

**JAMES PATTON, THE LOYAL COMPANY,
&
THE HOLSTON VALLEY**

**A Historic Review of the Development of Corporate and
Real Estate Law in Virginia**

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Overview

One would little suspect that the English Civil War would play itself out in the Great Valley of Virginia, and especially so in its westernmost portion, the Holston River Valley. One would little suspect that the chief characters in this drama would be Irishmen. It is a strange story. It has never been told before because its secrets have been locked up in the untapped land patent and grants records of Virginia, which have only fairly recently become commonly available on-line⁽¹⁾. Their analysis is painstaking and time consuming, and on the surface a dry and unproductive undertaking. What follows is that analysis, which shall be presented in minute detail, so as to facilitate scrutiny.

The English Civil War ⁽²⁾ (1642-1651) was a complex affair, but for our purposes we shall say that the issue at its core was one of the class of inherited privilege versus that of the developing middle class, which in Virginia was best represented by the Jeffersonian yeoman farmer. Though they did not view themselves as such, the antagonists in Virginia could best be represented by sea Captain, and militia Col. James Patton, and by Patrick Henry.

The Norman nobles had ruled supreme over England since the conquest of 1066. The last gasp of royal privilege in England was the rear guard activities played out by the House of Stuart, that is by Kings James I and Charles I.

The House of Stuart in Virginia

Virginia, far across a cold and windswept sea, would seem to have been an unlikely place for this conflict to play itself out. But, such was the case. The colonization of Virginia in 1607 had been an endeavor of the royalty of England from the very beginning. The force behind the founding of Virginia had been the Virginia Company, an English stock corporation, owned by the nobility. Indeed, the Colony had been named after Queen Elizabeth I. It had been set up as an idealized model of England. Though originally hoping for wealth through gold and silver, the Virginia Company settled down to be an agricultural land company.

As social and political pressures built up on a failing Virginia Company, in 1624, King James I dissolved the Virginia Company and turned Virginia into a Royal Colony (3). King Charles I completed the process. Especially, he set up the longest serving governor in Virginia's history, Sir William Berkeley (1605-1677), whose tenure was divided by the English Civil War. Berkeley was a popular playwright, who gained access to the Royal Court by having one of his plays performed for the King and Queen. In 1641 King Charles I appointed Berkeley as Governor of Virginia, a post he first lost in 1652 with the execution of the King. However, Berkeley was again appointed to that post by King Charles II with the Restoration of the monarchy. Berkeley lost his governorship a second time, in 1677, due to Bacon's Rebellion, (4) which can be viewed as a playing out of the theme of the English Civil War in Virginia.

More to the point, the conflict over land ownership in Virginia began with King Charles II having set up the Northern Neck enclave. Geographically the Northern Neck is the land that lies between the Potomac and Rappahannock Rivers. Culturally and politically, that term represents the start of a two hundred year conflict over two paradigms of land ownership – the one a pattern of large estate ownership by a privileged few, and the other one a system of ownership by the yeoman farmer (5). Bacon's Rebellion, which has been called the first conflict of the American Revolution, can be viewed as the opening phase of this drama, which was to play itself out in the distant Holston Valley.

John Colepeper (Culpeper) had been a strong supporter of Charles I, and with that King's execution he went into exile in Holland. With the Restoration in 1660 his son, Thomas, returned to England and assumed his title as 2nd Baron Colepeper. As a reward for his family's loyalty, he was first made Administrator to the Isle of Wight, and then Governor of Virginia in 1677. He was a member of the Virginia Company (6). Thomas's daughter, Lady Frances Culpeper, married Governor Berkeley (7).

Thomas Fairfax, the 5th Lord of Cameron (1662-1732), was of a family that also had been investors in the Virginia Company. Similarly they had been royalists. Charles II rewarded several of his loyal supporters by giving them the Northern Neck in 1649. Both the Culpeper and Fairfax families had been among the recipients. Thomas Fairfax married Catherine Culpeper, daughter of Thomas Culpeper, in 1690. This union brought about a consolidation of shares of the Northern Neck Grant into the same family. This grant fell to the son of Catherine and Thomas Fairfax, who became the 6th Lord of Cameron, and is the member of that lineage that figured so prominently in Virginia history.

The Northern Neck consisted of 5,282,000 acres. Fairfax sold the land off to settlers in parcels. Instead of paying taxes to the Colony of Virginia, the land purchasers paid 'quitrents' to Fairfax. This proved to be a major source of controversy for everyone concerned. When the Indians attacked the settlements of

the Northern Neck, the settlers asked the colonial government for military assistance, and were told that they should seek help from the Fairfax family, because that was where their taxes went. The result was Bacon's Rebellion, in which the settlers attacked the government and burned Jamestown ⁽⁸⁾.

In the meantime, the young George Washington surveyed for Lord Fairfax, and they developed a life long friendship. Fairfax lived on his plantation, Belvoir, which lies between Washington DC and Mount Vernon.

Fairfax appointed Robert 'King' Carter as his managing agent for the Northern Neck. Carter became the most powerful man in Colonial Virginia, and by embezzling Lord Fairfax, the wealthiest in the English Colonies. At one point he had become Royal Governor. When Fairfax learned how rich Carter had become, he fired him and appointed Benjamin Burden (Borden). Burden was a land speculator in his own right. At this point a very acrimonious legal battle began between various groups already settled in the Shenandoah Valley, and Fairfax over the boundary line between them. Burden and his Scots-Irish associates were deeply involved in these matters, and Fairfax fired Burden and rehired King Carter ^(8&9).

The Great Valley of Virginia

Just as the land ownership issue was reaching the boiling point east of the Blue Ridge, and indeed, was intruding itself into the Shenandoah, another vexing problem presented itself. In 1714 the French from Quebec built a trading post at the site of present Nashville, Tennessee. It was called French Lick. As it was located on the intersection of the Natchez Trace, which connected Kentucky with the Deep South, and with the Cumberland River, which was a route leading to the Tennessee River via a portage to Chattanooga, it pointed straight into the heart of the Cherokee country. The French also had mines in Eastern Kentucky, and finally put a fort and trading post at the Ford of French Broad River east of Knoxville, Tennessee. ^(10, 11) In 1673 the French explorers Marquette and Joliet explored down the Alleghany, Ohio, and Mississippi Rivers, and as a result France claimed those watersheds. ⁽¹²⁾ In the 1740's King George II became alarmed at these developments. His remedy was to settle large numbers of "dissenters" (often called "heretics"), who were in practical reality, the Scots-Irish and German pietists, along the western frontier of the English settlements.

The arrival of the Germans into the Shenandoah is only indirectly documented. In 1732 Col. William Beverly was awarded a 15,000 acre patent which he tried to locate near present Harrisonburg, only to find that he had to move his claim because Germans, who had valid title to that region, were already there. His patent was extended to 60,000 acres to encourage him to move his claim. He did do so, and somehow his claim was again increased to a total of 118,491 acres. He located it around present Staunton, the grant including most of present Augusta County.

A cast of characters that was to dominate the development of Southwest Virginia began to accumulate at Beverly Manor. James Patton, the Irish sea captain, began to import Irish indentures to the Irish Tract in 1730. He made himself wealthy by returning to Ireland with a cargo of fur and tobacco, and then picking up more indentures. John Lewis settled at Beverly Manor in 1732.

In 1737 Beverly made a deal with Patton and gave him 1/4th of Beverly Manor in exchange for bringing in more Irish settlers. Lewis and Patton formed the first of their many partnerships as Lewis became Patton's facilitator in settling the immigrants at Beverly Manor.

Patton embezzled his partner on the Irish end of his trading circuit, an English merchant named Walter Lutwidge, who had bank rolled Patton. This gentleman remarked, "Of all ye Knaves I ever met with, Patton has out don them all Hell itself can't outdo him" (13).

James Patton married the daughter of William Beverly, Mary. Their daughter, Mary, married Captain William Thompson, Jr., and their daughter Margaret married Col. John Buchanan. James Patton brought over his brother-in-law, John Preston, who married Thompson's sister. The son of this union was William Preston. The Thompson family eventually wound up with 3,000 acres at Chilhowie, and with Thompson Valley near Tazewell (14).

Col. John Buchanan had been born in Ireland about 1720. He moved to Pattonsburg on the James. Part of his wife's estate that she inherited from her father was across the river at Cherry Tree Bottom, a site that was to be renamed the Town of Buchanan. His sister, Margaret, married Major Charles Campbell, and their son was General William Campbell. After a life of close association with his father-in-law, he was making way to Southwest Virginia to visit his daughter, when he became ill. He stopped off at Greenfield, the plantation home of Col. William Preston at Fincastle, where he made Preston executor of his estate, and then died (15,16).

