Silas McBee — Kentucky Land Grant — Patent No. 8536 (County Court Certificate No. 180)

200 Acres on Musgroves Creek, Henderson County, Kentucky

Assignee of Bathsheba Cates

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. 8536, Silas McBee, assignee of Bathsheba Cates, 200 acres, Henderson County: Henderson County Court certificate No. 180, November 1801 (copy attested by Ambrose Barbour, C.C.), with the assignment of 24 October 1806 on the back; survey for Silas McBee, 20 February 1807, received 3 December 1807, endorsed "R[ecorded] B[ook] 9, P[age] 181"; Auditor's Office receipt, 27 January 1813; patent, 10 November 1813, page 379 [book not stated]. 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. 370, as "McBee, Silas."

Abstract

At the November 1801 Henderson County Court, Bathsheba Cates claimed 200 acres in addition to her former settlement, on account of settling the same under the act for settling and improving the vacant lands of the Commonwealth, lying on the waters of Clear Creek adjoining her former claim. On satisfactory proof the court found that she had a right to a settlement of 200 acres and ordered a certificate to issue (Certificate No. 180; copy attested by Ambrose Barbour). On 24 October 1806 Bathsheba Cates assigned all her right in the certificate to Silas McBee for value received, with Asel Wier as witness. On 20 February 1807 Deputy Surveyor Asel Wier surveyed the 200 acres for Silas McBee, assignee of Bathsheba Cates, on Musgroves Creek in Henderson County, adjoining her former claim, for Edmund Talbot, S.H.C. Turner Wier and W. R. Wier carried the chain and Silas McBee was marker. The survey was received on 3 December 1807. On 27 January 1813 the Auditor received of Bathsheba Cates $35.11, the second instalment without interest on Certificate No. 180, and Governor Isaac Shelby signed the patent to Silas

McBee, assignee of Bathsheba Cates, on 10 November 1813, reciting the state price as paid without interest. It was delivered to Joshua Cates on 18 November 1813, "Pr order."

Survey Description

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

Survey'd for Silas McBee, assignee of Bathsheba Cates, 200 acres of land by virtue of a certificate from the County Court of Henderson, lying in Henderson County on Musgroves Creek, adjoining her former claim. Beginning on two elms; running South 5 West 179 poles to an elm in a military line; thence West with the military line 179 poles to a hickory; thence North 18 East 260 poles to a stake in a line survey'd for Silas McBee; thence South 60 East with said line 147 poles to the beginning. Survey'd February the 20th 1807.

Record Summary

Certificate Number	180 (Henderson County Court settlement certificate, in addition to a former settlement)
Survey Grant Register Number	8536
Original Claimant	Bathsheba Cates
Assignment	Bathsheba Cates → Silas McBee, 24 October 1806; test. Asel Wier
Surveyed For / Patentee	Silas McBee, assignee of Bathsheba Cates (indexed by Jillson as "McBee, Silas")
Acreage	200 acres
Watercourse	Musgroves Creek (survey and patent); "waters of Clear Creek" (certificate)
County in Survey	Henderson County
Certificate Date	November County Court, 1801
Survey Date	20 February 1807
Received by Land Office	3 December 1807
Recording	Survey: Book 9, page 181. Patent: page 379 [book not stated]
Patent / Grant Issued	10 November 1813, signed by Governor Isaac Shelby and Secretary M. D. Hardin; delivered to Joshua Cates, 18 November 1813
State Price Notation	$35.11, 2nd instalment without interest, received of Bathsheba Cates, 27 January 1813 ("for 200 pt. 400"

	acres)
Deputy Surveyor / Chain Carriers	Asel Wier, D.S., for Edmund Talbot, S.H.C.; Turner Wier and W. R. Wier, chain carriers; Silas McBee, marker

