72 East; on the survey the middle figure of the distance is unclear (160 or 180), and the patent reads "one hundred and sixty poles." Plotted as north 200, south 45 west 230 and south 72 east 160, the courses miss closing by about 16 poles and hold about 102 acres. The July report's readings of "20 poles," "South 43 West 130" and "South 22 East" are not supported by the images.

The corners. The certificate, survey and patent all describe the beginning as a maple and birch near an old lick in the flat of Weirs Creek, a corner of James Herron's survey (the certificate spells it "Herren"). The certificate calls the north corner, a red oak, sweet gum and dogwood, "a corner made on said line"; the survey and patent call it a corner of Silas McBee's survey. The certificate's last call runs "westwardly with an old line," which the survey runs as South 45 West with McBee's line.

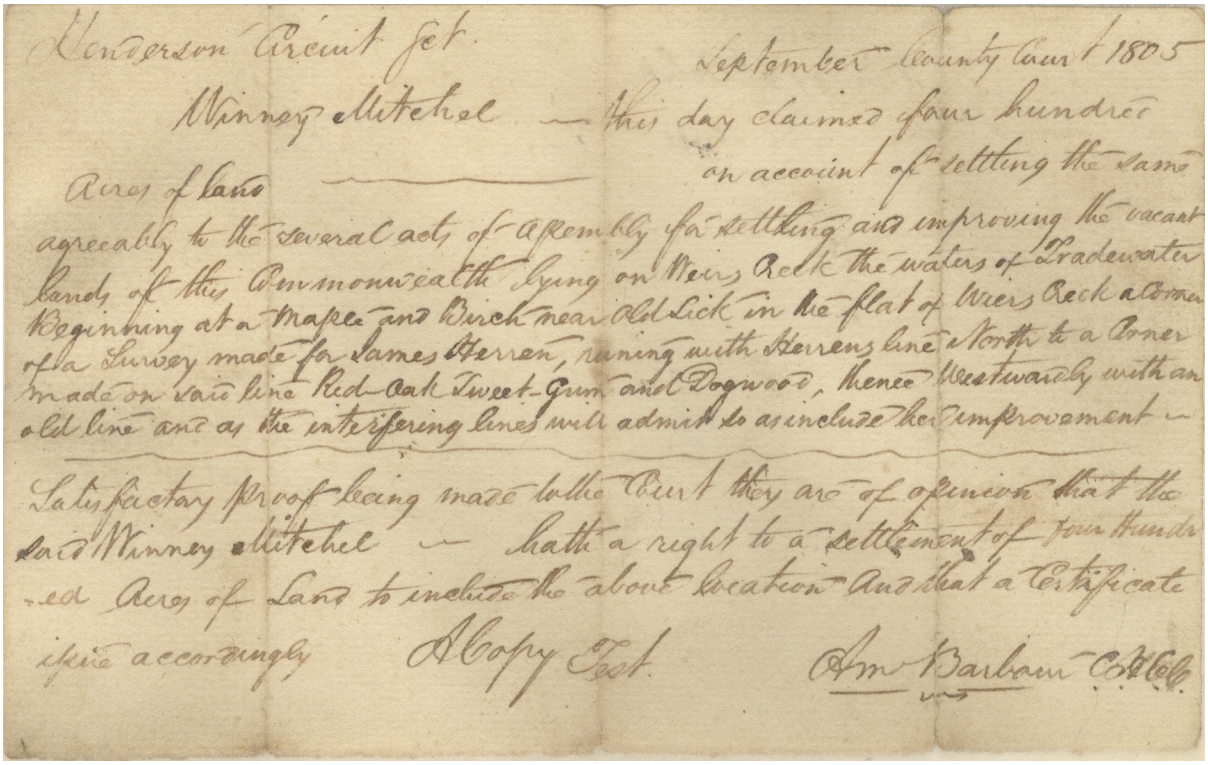
County. The patent first wrote "Christian" for the county; it is struck through and "Henderson" written above, which agrees with the certificate, the survey and the receipt.

