

Basic Genealogy: Land Records Part I – Researching First Title

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Goals of this session

- Why land records are important
- How people got land, and how first title was obtained.
- How land is delineated and described and how to locate your ancestors' land?
- How and where you find land records

Importance of Land Records

- In many locales, may provide a more complete list of individuals than census (after 1800, over 80% of men owned land)
- Provide more detailed and complete information than tax lists or court records
- Supplement probate records
- May be the best proof of relationships
- May be the only records prior to 1850 that mention wife's name
- Provide name of wife and her dower status
- Names of children/heirs
- Past place of residence
- Current place of residence (also if grantor has moved)
- Date(s) of residence
- Economic status
- Literacy of ancestors (with caution)
- Excellent way to identify friends, associates, and neighbors (the FAN)

Obtaining Land

- Land Grant (entry, warrant, survey, patent or title) In Missouri, permission to settle, survey, title (oftentimes not), confirmation after Louisiana Purchase)
- Public Land Sales
- Buying from earlier landowner
- Buying from an official

State Land vs. Public (Federal) Land States

- In the original colonies, states formed from them in some cases, and independent countries joining the U. S., first title came through grants from the Crown, a proprietor or company, of other national government

State Land States – Original 13 colonies

- Connecticut
- Delaware
- Georgia
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- North Carolina
- Pennsylvania
- Rhode Island
- South Carolina
- Virginia

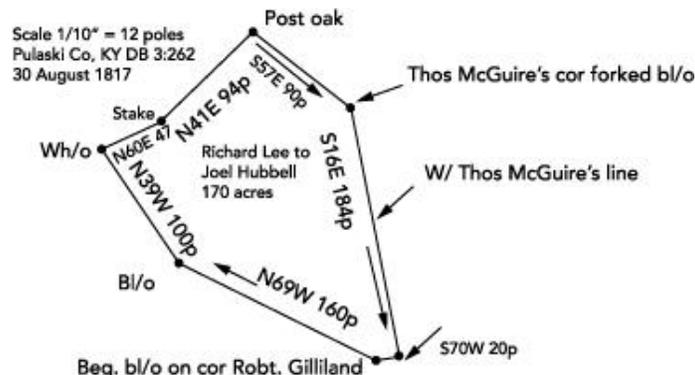
State Land States – Part of Original Colony or Joined U. S.

- Hawaii (Indep.)
 - Kentucky (Va.)
 - Maine (Mass.)
 - Tennessee (N. Car.)
 - Texas (Indep.)
 - Vermont (NH, NY, Indep.)
 - West Virginia (Va.)
- All others are public land states (mostly).
- Missouri land claims for land obtained before the Louisiana Purchase generated a lot of documents because they had to be confirmed and re-surveyed. This involved a very lengthy process. Leonard Welker is one example. A summary of the process and some records can be found at: <http://genealogydecoded.com/2013/10/10/spanish-land-claims-in-missouri-a-map/> and <https://s1.sos.mo.gov/records/archives/archivesdb/land/> or on digital films 8723315 & 8723316 on FamilySearch.
 - Some other state examples:
 - North Carolina - North Carolina Land Grant Images and data: <https://www.nclandgrants.com/inout/?iop=query>
 - Kentucky – Kentucky Secretary of State: <http://apps.sos.ky.gov/land/nonmilitary/patentseries/vaandokpatents/> and Ancestry – Kentucky Land Grants, 1782-1924 (both are incomplete)
 - Virginia - Library of Virginia – Land Office Grants http://lva1.hosted.exlibrisgroup.com/F/?func=file&file_name=find-b-clas30&local_base=CLAS30 (James Deever as example)
 - Tennessee - Tennessee Land Research: <http://www.tngenweb.org/tnland/> Ancestry (North Carolina and Tennessee Early Land Records)

Other information on land research in different states may be found in the appropriate Family Search wiki (https://www.familysearch.org/wiki/en/United_States_Genealogy) or in the “Research in the States” series from the National Genealogical Society: https://www.ngsgenealogy.org/cs/research_in_the_states

