

CORNELIUS RAIN on Tombigbee River. Alabama
Mississippi Territory

The earliest records of the first settlers along the Tombigbee River in Mississippi Territory are found in the "Mobile Translated Records" translated from Spanish:

Aug. 3, 178? - 10 or 12 arpens on Tensaw River to CORNELIUS RANE
Aug. 3. 1787 - 20 arpens to JOHN LAWRENCE.
Oct. 22. 1787 - 20 arpens on Tombigbee. Formerly granted to Mr. McIntosh, Interpreter and Commissary for this nation, to MOSES MORE
Oct. 22. 1787 - 5 arpens on Tombigbee to DANIEL JOHNSTON.
Feb. 9. 1788 - 8 arpens to THOMAS BATES.
20 Arpens on Tensaw to JOHN JOHNSON. -
Mar. 10. 1791 - 12 arpens on Tombigbee to EDWARD LUCAS.
June 10. 1795 - Tract 18 leagues below Fort of St. Stephens to WILLIAM POWELL.
" Grant of tract 18 1/2 leagues below Fort of St. Stephens to CORNELIUS RAINS.
" Grant of land 17 leagues from Fort of St. Stephens to DANIEL JOHNSTON.
" Grant of land 18 leagues below Fort of St. Stephens to JOHN JOHNSON.
" Grant of land 18 leagues from Fort of St. Stephens to WILLIAM POWELL.

Most of the lands in this area had been granted originally by the British Government to Capt, John McIntosh and William Fradgely in about 1775. When the Spanish took possession of this area it was necessary for the occupants of these lands to petition the Spanish Government for temporary land warrants,

Let's consider the story of Capt. John McIntosh. Between 1739 and 1742, a John McIntosh brought many "debtors" with him to colonize Georgia. He received large tracts of land for himself and additional acreage for each colonist he brought with him. Records reveal he located in the Camden Co. area. Mr. McIntosh was from Scotland as were the Johnstons and Rains. Since they were all declared Loyalists to the British Government and were forced to evacuate the Colonies during the latter days of the Revolutionary War. I am sure they felt a kindred spirit among them.

I think the following translated petition to the Spanish Governor in Mobile is most revealing.

Oct 1, 1787

His Excellency the Governor General of the province of Louisiana:

Moses Moore, Inhabitant in the jurisdiction of Mobile, with the greatest respect to your Excellency, represents and says, that there is found on Tombigbee River a tract of land of twenty acres, formerly the property of Mr. McIntosh, interpreter and Commissary of the Chickasaw Indians, in the English times: limited on the north by the same land, and on the south by Sunflower: which was evacuated by said McIntosh in the year eighty, (1780) and, until this present, never has been claimed by him, nor no other for him empowered. The petitioner being necessitated for such a tract to cultivate tobacco and Indian corn, he begs your Excellency to grant him the above petition, with the profounder as customary, with papers of titles necessary, from the secretary of Government, which may correspond with the concession: for which favor he will be forever thankful.

Then, with the Louisiana Purchase, it became necessary again to prove occupation and ownership of these lands, this time to the Land Commissioners of the United States Government. At these hearings, it was required to present witnesses, copies of Spanish Land Warrants, plats, etc. (from American State Papers – Public Lands Vol. 1)

March 31, 1804 - The cases of Ann Lawrence, representative of Moses Moore.

James Bilbo and William Phelps, chain carriers for the survey in this case, were sworn before John Callier and R. Harwell, Esquires, Justices of the Peace.

James Powell and Thomas Bilbo, surveyors, were presented as witnesses, and being duly sworn, the said Powell deposed, that Moses Moore, deceased, did live upon and cultivate the land in question at the time of his death: that, after his death, CORNELIUS RAIN, who was the son of the widow, did inhabit and cultivate the said land, and was in possession thereof on the 27th of October, 1795, (as witnesses understood) under the authority and permission of the widow of said Moses Moore.

The said Bilbo testified, that he made the survey and plot of the land in question: that it was correct, according to his knowledge and belief: that he believed that the upper end of this claim was covered by a British grant in the name of JOHN McINTOSH, and that the lower end was embraced by a Spanish permission, in favor of CORNELIUS RAIN; that the improvements, which were originally made by MOSES MOORE, deceased, were included within this survey."

