

## **Land and Tax Records Genealogical Value and Terminology**

Land records are the oldest, largest, and most complete record group among record types in the United States. Ancestors who seldom appear in any other type of civil records may be mentioned somewhere in land records. Land records may contain extensive amounts of genealogical information, yet most genealogists only turn to them as a last resort. The information in this study guide, used in conjunction with the materials listed in the bibliography, will enable researchers to navigate the research process. Using land records, or any other type of legal record takes patience. For those who are willing to make the effort, the rewards can be significant.

The decision to leave the old country was a life-changing and risky proposition for our immigrant ancestors and their families. The opportunity to own land has been cited by many genealogists as the primary reason that prompted their ancestors to make the journey. This has often applied even if, upon their initial arrival, they tended to cite other reasons. Nine out of ten adult white males owned land before 1850. Even today, with skyrocketing real estate prices, the figure is still close to fifty percent. Recent legal opinions have made access to certain public records more difficult, but land and property records have been exempt from many of these barriers.

Surname indexes exist in most county courthouses for every landowner and go back to the beginning of recorded county and/or territorial records. Many researchers have found these records more complete and detailed than census records. At first glance, one may ignore land records because they do not seem to give us the vital genealogical facts we seek—i.e., names of parents, dates, children, etc.

Researchers who dig deeper into land records will discover that land grants and deeds provide evidence of places where ancestors lived, how long they lived there, when they moved into or out of a specific county and, in many cases, a surprising amount of detailed information about a person. Land records are valuable to genealogists for the following reasons:

1. Land records are more complete than other records. Records such as property tax lists, deeds and deed indexes, and the written transcripts of real estate transactions tend to go further back in time than any other type of record used in genealogical research. For example, the “Domesday Books,” which are property tax lists, were first gathered for William the Conqueror in the 11th century and are the earliest English records in which a common farmer or tradesman may be listed by name.
2. In the United States, land ownership has been considered so crucial that if a courthouse was destroyed by fire or natural disaster, local authorities usually made the reconstruction of deed records (proof of land ownership) the number one priority before other business.
3. Land records often reveal the name of a man’s wife. The English common law system of “Dower Rights” for widows was followed in the American colonies and United States well into the 19th century. As a result, early land deeds will almost always mention the name of a married woman because she had a legal interest (1/3 of the husband’s estate upon his death) in any land being sold or purchased.
4. Probate records can play a significant role in pointing researchers to the whereabouts of land parcels that were distributed upon the death of the father. Land was distributed among the family members or close personal associates of a given decedent property

owner. Probate records are important to genealogists because they often provide clues and evidence about family and other personal or business relationships. They are also valuable because many Americans have made out wills in some form. The courts have always been the final jurisdiction for settlement of the estates of those who failed to have wills.

5. Since 90% of the adult white male population owned land in some form before 1850, land grants and deeds provide an excellent way of finding an ancestor in local records. Deeds are recorded at the county level and, when property is sold, a deed is recorded at the local courthouse where the land is located.
6. The opportunity to own land was one of the prime factors in motivating many of our ancestors to make the journey to the new world. Even if the early immigrant was unable to realize the dream, it is likely that one of the children would succeed. The early immigrant may have spent his/her last years living with the child who later owned land, since families tended to stay together or live in very close proximity in previous eras.

### **Why Use Land Records**

Land records are considered court records. Court records are part of the legal system. Most people tend to be intimidated by the legal system. This is a major reason why many genealogists try to avoid using them until all other avenues are exhausted. This is especially true given the fact that your search will often lead you into the area of probate records as well. There is significant overlap between the two related record types since both are considered court records and often overlap in coverage. Both are underutilized, yet they often contain significant details that never appear in the more popular records such as census returns, vital records, or church records.

Land records can provide the following types of information about our ancestors:

1. Pinpoint individuals in a specific time and place.
2. Enable us to learn about the community and social aspects of the time period in which our ancestors resided in the area.
3. Provide us with physical descriptions that help identify and visit the ancestral home place.

Land records can help genealogists solve many common genealogical problems:

1. Establish specific dates of residence.
2. Establish earlier or later places of residence.
3. May provide clues as to the locality of residence in the old country.
4. Provide clues to establish age estimates.
5. Identify our ancestors' occupations.
6. May be the only source that identifies the spouses of our ancestors.
7. May identify the parents of our ancestors.
8. Often identify the siblings and children of our ancestors.
9. May identify friends, relatives, neighbors, and associates of our ancestors.

Land records fall into the following categories:

1. Records of transfer: buyer purchases the property for some form of payment or consideration.

2. Records of transfer: seller transfers ownership to a buyer for some form of payment or consideration.
3. Sale transaction process (recording deeds, stamps, title searches, etc.).
4. Records of possession (ownership).

Some major record types, with definite implications for land and property research, that many consider to be the most useful are:

1. Acknowledgements: Formal statement made under oath in which a person says that a signature is legitimate; therefore, the document is valid.
2. Assignments: Transfer of all or part of an interest in property by writing; instrument by which a transfer is affected.
3. Cadastral Survey: Establishment of land boundaries and their identification on the ground by physical objects and their identification in the official records by field notes and survey plats.
4. Court record case files: Any disputes pertaining to land, whether they deal with probate, ownership, squatters, etc., ended up in court.
5. Deed: Document that transfer's title to real property.
6. Deed of gift: Document that transfer's title to property without a normal consideration.
7. Division/partition: Document showing the division or partition of property usually, but can also pertain to personal possessions, among owners or heirs.
8. Dower release: Document by which the wife releases the right she would otherwise have to a life state in the property after the death of her husband.
9. Ejectment: In common law, a lawsuit brought against an intruder by the person leasing or holding the land; later, a means of finding if the owner had a valid title by producing a fictitious lessee to test it in court.
10. Escheatment: Document showing the transfer of land to the state or crown for reason of abandonment or the death of an owner because no proven heirs could be located.
11. Field notes: Written notes of a cadastral survey giving the distances and directions of the boundaries, the location and descriptions of monuments or physical objects used to define the boundaries, and a general description of the lands covered by the cadastral survey.
12. Indenture: Mutual agreement in writing; originally a copy for each party was made on a single sheet of paper and cut in two along a notched or indented line.
13. Inheritance: Land, personal property, or other consideration that is passed on after the probate process has been completed or is conferred upon an heir, usually the first born son, by another person, usually the father, while still alive to avoid certain aspects of probate.
14. Intestacy: To die without leaving a will.
15. Lease: Contract in writing by which a person conveys a portion of his/her interest in property to another person for a period of time in consideration of rent or other compensation.
16. Lease and release: Lease of land and subsequent release of remaining interest by the owner which together have the effect of a deed.
17. Mechanic's lien: Document imposing a lien upon property to secure the payment of a debt to an individual or entity that performed some form of service or work on the property.
18. Mortgage: Document imposing a lien upon property to secure the payment of a debt to the individual holding the note.