Metes and Bounds Surveying

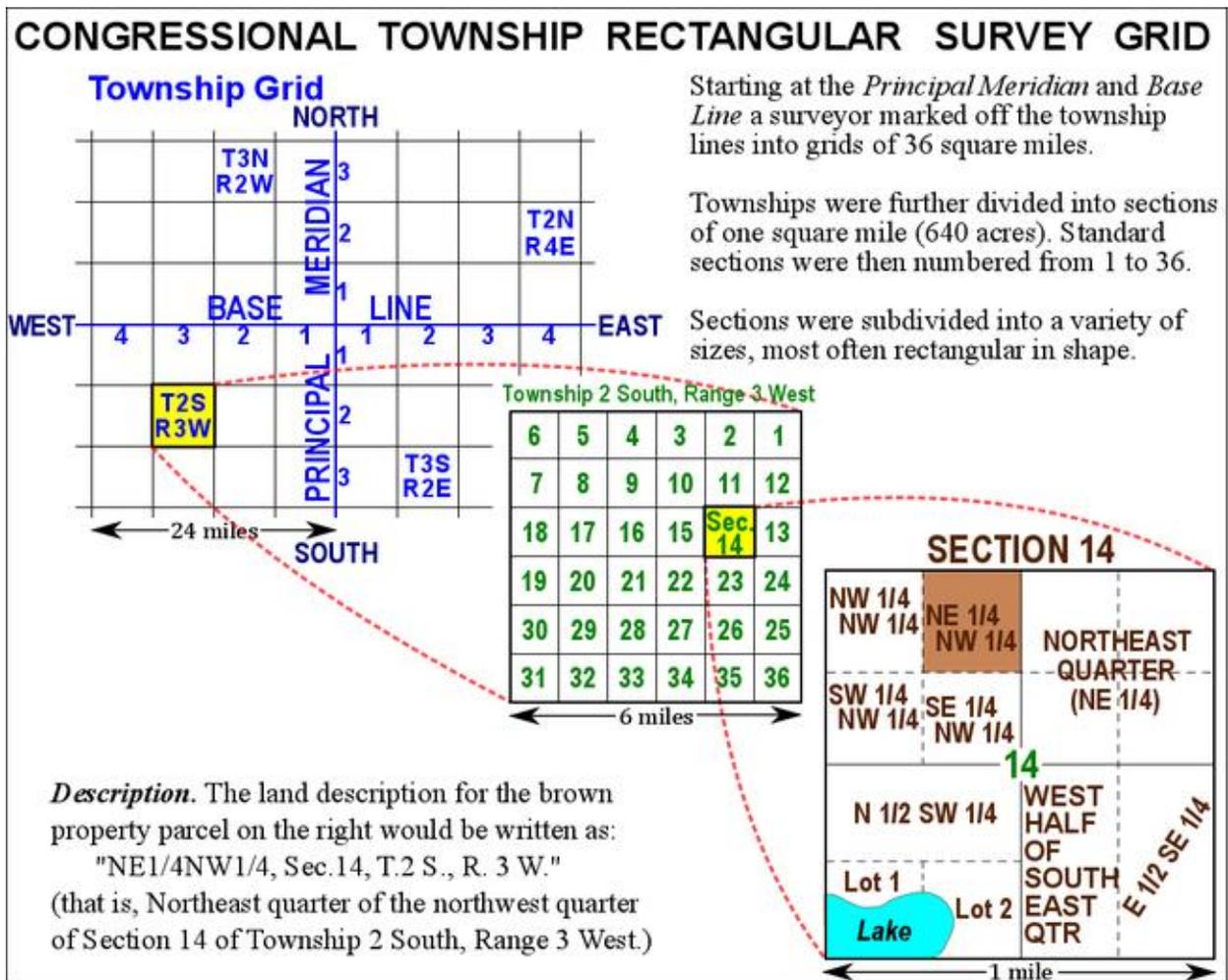
Early surveys were mainly done with metes and bounds survey methods. This involves measuring distances and compass bearings from a starting point to subsequent turning points, then back to the beginning point, and noting boundaries of the resulting polygon. This was an initial effort to mark and delimit land parcels permanently. In cases of subdividing larger properties, the methods is still used today. A surveyor determines compass bearings as either north or south, and then a measured number of degrees east or west of north or south. For example, North 45 degrees (°) East would be a due northeast bearing.



U. S. Public Land Office Sales

The system and process developed to handle disbursement of land owned by the federal government to individuals was the U. S. Public Land system (survey, or rectangular survey)

- Initial goal was to get it into private hands
- Avoids much of the extreme confusion caused by metes and bounds surveying and poor record keeping
- Similar systems were used in latter stages of settling Tennessee, Georgia, and some other states
- Systematic, typically right angles
- Much easier to describe land locations and boundaries
- Metes and bounds only used for irregular land or to subdivide



The initial point for all of our U. S. Public Land survey in Missouri is in northern Arkansas. We measure east and west from the 5th Principal Meridian.

- Most were sold as Cash Sales.
- Some early parcels were sold on credit and land warrants for military service were used to claim others.

