Russell Weir — Kentucky Land Grant — Patent No. 8558 (County Certificate No. 1758)

222 Acres on the Waters of Weirs Creek, Hopkins County, Kentucky
Assignee of Sally Cates, by Part of a Removed Certificate from Christian County

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. 8558, Russell Wier, assignee of Sally Cates, 222 acres, Hopkins County: Christian County Court certificate No. 1758, December 1803, with the court's removal order (February term 1806) and the assignment of 5 March 1807 on the back; survey for Russel Wier, 18 November 1807, received 3 December 1807, endorsed "R[ecorded] B[ook] 9, P[age] 194"; Auditor's Office receipt, 27 December 1808; patent, 13 February 1809, Grant Book 7, page 416. 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. 431, as "Weir, Russell."

Abstract

In December 1803 the Christian County Court certified that Sally Cates was entitled to 400 acres for having settled it, located in Christian County on Elk Fork, adjoining a survey made for Hugh Hob[b]s [?] on its northwest side (Certificate No. 1758; copy attested by John Clark, clerk). At the February term 1806 the court admitted her to remove the certificate, she having proved that the land was already entered as military or appropriated land. On 5 March 1807 Sally Cates assigned all her right, title and interest in the certificate to Wm. R. Wier, with Silas McBee as witness. On 18 November 1807 Deputy Surveyor Asel Wier surveyed 222 acres, "part of a removed certificate," for Russel Wier, assignee of Sally Cates, on the waters of Weirs Creek in Hopkins County, for John Gordon, Surveyor of Hopkins County. Silas McBee and Clark Landers carried the chain and Russel Wier was marker. The survey was received on 3 December 1807, the $72.16 price on the full 400-acre certificate was paid on 27 December 1808, and Governor Charles Scott signed the patent to Russell Wier on 13 February 1809. It was delivered to Y. Ewing on 3 January 1810.

Survey Description

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

Surveyed for Russel Wier, assignee of Sally Cates, 222 acres of land by virtue of part of a Removed Certificate from the County Court of Christian County (1758), lying on the waters of Wiers Creek in Hopkins County. Beginning at a locust and stake in a military line, also corner of John Clark's survey; running West with said Clark's line, passing his corner at 173 poles, 253½ poles to a maple and elm; thence South 140 poles to a dogwood and hickory in Turner Wier's line; thence East 253½ poles to two crabtrees and [a] cherry tree, corner of Wm. Wier's survey in a military line; thence North with the military line 140 poles to the beginning. Surveyed November 18th 1807.

Record Summary

Certificate Number	1758 (Christian County Court, December 1803; a removed settler's certificate for 400 acres, of which this survey is part)
Survey Grant Register Number	8558
Original Claimant	Sally Cates
Surveyed For / Patentee	Surveyed for Russel Wier, assignee of Sally Cates; patented to Russell Wier (indexed by Jillson as "Weir, Russell"). Sally Cates's assignment names Wm. R. Wier — see Research Notes
Acreage	222 acres, "by virtue of part of a removed certificate"
Land Quality	Not stated
Watercourse	Waters of Weirs Creek ("Wiers Creek")
County in Survey	Hopkins County; the certificate was first located in Christian County
Certificate Date	December 1803 (Christian County Court)
Survey Date	18 November 1807
Received by Land Office	3 December 1807
Recording	Survey: Book 9, page 194. Patent: Grant Book 7, page 416 (archivist's margin note).
Patent / Grant Issued	13 February 1809, signed by Governor Charles Scott; delivered to Y. Ewing, 3 January 1810
State Price Notation	$72.16, paid in full on the whole 400-acre certificate, per Auditor's Office receipt dated 27 December

	1808, received of "Russel Wier, assignee [of] Sally Cates"
Deputy Surveyor	Asel Wier, D.S.
County Surveyor	John Gordon, S.H.C. (Surveyor, Hopkins County)
Chain Carriers	Silas McBee and Clark Landers (marker: Russel Wier)
Commissioners	None; county court certificate attested by John Clark, C.C.