Payment and patent. The receipt of 11 December 1812 is received "of Winney Mitchell," for $11.97, "the rest in full" instalment with interest on "100 pt. of 400" acres in Henderson County, No. 756, under the act of 20 December 1800, "Paid with a deduction of interest," signed George Madison, Auditor; a note at top left reads "20[2?] · 10098" and the back is endorsed "Joseph Henry." The patent, signed the same day by Governor Isaac Shelby and Secretary Martin D. Hardin, repeats "The State Price paid with a deduction of Int." The file contains no separate assignment from Winney Mitchell to Joseph Henry. Joseph Henry carried the chain on the survey, with William Henry.

Delivery and recording. The patent's margin reads "Joseph Henry, 100 as., Ex & Dd to W R McGary [?], 4 Jany 1813, No. 10.098"; the name is a reading of cramped initials. The second page of the patent is numbered 402; the grant book is not named. The file has no image of the back of the survey, so the date it was received and its survey-book entry are not shown. The plat at the top of the survey is drawn only in outline.

Images / Appendix

The following manuscript images accompany this record.

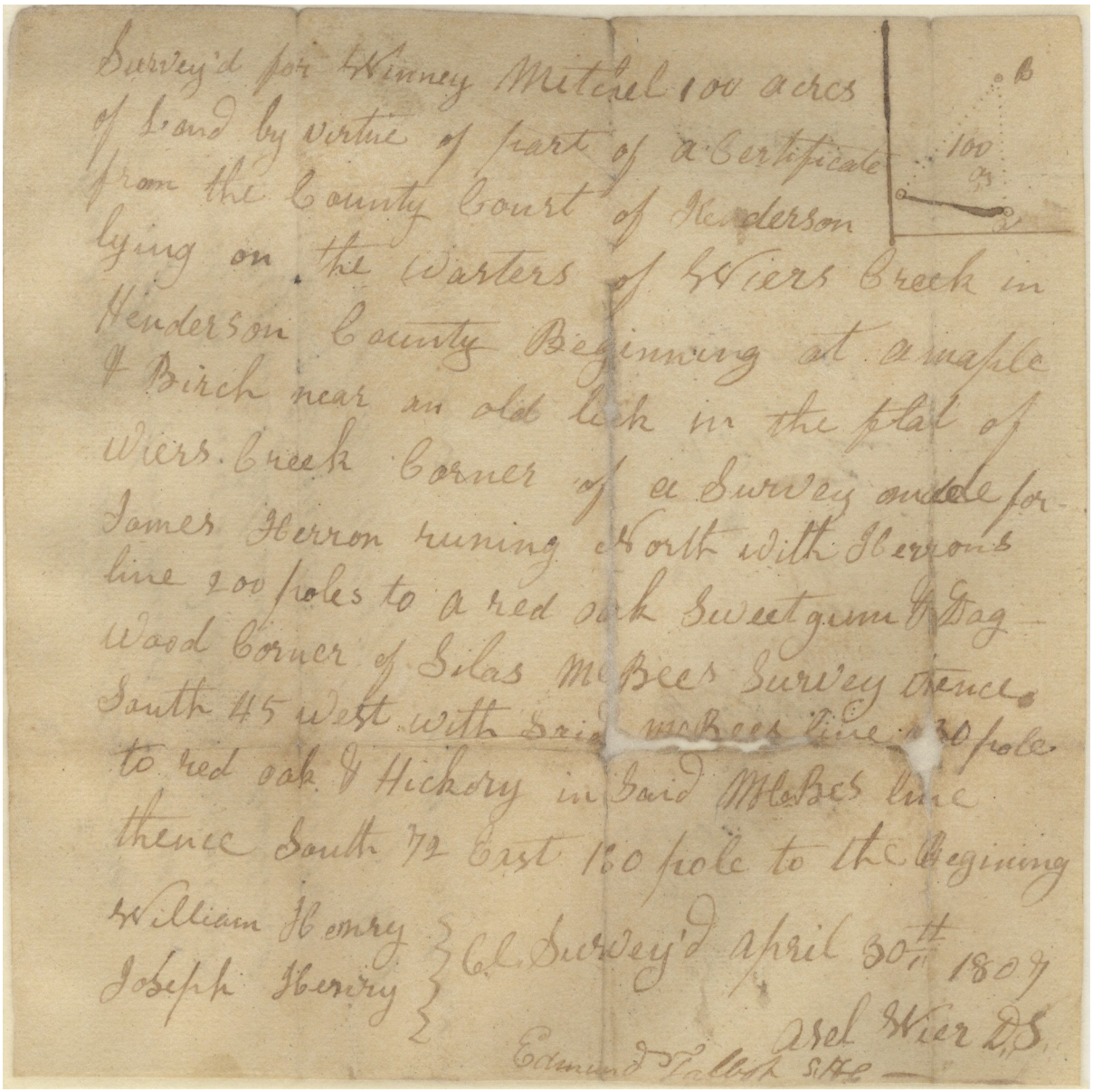


Henderson Circuit Set. September County Court 1805