With this list of characters having been assembled, let us drop back to Beverly Manor. Staunton was the road hub of western Virginia, which at that time still included West Virginia. Staunton became the great administrative, and commercial center for western Virginia. A number of variants of the Great Warrior's Path, and other Indian trails, radiated to the west from here. Each of these trails traversed unsettled valleys lying between the ridges of the Alleghenies. The closest to Beverly Manor was the Valley of the Calf Pasture River. Taking their relationship one step further, in 1743 James Patton and John Lewis got a patent for 10,500 acres located there (17) (Library of Virginia Land Office entries 20-568, 20-560, 20-556, and 20-558) (1)

The Great Land Companies of Virginia

Patton and Lewis started the great land company stampede with their above purchases in the Calf Pasture Valley. These grants are listed in the Land Office records as having been made to them personally, but other records list these holdings as belonging to their 'Wood's River' Company. A review of these activities show that corporate law concerning the modern legal distinctions made between private and corporate ownership were less distinct than now. This issue will become more obvious as the story unfolds.

The same year Patton applied for an additional land grant, and was promised one for 200,000 acres. There is no documentation of what people, if any, were associated with this request. There is no documentation existing that shows if this request was made in his name, or in the name of the Wood's River Company. At any event, he dispatched Buchanan to do a survey on the New (Wood's) River. In April 1745 this grant was affirmed, but the size was reduced to 100,000 acres. In 1748 he was required to survey the patent in order to get it renewed, and the geographic bounds of its extent were increased to include the Valleys of the Holston, Clinch, and Powell.

So, in that year, the first official exploring and surveying party entered the Holston Valley. There were no records kept, though several memoirs were written by some of the participants years later. The party for certain got as far as Kingsport, and some insist that it went on to Cumberland Gap. They returned up the North Fork of the Holston, a route known to this day as "The Blue Grass Highway". It follows, by and large, State 42 from Woodstock to Saltville via New Castle to Bland and to Broadford. Other names for segments of this important variant of the Wilderness Trail are Price's Turnpike and the Craig Creek Trail.

Some of the participants likely included Col. John Buchanan, and Charles Campbell as surveyors, James Wood, Dr. Thomas Walker, a man named 'Clinch', James Burke, John Finley, and James Davis. Charles Sinclair (St. Clair) was picked up at Seven Mile Ford ⁽¹⁸⁾.

One hears no more of the Wood's River Company. One does see references to Patton alone, to "Patton and others", and to the Patton Company. There is no way to know if these are all the same entity or not, or if a structure like a joint company with shareholders existed. The inclusion of Dr. Thomas Walker within this organization further confuses matters.

In 1749, just as news of the Patton Expedition had made its way around the Commonwealth, it chartered two great land companies – the Ohio Company (which involved Lord Fairfax and George Washington), and which was to have authority and responsibility over the Ohio River Valley; and the Loyal Company, which was given 800,000 acres in the western Great Valley of Virginia. Inherent in this legislation were conflicts over how the New River Valley, which drained the central portion of the Great Valley, was to be considered. It, in fact, drained directly into the

Ohio. No definition was given as how this grant was separated from the Wood's River Company's land, nor from the Patton Company land.

The leading force behind the Loyal Company was John Lewis. Dr. Thomas Walker was listed as its 'head of exploration'. Other investors were Joshua Fry, Peter Jefferson, John Meriweather, Charles Lewis, James Power, Charles Dick, Charles Barnett, Thomas Turpin, John Harvie, Thomas Meriweather, Thomas Meriweather, Jr., John Baylor, Samuel Waddy, Robert Barrett, Henry Willis, Peachy Gilmer, James Maury, Thomas Lewis, Peter Hedgmen, John Moore, Robert Martin, Henry Tate, Richard Jones, William Ward, Samuel Dalton, Francis Thornton, Francis Thorton, Jr. Nicholas Meriweather, Humphrey Hill, John Dixon, and Edmund Pendleton⁽¹⁹⁾.

The French and Indian War is usually dated 1754-1763 in the United States. In Europe and in Canada it is referred to as the Seven Years War, which is dated 1756-1763. This is confusing enough, but in fact neither of these dates are entirely accurate. In the 17th century the Dutch in New Holland sold arms to the Iroquois, and in so doing destabilized the Indian balance of power among the various tribes in the Valleys of the Ohio, Hudson, St. Lawrence, and Ottawa Rivers. Stability did not return until well into the 19th Century. As France grew in strength in Quebec, and the English along the Atlantic Coast these conflicts polarized into a worldwide conflict for trade and empire⁽²⁰⁾.

The French and Indian War effectively put an end to the great Virginia Land Companies. The Great Valley of Virginia, especially its western extents, was rendered largely uninhabitable. In its opening phases in 1755 James Patton was killed by Indians at his Draper's Meadow home. The charter of the Loyal Company expired in 1757. The treaty ending that war prohibited settlement west of the New River. However, in 1768 the Treaty of Fort Stanwix reopened settlement all the way to the Ohio River. The confusion over land title was further clouded by the Commonwealth when it gave grants to Revolutionary War veterans on land it had previously given to the Land Companies. The issue was referred to the Virginia Governor's Council for resolution. In 1778 it made two rulings: 1) land titles granted by the Land Companies prior to 1774, when the Virginia Land Office was closed due to Lord Dunmore's War, were honored. 2) The land companies themselves were dissolved. From the reopening of the Land Office in 1778 land titles could only be obtained directly from it, itself. However, there remained a curious mess over what should be done to the land by the interests of the various agencies of James Patton, and which had been placed in process of being issued before his death, and which had never been resolved. Much of this land lay in the Holston Valley. The handling of this situation is the main thrust of this discussion.

Analysis of the Pattern of Land Acquisition By Patton

There are 123 land patents on file at the Library of Virginia's on-line site registered to James Patton before his death. They all are registered under his name, and not under the name of any of his companies, nor under the name of any of his partnering investors, all except for three of the Calf Pasture patents. The name of John Lewis is attached to three of these four. Usually, but not always, the date of the survey as well as the date of the patent issuance are both noted. The order of numbering in the Library's index is by date of issuing the patent, and not the survey. Therefore, the oldest is LO 20-556 for 10,500 acres, having been granted in 1743. There is no date given for the survey. The last patent issued before Patton's death was LO 32-541 dated May 15, 1755. He was killed in July. This patent was for 154 acres, the survey date not given.

The tracts of land that Patton selected for himself all showed similar attributes. He made little attempt to buy adjoining plots of land. Each site was meticulously selected individually on its own merits, and not chosen to build up large single tracts of joined land. Of course, LO 20-556 at 10,500 acres is a large tract, but when he did this it seems to have been with an eye for future subdivision. Usually the tracts he selected contained excellent bottoms with tracts of hilly timbered land located on the edges. Frequently they were surveyed so as to include a hilltop with a view. One can almost see an Irish Lord's country estate laid out. But the one dominant characteristic Patton was looking for was that his choices always lay by the route of a significant Indian trail leading west. Indeed, one can identify the locations of these trails by Patton's land purchases. Obviously, Patton was a smart man. He envisioned a massive westward migration of farmers, both great and small. He knew that they would want good farmland with springs, and timber. He knew that they would want to locate their manor house on a prominence overlooking their estates. He knew the old adage that "everything is location, location, and location". Land located on the main routes of travel would be worth more than equal land located elsewhere.

The route taken by current State # 42 is, perhaps, the best example. US 11 or I-81 are commonly thought of as representing the Great Warrior's Path or Wilderness Trail in Virginia. However, east of the New River, Patton picked little land along this route. State #42 begins at Woodstock, which is located on I-81. It is the intersection of two significant Indian trails – the main Warrior's Path comes down from Winchester, and meets the route to Northern Virginia. Though there are short segments of road along its route that do not carry this number, the route runs from Woodstock to just to the west of Harrisonburg, to just to the west of Staunton. It crosses over into the Calf Pasture River and goes just to the west of Lexington at Goshen Pass. It proceeds to Clifton Forge, where it crosses the old Indian Trail known as the Midland Trail that runs from Newport News to Huntington, West Virginia. It comes down the James River to Price's Bluff just north of Gala, and fords that river to the mouth of Craig's Creek. The trail and State #42 follow Craig's Creek to its head, where it passes imperceptibly into the head of Sinking Creek, and then passes through Eggleston and crosses the New River on to Staffordsville on to Bland

and Saltville in the North Fork of the Holston, and then it rejoins I-81 at Abingdon. Along most of its route it is marked as the “Blue Grass Highway”, one would assume because it was the main route to the Blue Grass region of Kentucky.

This route seems to have been the preferred variation of the Wilderness Trail as long as travel was by foot. The route down I-81 had many large rivers to ford, and marshy land to traverse. It also involves an arduous ascent up Christiansburg Mountain out of the Roanoke Valley. It did not assume dominance among the variations of the Wilderness Road until the main valley became filled with plantations.

Another variation of the Wilderness Trail in the central Great Valley of Virginia proceeded southwest of Lexington on State #251 to #612 to # 622 at Gala. Parts of this road are labeled today as ‘The Blue Grass Highway’. It joined the more northern route of the Blue Grass Highway at the ford of the James at Price’s Bluff.

