

INTRODUCTION

Land records are not a perfect genealogical source. That is because they are not filled with birth dates or places, names of parents, etc. As a record group however, they comprise one of the most important sources for genealogical research in America. Why?

WHY SEARCH LAND RECORDS

- Land records exist from the earliest colonial period, dating to the first permanent settlements in America. Their value far exceeds their otherwise ordinary content because they date from a period in history when there are few other records.
- Prior to 1850, nine out of ten adult white males in America owned land. Any record group that includes such a large part of the population has to be considered important.
- Land records leave a trail which genealogists can follow.
- County-wide indexes exist to virtually every land owner in America since the early 1600s.
- Land records are solid proof of where your ancestor lived at a specific time.
- Because of their importance to families and government, land purchases were recorded as soon as possible and tend to survive catastrophes when other records don't.
- Individuals named together in deeds are often related.
- Land records may provide clues identifying where your ancestor came from or where they moved to.
- Land records may provide important information about your ancestor not found in any other records.
- Land records can provide enough detail to separate the identities of individuals having the same name and living in the same county. This is one method for solving a recurring problem in genealogy research.

TYPES OF LAND TRANSACTIONS

There are two major types of land transactions in the United States.

First are transactions between a government entity and an individual or party, called *First Purchase* transactions.

Second are transactions between two individuals or parties, called *Person-to-Person* transactions.

LAND SURVEY SYSTEMS

There are two major systems used in the United States for surveying land. They are:

Metes and Bounds Survey System: The first system used in the original 13 Colonies. This type of land survey is based on English Common law and uses running descriptions with measures of angles and distances (metes) and definite boundary markers (bounds) such as natural land features, including trees and streams, as well as adjoining property lines to describe plots of land. Today, iron pins and stakes are used to mark boundaries. Starting at a Point of Beginning (POB), the description runs clockwise or counterclockwise around the perimeter using directions or bearings and distances, or calls for bounds. The description leads back to the POB and usually includes an area expressed in acres or square feet. A metes and bounds description often includes reference to a survey plat.

Public Land Survey System (PLSS): Also known as the Rectangular Survey System has been used in the United States for the survey of public lands since the Land Ordinance Act of 1785. Its basic units of area are the Township and Section. For a more detailed description, refer to one of the resources listed under "Additional Resources."

USEFUL TERMS

Aliquot Part: The standard subdivisions of a section, such as a half section, quarter section, or quarter-quarter section.

Base Line: A parallel of latitude, or approximately a parallel of latitude, running through an arbitrary point chosen as the starting point for all sectionalized land within a given area.

Cadastral: Having to do with the boundaries of land parcels.

Cash Sale: Federal land purchased with cash.

Conveyance: Synonymous with deed.

Deed: A signed and usually sealed instrument by which title in real property is transferred from one party to another. Also evidence of a person's legal ownership. There are various types of Deeds.

Dower: The lands and tenements to which a widow has claim, in life estate, after the death of her husband, for the support of herself and her children. Under English common law this was one-third the value of all lands which her husband owned in fee simple at any time during their marriage. Even though a wife could not own land in

her own name, she could veto the sale of land in which she held rights.

Et al: Abbreviation for the Latin term referring to a number of people.

‘et alii’ masculine plural,
‘et aliae’ feminine plural, or
‘et alia’ neuter plural.

Et ux: Abbreviation for the Latin term ‘et uxor’ meaning “and his wife.”

First Purchase: A transaction happens when land is first purchased from a government or other entity, such as the federal government, a State or Colonial government, or a foreign monarchy. Before an individual could make such a purchase, a survey of the land had to occur.

Government Lot: In the PLSS system, a subpart of a section which is not described as an aliquot part of the Section, but which is designated by number, for example, Lot 3. A lot may be regular or irregular in shape, and its acreage may vary from that of regular aliquot parts. These lots frequently border water areas excluded from the PLSS.

Grant: When a government, under English Common law, gives land to an individual.

Grantee: Person or entities buying land.

Grantor: Person or entities selling land.