19. Patent/grant: Document transferring title to land from a governmental entity or representative to a private party.
20. Power of attorney: Legal document authorizing another person to act as the signer's attorney or agent.
21. Prenuptial agreement: An agreement made prior to a marriage usually to resolve issues of support and land/property division if the marriage ends by divorce or death of the spouse.
22. Primogeniture: Exclusive right of the eldest male to inherit.
23. Processioning: Every four years, landowners in a community would ride or walk along the boundaries of their land. Surveyors who accompanied this procession would redraw any disputed lines.
24. Quitclaim: Document transferring the interest the grantor has in the property, which does not guarantee that the grantor is the sole owner or has a clear title to the property.
25. Recording: Official court books where deeds, mortgages, and releases were entered into public record at the courthouse.
26. Survey: Measured plan and legal description of an area of land.
27. Taxes: Fees assessed on items such as property, transfers, cattle, horses, luxury items, etc.
28. Tract book: Central records showing the status of the original public domain lands, listing by range, township, section, and subdivision of a section the land entries made at a district land office.
29. Unrecorded deed: Deed that has been executed between two individuals, often family members or close associates, that has never been recorded in public records
30. Will: Legally executed document that provides for the disposition of a person's property after his death.
31. Warrant: Document authorizing a survey to determine the boundaries of a particular tract of land to which the warrantee is entitled.

### **Primary Types of Land Records**

Information concerning the ownership of land can be found in a variety of sources. The most popular record types, or easiest depending on your perspective, are listed below:

#### **Deeds**

The most important type of land record is the deed. The deed is a document by which title to real property is conveyed from one party to another. The conveyer or seller of property is known as the grantor. The receiver or buyer of property is known as the grantee. To realize the importance of deeds, consider this fact: wherever a courthouse disaster (fire, flood, or other disaster) has occurred, the first priority given to recreating records focused on deeds and related land records. This was very critical to the survival of many local governments because land was the primary revenue generator for the community. If all the records were destroyed, many communities would require landowners to bring their copies in for reconstruction as soon as possible. There are various types of deeds:

1. *Warranty Deeds*: Warranty deeds are the most common type of deed. They are used to convey title from a party who has clear title to the property and pledges to defend that title.
2. *Quitclaim Deeds*: Quitclaim deed constitutes a release of whatever right or interest the grantor or grantors may have in the property being conveyed. This form of deed is often used when a landowner dies intestate and the land descends to his heirs. To convey the land to a new owner, the heirs, either individually or as a group, convey their interests in

the land by means of one or more quitclaim deeds.

3. *Deed of Trust:* The deed of trust is a form of mortgage whereby title to property is conveyed to one or more trustees in order to secure payment of a debt. When the debt has been paid, a deed of release is executed, which restores clear title to the original owner. If default occurs, the trustee disposes of the property through public sale and uses the proceeds from the sale to satisfy the debt. In a deed of trust, the grantor is known as the party of the first part, the grantee as the party of the second part, and the trustee as the party of the third part.
4. *Deed of Gift:* A deed of gift is a warranty deed that conveys property without a normal purchase price. This deed is most often used to convey land from a father to a son. The consideration may be stated in terms such as “for the natural love and affection I bear him” or “as long as he/she provides care for his elderly mother.”
5. *Lease and Release:* In some colonies the device of a lease and release was used to avoid payment to the colonial government of a land transfer fee. The property owner would lease the land for a period of time to the person who wished to purchase it. Subsequently, for a fee the owner would execute a release transferring all remaining rights to the land. The entire process had the same legal effect as the execution of a deed.
6. *Dower Release:* The dower release may be recorded immediately following a deed. By this document the grantor’s wife released her dower rights in the land being conveyed.

The information contained in deeds will vary depending on the amount of information collected. The circumstances existing at the time the deed was written may also impact what is found. However, from a genealogical research perspective, the most important pieces of information will include the following elements:

1. Date of conveyance.
2. Name of the grantor and place of residence.
3. Name of the grantee and place of residence.
4. Monetary consideration or other motive for the conveyance.
5. Description of the property being conveyed.
6. Signature or mark of the grantor.
7. Signatures of witnesses.
8. Date or dates of acknowledgment by the grantor and recording of the deed.

Finding a deed in which your ancestor was the grantor or grantee will place him in a particular place at a given time. This is an important building block in the foundation of genealogical research. Deeds are often challenging to read as they contain legal terminology which is difficult to understand or irrelevant to your research. Some researchers will take the additional step and prepare an abstract of each deed. When preparing a deed abstract, you should include the following information:

1. Your name, address, and the date on which the deed was abstracted.
2. Source of the deed, including the county and state in which it was recorded, the volume and page numbers from the book in which it was recorded, and the courthouse or other repository in which it was filed.
3. Name of the grantor(s) and place of residence.
4. Name of the grantee(s) and place of residence.
5. Date on which the deed was executed.

6. Date on which the deed was recorded.
7. Type or amount of consideration received by the grantor(s).
8. Signature or mark of the grantor(s).
9. Names of any witnesses.
10. Description of the land being conveyed, including the names of adjoining landowners and any recital of the process by which the grantor came into possession of the land.
11. Miscellaneous pertinent information, including the use of terms denoting occupation, social status, or military rank of the grantor or grantee, or information indicating when and where the grantor appeared to acknowledge his signature.
12. Any dower release details.

When you copy the description word for word, indicate that by enclosing it in quotation marks. You may be able to save space by abstracting or abbreviating a land description. When you do that, be sure not to miss any of the essential elements. Read the deed in its entirety as you prepare the abstract. There might be an important piece of information buried in the legal language that you need to include in your abstract.

### **Mortgages**

The mortgage is a document by which a person pledges his real property or a portion of it as security for the payment of a debt. In previous generations, a mortgage was a form of conveyance similar to a deed of trust. In modern terms, it is merely a lien or encumbrance on a piece of property and does not constitute a transfer of title. The two parties to a mortgage are known as the mortgagor and mortgagee.

### **Lease**

The lease is a contract by which a property owner agrees to rent possession of property to another person for a stated period in return for some type of consideration (usually financial in nature). The two parties are known as the lessor and lessee.

### **Bill of Sale**

This document, similar to a deed, was used to convey title to major items of personal property. Historically, this included slaves and livestock.

### **Plats**

Plats are official drawings of boundaries of a tract of land. Original survey plats can be found filed with land entries and land grants in some courthouses in the state-land states. Plats prepared subsequently can be found recorded in deed books, with probate records, and bound in special oversized volumes in the property appraisers' offices. Plats of individual tracts of land were drawn to settle boundary disputes and divide a tract of land among various heirs. Other plats depict the lots into which new towns or subdivisions have been divided. Many courthouses have one or more books containing township maps for the county. These are essentially land ownership maps that show, for a given time, the boundaries, number of acres, and ownership of each tract of land in the township.

## **How and Where to Find Local Area Land Records**

Once you've determined that an ancestor lived in a particular county, you should contact the courthouse or records repository of the specific county. I use the term repository, because some

old courthouses are designated as museums or only have commissioners' offices in them. In these cases, there is usually a county administration building that serves as the repository location. Search the land records for the county in question. If the present county was part of another county at the time your ancestor lived in the area, you may also need to search records of the parent county from which it was formed. Check the bibliography section for titles of interest. Two good sources, both of which are listed in the bibliography, are Everton's *Handybook for Genealogists* and *Ancestry's Red Book*. Both books contain information to determine the origins of the county in which your ancestor lived.

### **Original Records**

Local land records are usually kept at the county level by an officer identified by various names such as the following:

1. Property Appraiser
2. County Recorder
3. Recorder of Deeds
4. Clerk of Court
5. Register of Deeds
6. County Clerk.

Virtually all the records you will find are recorded copies of the original deeds that were returned to the individuals holding title to the land. Therefore, signatures of the grantors and grantees ARE NOT original signatures.