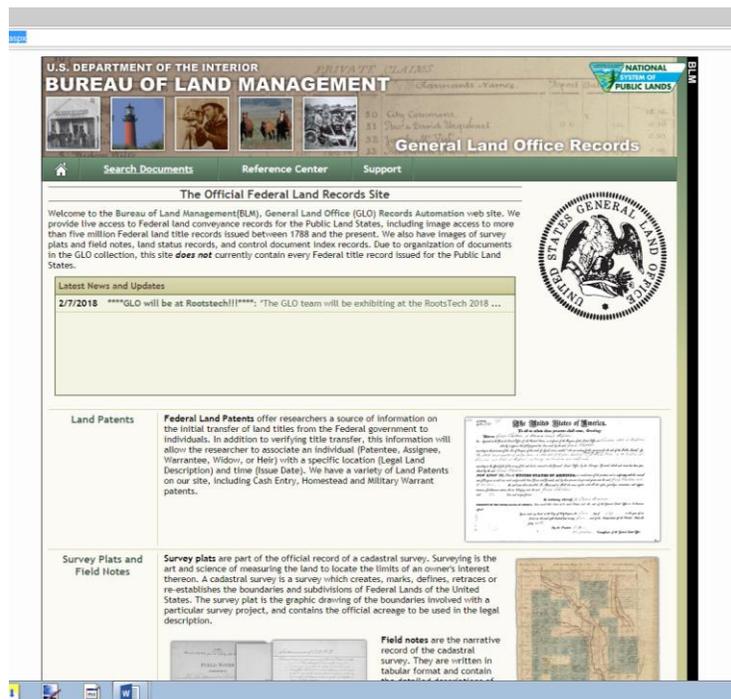
- Section 16 (sometimes other sections) were given to the states/counties to sell for the benefit of schools.
- A large segment in northern Missouri was set aside as payment for War of 1812 veterans.
- Swamp and Overflow lands were given to the states in 1850 to sell (identified during survey), and Missouri gave theirs to the counties within a few years.
- Saline lands were similar
- Seminary lands were similar to school lands.

You can also access plat maps showing landowners from the General Land Office site by accessing Arphax's "Family Maps" series, or subscribing to <http://www.historygeo.com/> - Demonstration.

Steps to Get Title to Land in the Public Domain and Documents Generated

- | | |
|-----------------------------------|--|
| 1. Survey | Field Notes |
| 2. Application/Entry | Tract Books |
| 3. Other Requirements (if needed) | Bounty Land Warrant, Affidavits, Preemption documentation (in Land Entry file or Bounty Land File) |
| 4. Receipt | Also in Land Entry File |
| 5. Final Certificate or Patent | Original Patent in National Archives, Copy to owner |

Much can be found on the General Land Office web site: <https://glorerecords.blm.gov/default.aspx>



Brief tour of the site

- Reference Center provides background info
- Survey Plats and Field Notes are available for all or part of 37 states, but not Missouri yet
- Tract Books are ONLY available for Alabama and Iowa (so far)
- Most use the "Search Documents" link

Other places to search for Public Land Office Records:

- Swamp land – state and/or county
- School Land – county
- State Archives – the above, plus some tract books
- National Archives Regional Branches
- National Archives Washington
- Bureau of Land Management

Sometimes, the Land Entry Case File can contain interesting information, especially after the various Preemption Acts were enacted.

To obtain copies of a case file you will need the following information which may be found in the land patent records indexed at the [BLM-GLO web site](#):

- Name of the purchaser
- State where the land was purchased.
- Name of the land office.
- Type of certificate (homestead, cash, bounty-land warrant, mining, timberland etc.)
- Certificate number or patent number

Glossary of Terms Associated with Land Records

Acre - A measure of land comprising 160 square rods, or 4,840 square yards, or 43,560 square feet.

Acknowledgment – The act of a witness swearing they saw a deed transacted in court.

Agent - An individual who represents another from whom he has derived authority.

Administrator - A person appointed by the court to administer the estate of a deceased person who left no will; that is, who died intestate.

Appurtenance - That which belongs to something else; something which passes with land, such as a right-of-way.

Arpen/Arpent - A measure of land area used by French authorities; equal to about 0.85 acres.

Attorney in fact - Anyone who is appointed to act for another in a particular situation or transaction not of a legal nature. See Power of Attorney.

Bond - Money or property paid to an individual or authority such as a court to guarantee that the grantor will perform an action that has been agreed upon; examples are guarantees of court appearances or promises to execute a deed.

Call – a compass bearing and distance as part of a metes and bounds survey

Chain - A distance of 66 feet.

