

## LAND RECORDS IN THE TENNESSEE STATE LIBRARY AND ARCHIVES

### Tennessee State Library & Archives Nashville Tennessee

Copies of Tennessee's early land records are on file in the Archives Section. These records include the early grants issued by North Carolina in addition to those granted by Tennessee. Extensive holdings of land warrants and certificates of survey are also included in the land records in the Archives.

Only a small percentage of the land granted in Tennessee was free land, and this was given to individuals who had performed some service to North Carolina. Included in this group were veterans of the North Carolina Continental Line, and their heirs and assignees; the commissioners, guards, surveyors, and chain carriers who laid off the Military Reservation for soldiers' grants; and the Cumberland settlers. The word "grant" is used to denote not necessarily free land, but the first private ownership of the land.

This leaflet deals with the background of the Watauga and Cumberland Settlement grants, the Revolutionary War grants, and the warrants on which these grants were based. It gives also a brief history of Tennessee's struggle for total independence from the mother state, and outlines the procedures for granting land in the several divisions of the state. Finally, it describes the master card index to land records which is used by researchers and by members of the Archives staff. It is intended to help answer some of the frequent questions on the history of land granting in Tennessee.

#### **Watauga Settlement**

In 1769 the first permanent white settlement in Tennessee was established on the Watauga River in the present Carter County. These first settlers, believing themselves to be in Virginia, yet too far removed to have the protection of that colony's laws, drew up the Articles of the Watauga Association in the spring of 1772, and thus began the first experiment in self-government west of the Alleghenies.

The area forming the Watauga settlement was Indian territory which the colonists first leased from the Cherokee Nation and later purchased, through Charles Robertson, for 2,000 sterling.

The Archives and Records Management Section has a copy of the book containing the Cherokee sale of the Watauga land to Robertson. The book also contains his patents to the settlers and some additional North Carolina grants in the district. The book is indexed and available to researchers.

#### **Cumberland Settlement**

In the spring of 1779 James Robertson and Casper Mansker led parties from Watauga to French Lick on the Cumberland River, the site of present-day Nashville. They planted

corn in preparation for the groups of settlers which Robertson and John Donelson planned to lead from Watauga in the fall.

In December, 1779, John Donelson left Watauga with a second group of settlers for French Lick via the Tennessee, Ohio, and Cumberland Rivers. They joined the Robertson pioneers on April 24, 1780. As at Watauga, it was necessary for the settlers to devise their own government, and they signed the "Cumberland Compact" on May 1, 1780. The original Compact and John Donelson's "Journal" of the voyage belong to the Tennessee Historical Society and are in the Manuscripts Section of the State Library and Archives.

The Cumberland settlers, in payment for extending the frontier and in recognition of their help in holding back the Indians during the Revolutionary War, received "pre-emption grants" for the lands they occupied on the Cumberland.

### **North Carolina Grants in Tennessee, 1783-1800**

Following the Revolutionary War, North Carolina continued making grants of the available lands in East Tennessee north of the French Broad River. In 1785 North Carolina laid off a military reservation in Middle Tennessee and began granting land there to its officers and soldiers of the Continental Line. They were the only Revolutionary War veterans who received land in Tennessee as payment for their war services. Between 1783 and 1800, all such grants were within the Military Reservation.

The procedure followed in making a military grant is briefly explained: North Carolina issued a land certificate to the Revolutionary War veteran. The certificate, called a warrant, was issued for a specific acreage, the amount of which depended upon the rank and months of service of the soldier. Privates received up to 640 acres; non-commissioned officers, fifiers, and drummers, 1000 acres; subalterns and surgeon's mates, 2560 acres; captains, 3840 acres; majors and surgeons, 4800 acres; lieutenant colonels, 5760 acres; lieutenant colonel commandants, colonels, and chaplains, 7200 acres; and brigadiers, 12,000 acres. The largest grant made in Tennessee was to Major General Nathaniel Green, for 25,000 acres of land in the present Maury County. Many North Carolina soldiers or their heirs did not use their warrants for obtaining land in Tennessee, but sold them to others who did locate within its boundaries. Sometimes a warrant passed through several hands before being surrendered for land.