Chronology

December 1803	Christian County Court certifies Sally Cates's settlement claim to 400 acres on Elk Fork, adjoining Hugh Hob[b]s [?] (Certificate No. 1758; copy attested by John Clark, C.C.)
February term 1806	Christian County Court admits Sally Cates to remove the certificate, she having proved the land was entered as military or appropriated land; teste John Clark, C.C.
5 March 1807	Sally Cates assigns all her right, title and interest in the certificate to Wm. R. Wier; test. Silas McBee
18 November 1807	222 acres surveyed for Russel Wier, assignee of Sally Cates, by Asel Wier, D.S., for John Gordon, S.H.C.
3 December 1807	Plat received; survey recorded Book 9, page 194
27 December 1808	$72.16 paid in full on Certificate No. 1758 for 400 acres
13 February 1809	Grant No. 8558 issued to Russell Wier, signed by Governor Charles Scott and Secretary J. Bledsoe; Grant Book 7, page 416
3 January 1810	Patent delivered to Y. Ewing (margin note)

Persons Named in the Record

Russell Wier	Named as assignee of Sally Cates on the survey, receipt and patent; marker; patentee ("Weir, Russell" in Jillson's index)
Sally Cates	Original claimant; settled the land on Elk Fork; assignor
Wm. R. Wier	Assignee named in Sally Cates's 5 March 1807 assignment (see Research Notes)

Hugh Hob[b]s [?]	Adjoining landowner on Elk Fork (the original location; reading uncertain)
Silas McBee	Witness to the assignment; chain carrier
Clark Landers	Chain carrier
John Clark	Adjoining landowner (survey); also the name of the Christian County clerk who attested the certificate
Turner Wier	Adjoining landowner
William Wier	Adjoining landowner
Asel Wier	Deputy surveyor
John Gordon	Surveyor of Hopkins County
Y. Ewing	Received the patent (margin delivery note)
George Madison	Auditor
Charles Scott	Governor
J. Bledsoe	Secretary

Land Description

A 222-acre tract, 253½ by 140 poles, on the waters of Weirs Creek in Hopkins County, Kentucky. It adjoins John Clark's survey on the north, Turner Wier's and William Wier's surveys on the south, and a military line on the east.

Research Notes

Who was the assignee? On the back of the certificate, Sally Cates assigned "all my right title & interest of the within certificate to Wm. R. Wier," 5 March 1807, test. Silas McBee. Yet the survey, the Auditor's receipt and the patent all name "Russel Wier, assignee of Sally Cates," and no assignment to Russell appears in the file. Family research identifies the Weir brothers as sons of William Weir (d. 1825, Sumner County, Tennessee), among them William Russell Weir (c. 1777–1836) (David A. Ralls, “Willis Ralls of Hopkins County, Kentucky,” family tree, Ancestry). If “Wm. R. Wier” and “Russel Wier” are the same William Russell Weir, the assignment and the survey name one man under two names.

Two Cates certificates. On the same day, 5 March 1807, with the same witness, Silas McBee, Joshua Cates assigned James Dean's removed Christian County certificate to Turner Wier (KLG 8534). Both certificates had been removed from Christian County in early 1806 because the land was already entered as military or appropriated land, and both were laid off on Weirs Creek beside Bezaleel Weir's tract.

Fitting the corners. The survey runs south 140 poles to "a dogwood and hickory in Turner Wier's line" and east 253½ poles to "two crabtrees and cherry tree, corner of Wm.

Wier's survey in a military line," then north along the military line. In the reconstruction this places 8558 directly north of KLG 8546: its south line runs 179 poles along 8546's north line and about 74½ more along the north line of KLG 8534. The 8546 survey describes its northeast corner as "a cherry tree and dogwood," not two crabtrees and a cherry tree, so the trees do not match exactly.