Homestead: A piece of land given to an individual(s) upon meeting predetermined requirements.

Indenture: See Deed. Formerly a deed drawn up in two or more parts according to the number of parties, which were separated by cutting in a curved or indented line known as the chirography, for identification and security.

Initial Point: In the PLSS system, the starting point for a survey of public lands.

Land Grant: A land grant is an area of land to which title was conferred by a predecessor government and confirmed by the U.S Government after the territory in which it is situated was acquired by the United States. These lands were never part of the original public domain and were not subject to subdivision by the PLSS.

Land Patent: See Patent.

Letters Patent: See Patent.

Lot: See Government Lot.

Patent: Also known as *first-title deeds* or *final certificates*. A document issued by the government giving an individual title to a tract of land. In the United States, all land can be traced back to the respective land patent, to first title deed and to claims that document titles for land originally owned by France, Spain, United Kingdom, Mexico, Russia, or native Americans.

Principal Meridian: In the PLSS system, a meridian line running through an arbitrary point chosen as a starting point for all sectionalized land within a given area.

Public Domain: Land owned by the Federal government for the benefit of the citizens. The original public domain included the lands that were turned over to the Federal Government by the Colonial States and the areas acquired later from the native Indians or foreign powers.

Sometimes used interchangeably with Public lands.

Public Lands: Lands in public ownership, therefore owned by the Federal government. Sometimes used interchangeably with Public domain.

Quitclaim Deed: An instrument by which a person releases all title, or claim which he may possess in certain real properties without making any warrants thereto.

Range: In the PLSS survey system, a vertical column of townships.

Release of Dower: The release of a wife’s claim to the land being sold.

Section: In the PLSS system, a one-square-mile parcel of land, containing 640 acres, or approximately one thirty-sixth of a township. Due to the curvature of the Earth, sections may occasionally be slightly smaller than one square mile.

Township: In the PLSS system, an approximately 6-mile square area of land, containing 36 sections. Also, a horizontal row of townships.

Warranty Deed: An instrument by which 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. This is perhaps the most important and common type of deed.

HOW DEEDS ARE STRUCTURED

Typical information contained in deeds include the following:

- Names and residences of the grantor(s) and grantee(s).
- Consideration or cost.
- Legal description, which precisely identifies the location of the land. Deeds using the metes and bounds system also include names of abutting neighbors.
- Date the instrument was created.
- Date the instrument was recorded by the county.

Additional useful information sometimes contained in deeds include:

- Names of spouses of grantor(s) and grantee(s).
- Names of witnesses.
- Hairs and other relatives may be named as selling land together.
- Names of neighbors.
- Alternate residences.
- Occupation or other identifying information.

REPOSITORIES OF LAND RECORDS

Federal Land Records:

Copies of the records were filed with the General Land Office who later transferred them to the National Archives.

The records were compiled by NARA into a document series titled "Land Entry Case Files" and include transactions such as; Bounty Land Warrants, Preemption, Cash Entry Sales, Homesteads, etc.

General Land Office records may be searched online at the Bureau of Land Management's website given below under internet resources.

Federal land transactions were also recorded at the county level.

County Land Records:

Land transactions between individuals are typically recorded in deed books. The original deed was retained by the land owner, but a full copy of the deed was recorded by the county clerk. Deed books are kept at the county level for most U.S. states, though in some areas they may be kept at the city or town level, principally on the East coast. The county-equivalent in Alaska is known as a "district," and in Louisiana, as a "parish."

ADDITIONAL RESOURCES

Printed Resources:

Eichholz, Alice, *Red Book American State, County, and Town Sources*, 3rd ed. Salt Lake City: Ancestry, 2004.

Everton, George B., *The Handybook for Genealogists: United States of America*, 10th ed., Draper, Utah: Everton Publishers, 2002.

Garner, Bryan A. editor in chief, *Black's Law Dictionary*, 9th ed. St. Paul, Minn.: Thompson West, 2009

Greenwood, Val D., *The Researcher's Guide to American Genealogy*, 3rd ed., Baltimore, MD: Genealogical Publishing Co., 2000.