Winney Mitchel — This day claimed four hundred Acres of Land on account of settling the same agreeably to the several acts of Assembly for settling and improving the vacant Lands of the Commonwealth lying on Weirs Rock the waters of Tradewater Beginning at a Maple and Birch near Old Lick in the flat of Weirs Rock a Corner of a Survey made for James Herren, running with Herrens line North to a Corner made on said line Red Oak Sweet Gum and Dogwood, thence Westwardly with an old line and as the interfering lines will admit so as include her improvement —

Satisfactory proof being made to the Court they are of opinion that the said Winney Mitchel — hath a right to a settlement of four hundred Acres of Land to include the above location And that a Certificate issue accordingly A Copy Test. Jno Barbour Clk

Appendix Image 1. Henderson County Court Order, September County Court 1805 (Certificate No. 756).



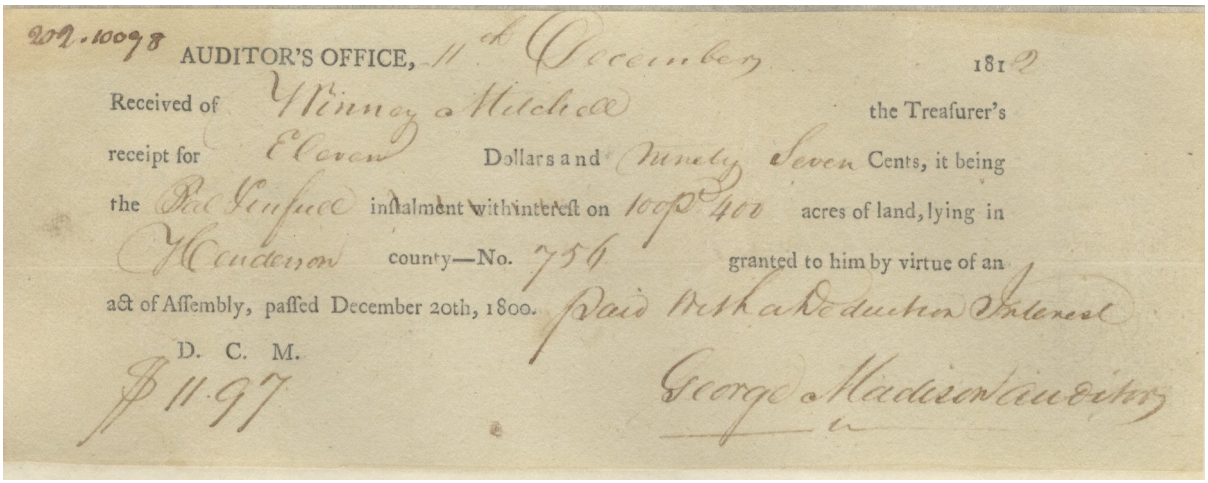
Survey'd for Winney Mitchel 100 acres of Land by virtue of part of a Certificate from the County Court of Henderson lying on the Waters of Wiers Creek in Henderson County Beginning at a maple & Birch near an old lick in the flat of Wiers Creek Corner of a Survey made for James Herron runing North with Herrons line 200 poles to a red oak Sweet gum & Dog-Wood Corner of Silas McBees Survey thence South 45 West with said McBees line 130 pole to red oak & Hickory in said McBees line thence South 72 East 160 pole to the Beginning