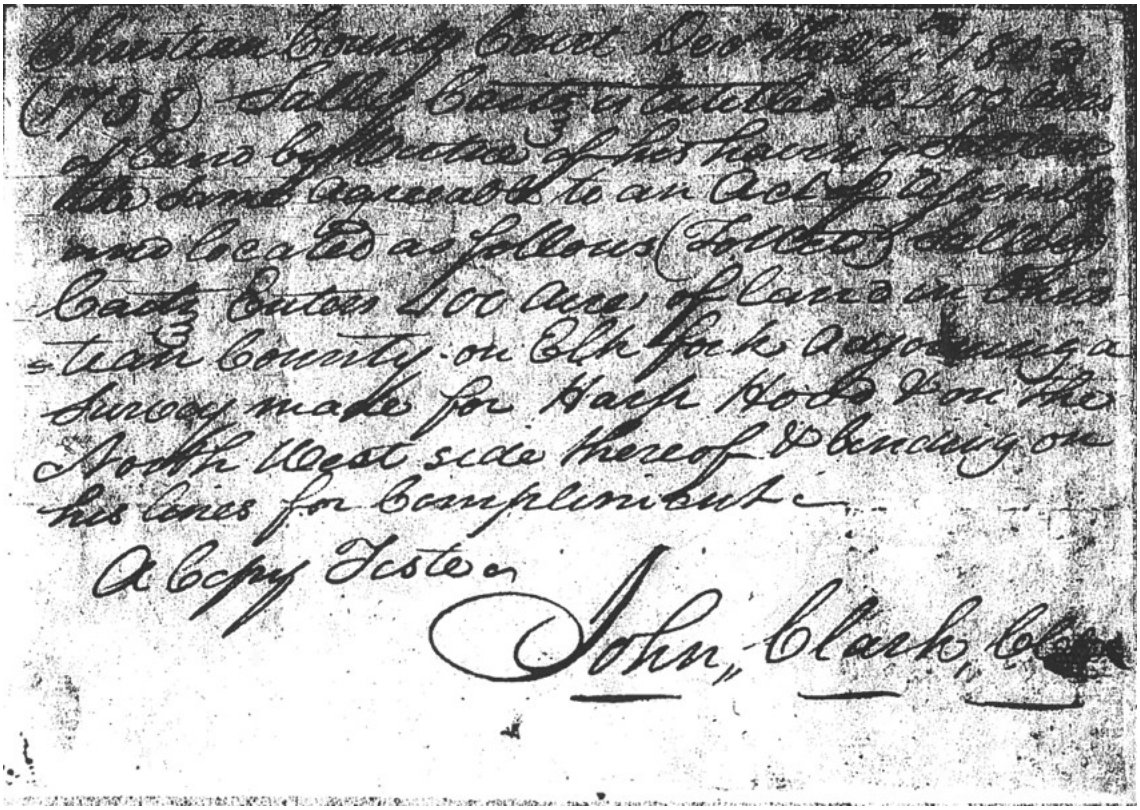
Part of a removed certificate. The survey and patent call this "part of a removed certificate," and the $72.16 receipt covers all 400 acres of No. 1758. The other 178 acres are KLG 8544, surveyed for Russel Wier on 11 March 1807; the back of that survey says the receipt in full and the certificate "are lodged in survey No 8558." This receipt's margin note reads "B 171 No 8544."

A Hopkins County survey. Surveyed in November 1807, after Hopkins County was formed, this survey was made for John Gordon as Surveyor of Hopkins County rather than for Edmund Talbot of Henderson. Asel Wier was again the deputy, and it was received in Frankfort the same day as 8534 and 8546, 3 December 1807.

