Asel Weir — Kentucky Land Grant — Patent No. 8551 (County Court Certificate No. 2869)

400 Acres on the Waters of Weirs Creek, Hopkins County, Kentucky

Assignee of Joshua Cates, Assignee of Aaron Cates — Patent of 1825 Cancelled under the Act for the Benefit of Silas McBee, 1827

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. 8551, Asel Weir, assignee of Joshua Cates, assignee of Aaron Cates, 400 acres, Hopkins County: Christian County Court certificate No. 2869, 9 December 1805 (copy attested by John Clark, C.C.C.), with the removal order of January Term 1806 and assignments of 7 November 1806 and 14 October 1807 on the back; survey for Asel Wier, 18 November 1807, received 3 December 1807, endorsed "R[ecorded] B[ook] 9, P[age] 189"; patent, 1 November 1825, page 454 [book not stated], cancelled under the act of 23 January 1827. Digital images supplied by the Kentucky Secretary of State, Land Office. Kentucky General Assembly, "An act for the benefit of Silas McBee," approved 23 January 1827, Acts Passed at the First Session of the Thirty-Fifth General Assembly for the Commonwealth of Kentucky (1827), chap. 81. 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. 431, as "Weir, Asel."

Abstract

On 9 December 1805 the Christian County Court found that Aaron Cates was entitled to 400 acres for having settled it, entered on Pond River with Benjamin Cates as the south boundary (Certificate No. 2869; copy attested by John Clark, C.C.C.). At the January Term 1806 the court admitted him to remove the certificate, he having proved that it was entered on military or appropriated land. On 7 November 1806 Aaron Cates transferred the certificate to Joshua Cates, with Harry Tilman as witness, and on 14 October 1807 Joshua Cates transferred it to Asel Wier, with Samuel Smith as witness. On 18 November 1807 Asel Wier, as deputy surveyor for John Gordon, Surveyor of Hopkins County, surveyed 400 acres for himself on the waters of Wiers Creek, beginning at a corner of Sarah Branson's survey in a military line and running with Silas McBee's line and William

Wier's line. Russel Wier and Turner Wier carried the chain and Silas McBee was marker. The survey was received on 3 December 1807. A patent to Asel Weir, signed by Governor Joseph Desha, issued on 1 November 1825, reciting that the state price had been paid without interest. By an act of 23 January 1827 the General Assembly found that this patent had been issued in error, on a payment Silas McBee had made for a different certificate, and provided for it to be surrendered and cancelled.

Survey Description

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

Survey'd for Asel Wier, assignee of Joshua Cates, assignee of Aron Cates, 400 acres of land by virtue of a removed certificate from the County Court of Christian County (No. 2869), lying on the waters of Wiers Creek in Hopkins County. Beginning on a dogwood in a military line, also corner of Sarah Branson's survey; running East with the military [line] 179 poles to a black gum, also corner of Silas McBee's survey; thence North 10 West with said McBee's line 440 poles to a black oak; thence West 110 poles to two dogwoods in William Wier's line; thence South with Wier's line 440 poles to the beginning. Survey'd November 18th 1807.

Record Summary

Certificate Number	2869 (Christian County Court settlement certificate, removed)
Survey Grant Register Number	8551
Original Claimant	Aaron Cates
Assignments	Aaron Cates → Joshua Cates, 7 November 1806 (test. Harry Tilman); Joshua Cates → Asel Wier, 14 October 1807 (test. Samuel Smith)
Surveyed For / Patentee	Asel Wier, assignee of Joshua Cates, assignee of Aaron Cates (patent: "Asel Weir"; indexed by Jillson as "Weir, Asel")
Acreage	400 acres
Watercourse	Waters of Weirs Creek ("Wiers Creek"); the certificate was first entered on Pond River
County in Survey	Hopkins County (certificate from Christian County)
Certificate Date	9 December 1805 (the patent says 1803); removal order, January Term 1806
Survey Date	18 November 1807; received 3 December 1807
Recording	Survey: Book 9, page 189. Patent: page 454 [book

	not stated]
Patent / Grant Issued	1 November 1825, signed by Governor Joseph Desha and Secretary J. C. Pickett; cancelled under the act of 23 January 1827
State Price Notation	"Paid without interest" (patent); the act of 1827 found the payment had been made by Silas McBee on Certificate No. 2870. No receipt in this file.
Deputy Surveyor / Chain Carriers	Asel Wier, D.S., for John Gordon, S.H.C.; Russel Wier and Turner Wier, chain carriers; Silas McBee, marker