Szucs, Loretto Dennis, and Sandra Hargreaves Luebking, *The Source: A Guidebook to American Genealogy*, 3rd ed. Salt Lake City: Ancestry, 2006.

Internet Resources:

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

www.glorerecords.blm.gov: includes an index to public land transfers from the federal government, including homesteads, cash entry, and others. Digital images are available for many records.

www.familysearch.org: includes county land records contained in the collection of the Family History Library of the Church of Jesus Christ of Latter-Day Saints. Digital images of many records are available. All digital images of records may be browsed online, not all records are indexed.

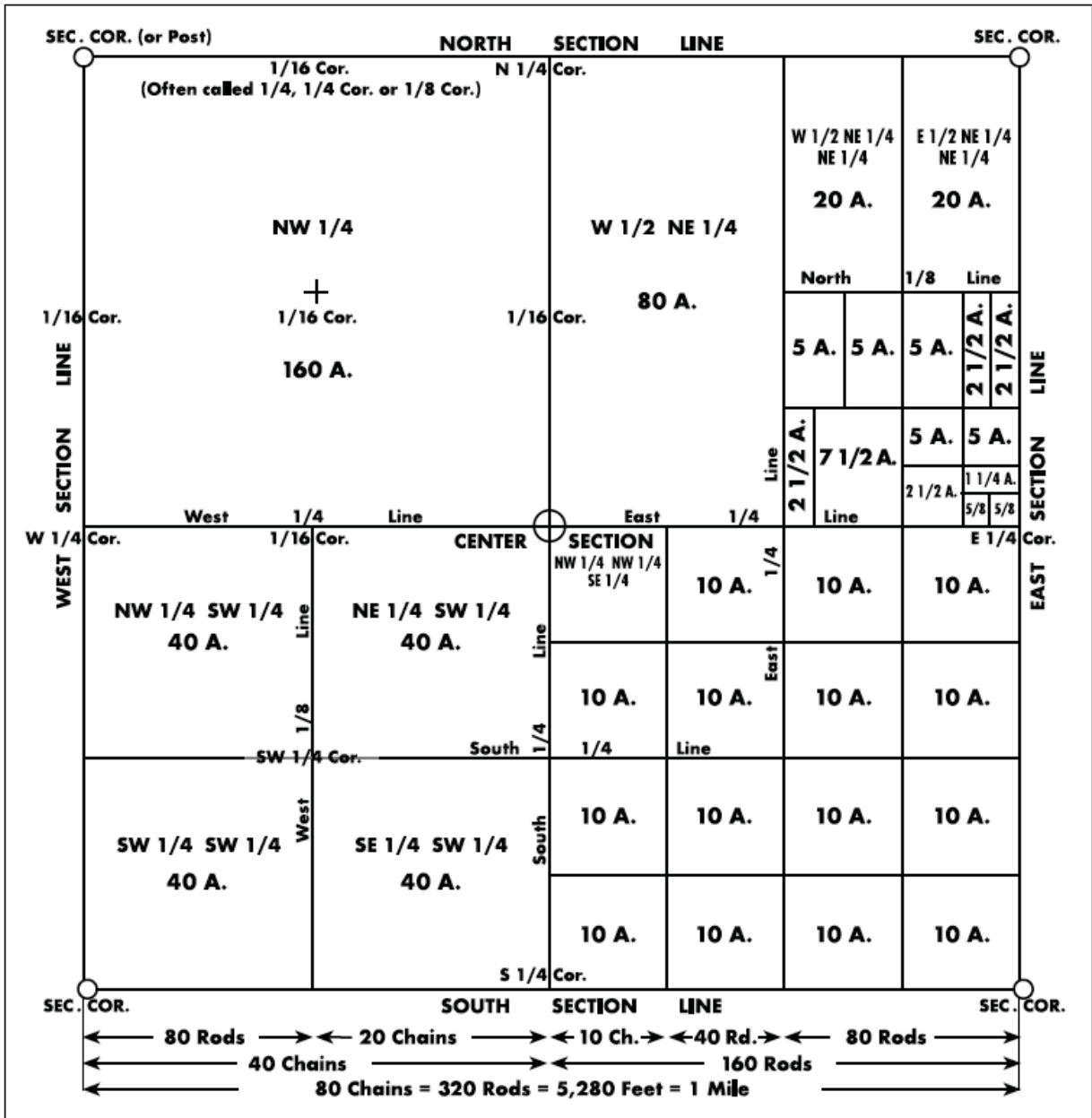
NOTES

USEFUL LAND MEASUREMENTS

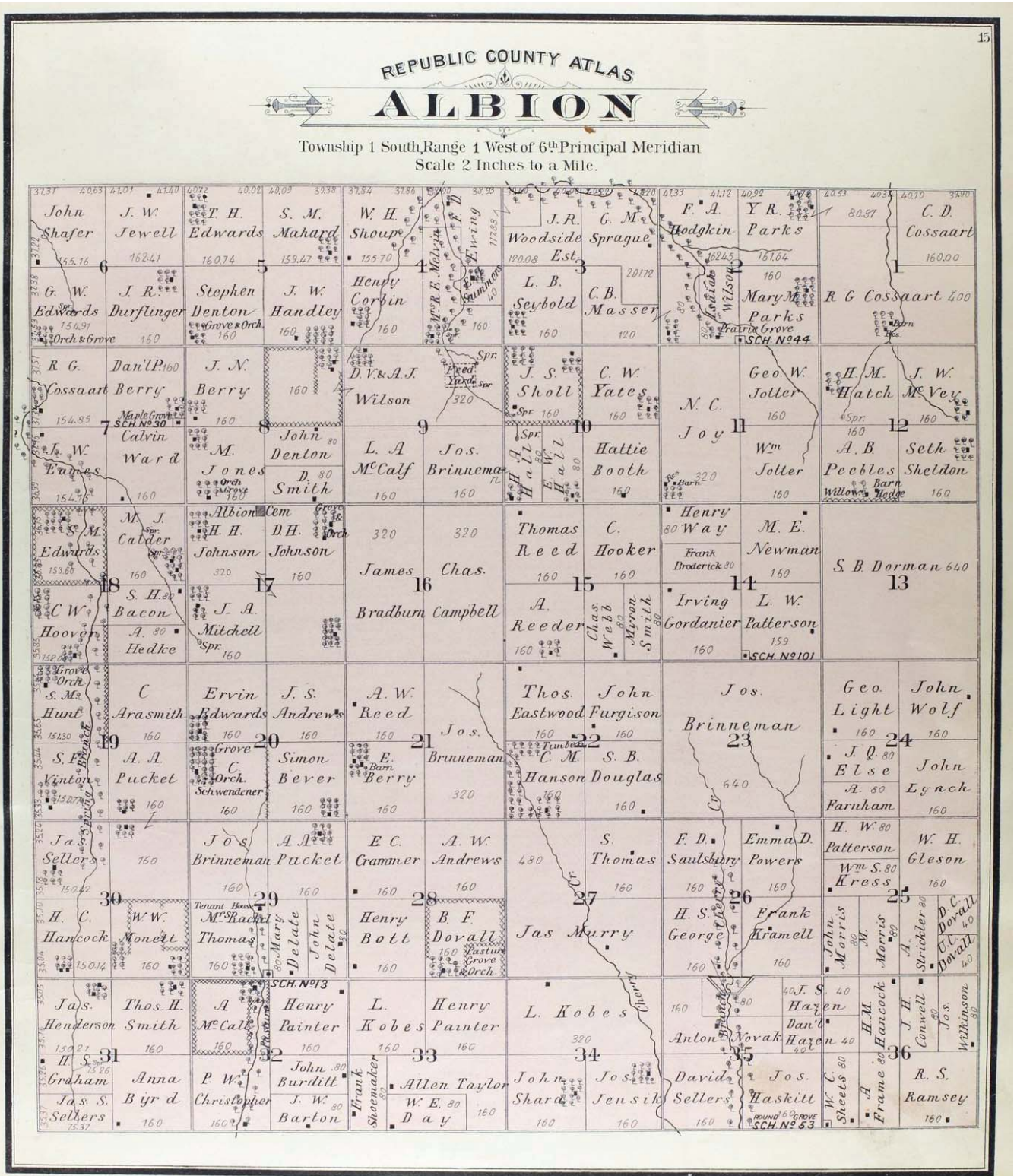
- 1 Link = 7.92 Inches
- 1 Rod = 16.5 Feet
- 1 Pole = 1 Rod
- 1 Chain = 66 Feet
- 1 Furlong = 40 Rods or 10 Chains
- 1 Mile = 5,280 Feet or 320 Rods or 80 Chains