A third variation came down I-81 from Lexington and cut across to Fincastle on State #642 to 641 to 606, where it picks up Catawba Creek, where it passes imperceptibly into the head of the North Fork of the Roanoke. From here it passed through the Virginia Tech campus to the Case Knife Ridge road between Pulaski and Wytheville, where it rejoined I-81 (23).

Patton was well aware of all these routes of travel, and located most of his land grants on them. He also was aware of the Indian trail that followed the Little River from Radford to Bedford, and purchased patents along it.

The furthest west I have been able to locate one of the Patton patents, and which was granted during his lifetime, is the 1753 Killmacrenan tract (LO 32-181) of reputed 2,600 acres on the Wilderness Trail on the Middle Fork of the Holston River at Chilhowie. It will be presented in detail as a bridge between the discussions of the Patton grants issued before and after his death.

The name ‘Killmachrenan’ (various spellings) has floated around the general area of Glade Spring and Chilhowie since before firm memory. Lewis Preston Summers in his History of Southwest Virginia and Washington Co. attested that it was an Indian name, and was connected to a stone fort near Old Glade Spring. An ancient log home formerly located on Main Street in Chilhowie has been known as ‘The Town House’ for as long as anyone could remember. Loose associations between these two entities have been made with Col. (also referred to as a ship’s Captain) James Lynn Patton. Patton’s will written in 1750 mentions an unnamed 3,000 acre tract in the “Old Indian Fields” where “Samuel Stahlacker lived”, and willed it to his daughter Margaret. In 1773, Margaret Buchanan, daughter of Col. John Buchanan, married Joseph Drake in the Town House. Col. John Buchanan had been the chief surveyor of James Patton, and had married his daughter, Margaret. In other words, the Margaret who was marrying Joseph Drake in the Town House was the grand daughter of Col. James Patton (21).

One historian says that this tract was surveyed for Patton by Buchanan in 1746, but no one else has found a notation of this survey. No one previously has been able to graph the survey outlined in the patent to a modern map. If this were to be done, it could prove that all these references outlined above describe the same entity, and that the house on the Killmachrenan estate and the Town House are one and the same.

Probably in 1753 he built the two story log cabin on his Killmackrenan grant. To what extent he ever lived there is unknown. His family remained at Draper's Meadow. The Shawnee Indians of Ohio considered the New River Valley, which is part of the drainage system on the Ohio River, to be theirs. The settlements at Draper's Meadows and at Dunkard's Bottom at present Radford particularly upset them. They even felt threatened by the presence of Samuel Stahlnacker at current Chilhowie. He was a trader with the Indians, primarily the Cherokee. Largely over grievances such as these, the French and Indian War broke out in 1754.

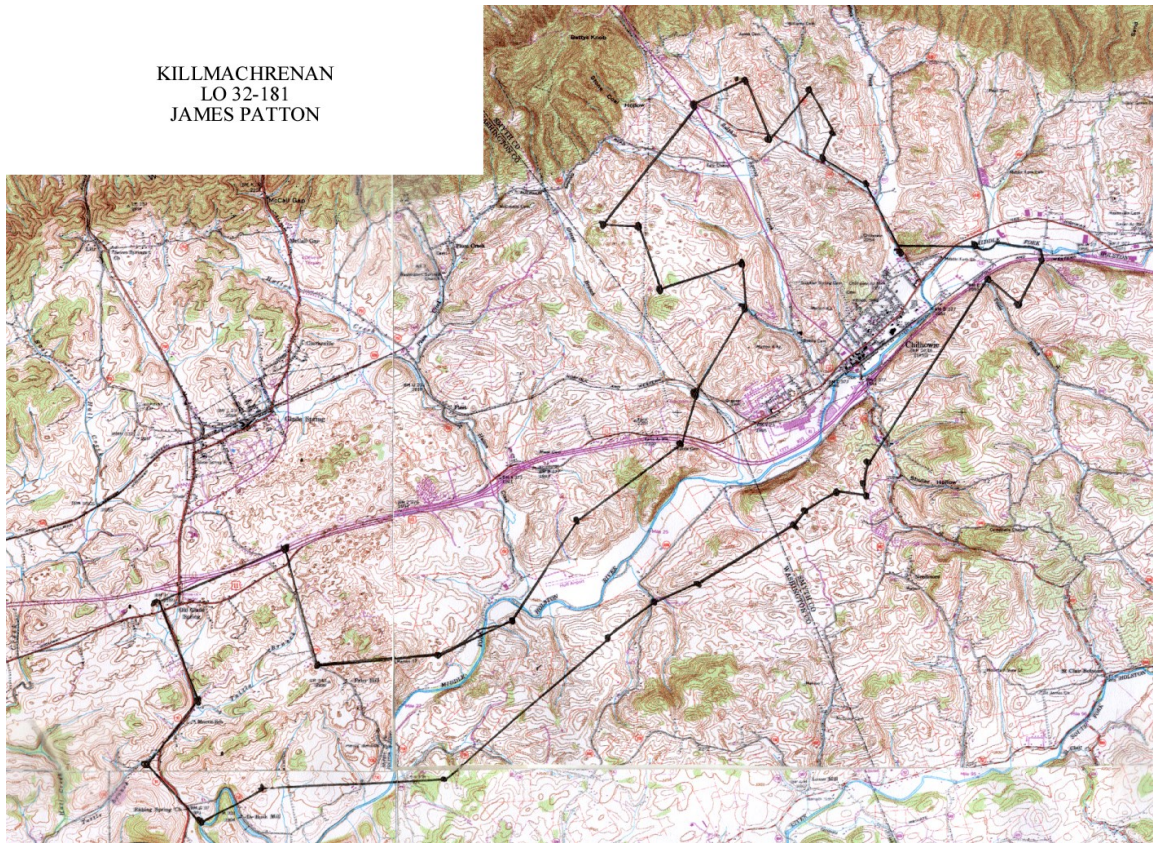
The Shawnee kidnapped Stahlnacker, and held him captive in Ohio. They likely did not kill him because the Indians valued their traders. However, in July 1755 the Shawnee swept down on Draper's Meadow, and killed Patton and his wife, and carried several others, including Mary Draper Ingles, off to Ohio. The Dunkards had fled in terror to the Yadkin Valley of North Carolina. The treaty that ended the French and Indian War in 1763 required the abandonment of all the settlements west of the New River. The settlers who had paid King George II good silver money (Patton paid thirteen pounds of silver for Killmacheran) were not compensated. This policy of King George III was one of the root causes of the American Revolution.

Mapping the Killmacheran Patent

It is no wonder that the survey of LO 32-181 has never been mapped. First of all, two of the calls are illegible in the existing microfilm. The other problem is that the surveying chain (a chain is 4 poles) used to measure out that grant had been fraudulently lengthened from 16.5 feet ⁽²²⁾ to the pole to 22 feet. Dale Carter, who has mapped much of Sullivan County Tennessee, and of Southwest Virginia in the Holston, Clinch, and Powell Valleys, had discovered that same fraud had been committed in another of Patton's surveys. This has the practical effect of increasing the acreage of the survey by 78%. Patton's 2,600 acre patent became 4,599 acres.

It would seem that the fraud was committed by Patton, himself, as the personal patent (LO 32-153 of 1753) Buchanan took for his own home, at Aspenvale just west of Seven Mile Ford, and which he surveyed, was done with the legal 16.5 foot pole chain.

As can be seen from the plotting on the map, LO 32-181 does include the entire town of Chilhowie and of Old Glade Spring, and most of the river bottoms in between. It conforms to Carlock Creek, Price's Bridge Road, and western Tattle Creek, as well as touching the river at the required places.