Sometimes the various types of land records, such as deeds, mortgages, and leases, were recorded in separate volumes for each classification. In others cases all land records, regardless of type or circumstance, are in a single series of books or volumes. In searching land records you should try to find a grantor deed for every grantee deed and vice versa. When you find your ancestor conveyed a tract of land, you know there is a deed somewhere showing how he acquired title to the tract of land. However, be aware that deeds were sometimes not recorded for years after they were executed, if at all.

If you cannot locate a grantee deed, examine probate records for a will or an administration that may have transferred title to the land. There may be no deed reflecting the descent of property by will because the will or decree of distribution was considered legal evidence of transfer. Use land and probate records jointly. Deeds were sometimes recorded in will books. Proceedings by which land was partitioned among various heirs in an intestate probate proceeding may be filed within land records.

If you fail to find the origin of title to land in either land or probate records, this may indicate the land was originally acquired by grant from a colony, state, or federal government. If you are working in a public-land state, look for an original land entry map. If the ancestor received the original title to a tract of land under these circumstances, your search will then focus on land entry papers on file at the National Archives.

### **Indexes**

Indexes are essential tools when using land records. Deed indexes include only the names of the grantor and grantee and not other persons who may also be mentioned in the document.

Deed books normally have separate indexes for grantors and grantees. Grantors and grantees are usually grouped by the first letter of the surname, rather than an alphabetical listing by the full surname. Some deed indexes are grouped phonetically. If this is the case, the book probably contains a key to the index that will require careful study before using the index. If you cannot comprehend the format, it is best to ask the courthouse staff for assistance.

When using deed indexes, copy all entries for the surname you are researching, and for related surnames as well, from the grantor and grantee indexes. Remember that in previous generations, deeds were sometimes not recorded for several years after they were executed. When copying information, be sure to get both the names of the grantor and grantee, type of instrument (deed, mortgage, lease, etc.), volume and page numbers on which the documents can be found, and any other pertinent information. It is better to have too much information than too little.

### **Published Abstracts and Indexes**

Deed abstracts and indexes have been published in a variety of formats. Two good sources to prepare you for your research (and purchase if your funds allow) are Schreiner-Yantis *Genealogical and Local History Books in Print* and Filby's *American & British Genealogy & Heraldry*. Remember, any published materials are subject to omission and error during the course of transcription.

Whenever possible, there is no substitute for searching for land records in person. However, if you cannot visit a county courthouse, you can contact the nearest LDS Family History Center or Family History Library Affiliate. The Family History Library in Salt Lake City has microfilmed copies of many county courthouse records. Some state archives have duplicate copies of certain records. You can also request copies from courthouses by mail, but in most cases, you must have the complete citation.

Ancestry's *Red Book* and Everton's *Handy Book for Genealogists*, both of which are listed in the bibliography, are good sources for locating address of the county official or office with custody of land records for a particular county. Before mailing a request, it is best to consult microfilmed or published indexes to see if you can get the exact citations. You should also include a stamped, self-addressed business-size envelope with all correspondence. Make copies of all your correspondence. Most seasoned researchers keep a log of all incoming and outgoing genealogical correspondence.

### **Tax Records**

Tax records are tools that assist in locating an ancestor in a particular place at a given time before census records were available and between the decades when federal population censuses occur. The maximum benefit comes from a careful analysis of tax lists over a period of years. This analysis may reveal dates of settlement, marriages, deaths, approximate ages, and family relationships. There are several types of tax records:

1. *Quitrents*: One of the earliest forms of taxation in this country. In many colonies the landowners were required to pay a quitrent to the Crown or the proprietor that was, in effect, a tax on real property. The rate of this quitrent ranged from a nominal amount of money or a token pledge of loyalty to the colonial government, to a substantial tax in the form of money or produce.
2. *Poll Taxes*: The poll tax was a fixed tax on white males and both male and female slaves. The person subject to the poll tax was known as a tithable, a taxable, or a poll.



Tax lists sometimes refer to “white polls,” “black polls,” or “slave polls.” The minimum age at which the poll tax was levied varied from state to state and time to time. Sometimes there was a maximum age beyond which the tax was not levied. Some people were exempt based on levels of income, infirmity, military service, or public service.

3. *Real Property Tax:* Taxes were levied on property in the same manner as today. The tax was based on value and improvements made to buildings and dwellings. In some cases, a certain type of improvement, such as a gristmill, was taxed separately. Sometimes the real property tax was based on the number of acres, while in other cases it was based on the assessed value of the land.
4. *Tax Lists:* Tax lists, including the names of taxpayers with their taxable property, were compiled by the county and within a county by districts headed by militia officers, constables, or other public officials. These tax lists can be found in many county courthouses, state archives, and LDS Family History Centers. Many states have their own set of published materials that also index or list what records are available.

### **Early Land Records Research – State Land vs. Public Land States**

In 1787, the U.S. Government created the Territory Northwest of the Ohio River, and the Public Domain of the United States was born. Public Domain areas today comprise a total of thirty states known as Public Land States. The following list shows states that were created from public domain land:

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

The distinction of Public Land states vs. State Land states is in who owned the land originally and who was empowered to sell the land. An example of this would be: in Michigan, a Public Land state, the U.S. Government sold land to individuals.

There are a total of twenty State Land states. These twenty include the original thirteen states plus five states (Vermont, Kentucky, Tennessee, Maine, and West Virginia) whose boundaries were taken from the original thirteen. Upon annexation to the Union, both Texas and Hawaii retained ownership of their public lands and became State Land states. The twenty State Land states retained ownership of their lands, and each set up a General Land Office for the issuing of land grants. For example: Virginia, as a State Land state, sold land directly to individuals.

To locate the earliest land records for a given state, you must first determine if your ancestor's land grant was located in a Public Land or State Land state. For those researchers who want some good historical background on public domain, the books listed below are considered the

best sources for information. The materials with call numbers are owned by the Fort Myers-Lee County Public Library. Materials without call numbers may be requested by inter-library loan. Requests via inter-library loan usually take between two and six weeks.

### **Early Land Records Research—Land Grants**

The countries England, France, Mexico, and Spain that settled areas that are now in the United States, the 13 original American colonies, and the newly formed states and federal government all issued land grants to the first private owners of land. These first private owners were both individuals and groups.

In general, the process included the following steps:

1. Filing an application with the government
2. Receiving a warrant exchangeable for the land
3. Presentation of the warrant to a local land office
4. Survey of the land if it had not already been done
5. Recording of the location in a tract book and plat map
6. Issuance of a formal land patent that was the certificate of title
7. Filing a copy with the county, city, or town

Grants of land included those purchased for cash or credit, donated to promote settlement and development (headright grants), and given in exchange for military service (bounty land grants). The federal government also awarded land to individual states and to the railroads, both of whom then sold or leased portions to individual or private owners. The federal government also granted or reaffirmed titles to land previously granted to residents of areas taken over by the United States from France, Mexico, England, and Spain.

In colonial times, the thirteen American colonies made land grants on behalf of their parent countries, and France, Spain, Mexico, and England made grants of land in areas adjacent to what would become the United States. Records of these colonial grants are often located in the state land offices, state archives, and state libraries. Many American colonial land grants have been transcribed, abstracted, indexed, microfilmed, and/or published. Records of land grants issued by France, Mexico, England, and Spain should be sought in the states now occupying the area, in the National Archives of the respective countries, or in the United States National Archives.

### **Early Land Records Research-Bounty Land Records**

Land was very significant in the early history of America. People were willing to move and fight for land, and our government used land to entice men to serve in the military. In many cases, the promise of land was in lieu of any monetary compensation. This practice was followed from the colonial period until just prior to the Civil War at both the state and federal levels of government.