Chronology

9 December 1805	Christian County Court finds Aaron Cates entitled to 400 acres, entered on Pond River with Benjamin Cates as the south boundary (Certificate No. 2869; copy attested by John Clark, C.C.C.)
January Term 1806	Aaron Cates admitted to remove the certificate, it having been entered on military or appropriated land
7 November 1806	Aaron Cates transfers the certificate to Joshua Cates; test. Harry Tilman
14 October 1807	Joshua Cates transfers the certificate to Asel Wier; test. Samuel Smith
18 November 1807	400 acres surveyed for Asel Wier on the waters of Wiers Creek by Asel Wier, D.S., for John Gordon, S.H.C.; received 3 December 1807; recorded Book 9, page 189
1 November 1825	Patent No. 8551 issued to Asel Weir, signed by Governor Joseph Desha and Secretary J. C. Pickett
23 January 1827	"An act for the benefit of Silas McBee" finds the patent erroneously issued and provides for its cancellation and for the transfer of the payment credit from Certificate No. 2869 to No. 2870

Persons Named in the Record

Asel Wier	Assignee of Joshua Cates; surveyed for; deputy surveyor; patentee ("Asel Weir" on the patent; "Abel Wier" in the printed act)
Aaron Cates	Original claimant; settled the land on Pond River;

	assignor ("Aron" on the certificate)
Joshua Cates	Assignee of Aaron Cates; assignor to Asel Wier
Benjamin Cates	Named as the south boundary of the Pond River entry
Harry Tilman	Witness to the 1806 assignment
Samuel Smith	Witness to the 1807 assignment
John Clark	Clerk of the Christian County Court
Sarah Branson	Adjoining landowner (corner of her survey)
Silas McBee	Adjoining landowner; marker; beneficiary of the 1827 act
William Wier	Adjoining landowner
Russel Wier	Chain carrier
Turner Wier	Chain carrier
John Gordon	Surveyor of Hopkins County
Mr Triplett	Received the patent (margin delivery note)
Joseph Desha	Governor
J. C. Pickett	Secretary

Land Description

A 400-acre tract, 179 poles wide on the south and 110 on the north, on the waters of Weirs Creek in Hopkins County, Kentucky. Its south line runs with a military line, its east line with Silas McBee's line, and its west line with William Wier's line; it begins at a corner of Sarah Branson's survey (KLG 8545).

Research Notes

The patent was cancelled. The margin of the patent reads "This patent has been cancelled, see act for the benefit of Silas McBee approv'd 23d January 1827," and the back of the survey carries a similar note. Chapter 81 of the 1826–27 session laws, "An act for the benefit of Silas McBee," explains why. Charles Cates's Christian County certificate No. 2870, for 400 acres, had passed through Joshua Cates to Silas McBee, who had it surveyed on 3 September 1808 and later paid the state price. Through the mistake of McBee's agent, the payment was credited to certificate No. 2869, which belonged to Asel Wier (printed "Abel Wier"), "assignee of Joshua Cates, who was assignee of Aaron Cates." Because of that credit, the patent of 1 November 1825 was "erroneously issued" to Asel Weir. McBee had the patent and was ready to surrender it. The act directed that, on its surrender to the Register to be cancelled, the Auditor transfer the credit from No. 2869 to No. 2870. This file does not show that any other payment was made on No. 2869, or that the certificate was patented again.

The survey still stands as evidence. The cancellation concerned the grant, not the survey. The survey's corners and its calls for Sarah Branson's, Silas McBee's and William Wier's lines remain evidence for where the tract lay.

