

Tennessee Land Grant System
From Tennessee Land Grants
Volume I – Surnames A_K

The Tennessee land grant system was marked at its inception by confusion, fraud and litigation. In the words of historian James Phelan, “Our whole system of land laws was a labyrinth to our forefather, as it is to us.” It has not gotten any easier with the passage of time to sort out matters. Part of the complication arose from the overlapping jurisdictions of the North Carolina, Federal, and Tennessee governments and from a long history of deliberate misuse and obfuscation of the land laws. There was often considerable discrepancy between what the law said and the actual practice of disposing of public land in Tennessee.

North Carolina Military Grants are the only class of Tennessee land grants made solely on the basis of military service. Soldiers were not granted land outright but were given warrants for graduated denominations of land, which could be entered, located and converted into land grants. Nearly all the warrants for this land were “assigned” or sold to individuals other than the veterans themselves. Practically speaking, few if any North Carolina veterans actually settled on land granted to them as a result of service in the Revolutionary War.

It is important to remember that professional politicians and speculators dominated the North Carolina military land grant system/ they laid claim to the choice tracts of agricultural land in Tennessee during the 1780s, especially those bottom lands bordering on rivers and streams. Nor were their claims limited to the legal boundaries of the North Carolina Military Reservation (what later became the 1st Surveyor’s District of Tennessee). Surveyors employed by North Carolina insiders entered hundreds of thousands of acres in nominally Indian territory such as western Tennessee (decades before Indian title to that land was extinguished, and it legally opened for surveying and entry). The inordinate number of grants made in the names of Blount, Barrow, Donelson, McLemore, Rutherford, Lewis and Shute testifies to the preeminence of speculators in the process. North Carolina land speculators also claimed considerable land in that part of the Congressional Reservation between Duck River and Tennessee’s southern boundary—land, again, that was supposedly outside the boundaries for military warrants for western lands in Tennessee until the 1820s, claims which Tennessee was obliged to honor with land grants.

As a result of disputes between the two states over who had authority to grant land in North Carolina’s former territory, no grants were issued in Tennessee between 1796, the first year of statehood, and 1806. At that time, the Federal government stepped in to arbitrate the dispute and force a settlement between the states. By the terms of this settlement, Tennessee could open its own land offices and begin to dispose of its remaining public lands as well as new land made available through treaties with the Indian tribes. It was, however, several

decades before Congress fully relinquished the claims of the Federal government to land ceded by the natives. Also by terms of the 1806 settlement, Tennessee had to continue to satisfy outstanding warrants issued by North Carolina for military service as well as entries based on the so-called Land Grab Act of 1783-1784. Residual North Carolina military warrants—often for fractional amounts of the military land denominations of 640 acres, 1280 acres, 2560 acres, etc.—were “perfected” as late as the 1820’s in the form of **Tennessee General Grants**. A series of land cession treaties with the Cherokee in 1805-1806 opened up a large expanse of land in the Congressional Reservation on which many Tennessee General grants were located.

The 1806 settlement between North Carolina and Tennessee also caused the latter to set up the first seven of what eventually became thirteen surveyor’s districts, thereby dividing the state along the range and section provisions of the Northwest Ordinance. This was Tennessee’s attempt to get past the chaotic “metes and bounds” surveying system that it had inherited from North Carolina and Virginia. References to these surveyor’s districts were discontinued in the 1820’s. Tennessee’s land offices were originally established at Nashville for West Tennessee (present-day middle Tennessee) and at Knoxville for East Tennessee. References to “West Tennessee” or the “Western District” do not necessarily denote land west of the lower Tennessee River until after the Chickasaw Cession of 1818 opened up that formally Indian territory. All Tennessee grants subsequent to the General Grants are sales of public land, or purchase grants.