The term *bounty land grants* refers to tracts of land which were given outright by the states, and later by the federal government, as partial compensation for service in times of military conflict. Bounty land was occasionally used by the government to attract men to serve in war or conflicts. Bounty land warrants were issued from the colonial period until 1858, when the program was discontinued, and five years later, in 1863, the rights to locate and take possession of bounty lands ceased.

The colonies promised land for service in the colonial wars. This was especially true during the French and Indian War, 1754-1763. The best way to access this material is by searching bibliographies of the thirteen colonies. When the American Revolution began in 1775, some of the colonies promised land to men who would serve in state militia units and in the Continental Line. Virginia, Massachusetts, Pennsylvania, Maryland, the Carolinas, and Georgia traded land for service. The amount of land varied. North Carolina allocated land by rank, whereas Maryland allocated 50 acres for everybody. The Continental Congress promised land to soldiers who served in the Continental Line. Soldiers who were privates or noncommissioned officers were allocated 100 acres. Other allocations were as follows: Lieutenant – 200 acres, Captain – 300 acres, Major, Colonel, General – 400+ acres, depending on various circumstances. In some cases, officers above the rank of captain received as much as 1,000 acres.

There were a number of different acts, over an 80-year period, which provided for the issuance of bounty land warrants. One of the earliest was the Congressional Act of 16 September 1776. This was an inducement to join the Continental Army, and provided from 100 to 500 acres of land, depending on the rank attained while in the Army. In later wars, other acts provided for different types of warrants for enlisted men and officers.

The great bulk of early bounty land at the time of the Revolution was in Virginia, as it existed in colonial times. Since Virginia provided large numbers of fighting men in the Revolution, the first bounty lands were to be located between the Mississippi, Ohio and Green Rivers in what is now Kentucky. However, this area did not provide enough land, and the Virginia Military Tract was established, which was in what is now the state of Ohio. Continental Army soldiers from Virginia were the only group allowed to settle in the Ohio area, while other states' soldiers were to use the lands in Kentucky.

Between 1788 and 1855, there were more bounty land applicants than pension applicants. The U.S. Military District in Ohio was the only federal land where warrants could be used from 1796, when it opened, until 1830. A second reserve that would have encompassed the southern end of Illinois was proposed, but never created. The district of Ohio was enlarged.

The War of 1812 saw the bounty land process offered again as an inducement to bring men into the military. After the War of 1812, Congress created three new military districts to handle the future redemptions of new soldiers. One was in Illinois, one in Michigan, and one in present-day Arkansas (then Louisiana). These were the last "federal reserves" created.

The United States began granting land in Missouri from the United States Land Offices in 1818. The Act of 1811-1812 gave 160 acres to privates and noncommissioned officers. In 1814, legislation was passed to double the acreage for those who enlisted after December 10, 1814. Warrants that could be used in the Virginia and United States Military Districts in Ohio were made redeemable by "scrip acts" in 1830 and 1832 at any General Land Office in Ohio, Illinois, and Indiana. By 1842, all federal bounty land warrants were honored at any land office. Lands in Missouri were later substituted for those in Michigan, due to the undesirable nature of the land in Michigan that had been set aside for this purpose. Other later acts of Congress, until 1855, continued to address the needs of soldiers wishing to redeem their bounty land warrants, and efforts continued to try to provide suitable land area for these soldiers.

The warrant market became a thriving business. Major brokerage firms were born and flooded the newspapers with advertisements. More warrants were used in Iowa than in any other state. It is estimated that over half of the state of Iowa was purchased with federal military bounty land warrants. To receive federal bounty lands between 1788 and 1855, the soldier or his heirs had to apply. These applications are in RECORD GROUP 15 in the Military Service Records at the National Archives. To obtain the land, the warrants were surrendered. These surrendered warrants are in the Eastern States Office of the Bureau of Land Management located in Alexandria, Virginia. Before these can be obtained, you need to know the warrant number, acreage obtained, and date of the act used. This information can be obtained from the Bounty Land Application.

For soldiers who fought in the Mexican War, Congress authorized 160 acres for one year of service. If a soldier fell short of one year, the allocation was 40 acres. The Acts of 1850-1855 were to reward for former service. The Act of 1850 gave bounty land to officers and enlisted men who had served in a war since 1790, including the various Indian Wars. The allocations were as follows: 9 months and more - 160 acres, 4-8 months - 80 acres, 1-4 months - 40 acres. When the Act of 1855 was passed, 160 acres were provided for 14 days of service OR for traveling over 1,000 miles while in service. This provided a way for chaplains, wagon masters, militia rangers, and volunteers to get land if they did not meet other provisions. There were 598,599 bounty land warrants issued during the period between 1788 and 1855.

The most comprehensive and complete record of such warrants is contained in the National Archives in Record Group 15, *Federal Bounty Land Applications*. The records contained in this group range in time from the Revolution to the year 1917. Pension files, as well as bounty land records, are contained in this group. Bounty land applications for the Revolution, the War of 1812, and the Mexican War are in this group, and there are some other case files covering the period 1814-1856. Fire some years ago destroyed thousands of bounty land warrant applications for the years from 1789 to 1800. If your ancestor applied for bounty land in this period, the original documents may be lost, although some abstract information still exists on these earliest applications. There are also registers for bounty land warrants and for claims, which run up until 1912. Although the ability to claim bounty land legally was stopped in 1863, there were civil suits and other litigation, which caused some lands to be granted as late as 1912. Other important research references include the *Index of Revolutionary War Pension Applications in the National Archives*, which was prepared by the National Genealogical Society, as well as the very useful and popular *Genealogical Abstracts of Revolutionary War Pension Files* by Virgil White.

When looking for state bounty land warrants associated with the State of Virginia where, as noted earlier, the greatest bulk of these will be found, the genealogist should make use of Record Group 49 in the National Archives, which has about 16 different components contained within it, such as the warrants issued under each act, treasury certificates, exchange certificates, scrip records, and others. The term "scrip" basically means the issuance of paper "scrip" certificates that could be used in any land office and were exchanged for Virginia military bounty land warrants.

Another valuable reference work is the *Federal Land Series* by Clifford Neal Smith. There are also numerous compilations that are now available that list claimants by land office. There was a land office established for each federal district, and as the population grew, the districts were subdivided, and more land offices were established to handle the overflow.

It is interesting to note that, insofar as Revolutionary War bounty land claims are concerned, the majority of these were redeemed, except for Ohio, in Iowa, followed by Wisconsin. When searching for bounty land in Ohio, the *Index for Federal Land Entries, 1802-1849*, published by the Ohio Historical Society, is often useful, although the Symmes Purchase, the Connecticut Western Reserve, and the Firelands are not included.

In summary, the business of bounty land became a very large enterprise in the United States for nearly a century. Although warrants could be assigned by the original applicants, the original applicant was required to apply for the warrant before assignment could occur. There were firms established for the sole purpose of handling bounty land warrants for applicants.

The genealogist should also be aware that there is some bounty land warrant information available in the form of Canadian Refugee Warrants and Canadian Volunteer Warrants, which cover those Canadians who were "refugees" from Canada and assisted the American efforts during the Revolution, and those Canadian volunteers who served during the War of 1812. These records are held by the National Archives. Of the two types, the Volunteer Warrants generally provide more information.

