Silas McBee — Kentucky Land Grant — Patent No. 9644 (County Court Certificate No. 2870)

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

Assignee of Joshua Cates, who was Assignee of Charles 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. 9644, Silas McBee, assignee of Joshua Cates, assignee of Charles Cates, 400 acres, Hopkins County: Christian County Court certificate No. 2870, 9 December 1805 (copy attested by John Clark, C.C.C.), with the removal order of January Term 1806 and assignments of 9 [?] November 1806 and 6 March 1807 on the back; survey for Silas McBee, 3 September 1808, received 27 December 1808, endorsed "E[ntered] & R[ecorded] in B[ook] 10, P[age] 313"; attested copy of the survey by A. G. Gordon, S.H.C., with the Auditor's credit note; Auditor's Office credit, 25 January 1827; patent, 23 January 1827, page 241 [grant book not named]. 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 (Google Books, id 701NAQAAMAAJ, p. 101). 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

On 9 December 1805 the Christian County Court found that Charles Cates was entitled to 400 acres by virtue of having settled it, entered on Pond River beginning on Aaron Cates on the west side and running westwardly and northwardly to include his improvement (Certificate No. 2870; copy attested by John Clark, C.C.C.). At the January Term 1806 the court admitted him to remove the certificate, satisfactory proof having been made that it was entered on military or appropriated land. On 9 [?] November 1806 Charles Cates transferred the certificate to Joshua Cates, with John Hemming[s] as witness, and on 6 March 1807 Joshua Cates transferred it to Silas McBee, with Asel Wier as witness. On 3 September 1808 Deputy Surveyor Asel Wier, for John Gordon, Surveyor of Hopkins

County, surveyed 400 acres for Silas McBee on the waters of Clear Creek, beginning at a white oak and hickory, the east corner of McBee's original claim. S. McBee and Henry Coufman carried the chain. The survey was received on 27 December 1808. McBee's later payment of the state price was credited by his agent's mistake to Asel Wier's Certificate No. 2869, and a patent issued to Asel Weir in 1825. "An act for the benefit of Silas McBee," approved 23 January 1827, moved the credit to No. 2870. Governor Joseph Desha signed the patent to Silas McBee the same day, 23 January 1827, and it was delivered to Doctor Ray. On 25 January 1827 the Auditor's Office recorded the certificate as credited in full under the act.

Survey Description

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

Surveyed for Silas McBee, assignee of Joshua Cates, assignee of Charles Cates, 400 acres of land by virtue of a removed certificate from the County Court of Christian (No. 2870), lying in Hopkins County on the waters of Clear Creek. Beginning at a white oak and hickory, east corner to said McBee's original claim; running North 10 East 320 poles to three white oaks; thence North 80 West 200 poles to a white oak; thence South 10 West 320 poles to a black oak in said McBee's line; thence South 80 East 200 poles with said line to the beginning. Surveyed September 3rd 1808.

Record Summary

Certificate Number	2870 (Christian County Court settlement certificate, removed)
Survey Grant Register Number	9644
Original Claimant	Charles Cates
Assignments	Charles Cates → Joshua Cates, 9 [?] November 1806 (test. John Hemming[s]); Joshua Cates → Silas McBee, 6 March 1807 (test. Asel Wier)
Surveyed For / Patentee	Silas McBee, assignee of Joshua Cates, assignee of Charles Cates (indexed by Jillson as "McBee, Silas")
Acreage	400 acres
Watercourse	Waters of Clear Creek; the certificate was first entered on Pond River
County in Survey	Hopkins County (certificate from Christian County)
Certificate Date	9 December 1805; removal order, January Term 1806
Survey Date	3 September 1808
Received by Land Office	27 December 1808

Recording	Survey: Book 10, page 313. Patent: page 241 [grant book not named]
Patent / Grant Issued	23 January 1827, signed by Governor Joseph Desha and Secretary J. C. Pickett; delivered to Doctor Ray the same day
State Price Notation	Credited in full on 25 January 1827 under the act of 23 January 1827 (McBee's earlier payment, first credited to Certificate No. 2869); no amount stated
Deputy Surveyor / Chain Carriers	Asel Wier, D.S., for John Gordon, S.H.C.; S. McBee and Henry Coufman, chain carriers