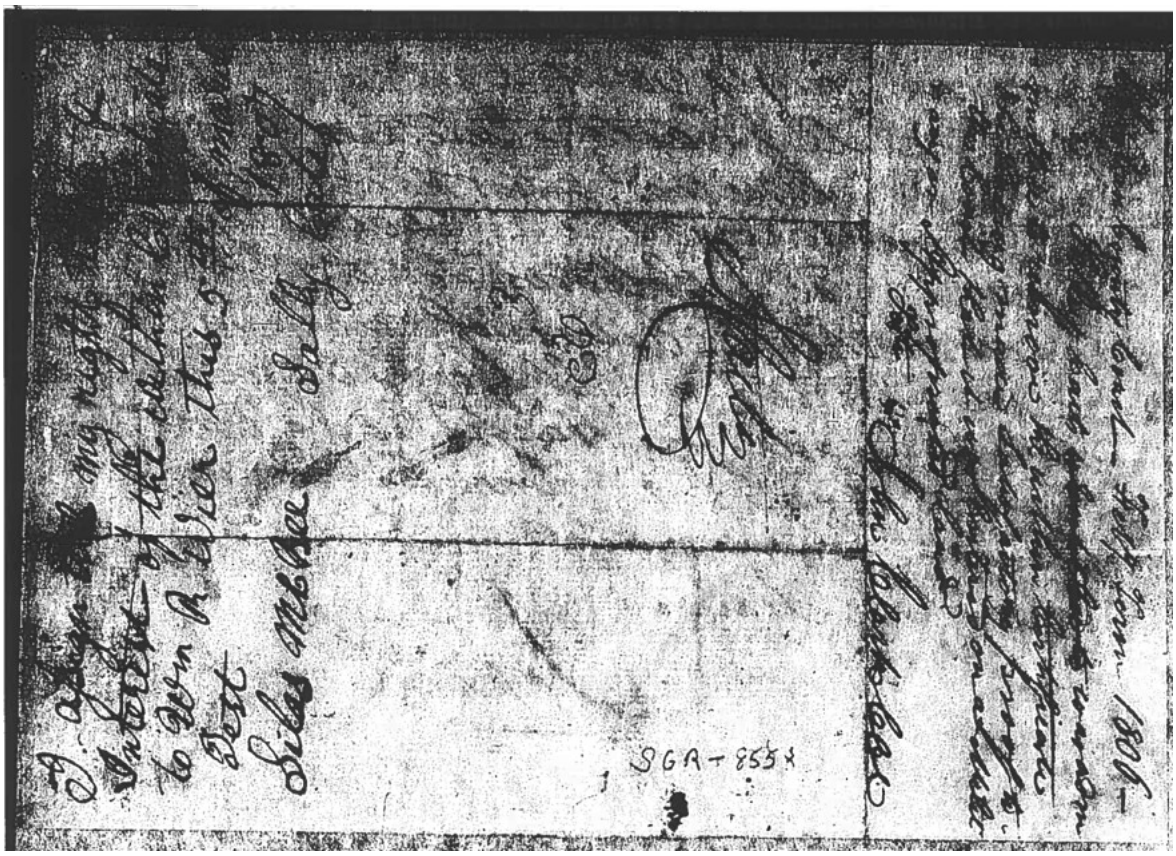
Recording. The back of the survey is endorsed "R B 9 P 194"; the page number is cramped but reads 194, in sequence with 8534 (page 179) and 8535 (page 180). A modern archivist's note on the patent gives Grant Book 7, page 416.

Spelling. The record writes the surname "Wier" and the given name both "Russel" and "Russell"; Jillson indexes the grant as "Weir, Russell." This report uses Weir in its headings and the record's spelling in quotations and transcriptions.

