

Treasures Found in US Land & Property Records

Background

- Early Americans were land minded
- Land was inexpensive and readily available
- About 90% of adult white males owned land
- Land records exist from the beginning of the first permanent settlement
- Older land records contain more genealogical information

Colonial Land Phases (Before the Revolution)

- All land claimed by the British Crown
- Crown made grants or charters to the Lord Proprietors and Colonies
 - Beginning in 1606 in Virginia
 - Ending 1729 in Georgia
- Colonies transferred land to colonists

During Revolutionary War and Early US

- Most Colonies seized proprietary, Crown and loyalists' lands and sold them.
- Transferred land from various foreign countries to new government
- Transferred western land claims from individual states to federal government
 - Created *Public Land* or *Public Domain*
 - Original 13 states and states formed from them retained control of their lands

Land Grant Process

1. File Entry (Petition or Application)
2. Approval of Entry – Warrant issued (order for laying out of land)
3. Land surveyed to meet requirements of Entry and Warrant – Plat made
4. Licenses (issued by some states) issued to land-grant applicants (for a specifically described and surveyed tract)
5. Grantee takes possession – Patent issued and recorded

Headright Grants

- In order to attract more settlers, some colonies granted land to those who paid passage for new settlers. 50 acres were given per head of those who usually became indentured servants of the one who paid the passage and received land.
- Virginia's Headright Grants are recorded in *Cavaliers and Pioneers*, which also show some colonists arrived 2-3 times per year

Non-Grant Transfers

- Cash Sales – Individuals and companies bought huge tracts of land at bargain prices
- Many owners remained in England and collected rents, rent rolls rigorously maintained – one copy in county – one copy for Lord Proprietors
- Proprietary Grants > Lord Proprietors – Delaware, Maryland, Pennsylvania, Carolinas, early Maine and New Hampshire

Examining Deeds

- Deed are indexed in cumulative form usually spanning decades and generations
- In early periods, deed indexes act as a virtual list of county residents
- Gives time period of residency
- Deeds/Indexes sometimes refer to a case number which reflects a court action
- Grantor/Grantee may show “et al”
 - Multiple grantors or grantees
 - Land involved with an estate or will with multiple devisees

Information Found in Deed Records

- Dates of deed, transfer of land, recording
- Names of grantor(s) and grantee(s)
- Places of residence of grantor and grantee
- County where land is located
- Price of land
- Description of land
- Names of witnesses of deed

Information Which MAY be Found in Deed Records

- Familial relationships
 - Name of wife (through dower rights)
 - Father gives land to daughter and husband at marriage
 - Father gives land to son(s)
 - Relatives purchase land together
 - Land distributed through will or estate
 - Relatives assist in sale of land
- Names of friends and neighbors
- Previous residence locality
- Next residence locality
- Land quantity shows level of wealth

Recording of Exchanges of Land

- Patents, grants, warrants and surveys were recorded at the colony, state or federal level
- Subsequent sales were recorded at the local level
 - County level – 48 states
 - Town level – Connecticut, Rhode Island, Vermont
 - Judicial level - Alaska

State Land States (After the Revolution)

- Twenty States
 - Original 13 States
 - Massachusetts, Connecticut, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia
 - Five states formed from original 13 states
- Maine, West Virginia, Kentucky, Vermont, Tennessee
- Texas and Hawaii

- Retained ownership of their lands
- Set up General Land Office
- Issued land grants (gift of land)
- Issued land patents (sold land)
- Original records available from the state
- Some states land grants are indexed online

Indexes

- Surname index to virtually every landowner since the early 1600's.
- Offers 90% chance of finding the right person
- Most found at county level
- Original grants and patents may be found at state or federal level
- Grantor = Seller
- Grantee = Purchaser
- Direct Index = Grantor Index
- Indirect Index = Grantee Index
- Cross Index = Grantor/Grantee Index

Types of Land Records

Abstract of Title

- A condensed history of the title to a parcel of real estate.
- All restrictions
- Easements
- Liens and charges
- May include maps, plats and other aids

Affidavit

A written statement of facts, which is made voluntarily and affirmed by the oath of the party making it. The oath is made before some party legally authorized to administer it, usually a Justice of the Peace.

