

Virginia Land Certificates as Evidence for the Oath of Allegiance

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The Virginia General Assembly passed a law in the May 1779 session entitled, “An Act for adjusting and settling the titles of claimers to unpatented lands under the present and former government, previous to the establishment of the Commonwealth’s land office.” Those who had settled in counties on the western waters were entitled to purchase land from the state. The western counties were assigned to four districts, each of which had a commission to take evidence and grant claims. The counties of Monongalia; Yohogania, and Ohio, formed one district; the counties of Augusta, Botetourt, and Greenbrier, formed a second district; the counties of Washington and Montgomery, formed a third district; and the county of Kentucky formed a district by itself. [Hening: Statutes at Large, Vol. 10, p. 43 (May 1779 Session, Chapter 12)]

The General Assembly refined the process in the October 1779 session which in enacted “An act for explaining and amending an act entitled ‘An act for adjusting and settling the titles of claimers to unpatented lands, under the present and former governments, previous to the establishment of the commonwealth’s land office.’” This act required those obtaining certificates for land by right of settlement or pre-emption to take the oath of allegiance:

No certificate of right to land for actual settlement or of pre-emption right shall hereafter be granted by the said commissioners, unless the person entitled thereto hath taken the oath of fidelity to this commonwealth, or shall take such oath before the said commissioners, which they are hereby empowered and directed to tender and administer; except only in the particular case of the inhabitants of the territory in dispute between this commonwealth and that of Pennsylvania, who shall be entitled to certificates upon taking the oath of fidelity to the United States of America. [Hening: Statutes at Large, Vol. 10, p. 179 (October 1779 Session, Chapter 27)]

Virginia did not require its land commissioners to create or maintain an explicit record of those taking the oath and this writer has never seen such a record.

Two records of commissions established under the statutes have been published. The Kentucky County certificate book was published in *The Kentucky Historical Register*, Volume 21, #61 (1923) and reprinted as *Certificate Book of the Virginia Land Commission, 1779-1780*, Southern Historical Press, Easley, South Carolina, 1981. Monongalia County records include a 442 page certificate book of records for the district that includes that county. That book does not include records of the other three counties that made up the district. The Monongalia records, however, were abstracted and published by Richard Ellsworth Fast in “Pioneer Settlements on the Western Waters,” *Transallegany Historical Magazine*, Volumes 1, #1-4 (1901-1902) & 2 #1 (1902).

A certificate for land by right of settlement or pre-emption provides indirect evidence that the settler did take the oath of allegiance, either to Virginia or to the United States of America. The Sons of the American Revolution has recognized this evidence in approving applications for membership.