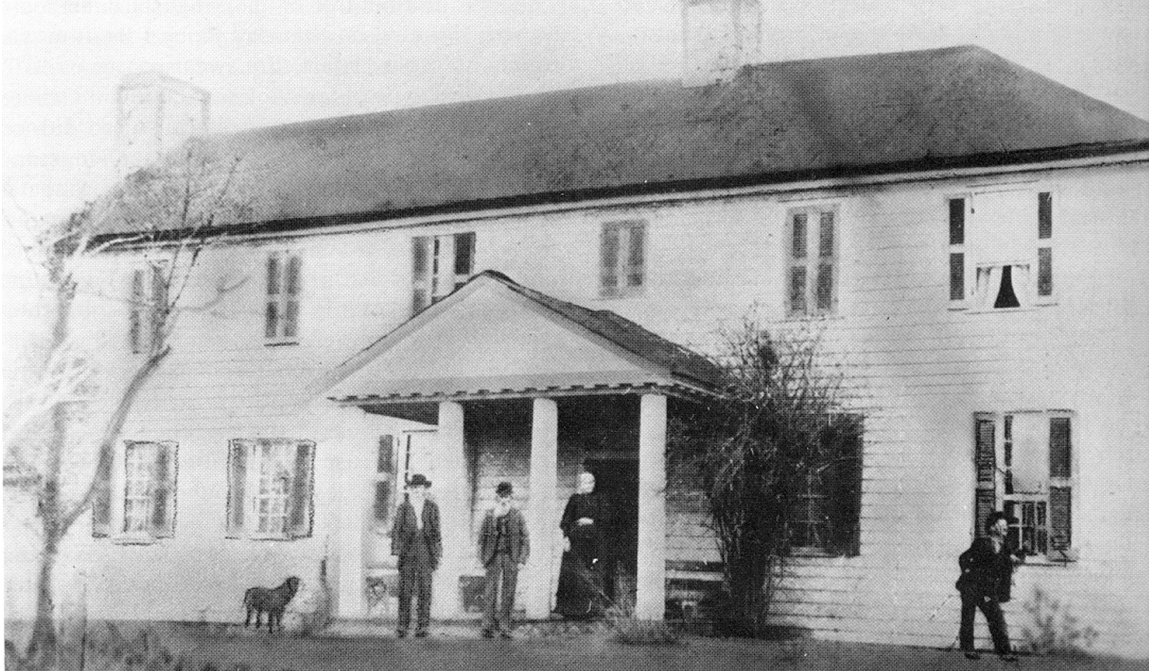


Town House

The picture of the Town House on the next page is of its most modern presentation. The original part is between the two chimneys to the left. The section to the right is a more recent addition. Note the entire structure has been weather boarded. From the appearances of the people in the picture, one would speculate that this photograph was taken after the Civil War. The house is entirely gone now.

Before the coming of the railroad, the community was simply known as "the Town House". Indeed, the creeks west of it were named by their distance from it. For example, the current Town Creek in Abingdon was named "Fourteen Mile Creek" for this reason.

Thus all the issues are resolved. The Town House of Chilhowie is the home that belonged to the Patton grant at Killmachrenan, and whether or not there ever was a stone fort at Glade Spring named Killmachrenan is a separate issue.



The Town House

The Patton Estate Tracts

There are thirty one patents in the estate of James Lynn Patton (Land Office 41-444, 4-445, 41-447, B-219, B-223, B-224, B-226, B-227, B-228, B-232, B - 234, B-235, B-238, B-240, B-243, B-244, B-247, B-248, B-249, B-250, B-251, B-253, B-254, B-255, B-256, B-258, B-259, B-260, D-2, E-63, E-65). A detailed description of all those that could be plotted on a modern topographic map will be presented. The whole process of administering his estate is bizaare. The process of gaining ownership was begun in 1749/50 with registered surveys. Patton was killed in 1755. The grants were not finalized until 1778 / 79. There is no documentation that any of the value of these grants was ever assigned to his companies' partners. In each incident, the text of these patents acknowledge the existence of these partners with the statement that these tracts were owned by "James Patton and others". Yet their total ownership was turned over to his executors alone.

His original executor had been his son-in-law, Col. John Buchanan. But he had died in 1769, and had left his son-in-law, Col William Preston, as his executor. Some of the texts of the Patton estate patents acknowledge this chain of events, but most did not. Oddly, some of the Patton estate patents wound up with one set of estate executors, and some with others. The list of Executors is as follows: William Thompson (son-in-law of James Patton), William Preston (Patton's sister's son), and William Campbell (Buchanan's grandson & Patton's great grandson).

To further confuse events, the first sales agent for the Loyal Company, Dr. Thomas Walker, left that company when the French and Indian War closed the

Valley. Many histories state that Patton became sales agent for that company, as well as his own ventures. The window of opportunity for this to have happened was very narrow, extending only for half a year before Patton's death. The Commonwealth of Virginia was still selling off grants from former Loyal Company land as late as 1831. The absence of records probably reflects the fact that all land sales activity west of the New River was illegal from 1754 when the Virginians made a treaty with the Cherokee to not settle west of the New River as part of the bargain to get the Cherokee to ally with them against the northern Indians. After the war, this policy was further formalized by the Treaty of Paris that ended the war.

The redundancy of names of creeks presents a problem. Patton had patents on Sinking Creek on the New River near Blacksburg, on Sinking Creek in Bristol, Tennessee (due to survey errors land as far south as Sevierville, Tennessee was granted by Virginia), and on Sinking Branch north of Bluff City, Tennessee.

The estate tracts that could be plotted lay in a straight line down the Indian trail from Bristol that led to Chota, the capital of the Overhill Cherokee. This town lay about 35 miles southeast of Knoxville, Tennessee. Desoto had stayed there for a prolonged period. None lay on the trail to Kentucky west of Bristol. Perhaps some of the 25 estate tracts that could not be plotted lay there.

Text of the Grant for LO B-264

Sinking Creek

Thomas Jefferson Esq. Governor of the Commonwealth of Virginia to all whom these presents shall come: Greeting:

Know ye that in consideration of the ancient compensation of five pounds seven shillings and six pence sterling, paid into the late Dominion's Grants Office by James Patton Dec'd., there is granted by the said Commonwealth unto William Campbell and William Preston, extrs. of John Buchannan Dec'd, who was assignee of the said James Patton Dec'd., a certain tract or parcel of land containing by Survey bearing date 17th July 1749/50 one thousand one hundred and fifty acres (and from an order of council granted the said James Patton Dec'd and others, which said survey having been laid before the court of appeals is by them certified to have been Established) lying and being in the County of Augusta on Sinking Creek Branch on the waters of the Middle Branch of the Indian River Beginning at a white oak sapling at the foot of a Ridge and runneth thence North nineteen East one hundred and sixty poles to a stake south sixty east forty poles to six hickories and a white oak north twenty eight east one hundred poles to five white oak saplins in ?? north twenty one east, one hundred and eighty poles to ? two white oaks and a black oak on a ridge north nineteen west one hundred and ninety four poles to three black oaks on a sapling ridge north seventy five West two hundred and twenty poles to a black oak south seventeen west three hundred and sixty five poles to two red oaks on a

brushy ridge near a branch south seventy five east, one hundred and forty four poles to a double red oak south ten west one hundred poles and south forty two west two hundred and ninety poles to a stake south thirty five east two hundred and fifty one poles to three chestnuts north forty East one hundred poles to two hickories and a white oak north fifteen east two hundred poles to the Beginning with its appurtenances to the said William Campbell and William Preston and their heirs forever In Witnesseth where of, I the said Thomas Jefferson Esquire Governor of the Commonwealth of Virginia hath hereunto set his hand and caused the Seal of the said Commonwealth to be affixed at Williamsburg on the twenty third day of December in the year of our Lord one thousand seven hundred and seventy nine and of the Commonwealth the fourth.

Signed: Th. Jefferson

Comment

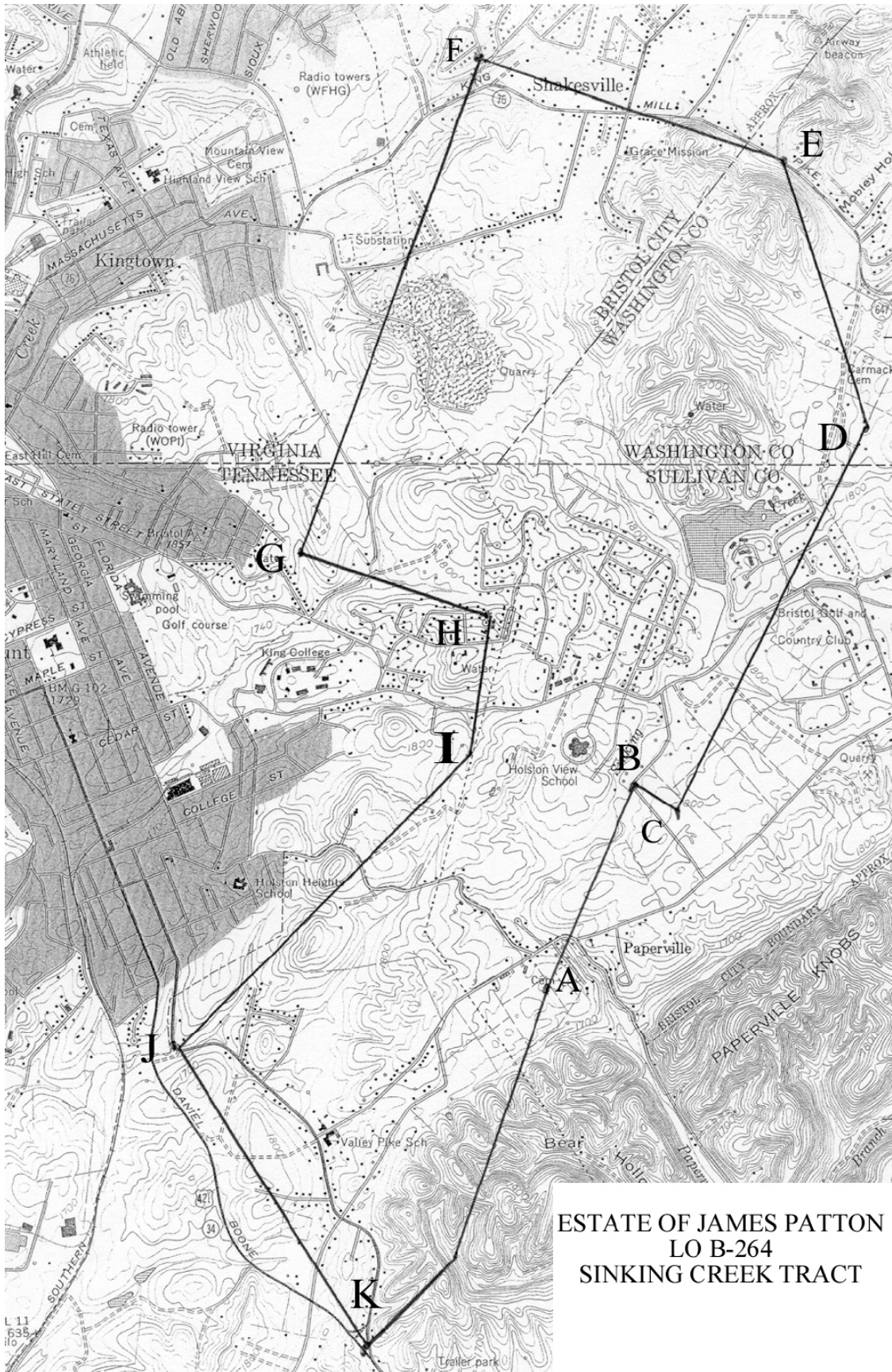
The surveyor was a little off on his statement that Sinking Creek drained into the Middle Branch of the Holston, as it flows into a sink southwest of present King University before exiting as King's Spring in Defriece Park. This spring is the head of Pine Creek, which flows into Beaver Creek, a tributary of the South Fork of the Holston River. This sort of error was not unknown in the old Patton Surveys. The calls in the patent for Lebanon, Virginia have that Cedar Creek flowing into the Holston River rather than into the Clinch.