William Henry } Ch. Survey'd April 30th 1807
Joseph Henry }

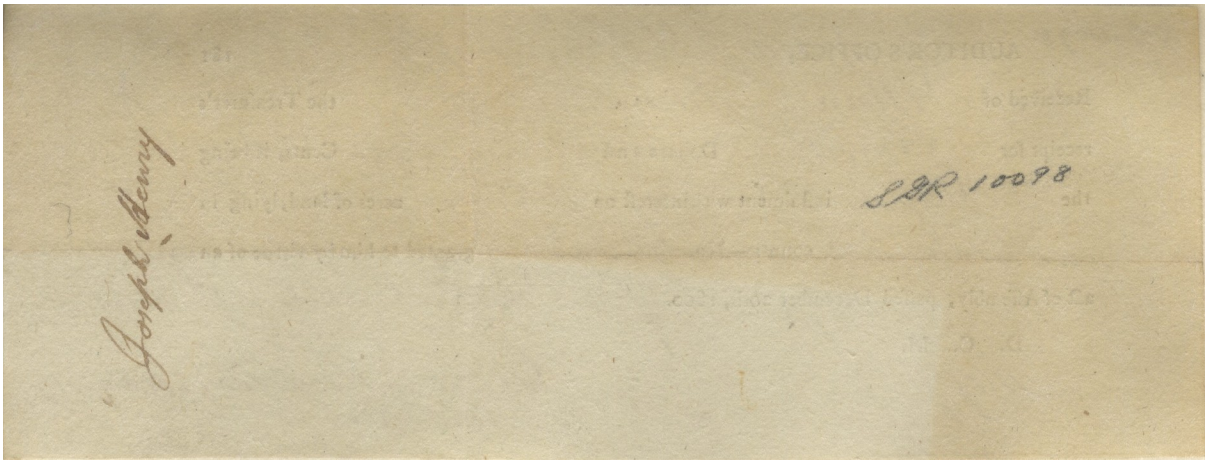
Edmund Talbot S.H.C.

Asel Wier D.S.