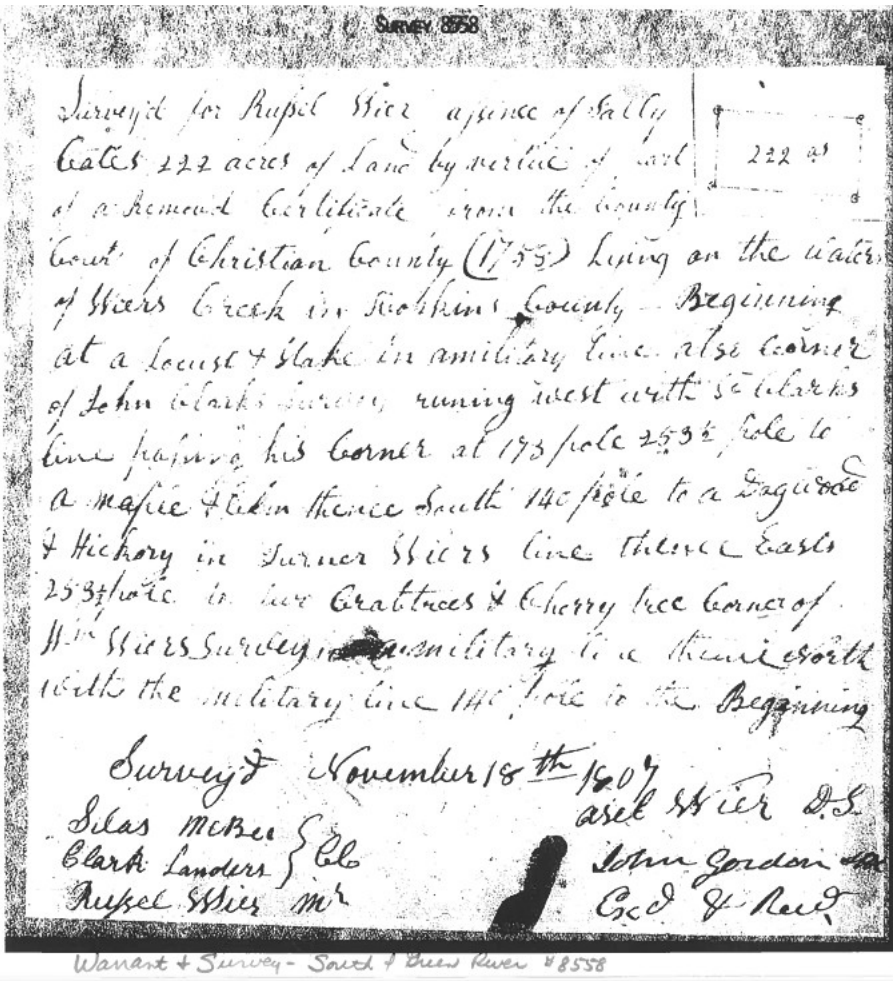
Images / Appendix



Appendix Image 1. Christian County Court Certificate No. 1758 — Front (December 1803).



Appendix Image 2. Certificate — Back (removal order, February term 1806; Sally Cates to Wm. R. Wier, 5 March 1807).



SURVEY 8558

Surveyd for Russel Wier assinee of Sally Gates 222 acres of Land by virtue of part of a Removd Certificate from the County Court of Christian County (1755) Lying on the Waters of Wiers Creek in Hopkins County — Beginning at a Locust & Stake in a military line also Corner of John Clarks Survey, runing west with Sd Clarks line passing his Corner at 173 pole 253½ pole to a Maple & Elm thence South 140 pole to a Dogwood & Hickory in Turner Wiers line thence Easts 253½ pole to two Crabtrees & Cherry tree Corner of Wm Wiers Survey in a military line thence North with the military line 140 pole to the Beginning

