

February 7, 1969

Dear Julia,

A quick letter to clarify a vital point in the Vincent-Vinson research.

Under the old law of Primogeniture, land descended from ancestor to the oldest male in the direct line to the exclusion of all other heirs. It is by application of this law, only, that we shall ever prove our Vincent line, I fear, back of John Vinson of the 1727 will. When our John and his older brother Thomas, and their brother Peter who died intestate in 1720's, first appear in the Surry County records, they seem to own land, already, and so far as I have been able to learn, they neither bought it nor patented it, so had to have inherited it. If they inherited it, that, per se, means that they were lineal descendant of an ancestor who owned land in that locality before them. In the absence of a will devising the land to them, and I have found no record of such a will, all the land of an ancestor would have descended to the eldest son to the exclusion of the younger sons. On the other hand, an ancestor could give land, put the donee into possession by delivery of turf and twig, in the presence of witnesses. Those old laws were very practical for the times, when barely 1% of the people could read or write, but they are also full of exceptions, and very complicated. Of course, in the law schools, there are brief courses on them to explain development of laws, and also, in some of our states the old laws remain in effect except insofar as modernized, or modified, by later statutes. I know I had to struggle with them in getting my LL.B. degree.

Anyhow, about 1720, our ancestor John Vincent-Vinson of the 1727 will undertook to sell some land, and did so, but his brother Thomas (and this is the proof that they actually were brothers and Thomas the first son and heir-at-law of their father) who had moved to N.C. quit-claimed the land. Of course, my studies of the old Common Law came back to me and explained why.

But, the chief purpose of this letter is to call to your attention that the will of John Vincent (dated Oct. 29, 1698; July 4, 1699) left to his wife Katharine 187 acres of land, only, and mentioned no other person and no other property, named her executrix, and that was that. SO, if he had other property, he died without will (intestate) as to it, and it would descend to his heirs just as if he had made no will. Look at this: the 187 acres he left his wife was part of a land grant for ~~287~~ 287 acres, and there appears of record, I understand, no deed from him as to the other 100 acres; he also had 100 acres from Wm. Corker; and he had stock, tools, and other personal property. SO WHO GOT THAT? THIS IS WHY I BELIEVE HE WAS THE FATHER OF THOMAS OF

N.C. (eldest son and heir at law), JOHN WHO WAS OUR ANCESTOR, PETER AND A WILLIAM WHO WAS NAMED FOR HIS GRANDFATHER WM. CORKER, AND DAVID, AND PERHAPS OTHERS.

I enclose a carbon copy for you to send Mr. Price. IF HE CAN GET MORE EVIDENCE THAT JOHN VINCENT MARRIED FIRST A CORKER, YOU HAVE YOUR LINE AND PROOF FOR COLONIAL DAMES.

In haste,

Maud McLure Kelly