Chronology

November 1801	Henderson County Court finds that Bathsheba Cates has a right to a settlement of 200 acres in addition to her former settlement, on the waters of Clear Creek adjoining her former claim (Certificate No. 180; copy attested by Ambrose Barbour)
24 October 1806	Bathsheba Cates assigns the certificate to Silas McBee; test. Asel Wier
20 February 1807	200 acres surveyed for Silas McBee on Musgroves Creek by Asel Wier, D.S., for Edmund Talbot, S.H.C.
3 December 1807	Plat and certificate received; survey recorded Book 9, page 181
27 January 1813	$35.11, 2nd instalment without interest on Certificate No. 180, received of Bathsheba Cates
10 November 1813	Grant No. 8536 issued to Silas McBee, assignee of Bathsheba Cates, signed by Governor Isaac Shelby and Secretary M. D. Hardin
18 November 1813	Patent delivered to Joshua Cates, "Pr order" (margin note)

Persons Named in the Record

Silas McBee	Assignee; surveyed for; marker; patentee; owner of the adjoining line
Bathsheba Cates	Original claimant; settled the land; assignor; the 1813 receipt is in her name
Asel Wier	Witness to the assignment; deputy surveyor
Turner Wier	Chain carrier
W. R. Wier	Chain carrier
Edmund Talbot	Surveyor of Henderson County

Ambrose Barbour	Clerk of the Henderson County Court
Joshua Cates	Received the patent, "Pr order" (margin delivery note)
George Madison	Auditor
Isaac Shelby	Governor
M. D. Hardin	Secretary

Land Description

A 200-acre tract on Musgroves Creek in Henderson County (later Hopkins County), Kentucky, adjoining Bathsheba Cates's former claim. Its south side runs with a military line and its northeast side with a line surveyed for Silas McBee.

Research Notes

Beside 8537. The survey runs west along the military line to a hickory, then north 18 east 260 poles to "a stake in a line surveyed for Silas McBee." KLG 8537, surveyed for McBee two months later, runs from a stake in McBee's line south 18 west 260 poles to "a hickory standing in a military line." The two surveys share that 260-pole line, and 8537 lies directly west of this tract.

A McBee line on the north. Both this survey and KLG 8537 run south 60 east along "a line surveyed for Silas McBee": 150 poles on 8537, then 147 poles on this survey, from the shared stake to the two elms. That line belongs to a third McBee survey lying north of both; which survey it is has not yet been identified.

The east side. The survey begins on two elms and runs south 5 west 179 poles to an elm in the military line. The July draft for McBee's KLG 8538 has a west line running north 5 east from "an elm in said military line." 8538 has not yet been checked against its images; if it holds, it lies next east of this tract.

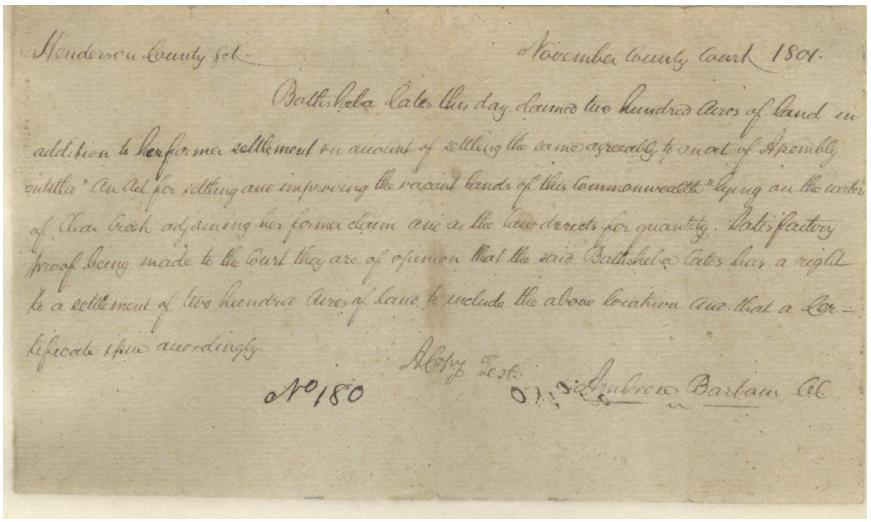
Assigned by Bathsheba Cates. The assignment is on the back of the certificate: "I assign over all my right title and interest of the within certificate to Silas McBee for value rec'd this 24 day of October 1806," signed Bathsheba Cates and witnessed by Asel Wier. The receipt of 27 January 1813 is still in her name, and the patent was delivered on 18 November 1813 to Joshua Cates, "Pr order." The record does not state how Bathsheba and Joshua Cates were related.