Conveyance or Deed

Document by which title in real property is transferred from one party to another.

Gift Deed

Usually such deeds transfer real estate from a parent to his offspring but there is no rule about that. The consideration is often stated as: "for the natural love and affection which I bear towards my son, _____, and for other valuable consideration."

Power of Attorney

When a person is unable to act for himself in a certain matter and appoints another to act for him, the document by which he does so is called a *power of attorney* or *letter of attorney*. The person appointed becomes an *attorney in fact* in the performance of specified acts.

Quitclaim Deed

A quitclaim deed is an instrument by which a person releases all title, interest, or claim which he may or may not in fact possess in certain real estate properties without making any warrants thereto. A primary use is to remove clouds or potential clouds from real estate titles.

Release of Dower

Any property which a husband has acquired in fee simple during their marriage is subject to his widow's dower claim.

Fee simple

Has always meant that the estate would potentially last forever and descend to one's heirs if he died intestate, or could be devised by will or could be sold if he wished.

Women and Land Records under English Common Law

- Married women could not own land
- Wives had dower rights
 - Entitled to 1/3 interest in land
 - Wives interviewed separately for approval of sale of land
 - Could veto sale of land

Trust Deed

Instruments of real property financing similar to mortgages. They operate by placing the title to real property in one or more trustees to secure payment of the debt.

Warranty Deed

Most important and common type of deed. By it the grantor warrants (by covenant) the title of the property he sells; and should the title become faulty because of paramount claims against it, or for any other reason, the grantor (or his heirs) may be sued on the warranty.

Federal Land States – Public Land States – Public Domain States

Thirty States - Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming

- State Patent States (Eastern)
 - Eastern States: AL, AR, FL, IL, IN, LA, MI, MN, MS, MO, OH, WI, pre-1908 index and deeds online
 - Iowa pre-1908 index and deeds to be added online at a later date.
- Serial Patent States (Western)
 - NE, KS and OK – records not currently available
 - Western States – AK, AZ, CA, CO, MT, NV, NM, ND, OR, SD, UT, WA, WY, pre-1908 deeds available from state BLM office.

Land Entry Records from Public Domain

Cash Entry and Credit Entry

Credit patents - lands could be purchased under the Land Law of 1800 from the General Land Office. This credit system allowed purchasers to pay in installments over a four-year period. A delinquent payment or non-payment of the full balance resulted in forfeiture to the U.S. Because of the economic hardship Congress quickly abandoned the credit system and through the Act of April 24, 1820 required full payment for land to be made at the time of purchase. Cash patents were bound in volumes specific to a particular state - credit patents were not, and those credit volumes will be scanned and indexed at a later date.

Donation Entry Files

- Donation lands affected Florida, the Oregon and Washington Territories, and New Mexico. Lands were given to settlers in return for settlement, cultivation and fortification commitments. Each claimant also generated a land entry case file, which will often contain the most detailed and specific records ever produced by the federal land system.

- These land claims, like most general land entries before 1908, are arranged by state, land office, and final certificate number.

Military Bounty Land

- **Revolutionary War - From 1788 to 1855 the United States granted military bounty land warrants as a reward for military service. These patents were issued in various denominations and based upon the rank and length of service. They were often assigned to heirs or other individuals.**

The only state we have Revolutionary War era military bounty warrants for is Ohio (mostly in the Virginia Military District), and even those records for the most part have only a survey number and warrant number on them. A few were issued for rectangular surveyed sections of land, but most were for metes and bounds surveys in the Virginia Military District. States gave bounty land grants to their soldiers in their western territories.

- **War of 1812**

The earliest bounty land warrants for service in the War of 1812, issued at the time of the war, are partially reproduced and indexed.

Surviving veterans of the War of 1812 also qualified for bounty land warrants under the acts of 1842, 1850, 1852, and 1855.

- **Old Indian Wars**

Surviving veterans of the various Indian wars since 1790 qualified for bounty land warrants under the acts of 1850. These are partially indexed (for military actions against Indians during the War of 1812 only) Warrants issued for other military actions against Indians are indexed by the warrant applications under Acts of 1850, 1852, and 1855.