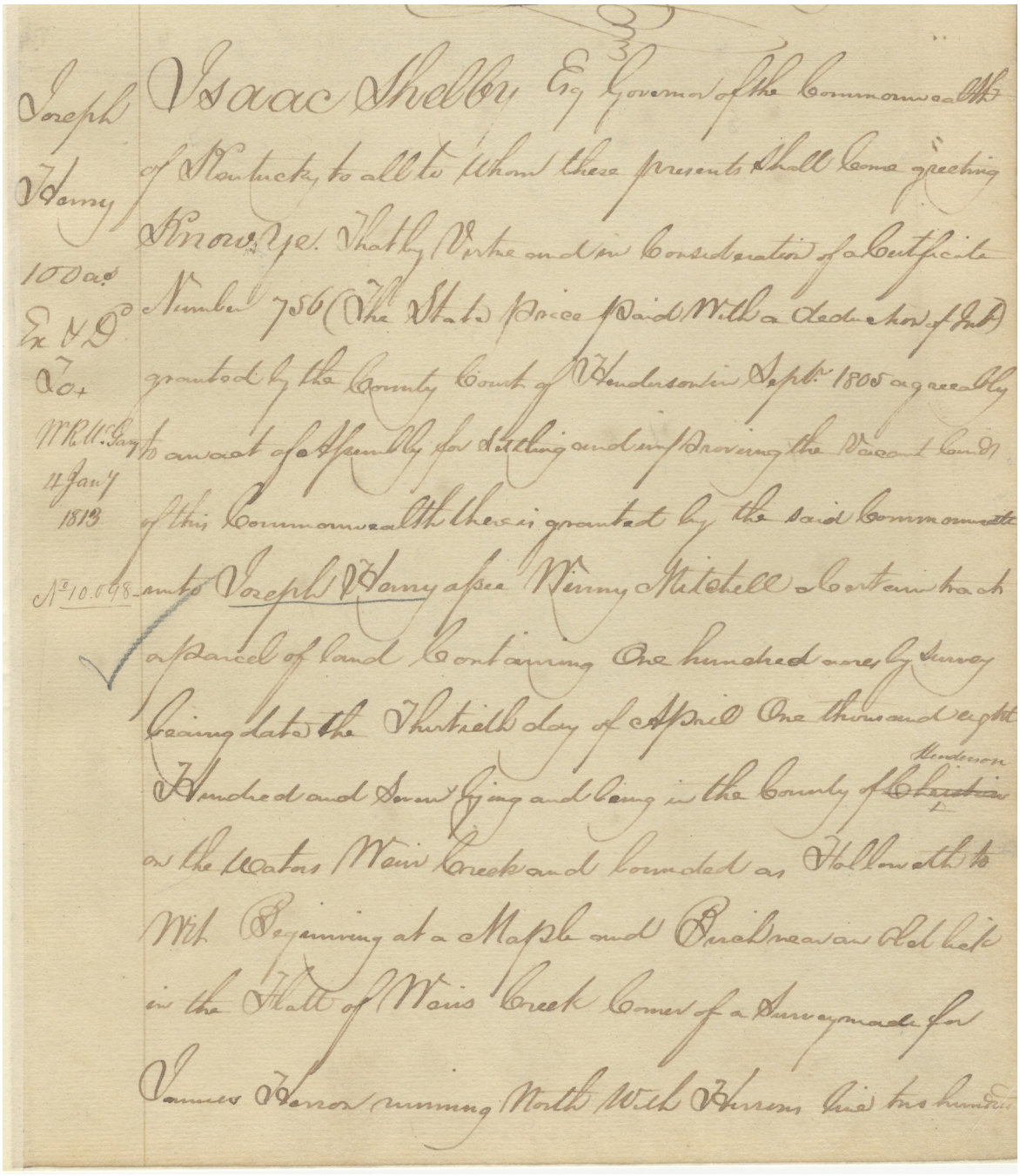
Appendix Image 2. Survey No. 10098 — Front (30 April 1807).



Appendix Image 3. Auditor's Office Receipt — Front (11 December 1812, $11.97).