Finally, one should also remember that, even though our ancestor may have received a bounty land warrant, it does not guarantee that he moved his family. We tend to forget that the land being dispersed through these warrants was on the frontier. The soldier had to pack up his family and move from "civilization" to a life-threatening, dangerous wilderness. Some of the bounty land warrants were not used by the soldiers. Instead, the soldier would assign, through sale, his warrant. He would remain where he and his family had already built a life.

#### **Bounty Land Acreage—Revolutionary War**

	<b><u>Private</u></b>	<b><u>Officer</u></b>	<b><u>Ensign</u></b>	<b><u>Lieut.</u></b>	<b><u>Captain</u></b>
<b>United States</b>	100	100	150	200	300
<b>Georgia</b>	230-287	345	460	460	575-690
<b>Maryland</b>	50	50	50	50	50
<b>Massachusetts</b>	100	100	100	100	100
<b>New York</b>	500	500	1000	1000	1500
<b>N. Carolina</b>	640	1000	2560	2560	3840
<b>Pennsylvania</b>	200	250	300	400	500
<b>S. Carolina</b>	100	100	100	100	100
<b>Virginia</b>	100-300	200-400	2666	2666	4000
	<b><u>Major</u></b>	<b><u>Lt. Col.</u></b>	<b><u>Colonel</u></b>	<b><u>Brig. Gen.</u></b>	<b><u>General</u></b>
<b>United States</b>	400	450	500	850	1100

<b>Georgia</b>	920	1035	1150	1955	----
<b>Maryland</b>	50	50	50	50	50
<b>Massachusetts</b>	100	100	100	100	100
<b>New York</b>	2000	2250	2500	4250	5500
<b>N. Carolina</b>	4800	5760	7200	12000	25000
<b>Pennsylvania</b>	600	800	1000	1500	2000
<b>S. Carolina</b>	100	100	100	100	100
<b>Virginia</b>	5333	6000	6667	10000	15000

The amount of land allocated could vary by time period, location, and other circumstances. Genealogists often discover that, regardless of the guidelines for a given law or rule, there are always exceptions. Bounty lands are no exception. However, the formula followed in the chart above for the Revolutionary War was used as the standard in most situations.

### **Land Records Research—Selected List of Terminology**

Land records have their own unique terminology. Because land records are legal in nature, researchers are advised to purchase a legal dictionary (the older the better) and take the time to read a legal history of the area in question. One must remember that the terms used in many old records will not correspond to the terms found in many modern legal dictionaries. Many genealogists use our 15 volume reference set of ***Oxford English Dictionary*** to locate the meanings of words used in these old legal documents. The brief glossary below will provide a basic concise listing of major terms that are important for land records research.

**Abstract:** Summary of the important information in a deed, will, or other legal document.

**Abutters:** Adjoining landowners.

**Acknowledge:** Statement by the maker of an instrument (documents) that he made and signed. The acknowledgement section usually follows a deed in the deed book. See also *prove*.

**Acre:** Common measure of area consisting of 43,560 square feet and 640 acres in a square mile.

**Administration/Administrator/Administratrix:** An administratrix is the feminine form of administrator. When a person dies intestate (without a will), the estate is administered by an appointed administrator. The administrator usually is the person who sells the deceased's land. Sometimes a land sale may be indexed under the administrator's name rather than that of the deceased.

**Affirm:** Quakers and individual members of some other strict Christian sects do not swear oaths. When they sign as witnesses or makers of a document, they affirm. The use of the terminology is a definite hint that the person is a Quaker, although occasionally it means that the person follows the practice of refusing to swear an oath or that the clerk or most of the area's residents were Quaker, and the terminology was used out of habit.

**Agent:** Person who has been given the right to act for another person, usually to transact specific business. An agent would usually have a power of attorney giving and defining the right.

**Agreement:** Type of instrument (document) often related to land and recorded in deed books.

**Alienate:** Transfer ownership of something from one person to another.

**Aliquot part:** Fraction. When a tract cannot be described in a single township-range-section-part description, then the legal description of the tract requires all of the aliquot parts to be complete.

**Appurtenance:** An intangible right associated with land such as an easement or right-of-way.

**Arpent:** French measure of area, exact value varied, generally equivalent to approximately .85 acres; sometimes a measure of distance.

**Assign:** To transfer the rights belonging to an instrument (document) such as a warrant or bounty-land scrip to another person, usually by signing (endorsing) the back, as we do today in car titles. The transaction is called an assignment; the person to whom the document is assigned is called the assignee; oddly, the person who does the assigning is seldom called the assignor.

**Assigns:** The phrase generally found in deeds, “his heirs and assigns forever,” meaning anyone to whom the grantee might assign the property in the future. This means that the property is owned in fee simple.

**Baseline:** Each major survey in the public land system is centered at a baseline (the east-west line) and a meridian (the north-south line). Townships were numbered north and south from the baseline.

**Block:** Subdivisions often are identified by block and then by lot within the block. Once a valid *subdivision* plat has been filed with the proper authority, title to individual lots can be legally transferred by referencing the subdivision name and lot/block numbers.

**Bond:** An agreement to pay a penalty if a certain obligation is not fulfilled. Bonds are sometimes recorded in deed books, especially if the security for the bond is land.

**Boundary:** The edge (bounds) of a piece of property.

**Bounty Land Grants:** Land or the right to land promised to a man to get him to do something. In reference to land, the bounty was for military service.

**Cadastral Maps:** Cadastre is an official register of the quantity, value, and ownership of real estate, used to apportion taxes. Cadastral maps are what we usually call tax maps. They typically show subdivisions, boundaries, and buildings. A number often correlates to the cadastre to identify the current owner.

**Calls:** General term for the metes-and-bounds descriptions (lines and corners) in a deed or survey.

**Caveat:** Complaint filed to halt the grant process, usually because the person filing the caveat feels he already has a right to some portion or all of the land involved.

**Certificate:** Similar to a warrant; varies by time and place, usually preceded by a term describing what type of certificate, such as a cash certificate.

**Chain:** A Gunter chain was the tool used to measure distances by a surveyor in early America. It was made of one hundred straight pieces of metal (about seven inches long), connected by three small loops. The length between the center loop, a link, was 7.92 inches. The Gunter chain was 66-feet long, which is defined as the distance chain. In New England, where lots were typically smaller, sometimes half chains were used that were only 33 feet in length, but this did not affect the distance chain. One hundred links equal four rods which are the same as poles and perches, each of which are 16 ½-feet long. The Gunter chain had convenient tags that hung from the center loop to mark significant distances.

**Chain Carriers:** Two people required to hold each end of the surveyor’s *chain* used to measure distances. The chain carriers (abbreviated “CC”) are sometimes identified on a survey. Because the person getting the survey would have to pay for the services of the chain carriers, he usually provided them himself. We often find a chain carrier who is a teenager or young man of the family who would serve without pay or another person getting a survey done at the same time in an exchange of services. Some surveyors used additional helpers such as a pilot or a marker.

**Chancery Court:** Designated court that heard cases in equity (disputes over issues of fairness) between individuals. Both acrimonious land disputes and friendly land divisions appear in chancery.

**Clear Title:** Title that has no liens and has a documented chain of transfer from first owner to current owner.

**Colony:** The unit of government that existed prior to the Revolutionary War.

**Commissioner:** Similar to a trustee. Land transactions for entities such as towns were often done by commissioners. Sometimes a land sale may be indexed under the commissioners' names.

**Common:** Land could be held in common, meaning that the owners owned an unspecified portion of the whole, also called undivided interest.