- **Mexican War**

The United States under an act of 1847 issued bounty land warrants to encourage enlistments in the Mexican War. Warrants under this act were the first that could be used to enter land anywhere in the public domain (rather than limiting entry to military districts) and were assignable.

Homestead Entry Files

The Homestead Law was a series of enactments beginning with the Act of 20 May 1862. Its purpose was to distribute public lands to those who were without. The only compensation required, aside from filing fees, was in the form of residence, cultivation, and improvement. Extensive immigration initially created the need for homestead legislation. The Civil War also brought about the need to encourage settlement in less-developed areas by individuals loyal to the union.

Private Land Claims

- The term "private land claims" indicates an application to the US government for re-ownership of lands that were originally acquired by the claimant while living under the administration of a foreign government. It does not include lands won during the Revolutionary War, except for portions of the Northwest Territory.
- Includes: AL, AZ, AR, CA, CO, FL, IL, IN, IA, LA, MS, MO, NM, WI, or portions thereof.

Pre-emption Files

Some patents have the word "Pre-emption" in the upper left-hand corner. "Pre-emption" was a tactful way of saying "squatter". In other words, the settler was physically on the property before the GLO officially sold or even surveyed the tract, and he was thus given a pre-emptive right to acquire the land from the United States.

Every land transaction in the public domain has a file folder with papers relating to that land transaction which may include papers of genealogical interest. The plat books and tract books should be considered tools for locating the name of the General Land Office and the Case File Number. The file folder is located in the National Archives in Washington, DC. The folders are organized by state, then by the local General Land Office which originated the records. The file folder with all the genealogical goodies is identified with a case file number, which is located in the top right corner of the patent. You should request a price quote for a copy of the complete file before obligating yourself for the expense.

All requests for copies of Land Entry Files must be done on an original NATF form 84 which can be obtained by writing:

Old Military & Civil - Land Team
National Archives and Records Administration
Washington, DC 20408

U. S. Land and Records Resources

General Land Office Website: <http://www.glorerecords.blm.gov>

General Land Office Primer:

http://www.glorerecords.blm.gov/reference/manuals/GLO_primer.pdf

Land Description Diagram:

http://www.glorerecords.blm.gov/reference/manuals/Land_Description_Diagram_9600_5.pdf

Research in the Land Entry Files of the General Land Office

Reference Information Paper 114:

<http://www.archives.gov/publications/ref-info-papers/rip114.pdf>

Principle Meridian and Baselines Map

http://www.glorerecords.blm.gov/images/reference/principal_meridians_and_baselines.png

The System of Rectangular Surveys:

http://www.blm.gov/pgdata/etc/medialib/blm/az/pdfs/cad/man.Par.42330.File.dat/chap3_sy

Rectangular Survey System:

<http://www.landprints.com/LpRectangularSurveySystem.htm>

Public Land Survey System (PLSS):

http://en.wikipedia.org/wiki/Public_Land_Survey_System

Metes and Bounds:

http://en.wikipedia.org/wiki/Metes_and_bounds

Metes and Bounds Survey System:

http://www.iammea.org/ggingras/cad115/m&b_description.htm

Grants from the Federal Government (Public Domain)

https://familysearch.org/learn/wiki/en/Grants_from_the_Federal_Government_%28Public_Domain%29

Land Patent Search: https://familysearch.org/learn/wiki/en/Land_Patent_Search

Metes & Bounds: https://familysearch.org/learn/wiki/en/Metes_and_Bounds

Preemption Act of 1841: http://en.wikipedia.org/wiki/Preemption_Act_of_1841

For specific information on Land and Property for your state, go to:

<http://www.familysearch.org> > Learn > Research Wiki and search for your state's land records

FamilySearch.org > Search > Wiki > “tract book coverage table”

- **Click on: United States, Bureau of Land Management Tract Books (FamilySearch Historical Records) – Click on “Tract Books Coverage Table”**
- **Land Entry Case Files**
- **Tract Books**
- **US Land Records Class Handout**