The land of LO B-264 is karst, and therefore was prime grassland in Indian days. Though much obscured by the present street grid of Bristol, the old Indian trail from US 11 to Bluff City, Elizabethton (Sycamore Shoals), Jonesboro, Sevierville, and on to Chota followed more or less the routes of the Norfolk Southern Railroad and the Weaver Pike through town. The regional defensive Shelby's Sapling Grove Fort atop the hill in Defriece Park guarded both of these variations of the main route to the southwest.

Like all the other grants in Patton's estate that have enough surveyor's information to allow plotting, this one uses the fraudulent 22 foot pole. It is interesting to note how many passes among the hills taken by the present road grid of Bristol, and prominent knobs of the landscape are noted by the survey corners of this grant.

The grant was designated for 1,150 acres, but due to the fraud inherent in the use of the 22 foot pole in its survey, the actual acreage turned into 2,047 acres.

The date of the survey presents an enigma in that it fails to present a specific date except for having given it as having been in the year "1749/50".



Text of the Grant LO B-234

Shallow Creek (Beaver Creek)

Thomas Jefferson, Esq. Governour of the Commonwealth of Virginia to whom these presents shall come greeting. Know ye that in consideration of the ancient compensation of three pounds fifteen shillings sterling paid into the late Dominion General's Office by James Patton Dec'd assignee of John Taylor, there is granted by the said Commonwealth unto William Campbell and William Preston Extrs of John Buchanan Dec'd also of the said James Patton deceased, a certain tract or parcel of land containing by survey bearing date 19th Feb. 1749 seven hundred and twenty acres lying and being in the county of Augusta on Shallow Creek a branch of the Mississippi (being part of an order of Council granted to the said James Patton Dec'd, and others, which said survey having been laid before the court of appeals is by them certified to have been Established) and is bounded as follows -? Beginning at three white oaks on the west side of the branch of said creek and runneth thence south eighty three West seventy poles to a poplar, red and white oak thence south twelve east one hundred and fifty poles to a red oak, white oak, and hickory saplings south sixty one west one hundred and six poles to two black oaks and a white oak near the oak south thirty east one hundred and forty four poles thence north eighty three

* under a Rocky Ridge North eighty poles to a white oak in a valley

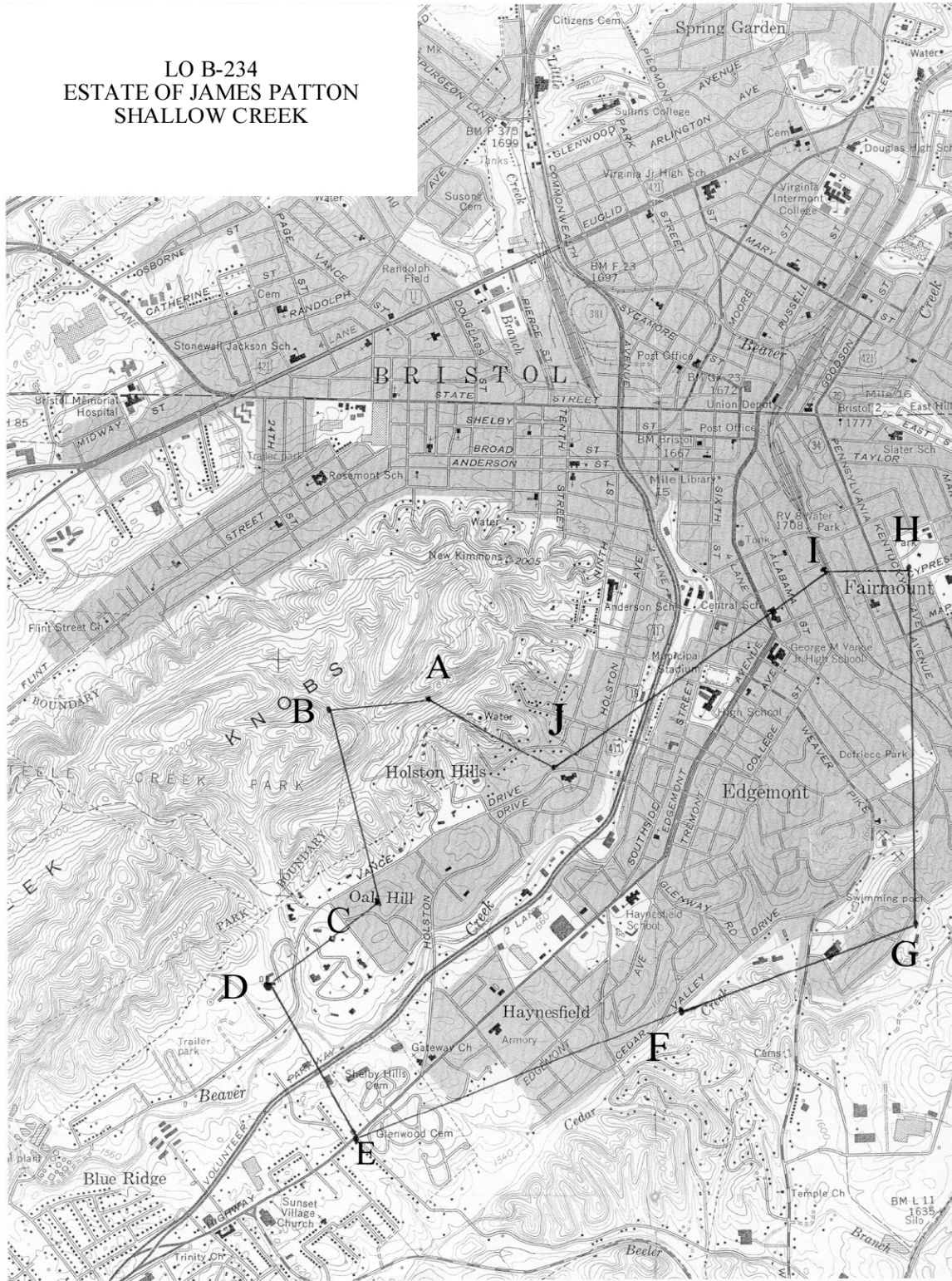
east, two hundred and twenty poles to ? in a valley ? north seventy east two hundred poles to a white oak on the east end of a ridge by the edge of a ? barrons, thence north two hundred and sixty poles passing the head of a large spring to two white oak saplings thence north eighty six west sixty four poles to a sycamore, buckeye, and two elms by the creek on the west side thence south fifty four west two hundred and sixty poles thence north fifty nine west one hundred and fifteen poles to the beginning with its appurtenances: to have and to hold the said land or parcel of land with its appurtenances to the said William Preston and William Campbell and their heirs forever in Witness whereof the said Thomas Jefferson Esquire Governor of the Commonwealth of Virginia hath hereunto set his hand and caused the seal of the said Commonwealth to be affixed at Williamsburg on the twenty third day of December in the year of our Lord one thousand seven hundred and seventy nine and of the Commonwealth the eleventh.