222 as

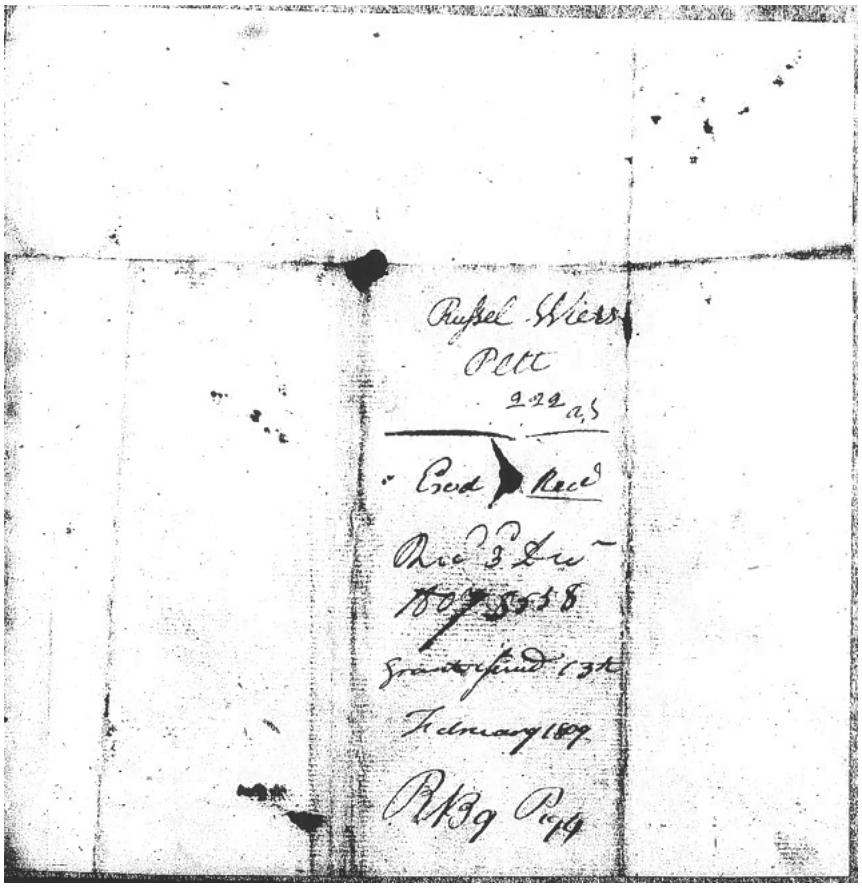
Surveyd November 18th 1807

Silas McBee } Cc
Clark Landers }
Russel Wier Mr

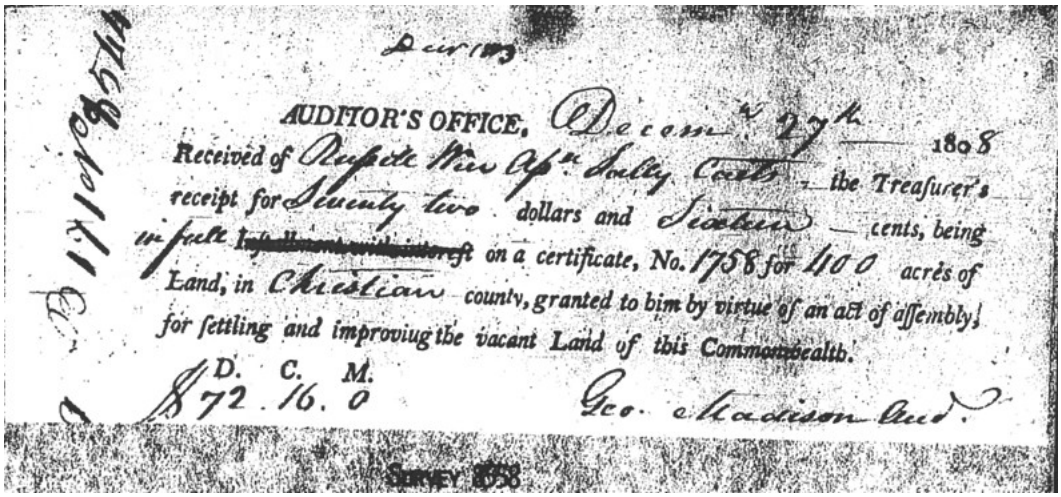
Asel Wier D.S.
John Gordon
Exd & Recd

Warrant + Survey - South + Green River #8558