Chronology

9 December 1805	Christian County Court finds Charles Cates entitled to 400 acres, entered on Pond River beginning on Aaron Cates on the west side (Certificate No. 2870; copy attested by John Clark, C.C.C.)
January Term 1806	Charles Cates admitted to remove the certificate, it having been entered on military or appropriated land
9 [?] November 1806	Charles Cates transfers the certificate to Joshua Cates; test. John Hemming[s]
6 March 1807	Joshua Cates transfers the certificate to Silas McBee; test. Asel Wier
3 September 1808	400 acres surveyed for Silas McBee on the waters of Clear Creek by Asel Wier, D.S., for John Gordon, S.H.C.
27 December 1808	Plat and certificate received; entered and recorded Book 10, page 313
1 November 1825	Patent issued in error to Asel Weir on Certificate No. 2869 (KLG 8551), on McBee's payment
23 January 1827	"An act for the benefit of Silas McBee" approved; Grant No. 9644 issued to Silas McBee, signed by Governor Joseph Desha and Secretary J. C. Pickett; delivered to Doctor Ray
25 January 1827	Auditor's Office records Certificate No. 2870 as credited in full under the act

Persons Named in the Record

Silas McBee	Assignee of Joshua Cates; surveyed for; chain carrier; patentee; owner of the adjoining original claim
Charles Cates	Original claimant; settled the land on Pond River; assignor
Aaron Cates	Named as the west boundary of the Pond River entry; original claimant of Certificate No. 2869
Joshua Cates	Assignee of Charles Cates; assignor to Silas McBee
John Hemming[s]	Witness to the 1806 assignment
Asel Wier	Witness to the 1807 assignment; deputy surveyor
Henry Coufman	Chain carrier ("Caufman" [?] on the original)
John Clark	Clerk of the Christian County Court
John Gordon	Surveyor of Hopkins County
A. G. Gordon	Surveyor of Hopkins County; attested the copy of the survey
J. Compton [?]	Signature on the back of the attested copy
Thos. S. Page	Clerk for the Auditor
P. Clay	Auditor
Doctor Ray	Received the patent (margin delivery note)
Joseph Desha	Governor
J. C. Pickett	Secretary

Land Description

A 400-acre tract on the waters of Clear Creek in Hopkins County, Kentucky, beginning at the east corner of Silas McBee's original claim and running with his line on the south.

Research Notes

North of 1244. The survey begins at "a white oak and hickory, east corner to said McBee's original claim," runs north 10 east and returns south 80 east 200 poles "with said McBee's line." Silas McBee's own 1798 settlement claim, KLG 1244, is a 178.8-pole square whose northeast corner is "a hickory and white oak" and whose north line runs south 80 east from a black oak. The corner, the bearings and the line fit 1244, which places this tract directly north of it. The lengths differ: this survey's south line is 200

poles, 1244's north line 178.8 poles. If both black oaks are the same tree, this survey's 200 poles is about 21 poles long.

The 1827 act. Chapter 81 of the 1826–27 session laws, "An act for the benefit of Silas McBee," approved 23 January 1827, recites that McBee had this survey made and registered and later paid the state price, but that through the mistake of his agent the payment was credited to Certificate No. 2869, belonging to Asel Wier (printed "Abel Wier"), assignee of Joshua Cates, who was assignee of Aaron Cates. A patent was therefore issued in error to Asel Weir on 1 November 1825 (KLG 8551). On McBee's surrender of that patent, the Auditor was to transfer the credit to No. 2870. The attested copy of this survey carries the note: "The Auditor is required to credit this claim by a payment in full made on Christian CCC No. 2869 granted to Aaron Cates. See act for the benefit of Silas McBee approved 23d January 1827."