PUBLIC LAND SURVEY SYSTEM (PLSS)

Aliquot Parts of a Section
 One Section contains 640 acres



Below is an example of one Township (36 Sections), laid out using the Public Land Survey System. Notice that every parcel of land has been laid out using the aliquot subdivisions of the Section.



Atlas of Republic County, Kansas, (Gillen and Davy, Chicago, Illinois, 1884), Kansas Memory.org, digital image, <<http://www.kansasmemory.org>>, Kansas Historical Society.

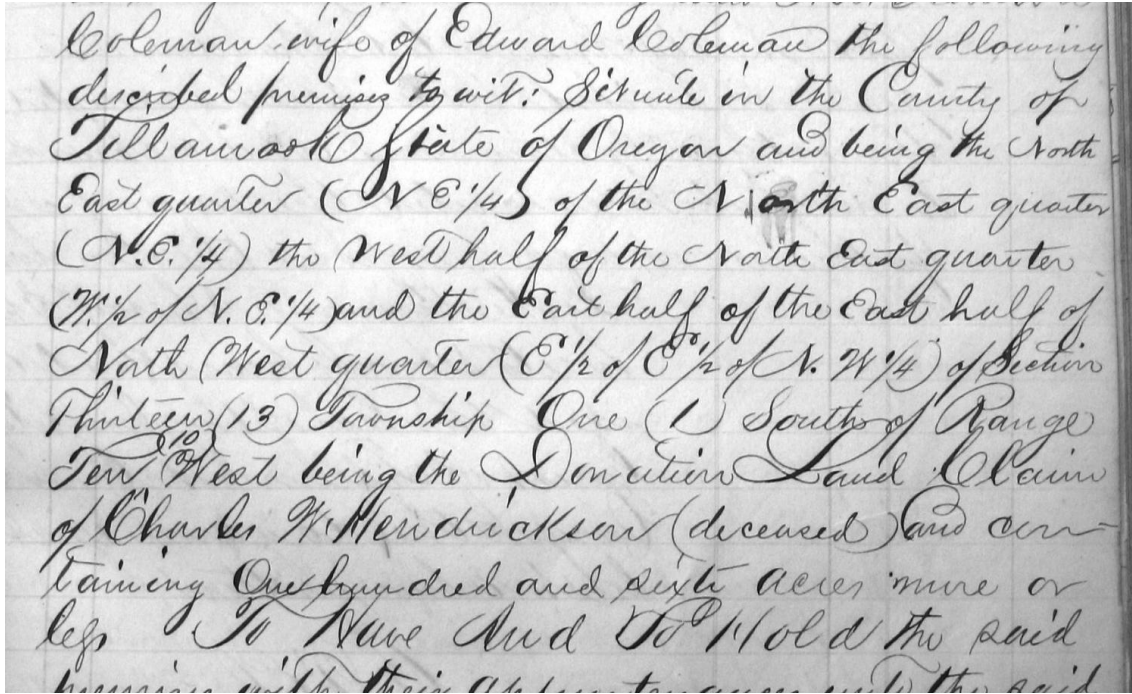
U.S. Land Records: Public Land States

Practical Exercises

Learning to find and analyze the genealogical information contained in land records is important to the research process. The following exercises are designed to help you do that.