Bureau of Land Management: <http://www.glorerecords.blm.gov>

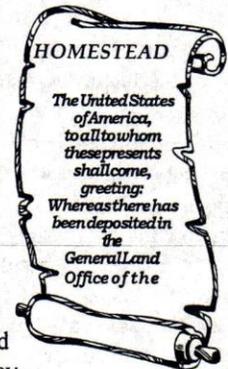
- **Click on: Reference Center (Survey Manuals – GLO Primer)**
- **BLM Land Description Diagram:
<http://www.blm.gov/or/pubroom/files/land-descript-diag.pdf>**

Land Records

Where They Came From - How We Got Them

As the United States expanded westward from the Thirteen Original Colonies, Congress recognized the need for an orderly system of surveying and describing the Federal lands to be opened for settlement. On May 20, 1785, the Continental Congress enacted a land disposal ordinance establishing a Public Land Survey System based on a rectangular grid, and authorized the Treasury Board to sell public lands for revenue.

The General Land Office (GLO) was established within the Treasury Department in 1812 to take charge of all survey and land title records. GLO became part of the newly-created Department of the Interior in 1849, and merged with the U.S. Grazing Service in 1946 to form the Bureau of Land Management (BLM). BLM is now custodian of the land records, including more than 7.5 million ownership titles covering 1.5 billion acres of present or former Public Domain land. More than 5 million of these title documents are stored and maintained at BLM's Eastern States office in Virginia.



The Records We Maintain

The first land records developed from the Ordinance of 1785 were survey field notes. Government surveys began in Ohio in 1785 and progressed westward to open more territory for settlement. The surveyor prepared the field notes describing the survey performed. The notes might include the names of very early settlers living in the survey area and a variety of descriptions of land formations, climate, soil, and plant and animal life.

Survey plats are drawings of the boundaries created by each survey. Plats are prepared by draftsmen who base their drawings on information in the field notes and surveyor sketches. The survey plats do **not** show ownership or land status.

Land ownership, protected by a legal title, is a hallmark of western civilization. As the Public Domain was surveyed, the Federal Government began transferring title of land parcels to private citizens, companies, and local governments. Most titles were transferred by patents (deeds) from the Federal Government. Records of these patents and other conveyances of title—such as railroad grants, swamp grants, school grants, Indian allotments, and private land claims—are contained in large-sized tract books.

First developed around 1800 and maintained in local land offices, tract books have long served as the essential reference source for all transactions involving public lands. They tell who obtained what land from the Federal Government and when.

BLM's Eastern States maintains approximately 2,000 GLO tract books containing the land records for the 13 public land states under its jurisdiction: Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Ohio, and Wisconsin. Considered the largest land title office in the world, Eastern States maintains almost five million Federal land conveyance documents issued before and after the U.S. constitution was ratified. These conveyance documents include homesteads, cash sales, miscellaneous warrants, private land claims, railroad lists, and State swamp lists and selections. We **do not** have the land ownership records that come after this first patent. (These records are under State jurisdiction and are usually kept at the local county courthouse or recorders' offices.)

The historic tract books are continually used by the Eastern States' staff, Federal and state agencies, title insurance companies, industry, researchers, and others. The continuous use of many of these old books has caused much wear and tear, despite the efforts of artisan bookbinders using old skills and new technologies to help maintain the books in usable form. These old records are literally being *loved to death*.

"Preserving America's Heritage," The General Land Office Records Project

BLM faced an urgent need to preserve and protect these records, but still insure their availability for research. Technology provided the answer. In 1989, Eastern States launched a unique project--the GLO Automated Records Project--to copy these priceless conveyance documents onto computer-read laser disks. Once copied, the historic documents can then be retired and stored in acid-free boxes in a climate-controlled vault.

This Project offers researchers a single source of recorded information on lands once in Federal ownership, such as data regarding current Federally-owned lands and minerals; which Federal agency has jurisdiction over the land surface; and what individuals or entities first received the land from the Federal Government.