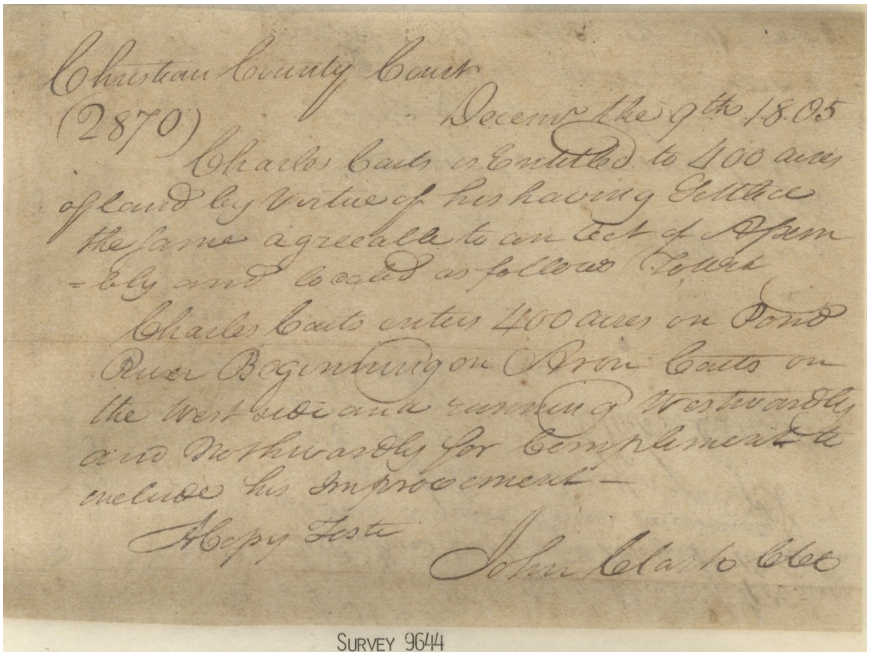
Patent before receipt. Governor Joseph Desha signed this patent on 23 January 1827, the day the act was approved; it recites the state price as paid without interest. The Auditor's note that Certificate No. 2870 "has this day been credited in full agreeably to an act of Assembly approved 23 Jan 1827" is dated two days later, 25 January 1827, and signed by Thos. S. Page, clerk for P. Clay, Auditor. No dollar amount is given. The patent's margin reads "Exd & Dd to Doctr Ray, 23d Jany 1827."

Two copies of the survey. The file holds the original survey, signed by Asel Wier, D.S., and John Gordon, S.H.C., and endorsed "Exd & Recd," and an attested copy signed "A copy att. A. G. Gordon, S.H.C." The copy's back notes a fee of 25 cents, the Auditor's credit note, and "The original is filed in Bundle 192, Survey No. 9644"; it is also signed "J. Compton" [?]. On the original, the second course appears to read "South 80 West" [?]; the copy and the patent read "North 80 West," which closes the survey. The second chain carrier is "Henry Coufman" on the copy and "Henry Caufman" [?] on the original.

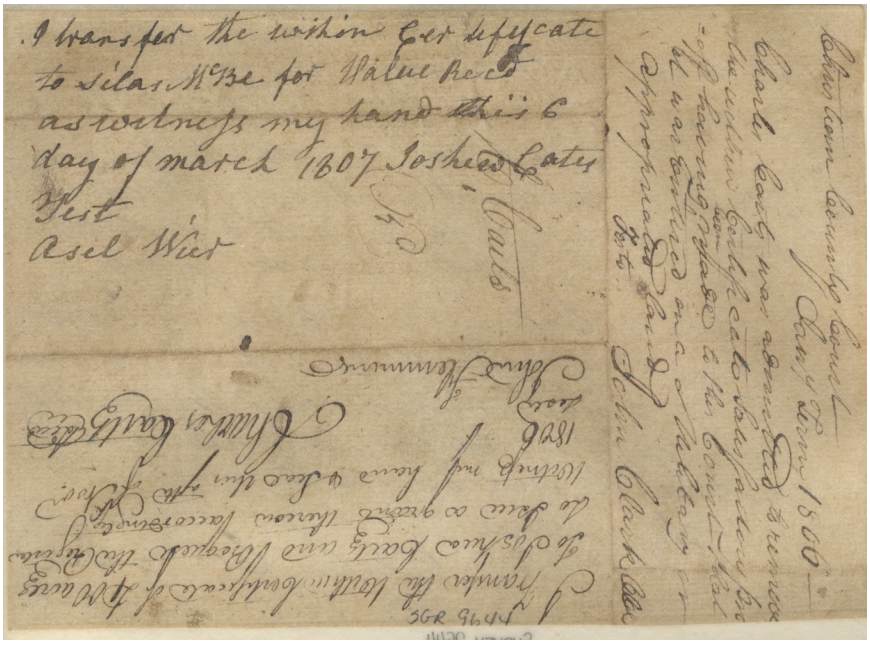
Three Cates certificates. Certificates No. 2869 (Aaron Cates; KLG 8551) and No. 2870 (Charles Cates; this survey) were both granted by the Christian County Court on 9 December 1805, entered on Pond River, removed at the January Term 1806, and transferred to Joshua Cates in November 1806. Charles Cates's entry began "on Aron Cates on the west side."