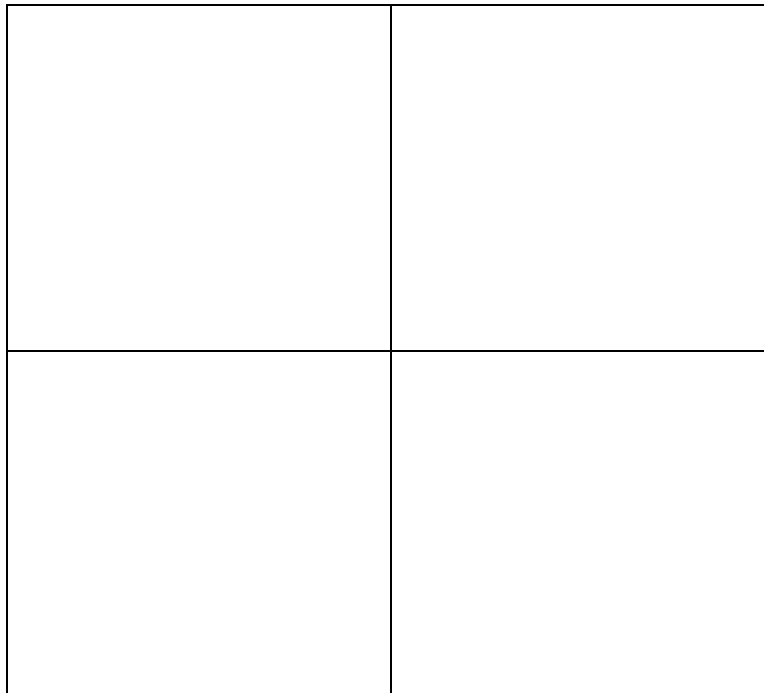
EXERCISE No. 1

On the drawing of Section 13 below, sketch the following land description.



Coleman, wife of Edward Coleman the following described premises to wit: Situate in the County of Tillamook State of Oregon and being the North East quarter (N.E. 1/4) of the North East quarter (N.E. 1/4) the West half of the North East quarter (W. 1/2 of N.E. 1/4) and the East half of the East half of North West quarter (E. 1/2 of E. 1/2 of N.W. 1/4) of Section Thirteen (13) Township One (1) South of Range Ten West being the Donation Land Claim of Charles W. Hendrickson (deceased) and containing One hundred and sixty acres more or less To Have and To Hold the said premises with their appurtenances unto the said

Oregon, Tillamook County Deeds, vol. A:99, recorded 13 Mar 1866



Section 13, Township 1 South, Range 10 West, Tillamook County, Oregon

EXERCISE No. 3

[The information presented below is fictitious and intended for educational purposes only.]

Theophilus Jones was born 10 May 1822 in New Jersey, the son of Jeremiah Jones and Mehetabel (maiden name unknown) and died 17 June 1883 in Hoosier County, Indiana. Theophilus married Jemima Smith on 15 July 1845 in Center County, Ohio. Jemima was born about 1826 in Ohio and died 13 Jan 1851 in Center County, Ohio. A search of the 1840 U.S. federal census identified three men enumerated in Center County with the surname “Smith” having a female age 10-15 years in the household.

Having first obtained the information below from a search of county land records, which Smith would you research first?

- Jeremiah Jones owned the NE1/4 of the NE1/4 of Sec. 27, T4N, R19E.
- James Smith owned the N1/2 of Sec. 8, T4N, R19E.
- Andrew Smith owned the NE1/4 of the NE1/4 of Sec. 30, T4N, R19E.
- Marshall Smith owned the SW1/4 of the SW1/4 of Sec. 23, T4N, R19E.

Use the map of the reverse side to sketch the location of each tract of land.

I would begin my search with _____ Smith.

Explain why:

U.S. Land Records: Public Land States
Practical Exercises

Center County, Ohio

Township 4 North, Range 19 East

(Each Section is 1 mile square)

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36