When the warrant holder located land in which he was interested, he presented his warrant to a surveyor who surveyed the land in as nearly a square as possible. The surveyor returned the survey to the office of the Secretary of State, who issued a grant which was then recorded in the same manner that a deed is recorded. It soon became necessary to establish a local Entry-Taker office as the number of warrants being presented for land redemption increased. The Entry-Taker recorded the surveys and twice a year sent them to North Carolina for the governor's signature.

The Revolutionary War was the only war for which bounty land within the State of Tennessee was given to veterans. Tennessee veterans of the War of 1812 received

bounty land warrants for public land which was located chiefly in Arkansas, Illinois, and Missouri.

### **Tennessee Grants, 1806-1927**

When North Carolina ceded her western territory to the United States in 1789 as a condition for membership in the Federal Union, she retained the right to grant lands there to satisfy the claims of her Revolutionary War soldiers. The territory became a state in 1796, but it was not until 1806 that Tennessee was able to grant land itself. In 1800 a committee headed by Daniel Smith described to the governor the difficulties experienced by Tennesseans in perfecting titles under North Carolina laws and asked, "What probability remains to a numerous and deserving class of your fellow citizens of having their titles perfected?" They themselves answered emphatically, "Alas, none."

In 1803 Governor John Sevier appointed John Overton as Tennessee's agent to settle and adjust "the landed business between the two states." North Carolina then, in 1804, relinquished the right to grant land in Tennessee, thus ending a four-year stalemate. Upon this agreement, and with the consent of Congress in 1806, Tennessee set up seven land districts with surveyors' offices in Nashville, Jefferson (the seat of Rutherford County), Kingston, Knoxville, Jonesboro, Sparta, and Sevierville. The Jefferson office was later moved to Shelbyville.

West Tennessee was opened to settlement in 1819 after the Chicksaw cession, and five districts were set up in that area. Two additional offices were established in Middle Tennessee at the same time, with offices at Columbia and Pulaski. The latter office was moved to Lawrenceburg.

Although North Carolina granted no land in Tennessee after 1800, warrants issued both before and after that year were presented to and honored by Tennessee land offices as late as 1836.

### **Hiwassee District**

The Hiwassee District was bounded by the Little Tennessee River on the North, the Tennessee River on the west, and the Hiwassee River on the south. The lands in this area, exclusive of some reserved for the Indians, were opened for public auction in November, 1820.

In an effort to settle the land, the Tennessee General Assembly required only one-quarter payment at the time of purchase; the minimum price on the land was \$2.00 per acre, and no further payments were due for ten years, although interest began accumulating two years after purchase. Tracts were limited to 640 acres per person with an additional 320 acres per child. The provisions of the law were amended in 1829 to allow widows and orphans more time for payment with no accrued interest. Occupant rights were recognized only if the settler had been on the land before February 6, 1796.

## **Ocoee District**

Additional lands were ceded to the United States by the Cherokee Nation on May 23, 1836. This district, called Ocoee, comprises the present Polk and Bradley counties and small areas of several contiguous counties.

Occupants of the Ocoee District had priority of entry after the opening of the area, and afterwards the land was open to all enterers at set prices to discourage speculators and to encourage honest settlement. With a starting price of \$7.50 per acre, the price decreased every two months until it reached one cent per acre. Forty one-acre lots on which traces of gold had supposedly been found were sold at public auction with a limit of four lots per person. The Ocoee plat book is available in the Land Office.

## **Land Grant Indexes**

The official copy of all land grants in Tennessee are in bound volumes and on file in the Archives. Each of these volumes has been indexed on 3"x 5" cards under the name of the grantee. The usual information given for each grant includes, the name grantee, acreage, grant number, date of grant registration, location of the land, and book and page number. A grant contains little or no genealogical information. It may, however, serve to place an individual in a specific location at a given time. Heirs of a grantee are seldom named in a grant.