The watercourse. The 1801 certificate places the claim "on the waters of Clear Creek"; the 1807 survey and the patent place it "on Musgroves Creek." Both describe it as adjoining her former claim. The record does not explain the difference.

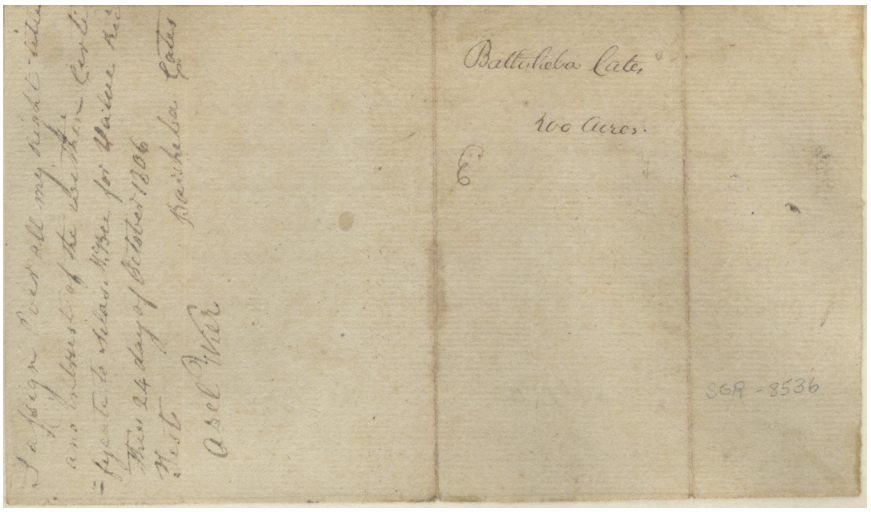
A late patent. The survey was received in December 1807, but the receipt is dated 27 January 1813 and calls the $35.11 the "2nd instalment without interest" on Certificate No. 180 "for 200 pt. 400" acres. The patent issued on 10 November 1813, nearly five years after the Weir and McBee patents of 13 February 1809. The record does not explain the delay or the 400 acres.

Recording. The back of the survey is endorsed "S. McBee Platt & Cer. 200 as.," "Ed & Rd," "Cert No 180," "Grant iss'd 10th Nov 1813," "Rec'd 3d December 1807, No 8536" and "R B 9 P 181," the same survey-book page as KLG 8537. The patent carries a circled "379" at the top of the margin; the grant book is not named. The bearing of the survey's last course is written like "61," as in KLG 8537; the patent reads "sixty." Plotted, the survey misses closing by about 14 poles and holds about 207 acres.