Recording. The back of the original survey is endorsed "No 9644, Silas McBee, Platt & Cert, 400 acres," "Exd & Recd," "Recd Decr 27th 1808," "Grant issd 23d Jany 1827" and "E. & R. in B 10, P 313." The patent page is numbered 241; the grant book is not named. Plotted, the survey closes and holds 400 acres.

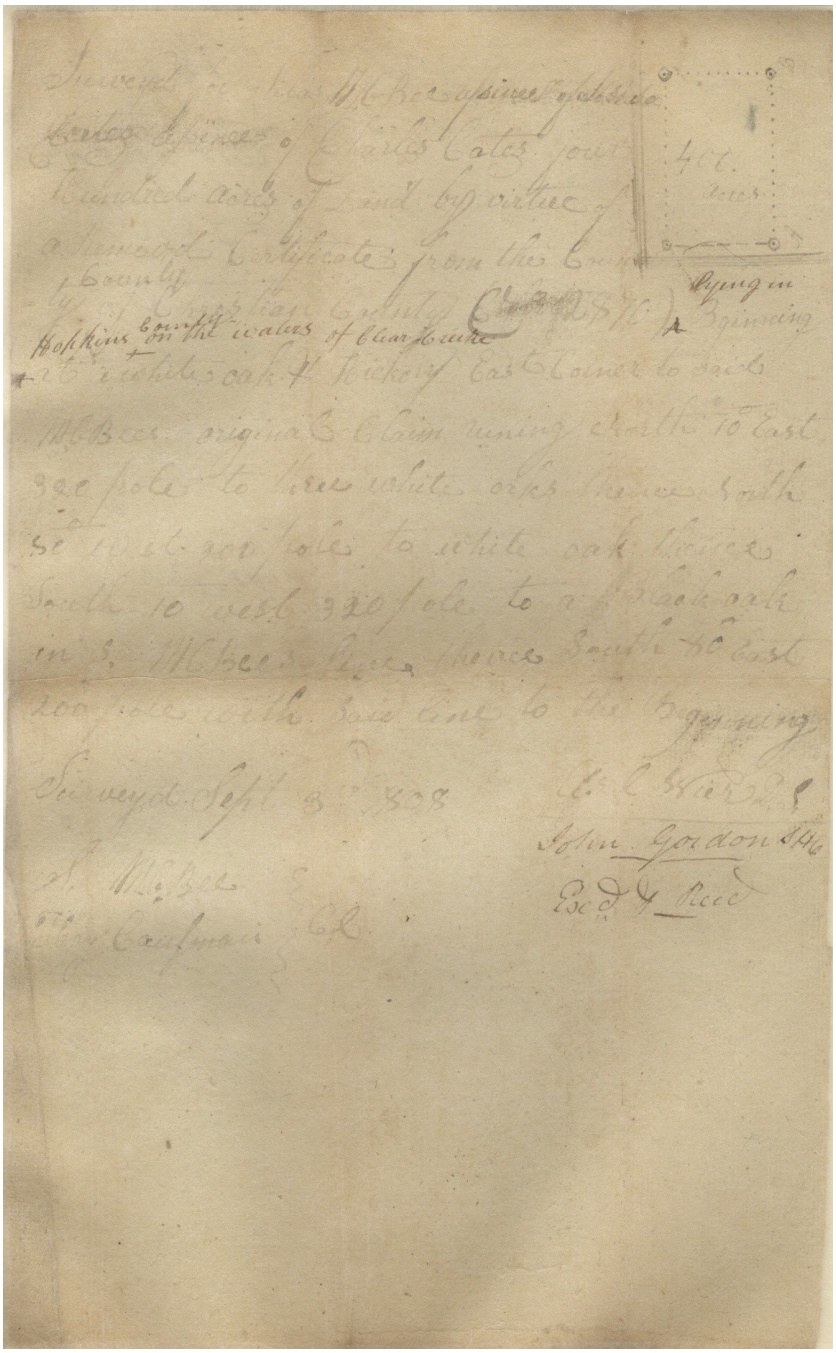
Images / Appendix



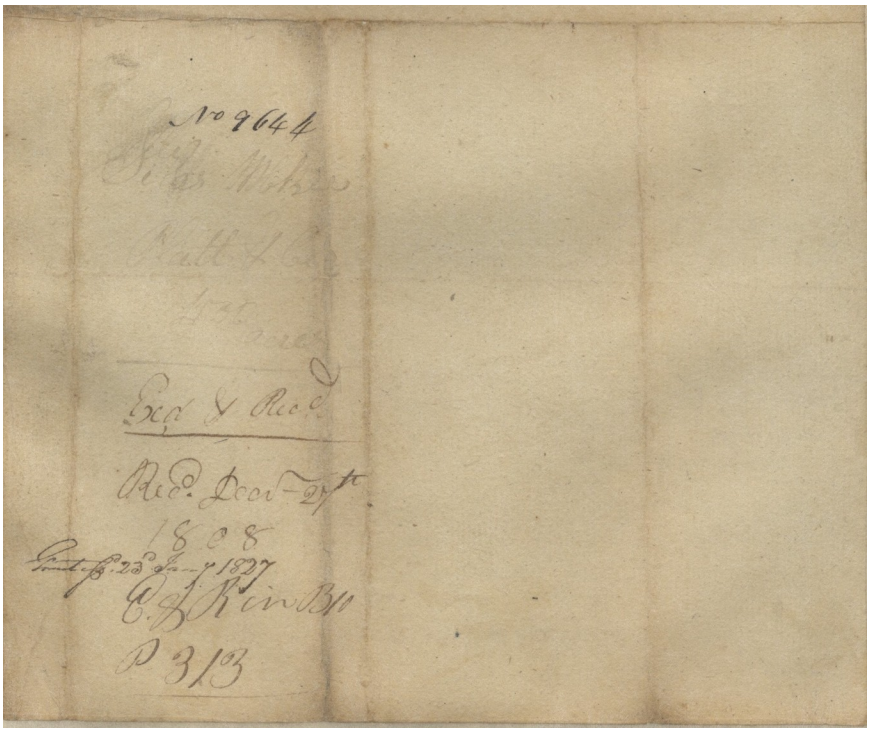
Appendix Image 1. Christian County Court Certificate No. 2870 — Front (9 December 1805).