**Compass:** The instrument with a needle that points north or the instrument with two legs and a hinge that allows the transfer of distance on a drawing or a land measure compass, used in modern platting.

**Compass Rose:** Symbol on a survey showing which direction is north, etc. They sometimes are very elaborate. On old surveys and plats, north often is NOT at the top. This is also known as a compass card, the mariner's compass with 32 points of direction.

**Consideration:** The amount of money or other item of value that is exchanged for land.

**Convey:** To transfer title or ownership from one person to another; conveyance is the term for the instrument (document).

**Corner:** The geographical anchor between two lines in a metes-and-bounds survey. Usually (not always), this is the point at which there is a change of direction in the lines. The description usually mentions physical features such as a "clump of pines," "pile of stones," etc., but it isn't unusual for it to be identified simply as a "corner." The corner may mention adjoining (abutting) landowners, whose property may run along one or both lines or may simply touch at this corner.

**Credit Entry:** Between the years of 1800-1820, public lands could be sold on credit entry. The buyer had four years to pay the government in installments, but there were many defaults due to economic difficulties.

**Curtesy:** If a child was born alive to a woman with rights to property, the husband automatically received a life interest in her property, called a tenancy by curtesy. It was based on the life of the husband, not that of the wife or child, so if the wife died and the child died, the husband still retained a life interest in the property.

**Curtilage:** Ground around a house but within the fence perimeter. Also known as courtledge and other name variations.

**Deed:** An instrument (document) used to transfer title or ownership from one person to another.

**Deed of Gift:** Deed in which the monetary or practical consideration if any is less than the value of the land and in which "love and affection" may be mentioned. This often was used to transfer land to children before the deaths of the parents. This is also sometimes referred to as a maintenance agreement.

**Deed of Trust:** Deed in which the grantee does not have full legal ownership. It was sometimes used instead of a mortgage.

**Direct Index:** This is the grantor (seller) index.

**Discriminate:** Land surveyed before the granting process.

**Division:** Legal process by which a parcel or lot of land is divided between or among its several owners. This is also known as a partition. The division process usually involved the following criteria:

1. One or more of the owners would appear in probate court (if the joint ownership was the result of inheritance) or chancery court and request a division.



2. The court would appoint persons to examine or survey the property and return an opinion about whether or not it could be divided without destroying its value, and if so, how best to accomplish the task.
3. The appointed persons would usually present a proposed plat for consideration and recording if accepted by the court.
4. If the court ordered the proposed division accepted, then each owner was assigned a portion which was his to sell outright.
5. If the land would not support division, this often precipitated a series of transactions in which one or more of the owners bought out the other owners.

The death of the widowed mother, a planned move, or financial difficulties often prompted a division request, as did a desire on the part of one or more owners who were farming all or a portion of the land to be better able to manage their farming efforts.

**Donation Land:** Lands given to promote settlement in specific, limited areas. The federal government gave donation lands in the states of Arkansas, Florida, Oregon, and New Mexico.

**Dower/Dower Rights:** The lifetime interest that the law allowed a widow to retain in the real property of her deceased husband in order to maintain herself and her children. This was commonly called widow's thirds.

**Dower Release:** Specific statement, usually recorded directly following a deed, that the wife has been examined "privily" or alone without the husband in the room, and agreed to the sale of the land including her dower rights.

**Dowry:** The property a wife brings to her husband in marriage.

**Drains:** Old terminology referring to land that drains into the named waterway; watershed.

**Easement:** Right of way.

**Ejectment:** Action in common law which allowed for the recovery of the possession of land and for damages for the unlawful detention of its possession.

**Endorsement:** Signature assigning the rights in the instrument (document), such as a warrant, to another person.

**Entail:** Restrictions placed on the transfer of real property. See also *fee tail*.

**Entry:** Record that reserves a specific piece of land for a person who is in the process of obtaining a grant. The entry serves two purposes: it stakes a claim for the warrantee, reserving the land for him pending the outcome of the survey; it gives notice that if another person believes that he has a prior right to the land, he needs to file a caveat.

**Equity:** Justice administered according to fairness, in a chancery court or court of equity. Equity cases are between individuals.

**Escheat:** Process of transferring ownership of land from the hands of an individual back to the government or proprietor. Property usually escheated because the owner died without heirs, did not pay the taxes or quitrents, or failed to comply with some provision of the grant or sale, such as building a home or planting crops.

**Estate:** Broad term covering whatever type of land ownership or possession a person might have.

**Et al., et als.:** Latin shorthand for et alius (singular) or et alii (plural), meaning "and others."

**Et ux.:** Latin shorthand for et uxor meaning "and wife."

**Evidences:** Some states used the phrase "land evidences" to mean grants and deeds.

**Executor:** Person or persons named by the testator in a will to carry out the terms of the will. The executor usually is the person who sells the testator's land. Occasionally, in an index, the transaction may be indexed under the executor's name rather than that of the deceased.

**Extract:** A transcription of a document, but with boilerplate text omitted and replaced with ellipses points (...).

**Fee Simple:** The type of title or ownership in which the owner can do whatever he wants with the land and can dispose of it in any manner of choice; also called fee absolute. The use of the term *fee* is a derivative of the medieval term fief and related to the granting of a freehold. It has no relationship to money.

**Fee Tail:** The type of title or ownership in which the title or ownership is limited, defined, or specified by a document created by a prior owner.

**Feme Covert:** The aspect of English common law stating that a woman was covered by her husband, that they were one person, for whom he acted, as in the husband acted on behalf of his wife and was responsible for her actions.

**Feme Solo:** Women who for some reason, usually the lack of a husband through death, divorce, or abandonment, is acting on her own initiative.

**Feoffment:** Granting of an estate held in fee. Term is residual medieval language.

**Field Notes:** These are notes made during the survey process for public-land surveys. They often contain interesting details about physical features, both geographic and man-made.

**Foreclose:** Process of taking over a property when the mortgage was not paid.

**Freehold:** An estate held in fee.

**Furlong:** Measurement consisting of 660 feet or 1/8 th of a mile.

**Grant:** The instrument (document) by which land is transferred from a government or proprietor to an individual. The term means the same thing as a patent, but the preferred usage will vary by time period and locality.

**Grantee:** The party to whom the title of land is transferred (**the buyer in a sale**). It applies to both grants and deeds. The term, however, never appears in a deed; the grantee is often called the party of the second part.

**Grantor:** The party who is transferring the title in a deed (**the seller in a sale**), sometimes also referred to as the party of the first part.

**Guardian:** Someone who is designated as being responsible for protecting the property (not the person) of a person who cannot act for him/herself, either because of age or incompetence. Sometimes a land sale may be indexed under the name of the guardian, rather than that of the child or other person.

**Gunter Chain:** See entry under *chain*.

**Head:** The place at which a body of water originates.

**Headright:** A common method of encouraging settlement in some of the early colonies. A person imported into a colony was worth a certain number of acres of land, which could be claimed by whoever paid for the transporting (or bought the headright by “reimbursing” the captain, transportee, or owner of the right). There was no paper issued upon entry; the person wanting to claim the headright went into court and named the rights he had. While abuse was common, the system achieved its goal of settlement.

**Heirs:** Persons who have a right in property (or a potential right), due to inheritance, whether through testacy or intestacy. The phrase often seen in deeds, “heirs and assigns forever”, means that title is fee simple and that the land can go to the heirs of the grantee or to whomever he might assign (sell) it to.