Fitting the neighbors. The survey begins on "a dogwood in a military line, also corner of Sarah Branson's survey," the corner where KLG 8545 meets the military line, and runs east with that line. Its west line runs south 440 poles "with Wier's line." Plotted from the Branson corner, that line runs up the east sides of KLG 8545 and KLG 1243 and about 54 poles into KLG 8541, all tracts of William Wier or of Bezaleel Wier, whose heir he was. The survey misses closing by about 10 poles. Its east line runs north 10 west "with said McBee's line" from "a black gum, also corner of Silas McBee's survey."

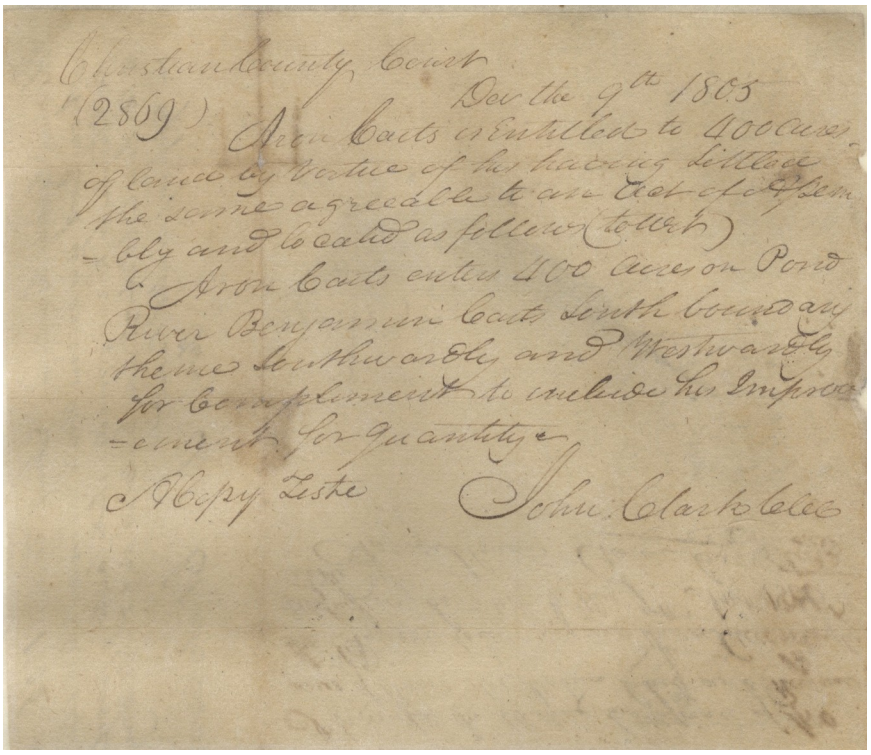
Three Cates certificates. Certificates 2868 (James Cates; KLG 8549), 2869 (Aaron Cates; this survey) and 2870 (Charles Cates; KLG 9644) were all Christian County certificates of December 1805, and all passed through Joshua Cates. Nos. 2869 and 2870 were both dated 9 December 1805, located on Pond River and removed at the January Term 1806.

Certificate date. The certificate is dated 9 December 1805; the patent says it was granted by the County Court of Christian "in 1803." The record does not explain the difference.

Asel Wier, deputy and claimant. Asel Wier surveyed this tract for himself as deputy for John Gordon, Surveyor of Hopkins County. Russel Wier and Turner Wier carried the chain and Silas McBee was marker.

Recording. The back of the survey is endorsed "Asel Wier assee &c. 400 acres, Rec'd 3 Dec 1807, No 8551" and "R B 9 P 189"; an earlier docket reads "Asel Wier assignee of Aron Cates, Platt & Cert, 400 acres, Exd & Recd, No 2869, Assd, Christian, Recd 3 Dec 1807." The patent's second page is numbered 454; the grant book is not named. The left margin reads "Asel Weir, 400 acres, Hopkins, No 8551, Exd & dd to Mr Triplett per receipt 1st Nov 182[5?]"; the last digit is malformed. No Auditor's receipt is in this file.