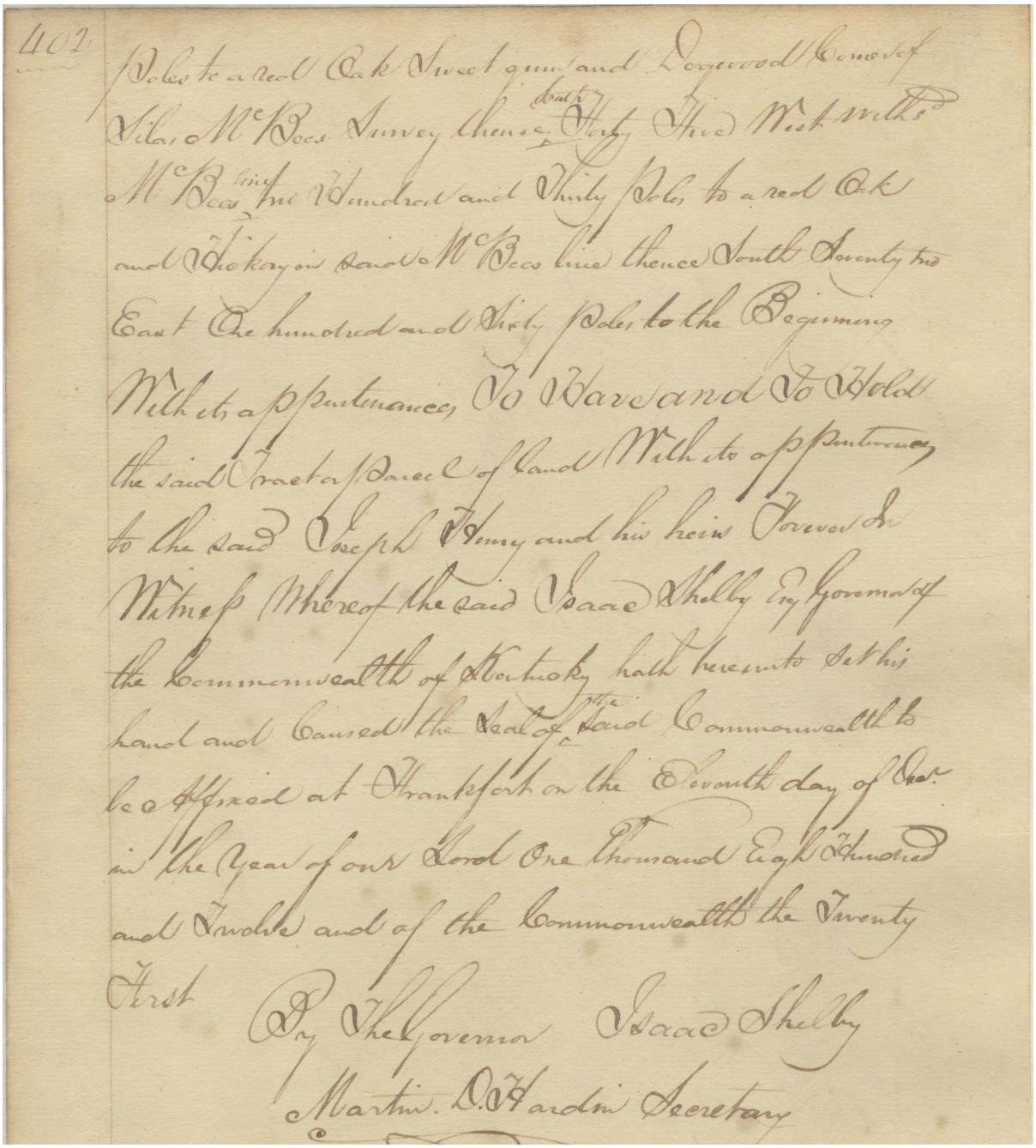
Appendix Image 4. Auditor's Office Receipt — Back (endorsed "Joseph Henry").



Joseph Henry
100 as
Ex & D
To
W R McGary
4 Jany
1813
No 10.098

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 Certificate Number 756 (The State Price paid With a deduction of Int) granted by the County Court of Henderson in Septr 1805 agreeably to an act of Assembly for settling and improving the Vacant lands of this Commonwealth there is granted by the said Commonwealth unto Joseph Henry assee Winny Mitchell a certain tract or parcel of land containing One hundred acres by survey bearing date the Thirtieth day of April One thousand eight Hundred and Seven lying and being in the County of ~~Christian~~ Henderson on the Waters Weir Creek and bounded as Followeth to Wit Beginning at a Maple and Birch near an old lick in the Flatt of Weirs Creek Corner of a Survey made for James Herron running North With Herrons line two hundred

Appendix Image 5. Grant/Patent No. 10098, 11 December 1812 — Page 1 (margin: delivered 4 January 1813).



402

Poles to a red Oak Sweet gum and Dogwood Corner of
Silas McBees Survey thence South Forty Five West miles
McBees line One Hundred and Ninety Poles to a red Oak
and Hickory in said McBees line thence South Seventy two
East One hundred and Sixty 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 Joseph Henry and his heirs Forever In
Witness 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 Seventh day of Oct.
in the Year of our Lord One Thousand Eight Hundred
and Twelve and of the Commonwealth the Twenty
First

By the Governor Isaac Shelby

Martin D. Hardin Secretary

Appendix Image 6. Grant/Patent No. 10098 — Page 2 (page 402; signatures of Governor Isaac Shelby and Secretary Martin D. Hardin).