Tennessee attempted to mitigate the fact that much of the good quality land had already been engrossed by North Carolina speculators by passing a series of laws giving preferential rights in land to actual settlers. Most purchase grants made by the state after 1806 were subject to two special conditions—pre-emption and occupancy—that made it easier for ordinary farmers to gain access to public land. Pre-emptions had first benefited the early Cumberland settlers who had been on land in the Military Reservation prior to June 1, 1780. In the case of later Indian cessions, settlers who had taken up residence on Indian land prior to a certain date were eligible for pre-emption rights allowing them to claim a portion (less than 640 acres of land on which they resided). Occupant grants applied to all kinds of purchase grants after 1806. They allowed for those who had “squatted” at least three years on a tract of vacant and unappropriated public land, and had made improvements to it (such as fences or buildings), to file a claim for between 160-300 acres based on their evident intention to reside on and improve the land.

One further consequence of the 1806 settlement was the copying by John Overton and his staff of the North Carolina Land Grant books. These and subsequent Tennessee purchase grant books are kept at the Tennessee State Library and Archives (TSLA). During the 1960’s, TSLA staff produced card files indexing both the North Carolina grants and Tennessee purchase grants. These

cards summarize the grants with information as to the name of grantee, acreage, grant number, date of grant registration, and location of land. These cards were transcribed into this two volume set of books by the Sistlers. A number of grant listings in this work mention a warrant or entry number. TSLA provides a separate index to the North Carolina military warrants alphabetized by the soldier's name, which offers the additional advantage of identifying assignees—earlier buyers—of land entitlement. For civilian purchase grants, the prospective grantee would first file for an entry then have the land surveyed (both of which steps involved a payment), and finally apply for the grant. TSLA Record Group 50 includes many, but not all, of the land entries and surveyor's certificates produced in the process of obtaining a land grant.

Types of Grants

North Carolina Military – the only public land grant in Tennessee made for military service (in the Revolution), although assignees and speculators—rarely soldiers—received nearly all of them (see explanation above).

Tennessee General – grants made from 1807 to the 1820's for land in the Military Reservation and former Congressional Reservation; generally small acreage entered on basis of outstanding North Carolina military warrants and entries from John Armstrong's land office; earliest grants made by the state of Tennessee.

Middle Tennessee – made under the provisions of an 1830 law authorizing grants to be made north and east of Congressional Reservation line; these are state purchase grants at \$.01 to \$.125 per acre, not to exceed 5000 acres.

East Tennessee – made on the basis of an 1806 law authorizing the register of the East Tennessee land office to issue grants; purchase grants in unknown amounts and territorial extent.

West Tennessee – purchase grants based on an act of Congress authorizing Tennessee to perfect titles to vacant and unappropriated lands south and west of the Congressional Reservation line; entered through county land offices at \$.125 per acre for land in the Western District, west of the Tennessee River; see Acts of Tennessee, 1841, Ch. 7 and 1842, Ch. 34.

Mountain District – made on the basis of Tennessee Acts, 1827, Ch. 4 which established a register's office in Sparta for new region called the Mountain District; this new land office apparently replaced those of the old 3rd Surveyor's District, which were closed; purchase grants at \$.01 to \$.125 per acre up to 5000 acres; these grants covered countries of White, Franklin, Warren, Marion, Bledsoe, Overton, Fentress, and Jackson and were designed to dispose of remaining surplus public land on the Cumberland Plateau (and, from the state's

standpoint, get it onto the tax rolls); this district, perhaps more than any other, was subject to gross fraud and speculative abuse in the issuance of grants.

Hiwassee District – purchase grants made on the basis of 1819 cession treaty with Cherokee for lands largely in what became Blount County; 640 acres per grantee/320 acres per child, Acts of Tennessee, 1819, Ch. 59.

Ocoee District – purchase grants made on the basis of 1836 cession treaty with Cherokee (called the Treaty of New Echota or Treaty of Removal) for land in southeastern corner of state—Bradley, McMinn, Monroe, and Polk countries; extinguished the last Indian land title in Tennessee.

By Dr. Wayne C. Moore