Images / Appendix



Christian County Court
(2869) Dec the 9th 1805
Aron Caits is Entitled to 400 acres of land by virtue of his having settled the same agreeable to an Act of Assembly and located as follows (to wit)
Aron Caits enters 400 acres on Pond River Benjamin Caits South boundary thence Southwardly and Westwardly for compliment to include his Improvement for quantity
A Copy Teste John Clark Clerk

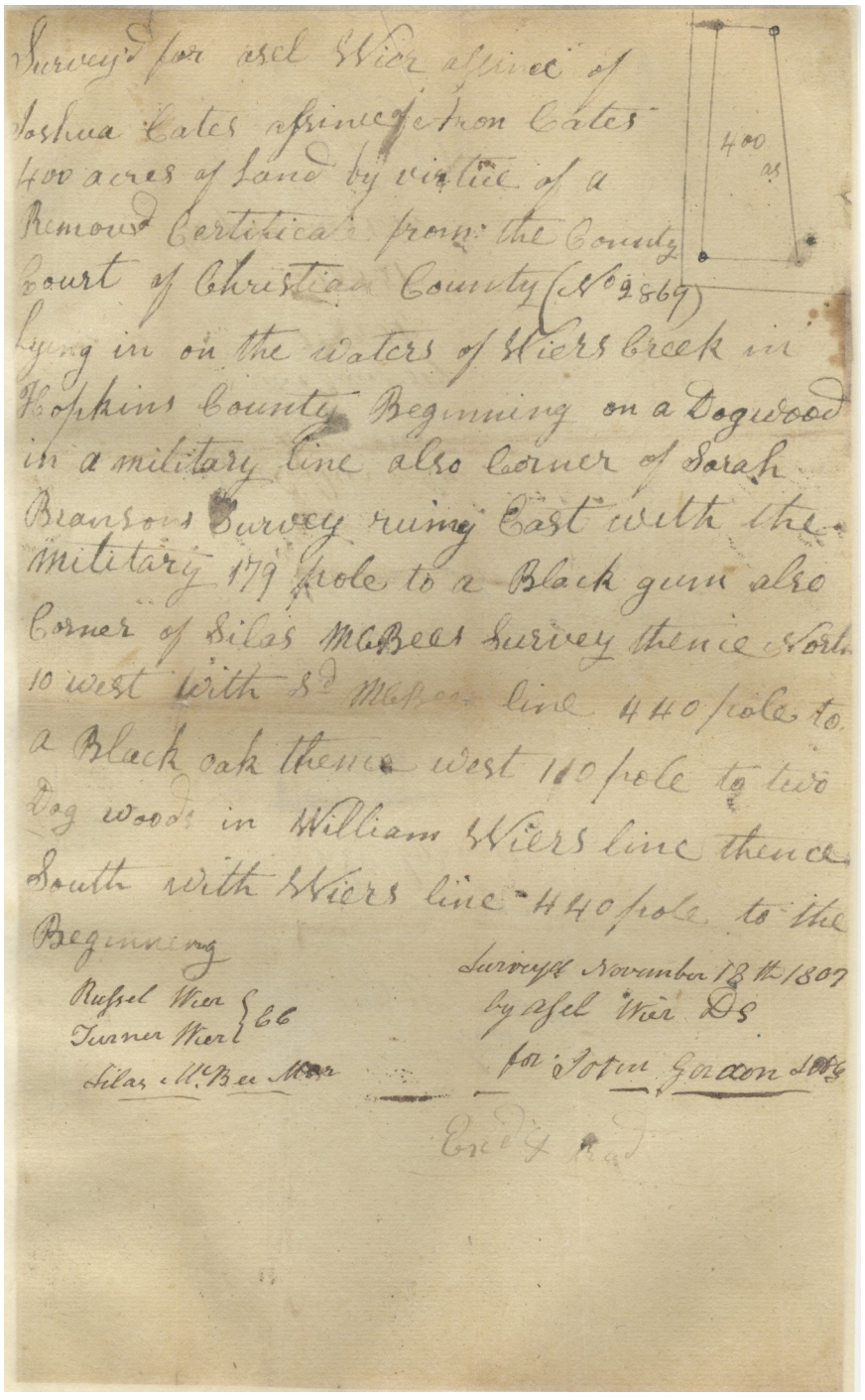
Appendix Image 1. Christian County Court Certificate No. 2869 — Front (9 December 1805).



