

Land Claims, Grants & Deeds: The Story of Appalachia

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Virginia, the Carolinas and Georgia was predominantly established with rural agricultural settlements. By the late 17th century, planters of the tidewater region held most of the political power and the best land. As time progressed, families moved over the mountains, worked smaller tracts of land, sat in popular assemblies and found their way into political office. Along the rivers, settlers quickly learned to combine agriculture and commerce, and marketplace cities became a major source of prosperity. Let's take a look at these Colonies and their established land practices. What changed and where can I find it?

All land in Kentucky should follow a pedigree back to a governmental grant, generally Kentucky or Virginia. This process is called land patenting. Once a part of the commonwealth of Virginia, the land of Kentucky began to be granted after the King's Proclamation of 1763 stating that land would be granted in lieu of cash to the veterans of the French & Indian War. The Land Law of 1779 expanded the granting of land to the state's Revolutionary War veterans. John Filson discussed the land grant process in his 1784 publication.

"The proprietors of the Kentucke lands obtain their patents from Virginia, and their rights are of three kinds, viz. Those which arise from military service, from settlement and pre-emption, or from warrants from the treasury. The military rights are held by officers, or their representatives, as a reward for services done in one o. he two last wars. The Settlement and pre-emption rights arise from occupation. Every man who, before March, 1780, had remained in the country one year, or raised a crop of corn, was allowed to have a settlement of four hundred acres, and a pre-emption adjoining it of one thousand acres. Every man who had only built a cabbn, or made any improvement by himself or others, was entitled to a pre-emption of one thousand acres where such improvement was made.

In March, 1780, the settlement and pre-emption rights ceased, and treasury warrants were afterwards issued, authorizing their possessor to locate the quantity of land mentioned in them, wherever it could be found vacant in Virginia.

The mode of procedure in these affairs may be instructive to the reader. After the entry is made in the land-office, there being one in each county, the person making the entry takes out a copy of the location, and proceeds to survey when he pleases. The plot and certificate of such survey must be returned to the office within three months after the survey is made, there to be recorded; and a copy of the record must be taken out in twelve months, after the return of the survey, and produced to the assistant register of the land-office in Kentucke, where it must lie six months, that prior locators may have time and opportunity to enter a caveat, and prove their better right. If no caveat is entered in that time, the plot and certificate are sent to the land-office at Richmond, in Virginia, and three months more are allowed to have the patent returned to the owner."

John Filson, *The Discovery, Settlement and Present State of Kentucky: And an Essay Towards the Topography and Natural History of that Important Country....*(Wilmington, 1784)p 36-38.



Military District in Kentucky

The act of the Virginia General Assembly passed on June 22, 1779, established the Virginia Land Office. This act also provided for military bounty lands for Revolutionary War service. To qualify for bounty land, the individual soldier or sailor had to serve at least three years continuously in the Virginia State Line, Continental Line or Virginia Navy. Militia service did not count.

There were other types of land grants provided within the state of Kentucky. The following chart summarizes the grant series and includes additional information about each series.

| Series | Dates | Notes | Number |
|-----------------------------|-----------|---|----------------------------------|
| Virginia Series | 1782-1792 | see Old Kentucky Series | 9,441 surveys, 9564 grants |
| Old Kentucky Series | 1792-1815 | French and Indian War Warrants, Revolutionary War Warrants, Treasury Warrants, Importation Warrants, Acts for the Relief of Certain Poor Persons, Acts for the Establishment of Academies and Seminaries, Warrants for Finding Salt, Warrants for Clearing Roads, Certificates of Settlement, and Preemption Warrants | 7,668 surveys, 9,034 entries |
| South of Green River Series | 1797-1866 | This opened the vacant land in the Military District to general settlement. The original 1795 Act required applicants to be 21 or older. (lowered to 18 in 1798) | 16,664 surveys, 15,730 grants |
| Tellico Series | 1803-1853 | Area purchased from the Cherokee Indians in 1805. Act of 1810: settlers (six-month residency) purchase up to 200 acres (\$40/100 acres) | 590 surveys, 572 grants |

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| Kentucky Land Warrant Series | 1815-1873 | Issued by the Kentucky Land Office | 26,080 surveys |
| South of Walker's Line Series | 1825-1923 | These patents are located in northern Tennessee. They generally run to the 36 degrees 30 minute parallel or the baseline of the Jackson Purchase. The Kentucky Land Office has patent records for the following Tennessee counties: Sumner, Smith, Robertson, Macon, Montgomery, Stewart, Jackson, Claiborne, Clay, Fentress, Pickett, Scott and Campbell.) | 4,327 surveys |
| West of Tennessee River Military Series | 1822-1858 | Area was purchased from the Chickasaw Indians in 1818. | 242 surveys |
| West of Tennessee River Series | 1822-1858 | Jackson Purchase is mapped in ranges, townships and sections. | 9,308 surveys |
| County Court Order Series | 1835-present | In 1835, the General Assembly granted county courts the right to issue warrants authorizing surveys. | 70,238 surveys |

The process of obtaining land involved four steps, which must be completed before a land title was granted.