## **Warrants and Certificates**

In addition to the grant books, the Land Office also has most of the certificates of survey for the East Tennessee, Middle Tennessee, and Mountain districts. These are arranged numerically by grant number. Some numerical and county indexes are available for each of the districts. There are several books of plats and certificates for West Tennessee.

Many original warrants for Revolutionary War grants are included in Archives holdings and are available for use. The warrants are arranged numerically and indexed by soldier and assignee.

## **Use of Land Records**

Researches in the Land Office have free access to the indexes, and the grant books are available upon request. To those doing research by mail we will sent a list of grants to the individual in whom they are interested, showing the information given on the index cards. Correspondents should limit their requests to a few names, and with a date range not exceeding twenty years. In cases where only the surname is known, a range of twenty years and a smaller geographic area is preferred.

Visitors are always welcome at the State Library and Archives, located at 403 Seventh Avenue North. Trained staff members are on duty and are anxious to help you find the information you want. The extensive collections of records, manuscripts, and books are

freely available for your research. The State Library and Archives is open from 8:00 a.m. to 4:30 p.m. Monday through Saturday. The closed for New Year's Day, Good Friday, Independence Day, Labor Day, Columbus Day, Armistice Day, Thanksgiving Day, Christmas holidays, and primary and general election days. When one of these holidays falls on Friday or Monday the building is closed on Saturday for the three day weekend.

The State Library and Archives urges you to use these materials, and to increase the value and usefulness of its holdings by giving or by depositing your own materials here in order that they may be persevered for future generations.

**Source:** Smith County, TN Newsletter: Vol. XV, No 4. Fall 2003, pg. 97.

LOOKING INTO LAND GRANTS, Submitted by Pelham Norris:

*The following is an article from The Dallas Morning News, written by Lloyd Bockstuck, supervisor of the genealogy section of the J. Erik Jonsson Central Library, Dallas. The information may be useful to those researchers of Tennessee/Smith County land records.*

The Tennessee River divides the Volunteer State into three parts. On the western fork, it is the only river in North America to flow northward. The Cumberland Basin in Middle Tennessee was the reserve set aside by North Carolina for lands awarded to Revolutionary War veterans from the Tar Heel state. Veterans who served from other states were not eligible. Militia service in North Carolina did not qualify soldiers for state bounty land.

The local records can provided entry to the state bounty land records. Such records are found in deed books. In 1786, Sumner County was the second county to be carved out of the bounty land district. It encompassed (what was later) Cannon, Clay, DeKalb, Jackson, Macon, Pickett, Putnam, Robertson, Rutherford, Smith, Trousdale and Wilson counties.

Sumner County lay within the disputed territory with neighboring Kentucky. Unless you are aware of this fact, you will overlook the most important step in the paper trail. The warrant, survey and grants would have been Kentucky records rather than North Carolina (and later Tennessee).

Helen and Tim Marsh's book, *First Land Grants of Sumner County, Tennessee, 1786 – 1833* is essential for conducting a search of the early land records of the county, named after Revolutionary War hero, Jethro Sumner.

*Land Deed Genealogy of Bedford County, Tennessee, 1807 – 1852*, available as a reprint also expedites searches. Most of the records of this locality were lost in the Civil War.

Helpful works by Thomas Partlow include *Land Deed Genealogy of Cannon County, Tennessee 1836 – 1857*; *Smith County, Tennessee Deed Books*; *Chancery Court Records of Cannon County, Tennessee, 1840 – 1880*.

Jill Garrett's *Obituaries from Tennessee Newspapers, 1851 – 1899*, is based on more than 60 individual newspapers published in Middle Tennessee and North Alabama. For ancestors disappearing between 1860 – 1870, mention in the press of Civil War casualties may be the only remaining evidence to document such cases.

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