Th Jefferson

Comment

The land for Shelby's Sapling Grove Fort and plantation largely came out of this grant. The Weaver Pike runs through it, as does the railroad right-of-way.

LO B-234
ESTATE OF JAMES PATTON
SHALLOW CREEK



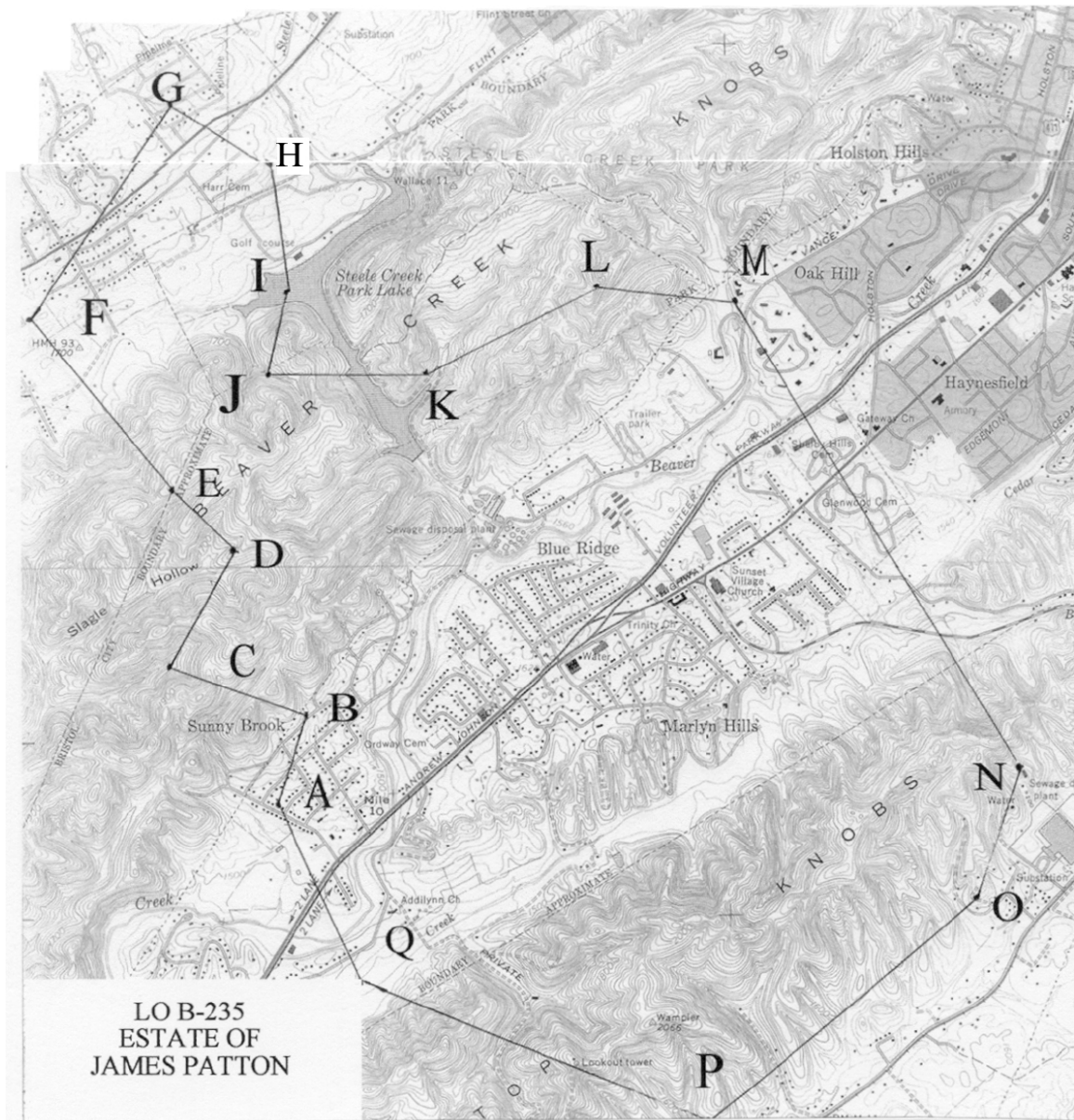
Legally this grant was issued for 720 acres, but the surveying fraud produced a tract of actually 1,281.6 acres.

Text of Grant LO B-235

Blue Ridge on Shallow Creek

Thomas Jefferson Esquire Governor of the Commonwealth of Virginia to all whom these presents shall come greeting. Know ye in consideration of the ancient compensation of nine pounds seven shillings and six pence sterling paid into the late Receiver's General's Office by James Patton dec'd there is granted by the said Commonwealth unto William Campbell and William Preston Extrs of John Buchannan who was assignee of the said James Patton Dec'd a certain tract or parcel of land containing by survey bearing date 22nd Feb. 1749 / 50 one thousand nine hundred forty six acres (part of an order of council granted to the said James Patton Dec'd, and others, which said survey having been laid before the court of appeals is by them certified to have been established)lying and being in the said County of Augusta, on Wood's River, and on Shallow Creek, as branch of the middle fork of the Indian River at a place called the Saplin Grove Beginning at four white oaks on the spur of a ridge and running thence north nineteen east ninety six poles to a white oak and hickory north seventy west one hundred and twenty four poles to a white oak and hickory north thirty east one hundred and six poles to a black and two white oaks by a branch north forty five west sixty eight poles to a black and two white oaks and north thirty nine west one hundred and eighty poles to between two white oaks north thirty five east two hundred poles to a walnut and two hickory saplins south fifty eight east eighty poles to a white oak, black oak, and hickory by a small branch south six east one hundred poles to a stake south twelve west sixty six poles to a red and white oak saplins by a branch east one hundred and twenty poles to a white oak and two red oaks north sixty five east one hundred and fifty poles to two chestnuts and a lynn on a ridge south eighty one east one hundred and ten poles to a red oak two white oaks and a hickory in a gully south thirty east four hundred and twenty poles to three white oaks on a ridge south eighteen west one hundred and two poles to a white oak on a spur of a timber ridge south fifty west two hundred and eighty six poles to two red oaks and a white oak north sixty six west three hundred poles to a white oak the east side of the creek north twenty three west one hundred and twenty 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 William Campbell and William Preston and their heirs forever Inwitness whereof the said Thomas Jefferson Esq. Governor of the Commonwealth of Virginia hath hereunto set his hand and causes the seal of the said Commonwealth to be affixed at Williamsburg on the twenty third day of December in the year of our Lord one thousand seven hundred and seventy nine and of the Commonwealth the fourth.

Th Jefferson



Comment

In this unique incidence LO B-235 shares a common boundary with another of Patton's grants, leg MN being in common with LO B-234's line DE. It is astraddle current US 11E on its way to Bluff City, an alternate to the Weaver Pike Route. Its legal 1946 acres were turned into 3,464 acres. It also is on Shallow Creek.

