

# Colonial-era documents help SC landowner claim marsh ownership

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Some of the marshes in Bass Creek, nestled behind Kiawah Island's famous Ocean Course, now belong to a private owner. File/Staff

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Documents from the 1700s sanctioned by England's King George III were used to prove 20 acres of marsh on Kiawah Island — land that's usually state property — actually belongs to a private owner.

Charleston County Master-in-Equity judge Mikell Scarborough's ruling covers Cougar Island, a small spit of land nestled in Kiawah's Bass Creek.

A private owner already held title to roughly 3½ acres of highland there but claimed rights to some of the surrounding marsh, as well.

A 1774 King's Grant document, which is a royal promise that parceled out land to settlers, was key to the case.

It showed that George III included the marshes in giving the land to its first European owner.

The document introduces its authority this way: “George the Third by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, and so forth ...”

Today, a limited liability company linked to the Royal family (not the actual English royals) owns Cougar Island. In the middle of the last century, C.C. Royal of Aiken bought all of Kiawah, but the family later sold most of the island.

A family member declined to comment.

Absent colonial documents, land covered at high tide and exposed at low tide is presumed public property, said Amy Armstrong of the S.C. Environmental Law Project.

But state law allows private owners to claim that land if they can show Colonial-era private ownership.

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## WHERE IT'S LOCATED

The owner of Cougar Island, a small spit of land off Kiawah Island, recently won a court case claiming ownership of the marsh around the highland.



BRANDON LOCKETT/STAFF