The GLO Automated Records System has the capability to provide such information to State land officials, county clerks, industry representatives, and the public through requests from remote computer terminals. Access to these old records will be effortless, and the original documents will maintain their integrity and value to historical research or other critical uses.



www.glorerecords.blm.gov

If We've Got It, You Can Get It

Every month, the BLM, Eastern States, furnishes certified copies for hundreds of patents. Most requests for copies come from genealogists seeking information about their ancestors. Individuals and firms involved in real estate and in minerals exploration and development find these records essential to knowing whether or not the United States owns the land, or if mineral rights were reserved to the Federal Government when the United States conveyed title to the land.

Many of these requests come from the southern States where the burning of county courthouses during the Civil War caused the loss of many title records. The records are also of value in historical research.

If you can provide the legal description of a parcel or parcels, BLM can locate the patent and supply you with a copy. The legal description should include the subdivision, section, township, range, survey meridian, and state. Until very recently, the name of the landowner alone has not been sufficient, because the land records of most states are not indexed by name.

Now, available via the internet, BLM offers information on historic land patents from all 30 public land states (those not included in the original 13 colonies), east and west. Cash and Homestead patent images and data for 13 eastern public lands states have been online for about 9 years. Now the "serialized" patents can be found on-line--these records include post-1908 conveyances issued chronologically from the headquarters General Land Office/BLM in Washington, D.C. Automation of the Military Warrants issued under the Acts of Congress dated 1847, 1850, 1852, and 1855 are expected to begin in the summer of 2007. Data and images are being made available daily, as the automation of the GLO records continues. The website also includes indexes to patents issued prior to 1908 for most western states. The website has image display capabilities to include TIFF, GIF, and PDF formats.

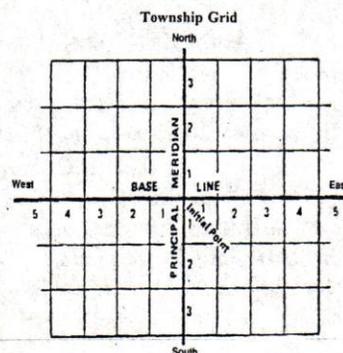
The survey plats and field notes are now being added to the GLO Records website. These hand drawn plats were made from the descriptive field notes in preparation for the Federal Government's sale of public lands. These plats show the landscape as it was prior to American settlement as well as legal surveying measurements. Occasionally these plats indicate man-made features, both Indian and from early pioneers, however they do not show ownership information or land status. Today these plats still have legal, historical and scientific value.

Visit our website at <http://www.glorerecords.blm.gov>.

For detailed information about the GLO Website, fees, or other BLM programs contact:

Bureau of Land Management, Eastern States
7450 Boston Boulevard
Springfield, Virginia 22153

Public Information Center: (703) 440-1600
Internet mailbox: records@es.blm.gov
FAX: (703) 440-1609
Public Affairs Office (703) 440-1713



Even If We Don't Have It, Someone Else Probably Does

Because the Thirteen Original Colonies and their territories were not a part of the Federal lands acquired during national expansion, we do not maintain the land records of 18 eastern non-public land states or the District of Columbia. These states are: Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. Also, we do not have records for Texas and Hawaii.

Inquiries concerning land records for these states should be directed to the individual state archives or land records offices. It may also be worth your while to contact county offices and/or the National Archives in Washington, D.C. (Email: inquire@nara.gov)



Bureau of Land Management

The Bureau of Land Management (BLM) is an agency within the Department of the Interior. We are responsible for managing the Nation's public lands and resources in ways that best serve the needs of the American people. Management is based on the principle of multiple use and sustained yield--a combination of uses that balances the needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness and natural scenic, scientific and cultural values.

BLM's Eastern States (ES) organization is the steward of the public lands and resources under the jurisdiction of BLM in the 31 states east of and bordering on the Mississippi River. These public lands and resources are managed to protect the environment and provide a diverse array of products and outdoor experiences. In addition to maintaining and protecting the Secretary of the Interior's official land records, ES also performs cadastral surveys for other Federal agencies and helps place many of America's wild horses and burros into adoptive homes.

Visit BLM's Home Page: <http://www.blm.gov>