I transfer the within Certificate of 400 acres of land to Joshua Caits and Request the Register to Issue a grant thereon Accordingly Witness my hand & Seal this 7th Novr 1806
Teste Harry Tilman Aaron Caits Seal

Christian County Court — Jany Term 1806
Aron Caits was admitted to remove the within Certificate he having made Satisfactory proof to this Court that it was Entered in a Military or appropriated land
Teste John Clark Clerk

Appendix Image 2. Certificate — Back (removal order, January Term 1806; Aaron Cates to Joshua Cates, 7 November 1806; Joshua Cates to Asel Wier, 14 October 1807).

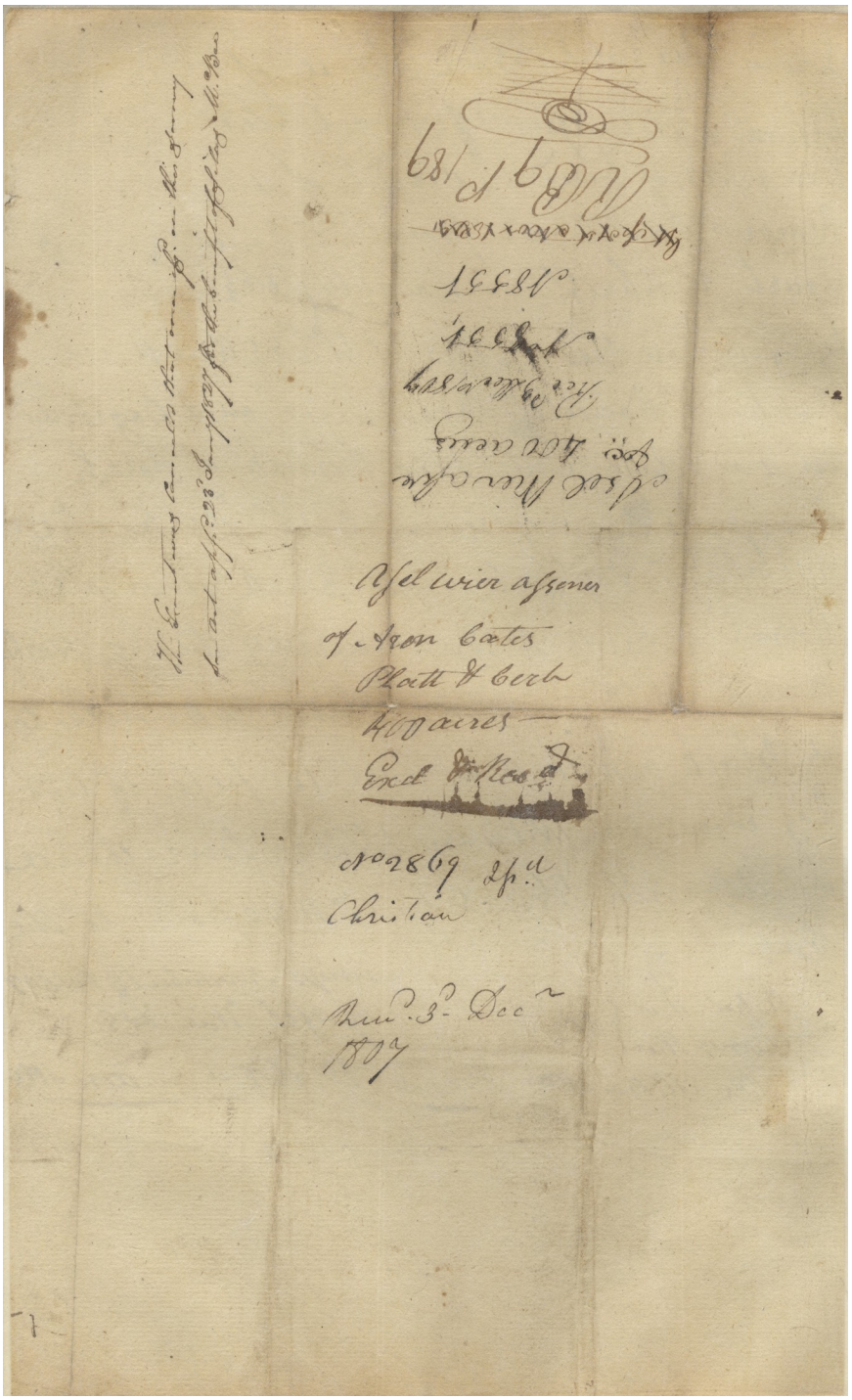