Text of the Grant LO B-253

Weaver on Shallow Creek

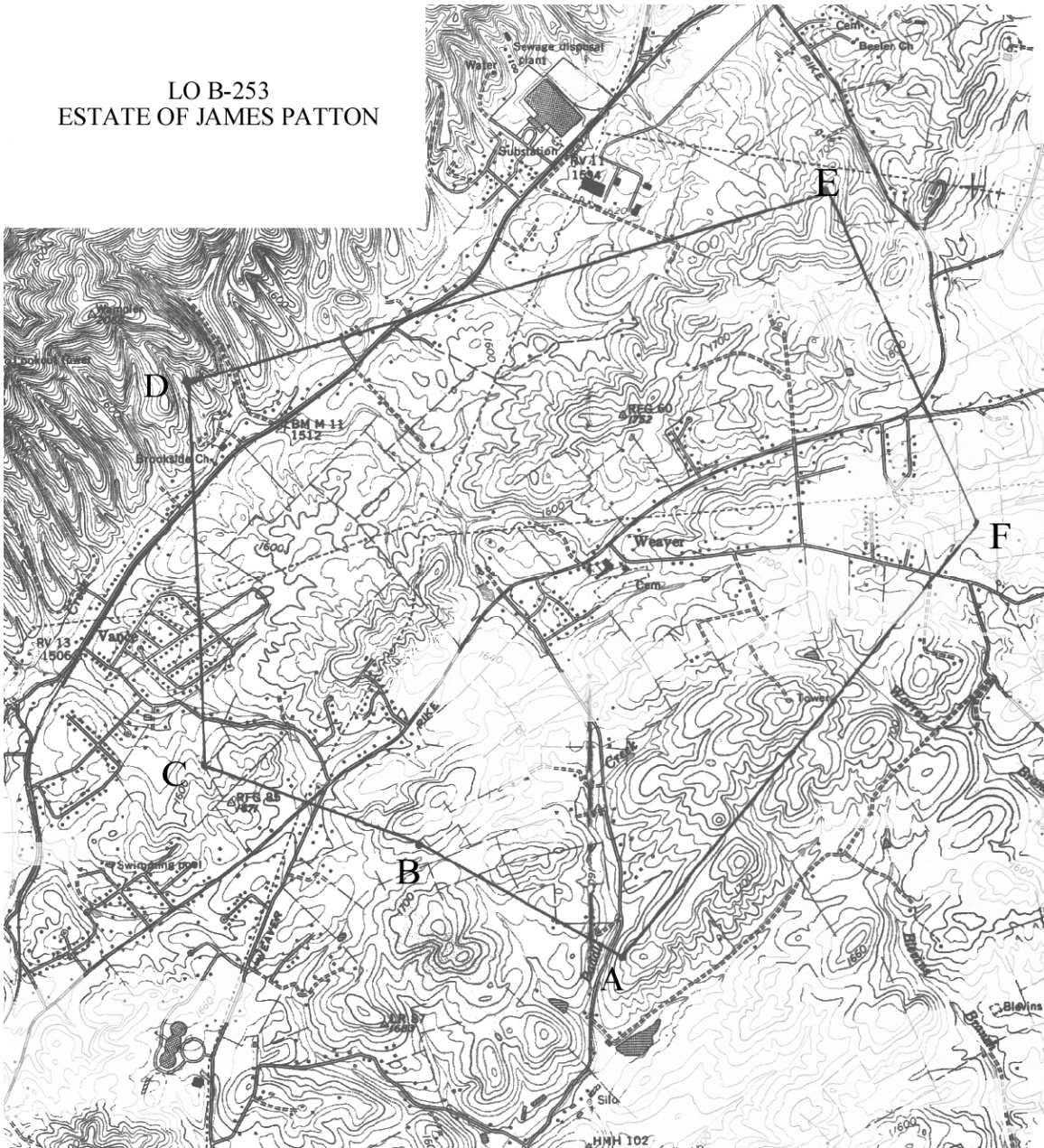
Thomas Jefferson, Esq. Governour of the Commonwealth of Virginia to whom these presents shall come greeting. Know ye that in consideration of the ancient compensation of three pounds fifteen shillings sterling paid into the late Dominion General's Office by James Patton Dec'd assignee of John Taylor, there is granted by the said Commonwealth unto William Campbell and William Preston Extrs of John Buchanan Dec'd also of the said James Patton deceased, a certain tract or parcel of land containing by survey bearing date 24th July 1749/50 one thousand acres (being part of an order of Council granted to the said James Patton Dec'd, and others, which said survey having been laid before the court of appeals is by them certified to have been Established) lying and being in the then County of Augusta on Shallow Creek Beginning at two white oak in a piece of stony ground on the east side of the creek and running thence north sixty one west one hundred and seventy two poles to a buckeye tree on the west side of the creek, north seventy one west one hundred and sixty poles to two hickories by a draft north three west two hundred and eighty poles to a walnut and two hickories on the north east side of a high nob on a hill, north seventy three east four hundred and sixty poles to a black oak and three hickory saplin, south twenty five east, two hundred and fifty poles crossing the creek to a white oak south thirty six west three hundred and ninety poles to the Beginning with its appurtenances: to have and to hold the said land or parcel of land with its appurtenances to the said William Preston and William Campbell and their heirs forever in Witness whereof the said Thomas Jefferson Esquire Governor of the Commonwealth of Virginia hath hereunto set his hand and caused the seal of the said Commonwealth to be affixed at Williamsburg on the twenty third day of December in the year of our Lord one thousand seven hundred and seventy nine and of the Commonwealth the fourth.

Th Jefferson

Comment

Like LO B-234 to its upstream, Patton bought the warrant right of John Taylor to this property. This is an unexplained circumstance, as only Patton et al could have had legal rights to claim this land, except for Dr. Thomas Walker. Its 1,000 legal acres were turned by the surveying fraud into 1,780 acres of fine farming land astride the main road in this frontier area on down Beaver Creek towards the ford at Bluff City.

LO B-253
ESTATE OF JAMES PATTON



Text of Grant LO B-223

Sinking Branch

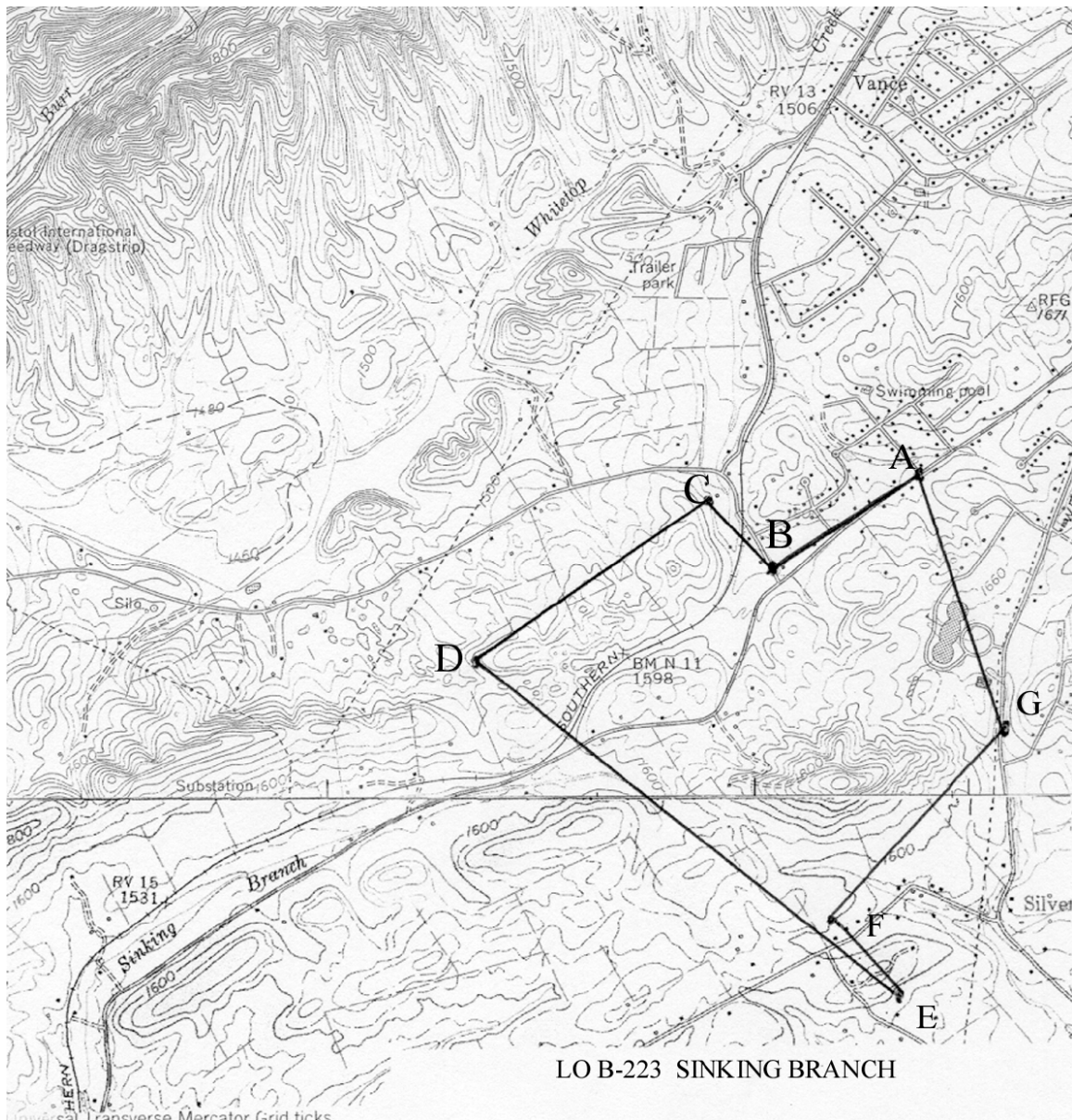
Thomas Jefferson Esq. Governor of the Commonwealth of Virginia to all whom these presents shall come Greeting: Know ye that in consideration of the ancient compensation of forty shillings sterling, paid into the late Receiver General's Office

by James Patton Dec'd., assignee of John Taylor, there is granted by the said Commonwealth unto William Thompson and William Preston, Executors of the said James Patton Dec'd a certain tract or parcel of land containing by survey bearing date 17th Feb. 1749/50 three hundred and ninety four acres (and from an order of council granted the said James Patton Dec'd and others, which said survey having been laid before the court of appeals is by them certified to have been Established) lying and being in the County of Augusta on Sinking Branch on the waters of the Mississippi, and bounded as followeth to wit, Beginning at three chestnuts and white oak near some pines and runneth thence south fifty two west one hundred and seventy poles to three hickories, thence north thirty eight west fifty six poles to a hickory and gum south fifty two west one hundred and fifty poles to a hickory in a break of a high ridge thence south fifty three east two hundred and eighty poles to a black oak, and two chestnuts, thence north sixty one east, one hundred and fifty six poles to a black oak, white oak, and two Sorrels, thence north fifty one west, sixty poles to a white oak in a draft, thence north thirty nine east, one hundred and forty poles to two red oaks thence north twelve west one hundred and forty poles to the Beginning. With its appurtenancies to have and to hold the said tract or parcel of land, with its appurtenances to the said William Thompson & William Preston and their heirs forever In Witness whereof the said Thomas Jefferson Esquire Governor of the Commonwealth of Virginia hath hereunto set his hand and caused the seal of the said Commonwealth to be affixed at Williamsburg on the twenty third day of Dec., in the year of our Lord one thousand seven hundred and seventy nine & of the Commonwealth the fourth.