**Herediments:** Property that can be inherited. Terminology that is often found in the boilerplate section near the end of the deed.

**Homestead:** The Homestead Act of 1862 allowed a settler to claim 160 acres of land by improving it and paying a fee. Over the next century, 10% of America’s *public land* was homesteaded. This term also refers to a house in which such an individual resides.

**Indenture:** This was originally an instrument (document) that was written twice or more on the same sheet of paper. Copies were then cut apart with a curvy or jagged line to prevent forgery.

This type of instrument (usually a form of a contract) was used when both parties continued to have an interest in the terms of the agreement. Thus, a mortgage or lease might be an indenture, but a fee simple sale would not. Eventually, the use of the term came to apply to the instrument, even if it was not done with the two copies and jagged cut.

**Indirect Index:** This is another name for the grantee (**the buyer in a sale**) index.

**Indiscriminate-Survey System:** The system is called such because the land was chosen indiscriminately (independently) of the survey system. We also refer to this as the old metes-and-bounds survey system.

**Interlined:** Term means written between the lines. The scribe might add at the bottom of a deed “and the barn interlined” to indicate the place where he put a ^ and then squeezed “and the barn” above the line is not a later addition by someone else.

**Intestate, Intestacy:** A person who passes away without a valid will is said to have died intestate. The resulting process is called intestacy. The terminology “he died intestate” is often found in deeds in which the administrator or surviving children are selling his land.

**Joint Tenants with Rights of Survivorship:** When there are multiple owners to property, they are called joint tenants with right of survivorship if, upon the death of one of the tenants, the other owners divide the portion of the deceased. If his heirs inherit instead, this is called tenants in common. Another term for this is undivided interest.

**Jointure:** This is a freehold estate to be settled on a widow, at the time of the death of her husband.

**Jurisdiction:** This is the governmental or legal entity that had authority over the land transaction. You must determine the jurisdiction in order to know where to look for the records.

**Lady Day:** Annunciation Day, March 25<sup>th</sup>. Occasionally, Lady Day (the first day of the year prior to 1752) was designated as the date on which payments of taxes were due.

**Land Causes:** A case (cause) in chancery that involved land (also known as ejectment).

**Land Entry File:** File created when an individual filed to patent public land. A typical file might contain the application and receipts. Depending on the act under which the claim was made, the file can sometimes contain valuable genealogical information about naturalization, residence, and family structure. Land entry files are in the possession of the National Archives and can be accessed through the Bureau of Land Management website. You must have specific information before requesting the file, including the full legal description of the land (meridian, township, range, and section).

**Land Measure Compass:** The instrument used in modern land platting (actually a type of protractor).

**Land Office:** The office responsible for transferring ownership of property from government to individual.

**Lease:** The transfer of possession but not ownership. Any agreement that gives rise to a relationship of landlord and tenant.

**Lease and Release:** The type of transaction used, especially in areas under proprietorships, to transfer estate or possession. It involved two transactions, executed one day after the other, between the same two parties, one of which is for a nominal sum, such as one dollar. It was used there as a way of accommodating the English system of landownership. See also *seisin*.

**Lien:** A claim against a piece of property stating that the filer of the lien has some type of claim against the property, usually a debt related to the land or an improvement thereon, but sometimes a bond or other type of security.

**Life Interest, Life Estate:** This means that a person possesses land only during their lifetime. He or she cannot sell nor will the land. After the person passes away, the title transfers according to the provisions of the document creating the life interest, or according to law.

**Line:** The “sides” in a land dispute. A typical line description included direction, distance, and possibly adjoining (abutting) landowners. It might, however, specify a feature, such as “along the road/ridge/creek.” Occasionally (and annoyingly), it contains little specific information.

**Link:** 7.92 inches, 1/100 of a pole. See also *chain*.

**Lis Pendens:** This term means “suit pending.” A notice of lis pendens is published to inform people that property is under the jurisdiction of the court until the suit is resolved. Sometimes researchers will find that separate books are maintained for lis pendens.

**Lodged:** When an instrument (document) has been submitted to the proper authority, but an action is on hold, often awaiting payment of fees. If nothing further happens, the document may eventually be identified in an archive as unclaimed or not acted upon.

**Longlot:** Many early predetermined land divisions were in the form of long narrow lots, with the short end(s) abutting on a road and/or waterway. This was to equalize the general value of each lot in terms of both access and land type and to prevent a few individuals from obtaining all the best land in an area.

**Lot:** The individual properties within a subdivision, each of which has a separate title. Once a valid subdivision plat has been filed with the proper authority, title to individual lots can be legally transferred by referencing the subdivision name and lot number.

**Maintenance Agreement:** Instrument (document) by which someone, usually a child of the grantor, agrees to care for the grantor, usually elderly parents, in exchange for certain property.

**Manor House:** Technically, the house of the lord of the manor, but since the lord of the manor was simply the property owner, it is often just an ordinary house, possibly with a dirt floor and no glass in the windows.

**Meanders:** The winding turns of a waterway often described in land descriptions as “along the meanders of the creek.” Term is used in a general sense in land platting to describe a line that does not have both a distance and direction. “Down the meanders” means with the direction of water flow (which may be northwards); “up the meanders” means against the direction of the water flow.

**Mechanic’s Lien:** The type of lien filed by a contractor or repairman to assure that he will be paid for the work performed on the property.

**Memorials:** Term used in South Carolina (and some of the other Southern states at one time or another) for the registration of land title by recitation of transfers and other evidences.

**Meridian:** Each major survey in the public-land system is centered at a meridian (the north-south line) and a baseline (the east-west line). Ranges were numbered east and west from the meridian. The land for each meridian survey was contained within a single state, with the exception of the St. Stephens meridian and the Huntsville meridian (Mississippi and Alabama) and the Tallahassee Meridian (Florida and Alabama).

**Mesne:** Intermediate or intervening. In South Carolina, the Register of Mesne Conveyance recorded the land memorials.

**Messuage:** A dwelling house. The wording in deeds (or wills transferring title) may be “dwelling or tenement and lands” or “messuage plantation and tract of land with the appurtenances,” making it clear that it isn’t merely the house or the land but both that are being transferred. However, in some localities, the usage of the term alone seems to indicate land with a dwelling house.

**Metes-and Bounds:** A description specifying the measures and boundaries of a parcel of land. See *corner, line, and indiscriminate-survey system*.

**Michaelmas:** The Feast of St. Michael the Archangel, September 29, was often designated in some jurisdictions as the dates when payments or taxes were due.

**Military Rights, Military Certificates:** See *bounty land grants*.

**Mineral Rights:** The right to extract (or not) minerals from a property. The surface rights (the right to farm the land and dwell on it, for example) could be sold and possessed independently of the mineral rights.

**Minor:** Someone under the legal age.

**Moiety:** One half. This is the terminology used, for example, when two men purchase property together or when a man leaves his farm to his two sons jointly and one of them chooses to sell his moiety.

**Mortgage:** When a person borrows money using land as security, that is known as a mortgage. The mortgage allows the person all the rights of ownership, as long as the conditions of the mortgage, such as specified repayments, are made in a timely fashion. The person may sell the land provided the conditions and repayments of the mortgage are satisfied. Mortgages are sometimes recorded in a mortgage book separate from deeds.

**Mortgagee:** Person who takes or receives a mortgage on a property he is selling; person to whom the property is mortgaged. The mortgagee is usually listed in the grantor index.

**Mortgagor:** Person who gives a mortgage; person who mortgages a property. The mortgagor is usually listed in the grantee index.

