

Land and Property Records

(This is a large topic with many areas of discussion. The following presentation will cover the basics of what you need to know to get started.)

If someone purchased a home or land, was given land in a will or probate, or was given land for military service, then there would generally be a record of that transaction.

How do you know if your ancestor owned property?

You can find clues that your ancestor owned property by looking at **census records, probate records, or tax records**. Some census records showed that the individual owned or rented their own home or farm. Some years there were also farm schedules which detailed how much livestock, produce, etc. was harvested, etc. Probate records would tell who inherited the property if there was any. They may also give a detailed description of the location of the property. Using the clues from these and other records such as time period and location, you could then search for indexes to deeds and other property records such as tract books, warrants, and homestead, and others.

What kinds of property records are there?

1. Bounty Land - Land awarded by a state or federal government to veterans or their heirs for military service. These were awarded for veterans of the Revolutionary War, the War of 1812, the Mexican War, and Indian wars between 1775 and 1855. Tracts of federal land and some state lands (New York, Pennsylvania, and Virginia) were reserved for Revolutionary War veterans.
2. Deed – Document that records a land transaction between individuals, companies, or organizations.
3. Homestead – Land given to a settler on the condition he lived there and improved the land for a period of time, such as five years. Given to encourage settlement.
4. Tract book – Contained the paperwork concerning land purchases, including the purchaser's name and the location of the property.
5. Grant – A government-authorized right of title to property previously owned by a government entity. This included a document called a Patent which was the final document issued to a purchaser by a government for the purchase of property previously owned by the government. Also known as the first-title deed.
6. Warrant – A document that declared an individual's right to a specific property and authorized a surveyor to survey that property.
7. Quitclaim Deed: An official document by which a person releases all title, interest, or claim which he/she may own in properties.
8. WARRANTY DEED: The grantor (seller) guarantees clear title to the property being sold.
9. ABSTRACT OF TITLE: A condensed history of the title to a parcel of real estate. It should include a summary of every conveyance of title to the property, all restrictions and express easements, and a statement of all liens or charges against it. It will often include maps, plats, and other aids.

What information can you expect to find in a property record?

1. The location of a person's property.
2. How much property there was and how much that property was worth.
3. To determine whether your female ancestor was married, single, or widowed at the time of the transaction. Before the Married Women's Property Acts were passed between 1839 and 1848 (varied by state), a single woman or widow over 21 could buy or sell property, but a married woman normally could not. Anything owned by a woman prior to her marriage or inherited by her after her marriage became the property of her husband, unless there was a prenuptial agreement to the contrary.
4. Information to Separate individuals of the same name: If you follow the tracts of land, it can help you distinguish people who have the same name in the same area. Check to see if the occupation of the grantor and grantee are given. Knowing a man's occupation will also help you keep him separate from others with his same name. Notations such as Jr. and Sr. may also help with this, but keep in mind that sometimes when a Sr. died, the Jr. and Sr. designations were no longer used because they were no longer needed, or a Jr. may have eventually become a Sr.
5. To track an ancestor's migration. When a person moved from one place to another, the old residence was usually sold, and this transaction generated a deed. Many times, a deed was the last record of a person in one area before he moved to a new place. Most deeds identify the current residence of the grantee and grantor. Sometimes the new residence was explicitly stated when the old home or farm was sold.
6. An Estimation of when your ancestor was born: A person usually had to be either 18 or 21 years old (depending on the time and place) to act as a transacting party or a witness to a deed. In some cases, he could buy or be granted land before he was 21, but he could not sell it in his own name until after he was of age. If you note the date of the earliest deed in which a person appears, you can count back at least 18–21 years to begin looking for his birth. A male under age 21 may have engaged in a transaction under a guardian. If you find this is the case, you can assume he was under 21 at the time the deed was made.
7. To see who the ancestor's neighbors were. In the early 1900's and before, it was very common for neighbor's families to intermarry. When a property changed hands, a description of the property and its location was listed. Neighbors were sometimes listed in this description
8. Add to proof of relationship.

Where can I find property records?

1. Deeds were generally recorded and **kept at the county courthouse, with the exception of several New England states where transactions were recorded at the town clerk's office.** Many deeds are still kept at these locations today. In other cases, deeds may be stored at another repository, such as the state land office or the state archives. Some states, such as Maryland, have created digitized copies of their deeds and made them available to researchers online.
2. **The FamilySearch Library has an extensive collection of microfilmed deeds and deed indexes that represent most counties in the United States.** You can locate these collections in the FamilySearch Library Catalog by using the "Placename" search option, selecting the county of

interest (or town of interest for several New England states), and looking for “Land and property” records. **Ancestry.com also has a large collection of land records including deeds, homestead records, and land patents.**