Th Jefferson

Comment

This is the third of the grants in this grouping that Patton got via warrants from John Taylor. It sits astride the route of the present railroad down the valley of Sinking Branch to the ford of the South Fork of the Holston River at Bluff City, strongly suggesting that the Indian and pioneer trail did the same. It meets the route of the trail down the current US 11E to the north side of that ford, and then together they crossed the river. It encompasses a large expanse of fine farm land south of Vance. For unknown reasons Campbell has dropped out of his roll of executor. For the first time the text mentions that the grant lies "on the waters of the Mississippi" instead of the Holston River. The spear point like gerrymandered protrusion at the southeastern corner obviously was made to include some desirable feature at point E, but what it was is not immediately obvious. The survey's 394 acres have swollen to 701 acres via the fraud.



Text of Grant LO B-227

Bluff City

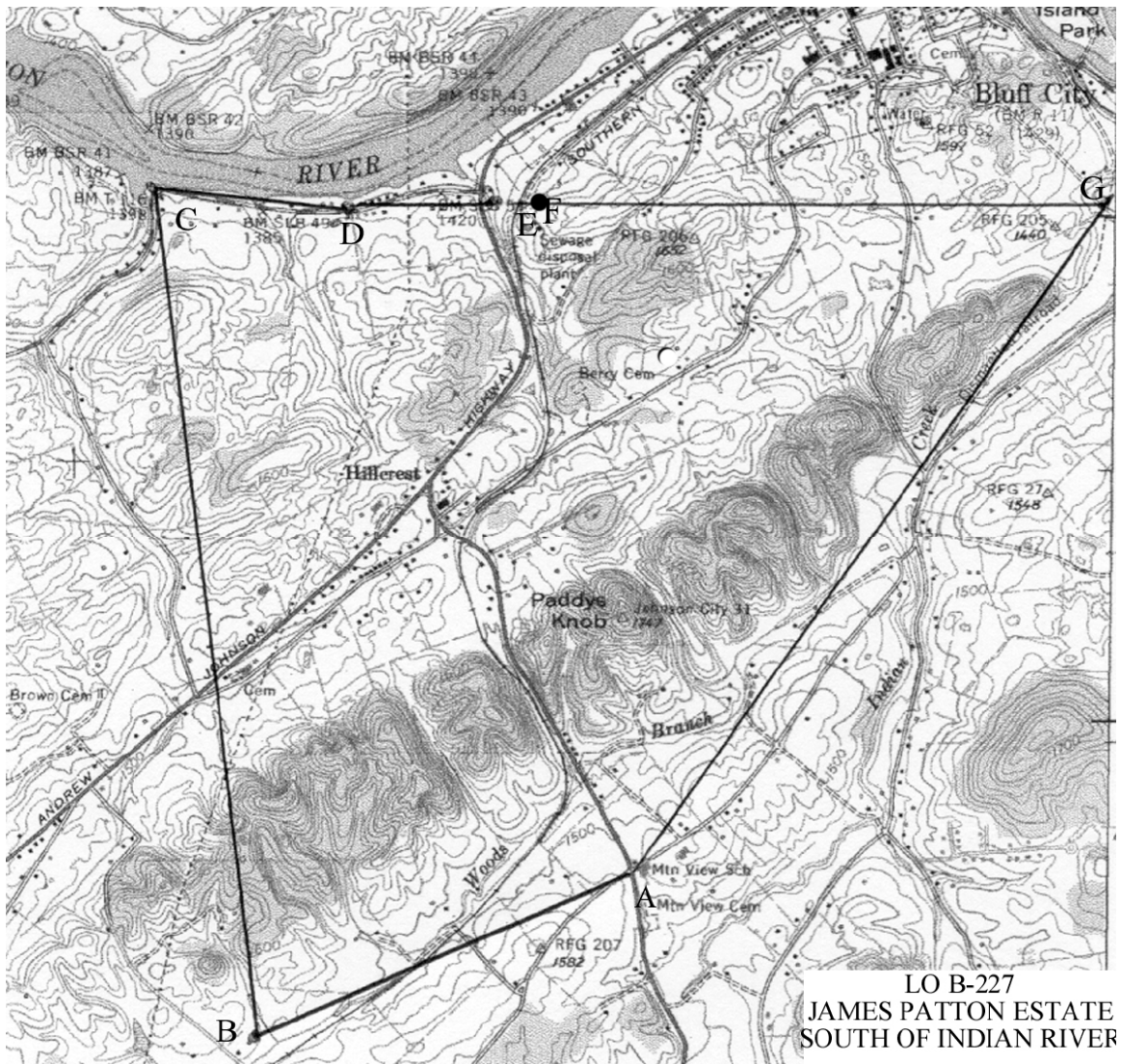
Thomas Jefferson Est. Governor of the Commonwealth of Virginia to all whom these presents shall come Greeting Know ye that in consideration of the ancient compensation of three pounds fifteen shilling sterling paid into the late Receiver

General's Office by James Patton Dec'd there is granted by the said Commonwealth unto William Thompson and William Preston Execs of the said James Patton Dec'd a certain tract or parcel of land containing by survey bearing date 14th March 1746 seven hundred and fifty acres (part of an order of counsel granted to the said James Patton and others which said survey having been laid before the court of appeals, is by them certified to have been established) lying and being in the County of Augusta on the South Fork of the Indian River Beginning at a double walnut near a spring thence south sixty nine west one hundred and ninety six poles to three small white oak saplins, north eight west three hundred and ninety three poles to three hickory saplins on a ridge south eighty three east eighty poles to four white oak saplins, south eighty nine east ninety eight poles to ? white oak saplins in a valley, north sixty two and a half east, one hundred and fifteen poles to between three hickory saplins, east two hundred and forty poles to two white oaks on the east side on a creek, south forty eight and a half west four hundred and sixty 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 William Thompson and William Preston and their heirs forever In witness where of the said Thomas Jefferson Esq. Governor of the Commonwealth of Virginia hath hereunto set his hand and caused the seal of the said Commonwealth to be affixed at Williamsburg on the twenty third day of Dec. in the year of our Lord one thousand seven hundred and seventy nine and of the Commonwealth the fourth.

Th Jefferson

Comment

This survey was made in 1746, nine years before the others. This was two years before the Patton Expedition took place. Either the date given on the survey, or the date of the Patton Expedition are wrong, or Patton was surveying deep into present Tennessee years before he got the grant to the region. This is another mystery connected to the Patton surveys that demands an explanation. The use of the term 'Indian River' instead of 'Holston River' or 'waters of the Mississippi' supports this early date. Stephen Holston had no connection to this river until he became a surveyor for the Patton Expedition of 1748. Patton and his surveyors obviously valued this land south of the ford of the Holston River more highly than the grants surveyed later. This observation reinforces our understanding of his thought and behavioral patterns. Again, Thompson and Preston are the executors. Its 750 legal acres were increased to 1,335 acres by their use of the 22 foot pole.



Summary

We have followed the antipathy with which Virginians have viewed “the big land companies” that dominated the history of the Old Dominion since the Virginia Company of its founding. We have watched the struggles between the people of Virginia and the Northern Neck grant of the Fairfaxes, and the collusions between their government and the land trusts. We have watched mendacious people politically enthroned in the seats of power, like King Carter and James Patton. We have watched as these conflicts on land policy led to three major wars, and Indian wars too numerous to count. We have watched as all this led to Revolution, and have seen how this struggle resulted in the dismantling of the great land companies, and of nascent corporate law itself. We have seen the land office used as a tool of punishment for those who backed the losing side in the Revolution.

We live with continuing evidence of this struggle when Virginians reside in a State that refuses to call itself a State, but instead calls itself a Commonwealth. Perhaps we have forgotten that this distinction, to which we still adhere, is to draw attention that we are no longer dominated by corporate interests, but live in a land where every individual has a fair shot at wealth.

We have watched as loyal American Tories, like Lord Fairfax, Daniel Boone, and Richard Henderson were chastised politically and economically by having their land empires turned over to the successful Rebels. We need to remind ourselves that the major survivor of the Loyal and Patton Land Companies just happened to have been General William Campbell and kin, who lead the militia in the battle that turned the tide of Revolution at Kings' Mountain to the favor of the Rebels.

The land business in the Holston Valley was the stage on which this drama was played out.

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