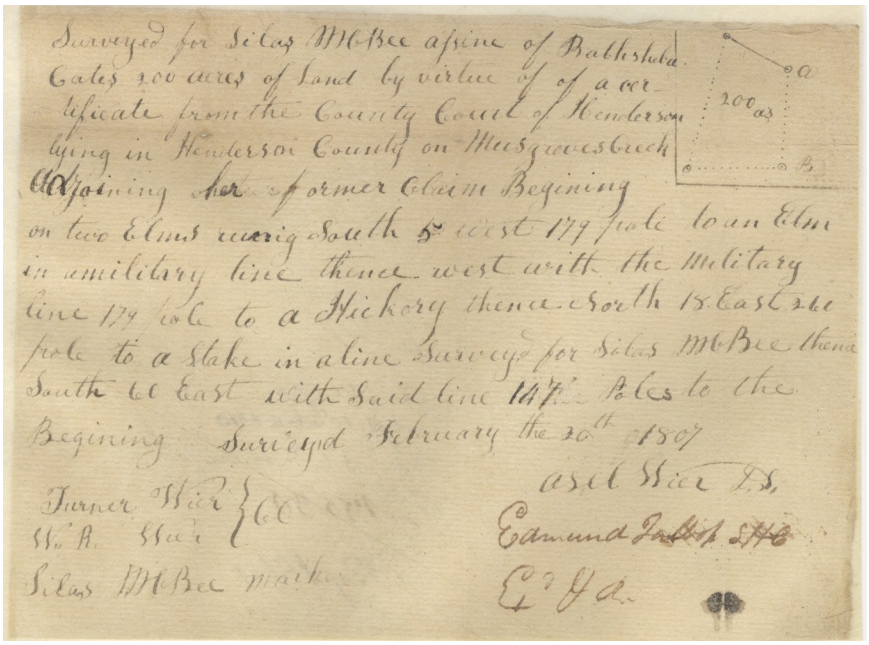
Images / Appendix



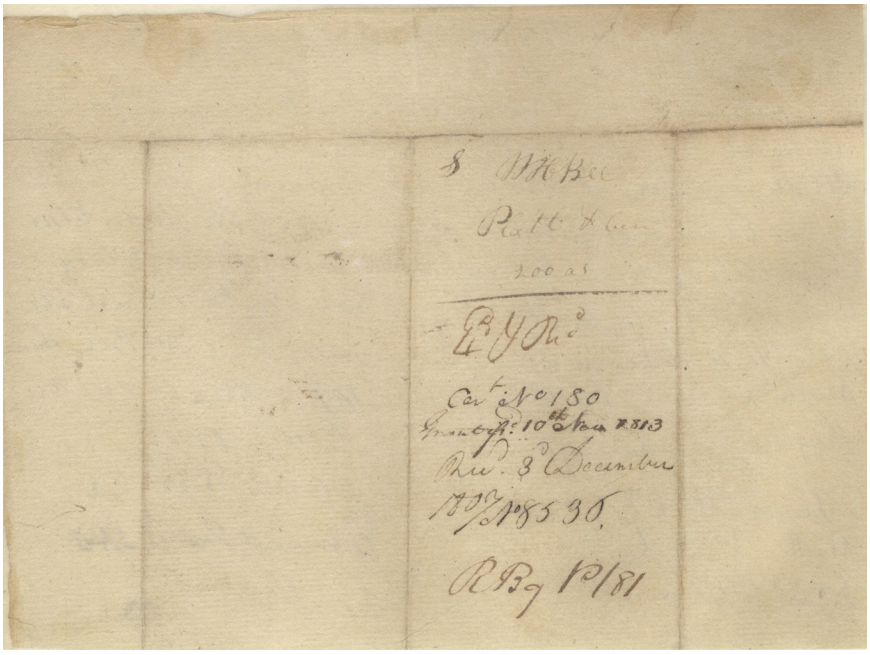
Appendix Image 1. Henderson County Court Certificate No. 180 — Front (November 1801).