3. **Federal land patents** are digitized and available on the Bureau of Land Management’s website (www.glorerecords.blm.gov). This database serves as an index to individuals named in federal land patents and warrants created from 1788 to the 1960s. The case files, which may include biographical information about the buyers, have not been digitized but may be obtained from the National Archives.
4. **Tract books** which contain official records of the land status and transactions involving surveyed public lands arranged by state and then by township and range are also located on the BLM website and on FamilySearch. They are in the process of digitizing them by state. Check often as they are still digitizing these. These books indicated who obtained the land and include a physical description of the tract and where the land is located. The type of transaction is also recorded such as cash entry, credit entry, homesteads, patents (deeds) granted by the Federal Government, and other means of title such as Indian allotments, internal improvement grants (to states), military bounty land warrants, private land claims, railroad grants, school grants, and swamp grants. Additional items of information included in the tract books are as follows: number of acres, date of sale, purchase price, land office, entry number, final Certificate of Purchase number, and notes on relinquishments and conversions. **Original documents are located at the Bureau of Land management in Springfield, Virginia**
5. **State land patents and foreign government grants are typically found in state archives and state land offices.** The Family History Library collection includes copies of many colonial land records and indexes. Use the “Placename” search option of the catalog, select the state of interest, and search for “Land and property.”
6. U.S., Homestead Records, 1863-1908 can be located **at ancestry.com, The National Archives, and the Bureau of land Management.**

Basic terminology found in property records:

1. Abstract- a copy of pertinent information from a record
2. Application – A petition to appropriate officials to acquire land.
3. Dower right – A share of the land owned by a woman’s husband during marriage that was designated for her support during widowhood.
4. Et al – “And others”
5. Et ux – “And wife”
6. Et vir - “and husband”
7. Extraction – an exact copy of a section of a document
8. Folio – Page
9. Grantee – Buyer
10. Grantor – Seller
11. Indenture – A formal or official document.
12. Land office – Government office that handled applications to purchase federal or state land and issued patents.

13. Liber – Book
14. Survey – Inspection and recording of the boundaries of a piece of property.
15. Township – A 36-square-mile piece of land within a specific meridian
16. Transcription - an exact copy
17. Tr – trustee
18. Trs - trustees
19. Platting Land - The term “platting” generally refers to property that is described in metes and bounds. The term “graphing” is more applicable to rectangular survey (township and range).
20. old English customs: one was quitrent, where you acquired a grant to a piece of land, this was a pretend ownership, and although it was yours no you still had to pay rent to the grantor who was the seller.
21. Primogenitor was enforced, that means the eldest son inherits the whole shebang. He may be gracious in wanting to provide for his younger brothers and sisters, but he can't because his eldest son has the right to inherit all; a very restricted form of inheritance.; the Northwest Ordinance did away with Primogenitor and entail.

Property Measurement

Federal-land states – The federal government was the entity that made the land grants. 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.

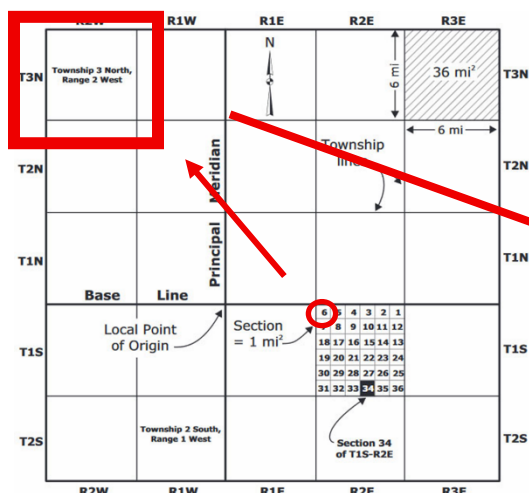
The Public Land Survey System (PLSS) (Also known as the rectangular survey system)

Beginning in 1785, this government surveying method was created to facilitate the sale and settlement of public lands west of the Appalachians. It is based on a grid starting from an "initial point," using a North-South line called the "Principal Meridian" and an East-West line called a "Base Line". These lines are not latitude and longitude lines.

A township was created by dividing 3600 acres (36 square miles) into 36 sections, which can be further broken down into quarters and smaller parcels.

Locations are described using Township (T), Range (R), and Section number (e.g., T2N, R3W, Section 10).

This is a standardized framework for legal property descriptions, mostly in the southern and western states.



Ex. system, using townships, ranges, and sections, such as “NW1/4 of section 6, T3N R2W.” (This example is read as “northwest quarter of section 6 of township 3 North, range 2 west.”)

State-land states – The state or colony made the land grants. State land states are the original thirteen colonies, and a few other states. Their land descriptions were, and still are, called metes and bounds.

Connecticut, Delaware, Georgia, Hawaii, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia.

Metes and Bounds –

Survey method used by state-land states. Described land by measuring and naming boundary features. Used prior to the Revolutionary War until today.

The word "metes" is defined as the direction and distance of the line forming the boundary of the property. The following terms were common when doing a metes and bounds survey:

- a. link: 7.92 inches.
- b. perch/pole: 16.5 feet or $\frac{1}{4}$ chain or 25 links or 198 inches.
- c. rod: 16.5 feet
- d. chain: 66 feet 4 rods or 100 links,
- e. furlong: 664 feet
- f. "Bounds" refers to the naming of physical features in defining the boundaries of the land.