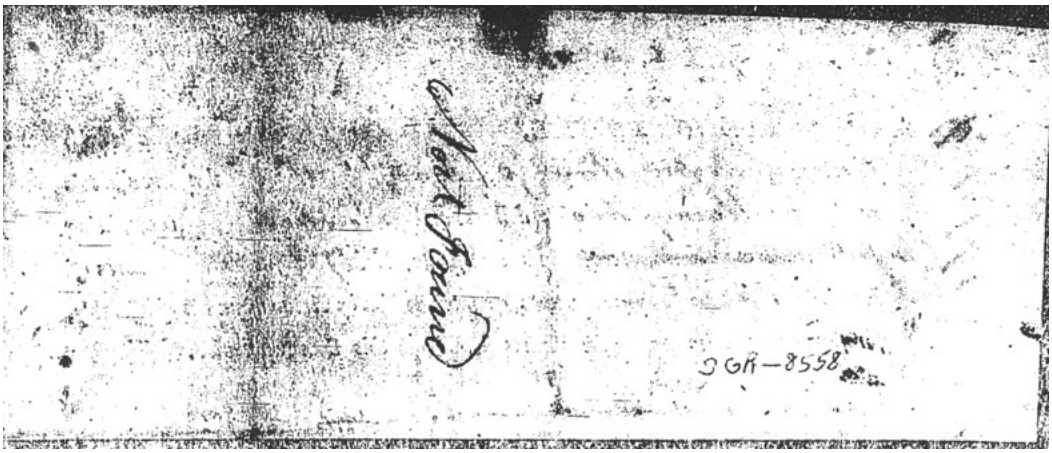
Appendix Image 3. Survey No. 8558 — Front (18 November 1807).



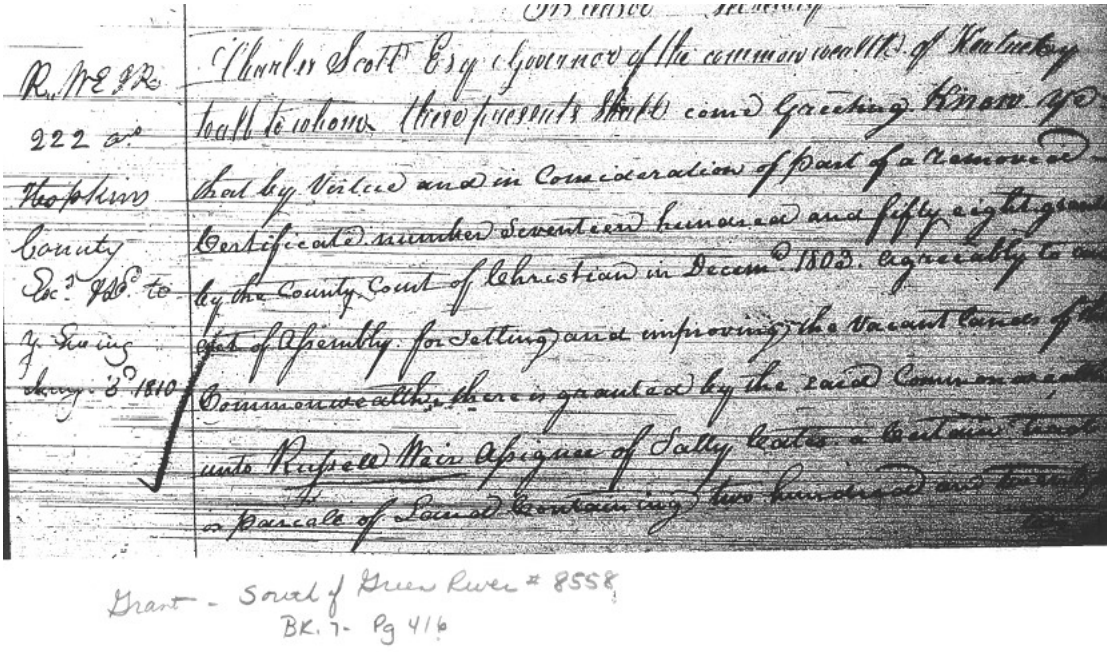
Appendix Image 4. Survey No. 8558 — Back (received 3 December 1807; grant issued 13 February 1809; recorded Book 9, page 194).