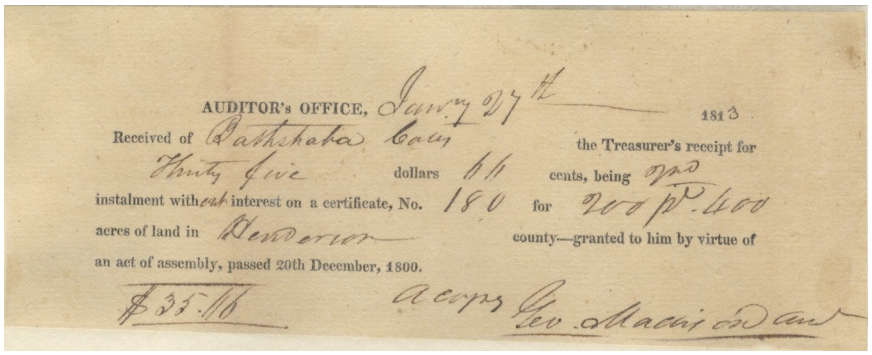
Appendix Image 2. Certificate — Back (Bathsheba Cates to Silas McBee, 24 October 1806; test. Asel Wier).



Appendix Image 3. Survey No. 8536 — Front (20 February 1807).



Appendix Image 4. Survey No. 8536 — Back (received 3 December 1807; recorded Book 9, page 181; grant issued 10 November 1813).



AUDITOR's OFFICE, Janry 27th 1813

Received of Bathsheba Cary the Treasurer's receipt for

Thirty five dollars 66 cents, being 2nd

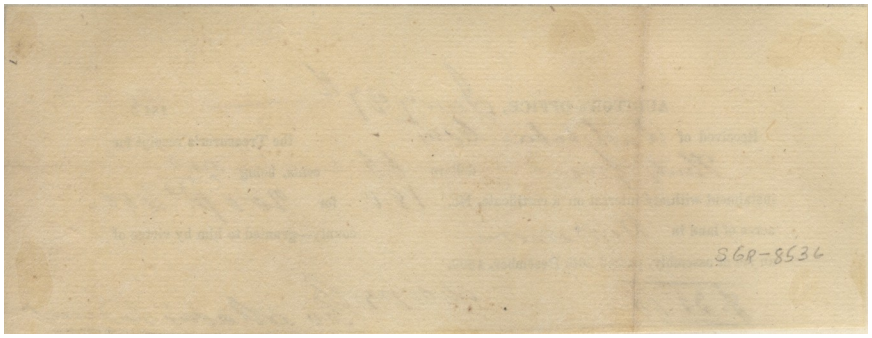
instalment with cash interest on a certificate, No. 180 for 200 pr. 400

acres of land in Henderson county—granted to him by virtue of

an act of assembly, passed 20th December, 1800.

