

Understanding U.S. Land Records

The acquisition and control of land has played a major role in American History both on a national and a personal level. Just as the Federal Government saw the acquisition of land as a way of fulfilling Manifest Destiny, many individuals saw the purchase of land as a way to overcome poverty and fulfill the American Dream.

Because of its important role in American History, the documents produced through the survey and sale of land are some of the most valuable and informative resources available for genealogists. This class will introduce the history of land acquisition in the United States, discuss the major survey systems, and identify the information found in different types of land records.

INFORMATION IN LAND RECORDS

Why Use Land Records?

- Land records place an individual in a specific place at a specific time. In addition, land records can indicate the precise location within a county your ancestor owned land.
- Land was so important that the purchase of land was often recorded as soon as possible. Most counties have land records dating back to the earliest settlements.
- Land records may give clues as to where your ancestor came from or where your ancestor moved to upon leaving the county.
- People named together in a deed are often related. When a group sells land together, they are almost always related. Don't forget to research the witnesses.
- Land records often give clues about entire families and may provide names for family members that cannot be found elsewhere.
- When two men with the same name settled in the same county, land records can provide enough detail (spouse, place of residence) so that a careful researcher will be able to distinguish between the two.
- Deeds tend to survive even if few other records are available. Land constituted a family's

wealth while providing the government with a tax base. If a courthouse burned, current landowners would often re-record their deeds.

- A high percentage of white males in rural areas owned land.

Land Record Vocabulary

- **Deed:** Instrument for conveying real property or transferring a title.
- **Grant:** When a government (under English Common Law) gives land to an individual.
- **Grantee:** Individual(s) buying land.
- **Grantor:** Individual (s) selling land.
- **Indenture:** See Deed.
- **Patent:** A document issued by the government giving an individual title to a tract of land.
- **Plat:** A map showing the individual tracts of land within a location.
- **Release of Dower:** The release of a wife's claim to the land being sold.
- **Survey:** Defining the boundaries of land tracts.
- **Tract:** A piece of land.
- **Warrant:** A document guaranteeing an individual's right to land.

Information Found in Land Records

Certain pieces of information are usually found in every deed, including:

- The **legal description**, which identifies the location of the land within the county. In deeds using metes and bounds, this includes names of neighbors.
- The **consideration** or cost of the land. This may be monetary in nature or, if the land is a gift or inheritance, the consideration may be for "natural love and affection."
- The **names** of the grantor(s) and the grantee(s) will be listed. The grantor is required to sign the deed. The grantee is not. (The deed may also include **witnesses**).
- The **date** the transaction took place as well as the **date** the transaction was recorded.

Other pieces of information may also be found in deeds. Be on the lookout for:

- The **spouse** of the Grantor/Grantee

- **Neighbors**, especially in descriptions using Metes and Bounds
- **Heirs** and other **relatives** may be named when selling land together.
- Alternate **residences** including the location from which an individual is moving (if the grantee) or the place to which an ancestor has already moved (if the grantor)
- **Occupation** and other **identifying information** including “farmer,” “husbandman,” “widower,” etc.
- The **Dower Release** whereby a wife releases her right to claim the land as part of her Dower (percentage of a man’s estate guaranteed to his wife upon his decease)

HISTORY AND LAND

Three major countries established the foundation of American Land systems. Spain, who controlled most of the Southwest and Florida, France, who controlled land along the Mississippi River, and England, who controlled land along the eastern seaboard. Each of these countries left their mark on how land is divided and surveyed. Remembering these variations can help explain some of the variations and distinctions in how land is surveyed throughout the United States.

In Colonial America, most land was granted by the English Crown as charters to companies or proprietors. These companies or proprietors would then be responsible for surveying and distributing land within their charter. Due to the vague understanding of the size and specifics of the American continent, many of these charters overlapped one another, causing confusion for hundreds of years. In addition, some of the charters granted land from ocean to ocean, allowing some Colonies to claim land far beyond their present State boundaries.

Following the American Revolution, Colonies with claims to western lands seceded most of these lands to the United States Government. Under the Northwest Ordinance of 1785, the government set up a system to survey the lands it had been ceded. An Act modifying the survey system was passed in 1796. This Act has defined the division and

distribution of land through most of the United States for the last two hundred years.

SURVEY SYSTEMS

Before land could be sold, it had to be surveyed, meaning the boundaries of each piece of land had to be set. This process created legal land descriptions used to identify and sell the same piece property. Though many different ways of surveying land were used in the United States, the two most common survey systems are known as Metes and Bounds and the Public Land Survey.

Metes and Bounds:

Land was surveyed according to local landmarks (fences, waterways, roads, stones, and trees), compass readings, distances (usually listed in poles or chains), and neighbors. Initial settlement of land took place before most official surveying occurred, meaning the first settler often defined the boundaries of the lands.

Land surveyed under Metes and Bounds can be hard to locate on a map as many of the landmarks have been cut down, moved, destroyed, or diverted. Metes and Bounds surveys do however provide the names of neighbors, who may be relatives or other close associates.

Metes and Bounds was used primarily in the State land States (land sold by the States) which are Connecticut, Delaware, Georgia, Hawaii, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia

Public Land Survey:

The United States Government modeled its survey after an early New England practice of setting off land in thirty-six square mile chunks. Each thirty-six square piece of land was referred to as a township. Each township was defined by its distance north or south from a baseline (township) and east or west from a meridian (range). A township was then divided into thirty-six one mile square sections numbered starting at the top right and snaking to the bottom right. Each section could then be divided into halves (320 acres), quarters (160 acres), halves of quarters (80 acres),

etc. Each piece of land was then described using the percentage of the section, section, township, range, and meridian (each meridian was also named or numbered). Note: this is also sometimes referred to as the Rectangular Survey.