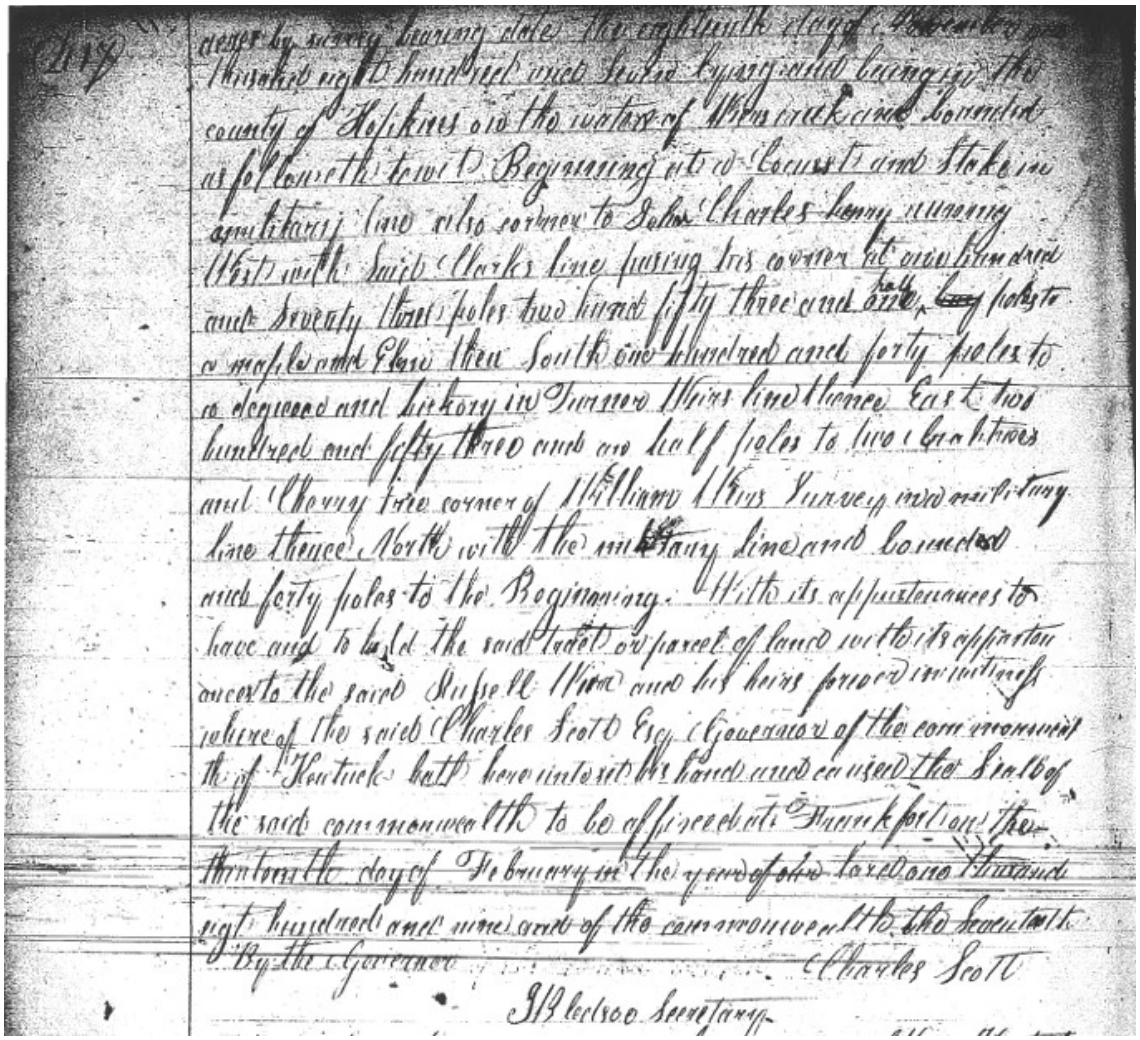
Appendix Image 5. Auditor's Office Receipt — Front (27 December 1808).



Appendix Image 6. Auditor's Office Receipt — Back.



Appendix Image 7. Grant/Patent No. 8558 — Page 1 (Grant Book 7, page 416; margin: delivered to Y. Ewing, 3 January 1810).



Appendix Image 8. Grant/Patent No. 8558 — Page 2.