**Cobb County Wills and Estates**

Cobb County was formed in 1832 from Cherokee County and named in honor of Thomas Willis Cobb, U.S. representative, U.S. Senator and Supreme Court Judge who subsequently named the the city of Marietta after his wife. For a number of years white traders settlers encroached on Indian lands. Upon the signing of the 1832 Treaty to remove the Cherokees, settlers flooded the territory. The Cherokees were farmers and not surprisingly, not all Cherokees emigrated to Oklahoma and Kansas. Some of them obtained permission to remain in Cobb County which is reflected in the Dawes Rolls when people from Cobb, Forsyth, Lumpkin and Gilmer Counties made application before the Dawes Commission to prove Indian ancestry. Such proof was necessary in order to obtain free land in Oklahoma. Indian trails ran from the Alabama Road North through Bartow County and across the "Shallow Ford" in the Chattahoochee. [-Map of Indian Trails-](http://www.georgiapioneers.com/images/cherokeeala.jpg)The Second Georgia Land Lottery of 1832 parceled out land to settlement and the first towns of Marietta, Sweet Water, Buffalo Fish and Big Shanty. Big Shanty is remembered for sheltering Atlantans during the Battle of Atlanta which made the mad rush by railroad before General Sherman took the city. The railroad started its construction in 1836 when the State of Georgia began purchasing the right-of-way to build from the Tennessee River to the Chattahoochee River. In 1845 track was laid from Marthasville to Marietta with a stop over for water at Moon's Station in Kennesaw. During the War Between the States the earliest court house records were torched by Sherman. Earliest settlers were: Cloud, Lemon, Collins, Guess, King, etc.

NOTE: The Cobb County records have not been microfilmed and are not found at the Georgia State Archives.

**Authority:** Act of December 21, 1830; Act of December 24, 1831

**Year of Drawing:** 1832

**Counties**

The original Cherokee Indian territory became Cherokee County by an Act of December 26, 1831. A law passed on December 3, 1832, divided original Cherokee County into ten counties: Cass (renamed Bartow), Cherokee, Cobb, Floyd, Forsyth, Gilmer, Lumpkin, Murray, Paulding, and Union. In the drawing of tickets and in the granting of the land, the area was treated only as Cherokee territory. It was divided between land lots distributed by the sixth land lottery and “gold” lots that were distributed by the seventh land lottery.

**Sections and Land Districts**

* The territory was so expansive that Cherokee County was divided into four sections, and each section was divided into districts. There were a total of 60 land districts, and each was divided into land lots. Fractional lots of 100 acres and more were counted as whole lots.

First Section
Districts 6-10, 16-19.

Second Section
Districts 4-14, 20, 22-27

Third Section
Districts 5-16

Fourth Section
Districts 4-15, 18-19

**Size of Land Lots**

* 160 acres

**Grant Fee**

* $18.00 per Land Lot

**Person Entitled to Draw**

* Bachelor, 18 years or over, 3-year residence in Georgia, citizen of the United States – 1 draw
* Married man with wife and/or minor son under 18 and/or unmarried daughter, 3-year residence in Georgia, citizen of United States – 2 draws
* Widow, 3-year residence in Georgia – 1 draw
* Wife and/or child, 3-year residence in Georgia, of husband and/or father absent from state for 3 years – 1 draw
* Family (one or two) of orphans under 18 years, residence since birth in state – 1 draw
* Family (three or more) of orphans under 18 years, residence since birth in state – 2 draws
* Widow, husband killed or died in Revolutionary War, War of 1812, or Indian Wars, 3-year residence in Georgia – 2 draws
* Orphan, father killed in Revolutionary War, War of 1812, or Indian War – 2 draws
* Wounded or disabled veteran of War of 1812 or Indian Wars, unable to work – 2 draws
* Veteran of Revolutionary War – 2 draws
* Veteran of Revolutionary War who had been a fortunate drawer in any previous lottery – 1 draw
* Child or children of a convict, 3-year residence in Georgia – 1 draw
* Male idiots, lunatics or insane, deaf and dumb, or blind, over 10 years and under 18 years, 3-year residence in Georgia – 1 draw
* Female idiots, insane or lunatics or deaf and dumb or blind, over 10 years, 3-year residence in Georgia – 1 draw
* Family (one or two) of illegitimates under 18 years, residence since birth in Georgia – 1 draw
* Family (three or more) of illegitimates under 18 years, residence since birth in Georgia – 2 draws

**Persons Excluded**

* Any fortunate drawer in any previous land lottery who has taken out a grant of said land lot.
* Any person who mined—or caused to be mined—gold, silver, or other metal in the Cherokee territory since June 1, 1830.
* Any person who has taken up residence in Cherokee territory.
* Any person who is a member of or concerned with “a horde of Thieves known as the Pony Club.”
* Any person who at any time was convicted of a felony in any court in Georgia.

**How do I find the names of the winners?**

* *The Cherokee Land Lottery Containing a Numerical List of the Names of the Fortunate Drawers in Said Lottery with an Engraved Map of Each District*, by James F. Smith; new material by Silas Emmett Lucas Jr.. (New York: Harper and Bros., 1838; repr. Greenville, S.C.: Southern Historical Press, 1991.)

**Where will I find more information on the lottery?**

* *Georgia Land Surveying History and Law*, by Farris Cadle. (Athens: University of Georgia Press, 1976).
* *The Georgia Surveyor General Department*, by Marion Hemperley. (Atlanta: Georgia Secretary of State, 1982.)