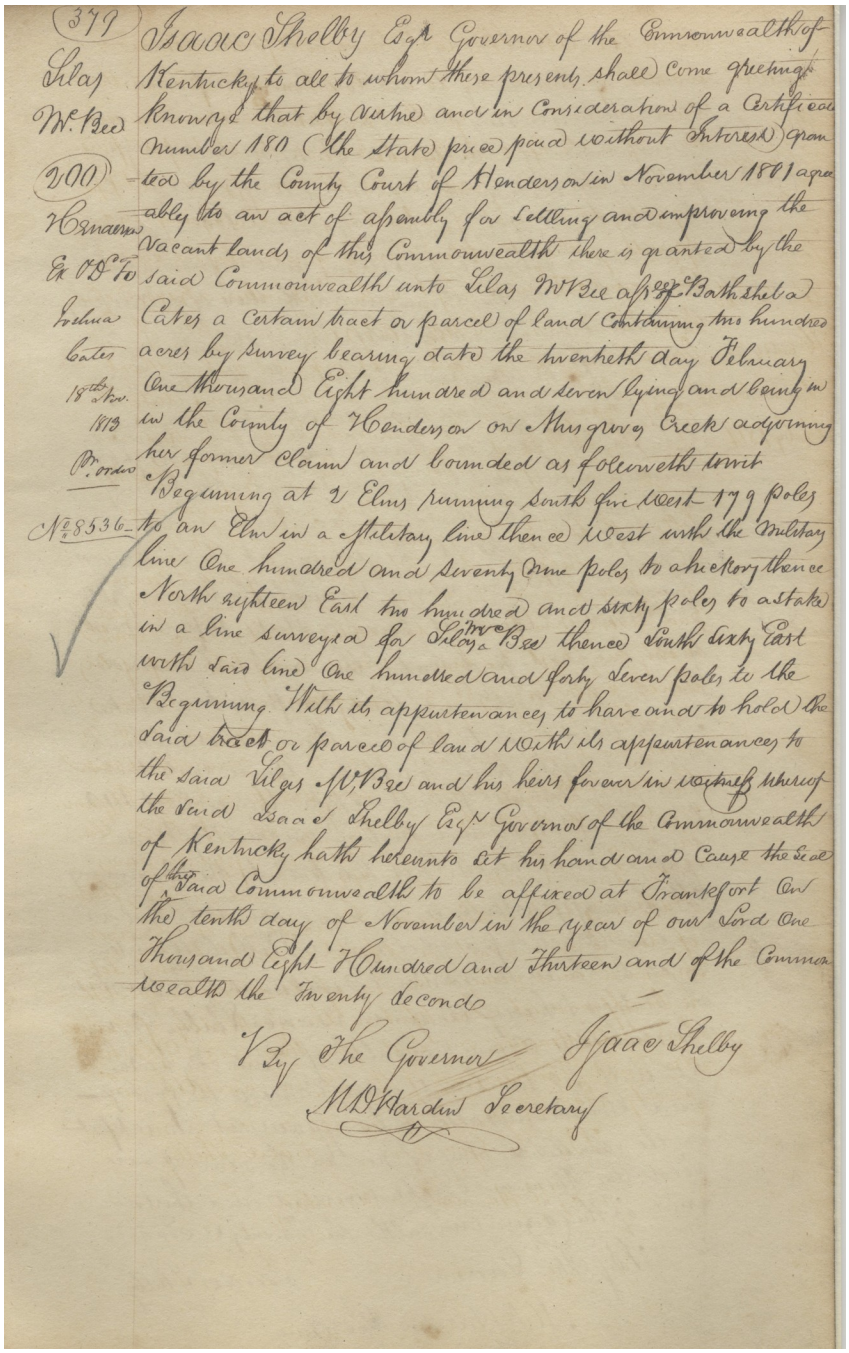
$35.16 Accpd Gov. Madison

Appendix Image 5. Auditor's Office Receipt — Front (27 January 1813).



SGR-8536

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



(379)
Silas
McBee
(200)
Henderson
Ex Ord To
Joshua
Cates
18th Nov.
1813
Pr. order
No. 8536

Isaac Shelby 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 number 180 (the State price paid without Interest) granted by the County Court of Henderson in November 1801 agreeably to an act of assembly for settling and improving the vacant lands of this Commonwealth there is granted by the said Commonwealth unto Silas McBee assee of Bathsheba Cates a certain tract or parcel of land containing two hundred acres by survey bearing date the twentieth day February One thousand Eight hundred and seven lying and being in in the County of Henderson on Musgrove Creek adjoining her former claim and bounded as followeth to wit

Beginning at 2 Elms running South five West 179 poles to an Elm in a Military line thence West with the Military line One hundred and Seventy nine poles to a hickory thence North eighteen East two hundred and sixty poles to a stake in a line surveyed for Silas McBee thence South sixty East with said line One hundred and forty seven poles to the Beginning With its appurtenances to have and to hold the said tract or parcel of land With its appurtenances to the said Silas McBee and his heirs forever in witness whereof the said Isaac Shelby Esqr Governor of the Commonwealth of Kentucky hath hereunto set his hand and cause the seal of the said Commonwealth to be affixed at Frankfort On the tenth day of November in the year of our Lord One Thousand Eight Hundred and Thirteen and of the Commonwealth the Twenty second

By The Governor Isaac Shelby

M D Hardin Secretary

Appendix Image 7. Grant/Patent No. 8536, 10 November 1813 (page 379; margin: delivered to Joshua Cates, 18 November 1813).