



This Land was Their Land

by Terry Moore, CG

Who can forget Tom Cruise as Joseph in the movie *Far and Away*, stampeding toward land in Oklahoma, stake in hand, on an untrained, irascible horse? It was exciting, especially when the beautiful Shannon whipped past him, perched on her horse, clothed in fashionable dress and prim hat, both wanting to claim a plot of land with gently rolling hills and a meandering creek. Not without a fight, Joseph and Shannon found both land and true love. Things were not quite as exciting here in North Carolina, but there was plenty of land.

Often when researchers discover their ancestor received a land grant from the king or other important authority, they assume their ancestor was also a man of importance and status because he received this gift of land. But no, the land was not really gifted, not freely. It might have been given for service rendered to North Carolina, by headright for bringing others into the colony, by military grant for continental line service, or, most often, because the grantee paid fees. The process went as follows:

Entry

The entry date is not the date your ancestor arrived in the area. He was probably living there for a while before he applied for a grant (unless he was an investor like Henry McCulloh or Arthur Dobbs.). He chose an unoccupied parcel where he wanted to live, probably near family and friends. Depending on the time period, an application or entry giving a general description of the land and where it was located was filed with the king, proprietor, governor, or government office.

Warrant

If the entry was approved, a warrant authorizing a certain amount of land was issued to the surveyor.

Survey

The surveyor marked off the boundaries of the tract. Sworn chain carriers assisted the surveyor by carrying the heavy chains used to measure distance. The chain carriers were usually relatives or

neighbors of the grantee, but could also have been sons of the surveyor. They were likely sixteen years of age and older and needed to be in good physical health to carry the heavy chains and walk the distance among trees, creeks, bushes, and brambles. Hopefully the survey was not done in the heat, humidity, and bugginess of North Carolina's summer months.

Land in North Carolina is measured in metes and bounds. Metes and bounds is a system of measurement that uses physical features, directions, and distances. For example, a typical "call" would be "beginning at a post oak on a branch, North 100 poles to the center of three trees on the south side of Country Creek." The directions would continue in like manner until the property was described. When measuring in metes and bounds, allow a variance of up to 50 acres in descriptions of the same tract of land, especially if a deed states "by estimation" or "more or less." When measuring, surveyors generally walked counterclockwise but there can be a variance in description depending at which point the surveyor started and which direction he walked.

Grant

After the survey was complete, the surveyor drew a plat map of the plot or parcel and wrote the metes and bounds description. After all requirements were met, an original copy of the patent or certificate was issued to the grantee. On the Granville grants, the grantee's signature was required.

An original copy of the warrant, survey, and plat map was kept with the governing body. Each set of papers was filed in a "shuck," or envelope, and a written description of the land was also recorded in a patent book.

Before the grants were stored in the North Carolina State Archives, they were housed in the Secretary of State's office, which was open to researchers. The story told is that researchers were not well

continued on next page

This article originally appeared in the January 2014 issue of the *NCGS News*, the newsletter of the North Carolina Genealogical Society, volume 38, number 1, pages 10–11.

© Terry Moore, CG. For personal use only.

Redistribution or commercial use requires express written permission from Terry Moore (moore.research@gmail.com).

This Land was Their Land

continued from previous page

supervised and land grants were known to have gone home with a few. Consequently, some grants are missing. Fortunately, at least the description of the land was copied into a patent book. The plat map was not included, nor the warrant or survey (the chain carriers were listed only on the survey), but at least a description of the land survived. The grants are now retired and only available on microfilm as are the patent books. When using the land grant indexes, it is the file number, not the grant number, and the name of the county that is needed to locate the grant. The index also includes the patent book, page number, and a short description of the land. A card catalog index is available in the Archives Search Room, 109 East Jones Street in Raleigh, and also in MARS (the Archives' online catalog) at www.mars.archives.ncdcr.gov/.

The land grant process in North Carolina was not quite the free-for-all depicted in *Far and Away*, but North Carolina certainly has the beautiful rolling hills and meandering creeks that settlers so desired.