Commissioners - Group of individuals appointed by a court authority to perform a specific legal task, such as partition of an estate or sale of real estate belonging to a deceased person.

Confirmation - A land claim that was confirmed by the Board of Commissioners; most of these claims were made prior to the purchase of Louisiana from France in 1803. Also, a land title issued by Spanish or French authorities that was issued after an individual had occupied, possessed, or cultivated the land for 10 years.

Consideration – payment or something given in exchange for land.

Deed – an agreement to transfer ownership of a piece of real property

Direct Index – A land record index organized by the grantors' names.

Dower - The right which a wife has in her husband's estate at his death. Under common law, this was 1/3 of the value of all lands which her husband had owned during their marriage. Thus, in land transfers, the grantor's wife would have to relinquish (give up) her dower rights so the grantee could gain clear title to the land. Otherwise, she would have the right to claim her dower rights on the land later.

Entry – Initial agreement for a buyer or grantee to apply for a warrant and pay for a land parcel.

Escheat – reversion of real property to the granting entity; usually in cases where no heirs survive, but also due to abandonment or failure to pay.

Et al. - And others.

Et ux. – And wife.

Fee Simple – title to property with no limitations or attached conditions.

Foreclosure - A court process instituted by a mortgagee or lien creditor to defeat any interest or redemption which the debtor/owner may have in the property.

Grant/Land Grant - A process by which a government gives land to an individual.

Grantee (Devisee) - the individual receiving property; for most deeds, the buyer of the land.

Grantor (Devisor) - the individual disposing of property; for most deeds, the seller of the land.

Head Right - Land granted to an individual by a government in exchange for settling and improving that land (that is, land granted "per head"). In Cape Girardeau Co., this was land granted by the Spanish Government to American settlers who agreed to settle in the District.

Improvement - Changes an individual makes in a parcel of land; such as buildings, clearing fields, etc. Oftentimes, individuals had to show proof of improvements in order to have land entries confirmed.

Indenture – another term for contract or agreement.

Indirect Index – A land record index organized by the grantees' names.

Infant - any person not of full legal age; a minor.

Intestate - A person who dies without making a legal will.

Liber – another term for book or volume.

Life Estate – a right to use of land only during the lifetime of the holder. At their death, the land is bequeathed or reverts to other individual(s).

Metes and Bounds – a method for describing the extent (compass bearing and distance) and boundaries (perimeter and adjacent properties) of a piece of property.

Moiety - Half of anything.

Mortgage - A conditional transfer of legal title to real or personal property as security for payment of a debt.

Partition, Partition Deed - The dividing of real property among all joint owners according to their respective rights.

Patent - First title to a land parcel, issued by a federal government at the conclusion of the land grant process, or after a cash sale at the U. S. Land Office. Patents were issued by Spanish, French, or U. S. governments.

Perch - A distance of 16 1/2 feet; same as a pole or rod.

Plat - A map of a tract, sometimes showing its location in relation to neighboring land owners.

Pole - A distance of 16 1/2 feet; same as a perch or rod.

Power of Attorney - The bestowal of the authority to act as an attorney in fact.

Preemption, Preemption Right - Legal claim to a parcel of land obtained by a settler (or squatter) who had cultivated a land tract prior to the opening of the Jackson Land Office in 1823. The settler had a right to purchase the land and obtain clear title after the land office opened. Most parcels were 40 or 80 acres. Preemptions were often sold prior to obtaining a patent, so the original patentee may not have been the original "owner" of a land parcel.

Primogeniture – under English Common Law, inheritance of property by the oldest son, and then a specified degree of relation.

Quit Claim Deed - A deed given when the grantee already has, or claims, complete or partial title to the premises and the grantor has a possible interest that otherwise would constitute a question upon the title.

Rod - A distance of 16 1/2 feet; same as a perch or pole.

Settlement Right - Land granted to an individual for settling on a tract prior to the Louisiana Purchase. In the Cape Girardeau District, individuals were granted such land based on their wealth and importance, the size of their family, and their ability to cultivate land, but few settlement rights exceeded 800 arpents. The only cost was for fees and surveying. See Confirmation, Head Right.

Sheriff's Deed - A deed that is executed by the sheriff or other official acting in that capacity; used in cases where land was seized to pay a debt or satisfy a judgment in court.

Test. - Attest; the witness to a deed swears to that deed in court, or swears to the signature of the grantor(s).

Title – ownership of a piece of property, or the document confirming that.

Trust Deed - A deed that places the title to real estate in one or more trustees to secure payment of a debt. The property could then be sold by the trustee(s) in the case of default, with the debt to be paid from the proceeds.

