

Acquiring Land

Colonists were attracted to Virginia in part because land was plentiful and they believed that they could become wealthy by acquiring and operating plantations. New arrivals in Virginia could acquire land directly through a patent, a grant from the Crown, or could purchase patented land through deed conveyances from private owners.

Men and women were eligible to receive a land patent from the Crown as a reward for paying the cost of transporting people to the colony (known as the “headright” system), for settling in hostile territory, or, in the 18th- century, by outright purchase.

Virginia’s governing bodies specified that before a patent could be issued, the land that was to be granted should be surveyed. They were also required to build “one house of wood, [...] being at least twelve foot, and in breadth, twelve foot” and tasked with “clearing planting and tending at least one acre of land” in order to keep control of the land they had patented (Hening III 1705:312-313). If they failed to do this within three years, the land reverted to the Crown.

The boundaries of patented land were set by county surveyors, and depended on factors such as topography, the boundaries of adjacent patents, and the wishes of claimants. The claimant received a survey description and plat (map) from the surveyor which he or she filed in the Secretary’s office in Williamsburg (Virginia’s capital). A second copy of the description and plat was filed in the county survey book. This legal description formed the basis of all future land transactions.

If a landowner met the terms of the patent, he or she became the legal owner. The landowner could patent additional adjacent parcels of land to increase the size of the original patent, sell the patent via deed, or subdivide the original patent and sell to multiple purchasers. Deeds of conveyance were used to specify the owner, the purchaser, the price and date of transfer, the quantity of land to be sold, and the legal right of the purchaser to control the land. Deeds also contain a description of the land in some manner, either by reference to the original patent, or by information provided through a

new survey. They were filed in the county court at or near the time of sale, and the transaction was recorded in the county's book of Court Orders.

Sources:

Colonial Land Office Patents

<http://www.lva.virginia.gov/public/guides/opac/lonnabout.htm>

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