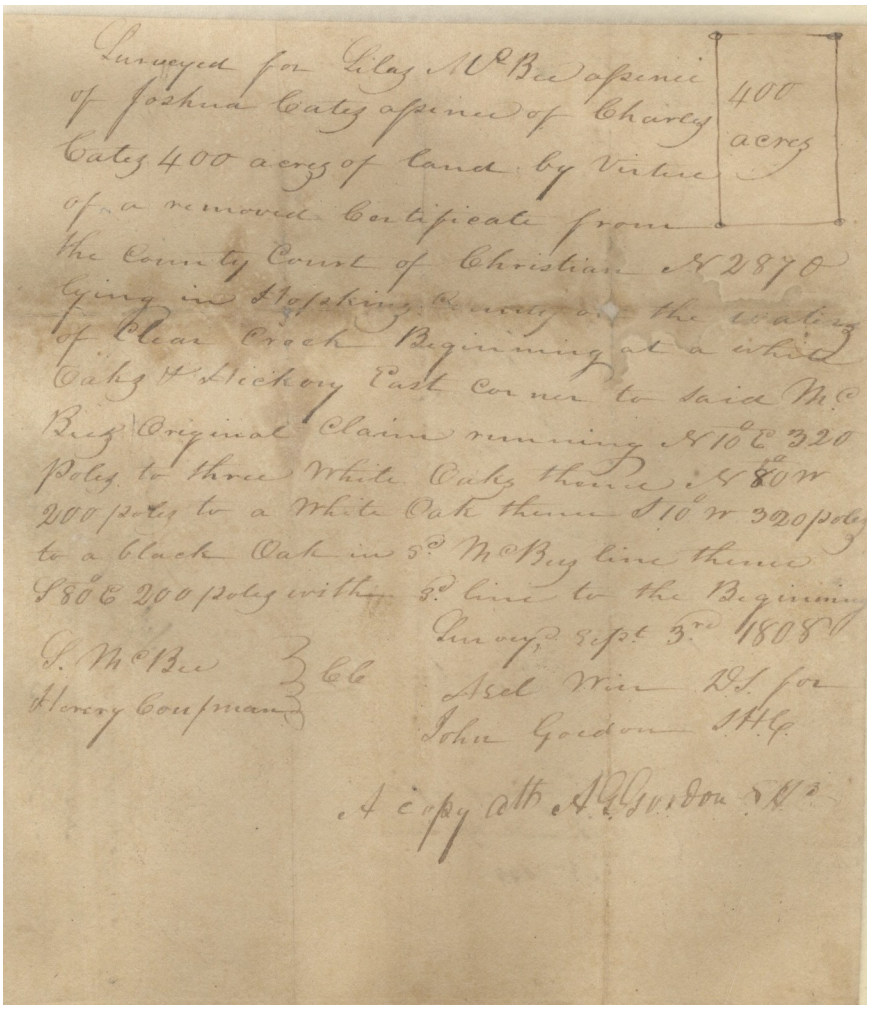
Appendix Image 2. Certificate — Back (removal order, January Term 1806; Charles Cates to Joshua Cates, 9 [?] November 1806; Joshua Cates to Silas McBee, 6 March 1807).



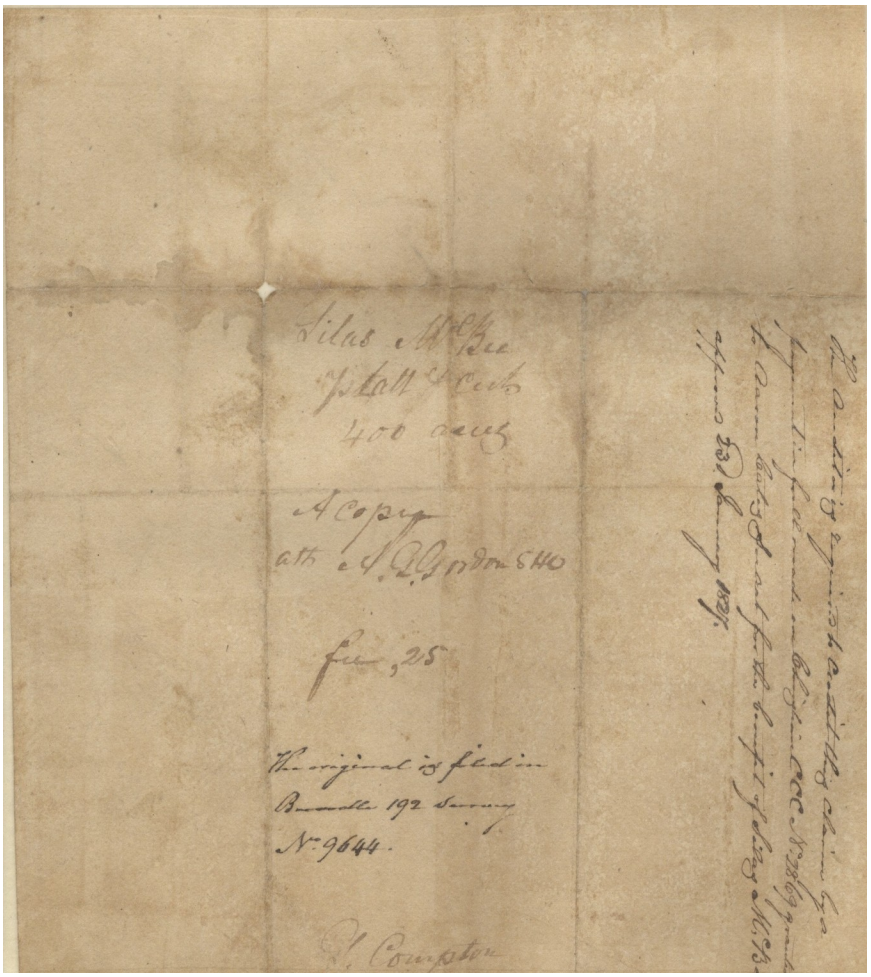
Appendix Image 3. Survey No. 9644 — Original, Front (3 September 1808).