Thirty states make use of the Public Land Survey (the thirty states not listed above). Some of those more Eastern states may have been partially settled before the Survey was created. Land descriptions in those areas will be described using Metes and Bounds instead.

TYPES OF LAND RECORDS

Colonial and State Land Records:

The first sale of land prior to the American Revolution was mostly done through an intermediary of the English Crown such as a Company (the Virginia Company) or a Proprietor (the Lord Baltimore) and the resulting land records are as varied as the colony. (For example, Virginia attempted to draw immigrants by offering a headright, or free land. Meanwhile in New England, settlement was done by assigning town proprietors to settle undeveloped areas.) Most early land records are available from individual state archives though copies of these transactions may have also been recorded on a county or town level.

Following the Revolution, former colonies claimed and sold any free land within their borders. As Virginia had already claimed and distributed land in most of Kentucky and North Carolina had done the same in Tennessee, early land purchases for these states may be found in the State Archives of the parent state.

Federal Land Records

The sale of Federal Land was dictated by Acts of Congress. Over the course of history many different Laws have been passed which allow individuals to purchase Federal Land under different requirements.

- **Credit/Cash Sales:** The earliest laws allowed individuals to buy land at \$2 an acre using credit. Due to the number of people defaulting on their loans, the government changed the law

in the 1820s, decreasing the cost to \$1.25 an acre and requiring cash to purchase land.

- **Preemption:** Surveyors often discovered people living on land that had not yet been surveyed or sold. Preemption, which was first allowed in the 1840s, allowed individuals who were 'squatting' on Federal Land to purchase 'their' land before the remaining survey was available to the public. (Land sold by preemption rarely fit into the Rectangular Land Survey and may be described using Metes and Bounds.)
- **Homesteads:** Starting in 1862, the government allowed individuals to claim up to 160 acres granted they met certain requirements (natural born or naturalized citizen, resident of the land for five years, construction of a house and other improvements).
- **Bounty Land Warrants:** For some men who served in early American Wars (pre-Civil War), payment for service was given in the form of Bounty Land Warrants which could be traded in at any local Land Office. In the 1850s, three additional Bounty Land Acts were passed and allowed Veterans or their heirs to claim land provided they could prove service.
- **Private Land Claims:** Following the purchase of Land from foreign powers (e.g. the Louisiana Purchase), the American government agreed to recognize the ownership of land by current residents provided they could prove their claims.
- **Other:** Many other Acts of Congress allow for the sale and distribution of Federal Land under additional laws. Refer to the resources at the end of this handout for more information.

Federal Land Sales were conducted at a local Land Office and produced a variety of records. A **Patent** is the final document transferring ownership of the land from the government to the purchaser. The Bureau of Land Management has created an index to these early Land Sales and posted this index along with digitized copies of many patents on their website. (See Additional Resources)

Land Entry Case Files (files containing all paperwork involved in the sale) are held by the National Archives. Copies of Land Entry Case Files can be ordered through <http://www.archives.gov>.

Individual Land Sales

Following the initial sale of a piece of land, all other land transactions were usually conducted at a county or town level between individual or other local entities (businesses, railroads, corporations). Local land records are usually called **Deeds**.

Deed Indexes:

Many counties have created **grantor** (organized by seller) and **grantee** (organized by buyer) indexes (sometimes called direct and indirect indexes). Indexes are almost always organized according to the first letter of each surname but may be listed in chronological order from there. Some states also have unusually indexes. Make sure to read the instructions on how to locate your ancestors within the index. In addition, indexes often use abbreviations to indicate multiple grantors/grantees (et al) or to indicate the sale names the grantor's wife (et ux).

SEARCH STRATEGIES

- Use land description to identify each piece of property owned by your ancestor and make sure to trace each piece of property from purchase to sale. Search the indexes for several years before your ancestor arrived in a given locality and for several years following their departure.
- Use other records to determine whether or not your ancestor owned land. One of the best resources for determining land ownership are the 1850, 1860, and 1870 censuses which include columns for value of real estate and personal estate (1860/1870 only). The 1900-1940 censuses also indicate property ownership. Other records that might indicate your ancestor owned land include Probate Records, Court Records, and Tax Records.
- Use land records to lead you to other resources. If your ancestor owned land, he or she left a probate and paid taxes on that land. Also check for court cases describing disputes over water rights or boundary lines. As you search for your ancestor's land, also make use of local maps to help you locate the land and identify neighbors.
- Analyze each land record that you find. Spend time transcribing the document and

familiarizing yourself with legal words. Note other names listed (neighbors, witnesses, co-signers). Keep track of considerations, property descriptions. Read through the history if it is included. All of these pieces of information can clues to family structure wealth, possible relationships, and more.

CONCLUSION

Land records are some of the most interesting informative of genealogical resources. Search for your ancestors in land records and you might just be surprised by what you find.

ADDITIONAL RESOURCES

www.glorerecords.blm.gov: includes an index to public land transfers from the federal government, including homesteads, cash entry, and more.

wiki.familysearch.org: search for 'United States Land and Property.'

Hone, E. Wade. *Land and Property Research in the United States*. Salt Lake City: Ancestry, 1997. (FHL book 973 R27h)

Szucs, Loretto Dennis, and Sandra Hargreaves Luebking, *The Source: A Guidebook to American Genealogy*. 3d ed. Salt Lake City: Ancestry, 2006. (FHL book 973 D27ts 2006)

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