Warrant – legal authority allowing an individual or individuals to claim an amount of land specified in the document.

Writ of fieri facias - a document issued by a Court that directs the Sheriff or other official acting in that capacity to levy the amount of a judgment from the goods and chattels (including land) of the person against whom the court made its judgment.

Writ of Scire faci - the Sheriff or other official acting in that capacity returns to the Court stating he has given notice to the parties against whom a writ has been issued.

Further Reading and Additional Resources

- Dollarhide, William Dollarhide and William Thorndale. *Map guide to the U. S. federal censuses*. Baltimore, Maryland: Genealogical Publishing Co., 1988. [Shows county boundaries at 10-year census intervals. Good for determining if your ancestor lived in an area that was in several counties over time.]
- Eichholz, Alice, editor. *Red Book: American State, County, and Town Sources*, 3rd edition. Salt Lake City, Utah: Ancestry Publishing, 2004.
- Goodrum, Michelle Roos. *Digging for Ancestors: An In-Depth Guide to Land Records*. Utica, Ohio: The In-Depth Genealogist, 2013.
- Greenwood, Val. "Government Land: Colonial and American," Chapter 19 in *The Researcher's Guide to American Genealogy*, 4th ed. Baltimore, Maryland: Genealogical Publishing Co., Inc., 2017.
- Hast, Adele and John H. Long. *Historical atlas and chronology of county boundaries, 1788-1980*. Volume 4. Iowa and Missouri. Hermon Dunlap Smith Center for the History of Cartography, The Newberry Library. Boston, Massachusetts: G. K. Hall & Co., 1984. [Best printed resource available for Missouri county boundary changes. Online version is at: <http://publications.newberry.org/ahcbp/>]
- Hatcher, Patricia Law. *Locating Your Roots: Discover Your Ancestors Using Land Records*. Baltimore, Maryland: Genealogical Publishing Co., Inc., 2016.
- Hone, E. Wade. *Land and property research in the United States*. Salt Lake City, Utah: Ancestry, Inc., 2008.
- Ingmire, Frances Terry. *Citizens of Missouri Territory – 1787-1835: Grants in Present-Day Missouri*,

- Arkansas, and Oklahoma*. 3 volumes. Signal Mountain, Tennessee: Mountain Press, 1984.
- Ingmire, Frances Terry. *Citizens of Missouri Territory*. Signal Mountain, Tennessee: Mountain Press, 1984.
- Lowrie, Walter. *Early settlers of Missouri as taken from land claims in the Missouri Territory*. Easley, South Carolina : Southern Historical Press, 1986. Reprint of part of the original American State Papers, volume 2. Washington, D. C.: Duff Green, 1834.
- Luebking, Sandra H. "Research in land and tax records," In Loretto Dennis Szucs and Sandra H. Luebking, editors, *The source: A guidebook of American genealogy*. 3rd edition. Salt Lake City, Utah: Ancestry Publishing, 2006.
- McMullin, Phillip W. and United States Congress *Grassroots of America : a computerized index to the American state papers: land grants and claims (1789-1837) with other aids to research (Government document serial set numbers 28 through 36)*. Greenville, South Carolina: Southern Historical Press, 1994.
- Mills, Elizabeth Shown. *Evidence Explained: Citing History Sources from Artifacts to Cyberspace*. Baltimore: Genealogical Publishing Co, 2017.
- Missouri Department of Conservation, *Missouri's Conservation Atlas*. Jefferson City, Missouri: Missouri Department of Conservation, 2000. [Maps of Missouri's counties with U. S. Public Land Divisions.]
- Rose, Christine. *Military Bounty Land, 1776-1855*. San Jose, CA: CR Publications, 2011.
- St. Louis Genealogical Society. *Index to Minutes of the First and Second Board of Land Commission Meetings 1805-1812, 1832-1835*. St. Louis, Missouri: St. Louis Genealogical Society, undated.
- White, C. Albert. *A History of the Rectangular Survey System*. Washington, D.C.: Government Printing Office, 1983.

Additional Web Sites:

<http://homepages.rootsweb.com/~haas/learningcenter.html>

Linda Haas Davenport's Learning Center [check the land records links]

<http://www.cyndislist.com/land>

List of valuable links for land and property research.

<http://www.archives.gov/genealogy/land/>

"Land Records" page of the National Archives. Many links that might be of interest.

History Geo - <https://www.historygeo.com/> Uses General Land Office land patents to map land ownership (the same company that does the Family Maps at the county level). Numerous features, searchable by surname and links with original patents. Also includes an antiques maps collection, with more added all the time.