Survey'd for Asel Wier assinee of
Joshua Cates assinee of Aron Cates
400 acres of Land by virtue of a
Remov'd Certificate from the County
Court of Christian County (No 2869)
Lying in on the waters of Wiers Creek in
Hopkins County Beginning on a Dogwood
in a military line also Corner of Sarah
Bransons Survey ruing East with the
military 179 pole to a Black gum also
Corner of Silas McBees Survey thence North
10 west with Sd McBees line 440 pole to
a Black oak thence west 110 pole to two
Dog woods in William Wiers line thence
South with Wiers line 440 pole to the
Beginning

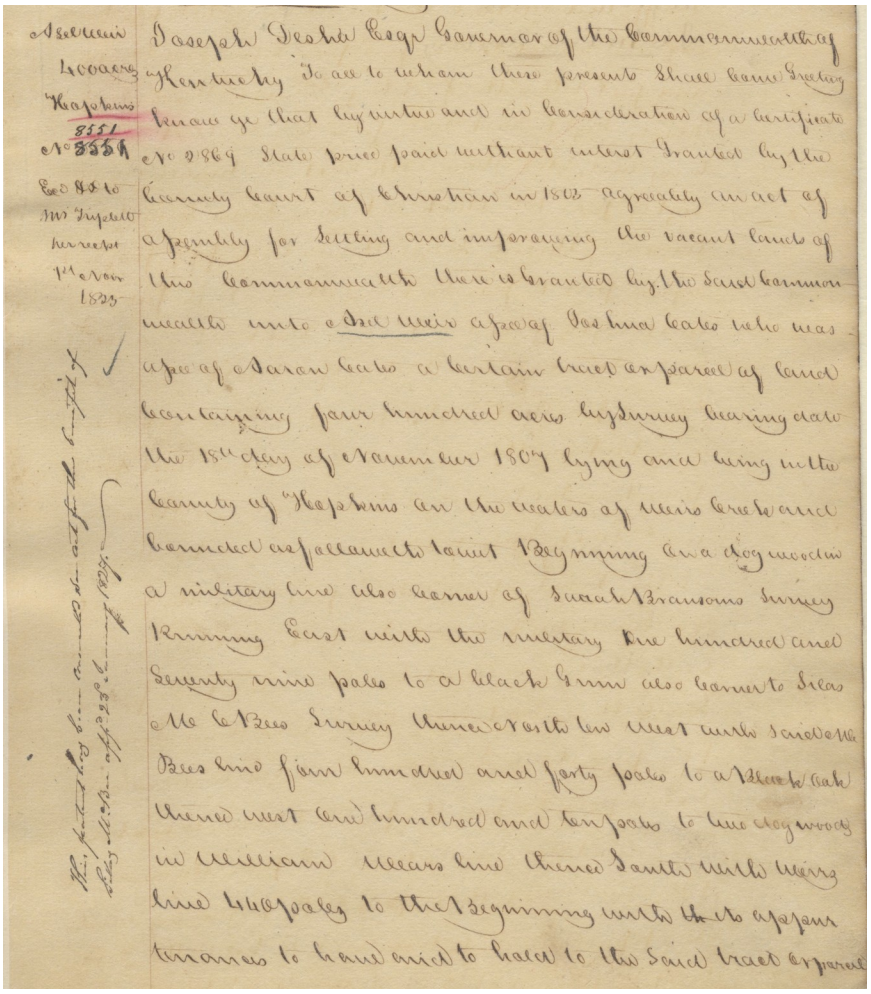
Russel Wier } CC
Turner Wier }
Silas McBee Mar