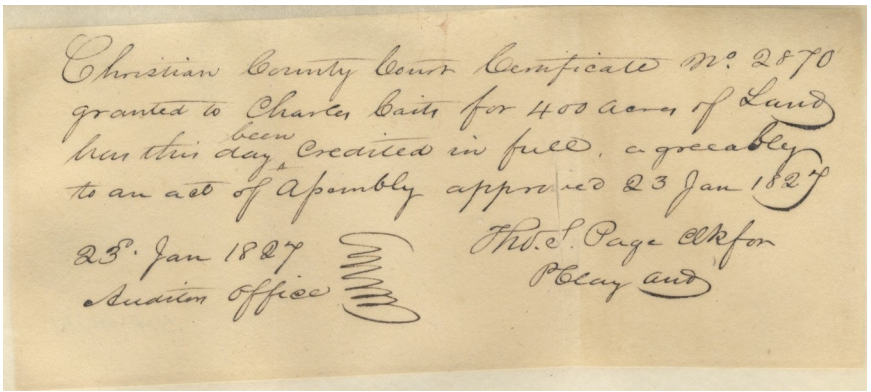
Appendix Image 4. Survey No. 9644 — Original, Back (received 27 December 1808; entered and recorded Book 10, page 313; grant issued 23 January 1827).



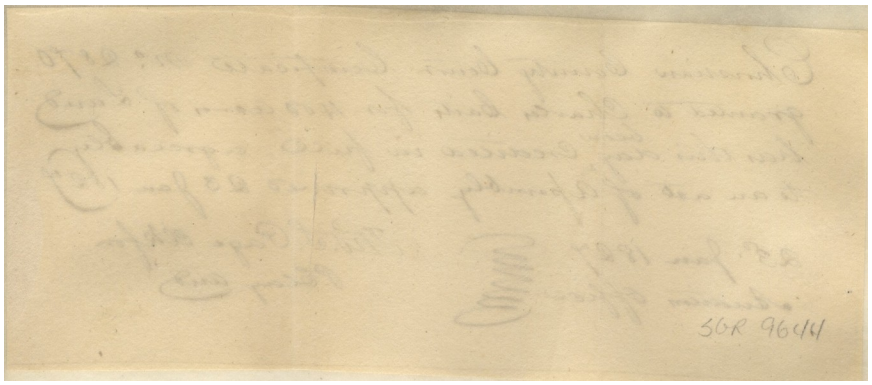
Appendix Image 5. Survey No. 9644 — Attested Copy, Front (A. G. Gordon, S.H.C.).