Warrant/Certificate - This step authorized a survey to be made. It is during this documentary process that the individual must prove entitlement. (i.e. military service, occupancy, or other reasons) These warrants could be sold or traded and therefore assigned to another party.

Entry - The surveyor recorded in the entry book the name of the person, the type of warrant, and the date of the intention. This record could be changed or withdrawn by the individual.

Survey/Plat - An actual survey of the property would be made with a recording of the metes and bounds. In addition to a recording in the local Surveyor's Book, a copy was sent along with the certificate to the Land office in Frankfort.

Grant/Patent - This document issued by the Governor's office, after any payment was due, typically contains the name of the owner, survey data, type of warrant, warrant/certificate number, and land description. The original grant was sent to the grantee, a copy was retained in the land office, and the grant may be recorded locally in a deed book.

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Strategies for FINDING FOLK

Learn about the record types available in both jurisdictions.

Review the records of the adjacent jurisdiction even when you find the records for an event in the home jurisdiction.

Become familiar with individuals who seem to appear in both jurisdictions.

Find the exact location of the property owned by your ancestor. Plat all property.

Don't be surprised when a record is duplicated or missing. Just dig a little deeper for cause.

Become familiar with boundary changes within the concerned jurisdictions. Consider the effect on your ancestor and his neighbors.

Locate all churches in the area of research. Determine which ones might have shared preachers.

Read the County Histories for all adjacent jurisdictions. Locate families which seem to appear in multiple areas.

Be aware of the surrounding neighbors who are members of the same church, fraternal organization or schools as your ancestor. Look for their records, too.

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Probate Records - Wills and Estate documents often refer to property that belonged to a sibling, parent or grandparent who lives in another area. For later ancestors, don't forget to check death certificates for clues.

Land Records - Deeds often reveal a different location of a grantee or grantor in a land sale than the county of the transfer. First purchases of land in an area may refer to a previous residence.

Grants - Although many grants were made for Military Service, it is important not to assume that a grant implies Military Service was performed or that if performed it was from the state making the grant. Other grants were made by states for other reasons – we should also not assume that the grantee was a resident of the grantor state, (i.e., Preemption Grants from North Carolina for Tennessee.)

Court Records - Often Chancery or Equity Cases will refer to relatives in another location or depositions will state where a given party was born and raised. Neighbors or relatives who have knowledge of facts in a case are often called upon for testimony. Careful analysis of these individuals may give you the clues you need.

Marriage Records - These records may supply the place of birth for the individuals, and occasionally the place of residence or birth of the parents.

Tax Records - Tax lists will often help us determine when an ancestor arrived in or departed from a given location. This information coupled with deeds can help us trace an individual across the country.

Census Records - Don't neglect a single available census year. Every census record can contribute to the profile you are developing for your ancestor. Remember to look at the actual census data, not an index only. Today, numerous commercial websites and volunteer sites provide access to virtually all extant Federal census records online, some sites with a new, improved index.

County Histories - Although a particular ancestor might not have contributed a glowing biography to a county history, it will certainly share a great deal of information about his neighbors and his neighborhood. Often entire churches traveled together to establish settlements.

Church Records - If your ancestor was a member of a local church, it is possible that the records for that church are extant. Often, church records contain information about marriages, births, deaths, new members, problems with church members, ministers, and location changes.

Compiled Records - Once we have some specific information, we can utilize the multitude of submitted and compiled records on the internet to help us determine where to begin the focus of our research. Be sure to remember that records and references submitted by individuals are as accurate as the individual submitting the records.

Letters and Other Documents - A letter to a relative may reveal a location for other relatives and perhaps a place to begin. Many manuscript collections have catalogs online and some have online textual documents. Consider general searches using text search engines or these.. NUCMC, or the National Union Catalog of Manuscript Collections, is a free-of-charge cooperative cataloging program operated by the Library of Congress (<http://lcweb.loc.gov/coll/nucmc/>). ArchiveGrid is a collection of over two million archival material descriptions, including MARC records from WorldCat and finding aids harvested from the web. <http://beta.worldcat.org/archivegrid/>

Work from the
known to the
unknown.