Surveyed November 18th 1807
by Asel Wier Ds
for Joseph Gordon Sr

Ex'd & Rec'd



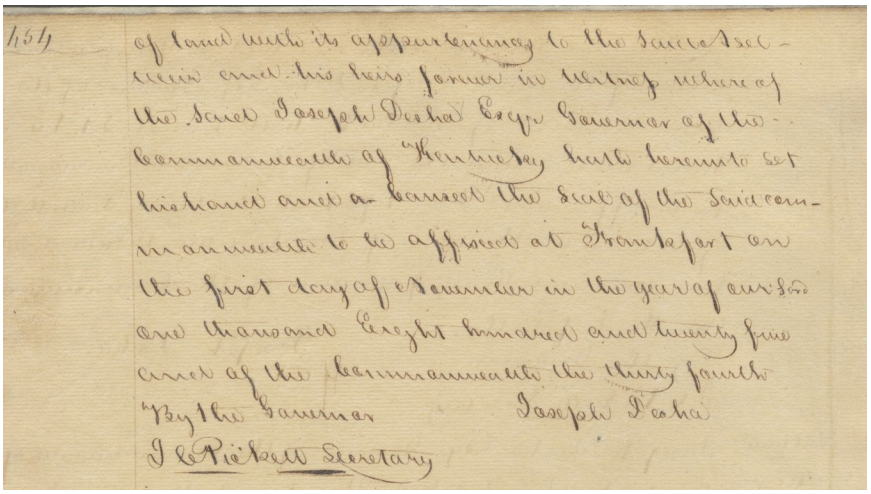
Appendix Image 4. Survey No. 8551 — Back (received 3 December 1807; recorded Book 9, page 189; note of cancellation under the act of 23 January 1827).



Asel Weir
400 acres
Hopkins
8551
No 8551
Ex'd & to
Mr Triplett
herewith
1st Nov
1825

Joseph Desha Esqr 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 No 2869 State price paid without interest Granted by the County Court of Christian in 1803 agreeably an act of assembly for settling and improving the vacant lands of this Commonwealth there is Granted by the said Commonwealth unto Asel Weir assee of Joshua Cates who was assee of Aaron Cates a certain tract or parcel of land containing four hundred acres by survey bearing date the 18th day of November 1807 lying and being in the County of Hopkins on the waters of Weirs Creek and bounded as follows to wit Beginning on a dogwood in a military line also corner of Sarah Bransons Survey Running East with the military one hundred and seventy nine poles to a black Gum also corner to Silas McCBees Survey thence North ten West with said McBees line four hundred and forty poles to a Black Oak thence west one hundred and ten poles to two dogwoods in William Wears line thence South with Weirs line 440 poles to the Beginning with its appurtenances to have and to hold to the said tract or parcel

Appendix Image 5. Patent No. 8551, 1 November 1825 — Page 1 (margin: cancellation note; delivered to Mr Triplett).



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of land with its appurtenances to the said Asel Weir and his heirs forever in witness whereof the said Joseph Desha Esqr 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 first day of November in the year of our Lord one thousand Eight hundred and twenty five and of the Commonwealth the thirty fourth

By the Governor Joseph Desha

J C Pickett Secretary

Appendix Image 6. Patent No. 8551 — Page 2 (page 454; signatures of Governor Joseph Desha and Secretary J. C. Pickett).