The Board ordered that the case be postponed for consideration. Then, the following hearing was held

Case of ANN LAWRENCE, representative of MOSES MOORE:

John Baker, James Denley, Ephraim Barker. Daniel Johnston, and Young Gains, were produced as witnesses, and, being duly sworn and interrogated by the Board, they deposed, that they were not interested in this case.

The said Baker and Denley testified, that they knew that MOSES MOORE inhabited and cultivated the land then in question, from the year 1786 until his death, which happened in the year 1791 and that ha was the head of a family on the 22d day of October, 1787.

The said Barker testified, that he believed that MARGARET MOORE, the widow of the deceased, left her son. CORNELIUS RAIN, on the land then in question, who did cultivate and inhabit the same on the 27th day of October. 1795. and as he. Barker, believed, for the account of the said MARGARET MOORE.

The said Johnston testified, that he believed that the land in question was cultivated in the year 1795 by CORNELIUS RAIN: and that said RAIN told him

that said cultivation was for his own use and account} that he, Johnston. and his father commenced cultivation on said land in the year 1800, as well as he recollected, by the consent of Mrs. Lawrence; that one of them had continued to cultivate thereon ever since; that he had heard his father. JOHN JOHNSTON, say that he was to pay Mrs. Lawrence rent for the cultivation of the land the last year.

Question. Is Mrs. Moore, the widow of MOSES MOORE, dead. and at or about what time did she die?

Answer. She is dead, and her death happened in the year 1800, according to my best understanding and belief.

The said Gains testified, that in or about the year 1800 or 1801, DANIEL JOHNSTON applied to him to rent the land in question, that he told him that CORNELIUS RAIN was the proper person to apply to for that purpose, as Mrs. MOORE, then Mrs. LINDER, had the use of it, by will, during her life time, and that he believed that CORNELIUS RAIN. her son, acted as her agent; he, Johnston. replied and said, that Mrs. LINDER, late Mrs. MOORE, was deceased; he, Gains, then told him he would speak to Mrs. Lawrence and accordingly did so: that she agreed that it should be rented to Mr. Daniel Johnston, or his father John Johnston, for the consideration that he would put and keep up a good and sufficient fence round the field, which he or they agreed to do, and, as he believed did do.

The Board ordered that the case be postponed for consideration.

Eventually, many, many other hearings were heard regarding ownership of these land and Certificates of Title were finally granted. In 1806, the Federal Government ordered a Map Survey prepared showing the ownerships along the Tombigbee River. From the foregoing instruments on records I think we can safely assume the following:

Cornelius Rain (wife, Margaret Lucas) and his brother Joseph Rain went to Florida during the years 1768 to 1787. That Joseph Rain chose to remain in Florida (until the Spanish occupation), probably died there and left a widow, Winnie, who returned to Camden County, Georgia with her two sons, named Cornelius and Joseph. This younger Joseph was naturalized in Georgia in 1798.

But Cornelius and Margaret immigrated to the Tombigbee River area, where he probably died, leaving his wife and younger son, Cornelius. Margaret then married Moses Moore, whose daughter Ann had married Joseph Lawrence. Moses Moore died in 1791 and his widow, Margaret- Lucas -Rain -Moore -then married John Linder, Sr. She died in 1800 and John Linder died about 1804.

With the establishment of the United State Government in this territory, peace finally settled over the Tombigbee River area. The following account is copied from Pickett's "History of Alabama" •

"March 27, 1804 - "Col. James Caller, of North Carolina, was one of the first representatives of the Legislative Council from the County of Washington, Ala. The first

County Court of this county was held at McIntosh Bluff, where John Caller, CORNELIUS RAIN and JOHN JOHNSTON preside with great frontier dignity. These Justices had no code before then, and coming from different states, decided cases according to the laws of their native land, so the most amusing difference of opinion often prevailed. This was the case all over the territory: but the Justices from Georgia holding the laws of South Carolina, North Carolina, Virginia and the whole of New England in great contempt, contended that the practice in the state from which they came was alone correct. With their usual success they generally managed to carry their points."