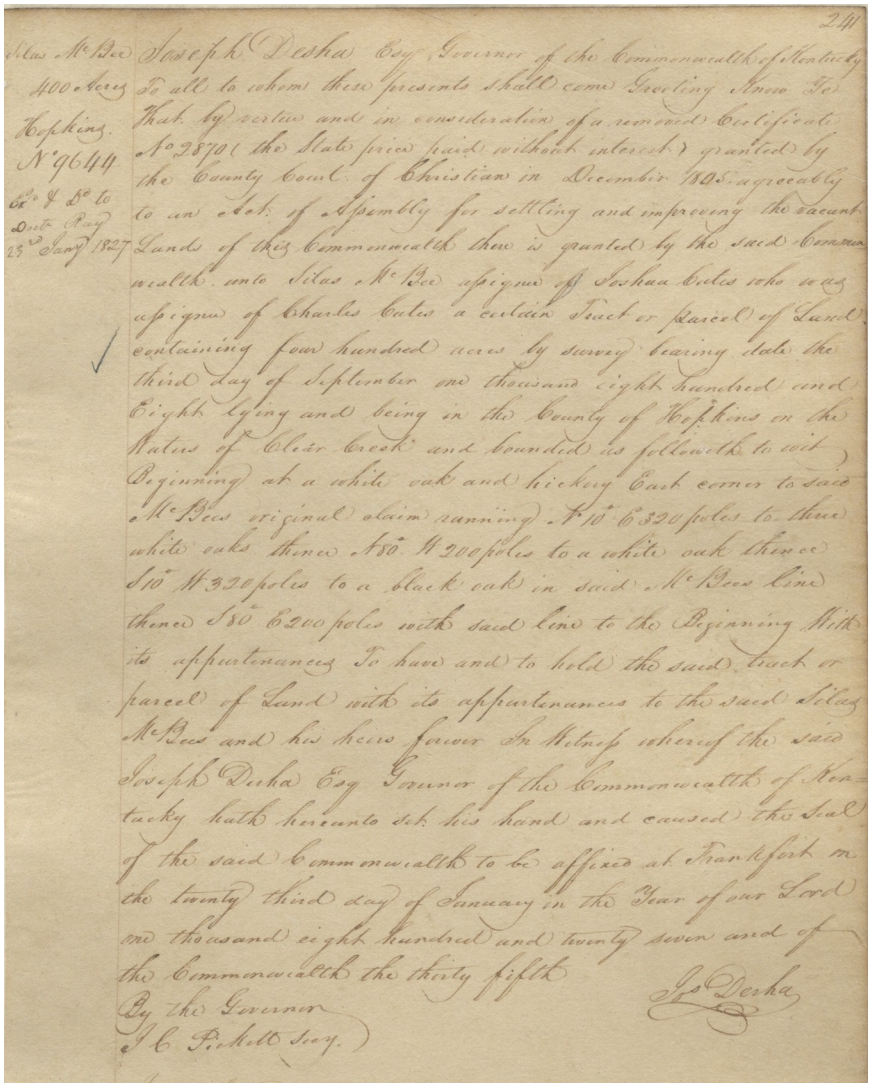
Appendix Image 6. Survey No. 9644 — Attested Copy, Back (Auditor's credit note under the act of 23 January 1827; original filed in Bundle 192).



Appendix Image 7. Auditor's Office Credit — Front (25 January 1827).



Appendix Image 8. Auditor's Office Credit — Back.



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Silas McBee
400 Acres
Hopkins.
No 9644
Exd & Do to
Doctr Ray
23rd Jany 1827

Joseph Desha Esq Governor of the Commonwealth of Kentucky
To all to whom these presents shall come Greeting Know Ye
That by vertue and in consideration of a removed Certificate
No 2870 (the State price paid without interest) granted by
the County Court of Christian in December 1805 agreeably
to an Act of Assembly for settling and improving the vacant
Lands of this Commonwealth there is granted by the said Common
wealth unto Silas McBee assignee of Joshua Cates who was
assignee of Charles Cates a certain Tract or parcel of Land
containing four hundred acres by survey bearing date the
third day of September one thousand eight hundred and
Eight lying and being in the County of Hopkins on the
Waters of Clear Creek and bounded as followeth to wit
Beginning at a white oak and hickory East corner to said
McBees original claim running N 10° E 320 poles to three
white oaks thence N 80° W 200 poles to a white oak thence
S 10° W 320 poles to a black oak in said McBees line
thence S 80° E 200 poles with said line 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
McBees and his heirs forever In Witness whereof the said
Joseph Desha Esq Governor of the Commonwealth of Ken=
tucky hath hereunto set his hand and caused the Seal
of the said Commonwealth to be affixed at Frankfort on
the twenty third day of January in the Year of our Lord
one thousand eight hundred and twenty seven and of
the Commonwealth the thirty fifth

Jos Desha

By the Governor
J C Pickett Secy.

Appendix Image 9. Grant/Patent No. 9644, 23 January 1827 (page 241; margin: delivered to Doctor Ray, 23 January 1827).