**Mouth:** Place where a body of water empties into another body of water.

**Orphan:** Infant (minor, child under legal age) whose father is deceased. The child's mother may be alive.

**Orphan's Court:** In some states, this is the name of the court that heard probate matters. You may find petitions for sale or division, including plats within the records of this court.

**Parcel:** Another term for piece of land.

**Partition:** Another term for a division of property.

**Party of the First Part:** Another term for the grantor in a deed.

**Party of the Second Part:** Another term for the grantee in a deed.

**Party of the Third Part:** Terms stand for a trustee, which usually suggests a mortgage or conditional sale of the property.

**Patent/Patentee:** The instrument (document) by which land is transferred from a government to a proprietor to an individual, the patentee, the act of transferring the land. The term means the same thing as a grant, but the preferred usage varies by time period, locality, and jurisdiction.

**Peppercorn:** The feudal system required an annual payment. Some grants, in an attempt to break free of this procedure, designated the payment to be a peppercorn.

**Perch:** 16.5 feet equivalent to a pole or rod. See also *chain*.

**Personalty/Personal Property:** Anything that can be moved; anything that **IS NOT** realty or real property. For example, in Virginia, slaves were briefly considered real rather than personal property and attached to a specific piece of land, which was soon found to be impractical.

**Petition:** A legal document presented to an authority or court. In connection to land, we often see a petition for land to be divided or partitioned amongst joint owners. See also *division*, *tenants in common*, and *undivided interest*.

**Plantation:** In a deed, this simply means property with land under cultivation or growing crops. It carries no connotation of size, wealth, or slaves.

**Plat:** The drawing and accompanying text usually prepared by a surveyor showing the boundaries of a piece of property, commonly showing lines with direction and distance, corners with geographical features, and adjoining property owners.

**Pole:** 16.5 feet. Equivalent to a perch or rod. See also *chain*.

**Power of Attorney:** The instrument (document) giving a person the right to act for another person, usually to transact specific business. Powers of attorney often are recorded in deed books, because the most common reasons of powers of attorney were to sell land or settle estates,

which often included selling land. A power of attorney meant that it was not necessary for the person who was, for example, selling land or a warrant to be physically present. This type of document can provide important evidence of origins and family/business relationships.

**Preemption:** This is a claim to a prior right in land usually based on settlement and improvement of land. Many pioneers were squatters, either moving onto vacant land before the governing body had authorized the area for settlement and grants, or simply occupying the land without bothering to obtain a grant. Many did so because they could not afford to pay for the land or the granting process. When the federal government took over the area that became public lands, one step in the process before they could open an area to settlement was to clear the preemptions. State-land states faced the same problems as they opened their western lands, often following treaties with Indians.

**Preuptial Agreement:** This was an agreement before marriage concerning property rights. References occasionally appear in deed books when a bride had a substantial amount of inherited property that she (and her family) did not want under the control of her husband.

**Primogeniture:** The principal of English common law whereby the eldest son inherited most or all of the real property. By law, the land could not be willed to other persons, including younger sons. No document was required to record the transfer.

**Principal Meridian:** See *meridian*.

**Private Claim:** The claim a person said he had to land because he possessed it before the area in which it lay was claimed by a governmental jurisdiction. See also *preemption* and *squatting*.

**Processioning:** In areas using the old metes-and-bounds survey system which relied on natural boundaries and was often imprecise due to early survey methods, designated persons might periodically walk the boundaries of property with the owners (and often other long-time residents) refreshing markers and agreeing on revised boundaries when applicable.

**Proprietor:** Person to whom the crown made a direct grant of a large piece of property and who then chose to lease, rent, or sell the land to individuals.

**Prove:** A statement by a witness that he or she saw the maker of the instrument (document) sign. This was particularly applicable to wills and deeds. See also *acknowledge*.

**Public Domain:** The term for lands held by the federal government. Nearly one-third of the land originally obtained by the federal government is still in the public domain, mostly in the western states.

**Public-Land State:** A state in which most of the land was granted to individuals by the federal government, rather than a colony or state.

**Quadrangle Map:** A United States Geological Survey topographical map in the scale 1:24000.

**Quarter Section:** A common unit of land in public-land grants and deeds, equal to 160 acres, as in, the northeast quarter of section 13. A quarter of a square mile.

**Quitclaim:** An instrument (document) in which the grantor (or, most often grantors) releases his or her right or interest (often called undivided interest) in the property. In a multiparty quitclaim, the parties usually share common interests in the property because they inherited it jointly, either through intestacy or a will where the testator gave his land to "all my children."

**Quitrent:** A fixed annual payment or rent, somewhat like a tax, that the landowner paid to the government or proprietor. A vestige of the feudal system in Europe, it is called a quitrent because it freed the landholder (usually one holding the land in socage) from other services and obligations.

**Range:** Generally, the six-mile wide strips running north-south and numbered east and west from the meridian of a major survey in the public-land system.

**Realty, Real Property:** Anything that cannot be moved, as opposed to personalty or personal property, which is movable. Realty includes land and what is affixed to the land, such as

buildings, minerals, trees, fences, etc.

**Record:** To copy an instrument (document) into a public record book.

**Rectangular-Survey System:** The system used in public-land states (and elsewhere on occasions) in which property is surveyed before granting into townships, ranges, and sections.

**Right-of-way:** Deeds can be used to transfer elements connected to land other than physical dirt. Right-of-way refers to passage over the property, usually by a path, road, railroad, or utility line. The latter is sometimes called an easement.

**Rod:** 16.5 feet. Equivalent to a perch or pole. See also *chain*.

**Scrip:** This is a piece of paper (certificate) that entitles the possessor to a certain number of acres in a specified place. Scrips were negotiable, thus the possessor could assign it (endorse it) to someone else. Scrip for bounty land often changed hands several times between the issuance to a soldier and settler.

**Section:** Consisted of one square mile, 640 acres. There were 36 sections in a given township range in the final form of the rectangular-survey-system.

**Security:** The item of value (often land) used to secure the promise that someone will perform a particular task.

**Seisin, Seizin:** A common law term meaning possession or tenure of property. The transfer of tenure was called a livery of seizing (delivery) and was done literally and physically, when the holder of the tenure stood on the land in the presence of neighbors and gave the new owner a piece of dirt and a twig. In very early deeds, you may find a statement such as “by delivery of twigg and turff.”

**Sheriff Sale:** This term describes the forced sale of an individual’s property, usually because of failure to pay taxes or because of a court order. After appropriate public notice, the sheriff would auction off the land on the courthouse steps. Often the deed is indexed under the sheriff’s name or just the phrase “sheriff,” sometimes found at the end of the “S” listings in the index rather than the former owner.

**Silent Transfer:** Land that changes hands without a record, almost always by inheritance. Land inherited by primogeniture would by definition one example of a silent transfer. Land inherited by laws of intestacy should, in theory, have created a record through administration, but the family often neglected to file for administration, usually for financial reasons. In some cases, the son already was farming the land for an elderly father. At the time of death, he would simply continue to farm it and no record was ever created.

**Socage:** Tenure of lands gained by working the land and payment of a fee through a quitrent.

**Squatting:** See *Preemption*.

**State-Land-State:** State in which most of the land was granted to individuals by the colony or state.

**Subdivision:** The creation of smaller properties from a larger one, each of which has a separate title. This is the common method of land description in settled areas, from small hamlets to large cities. Once a valid subdivision plat has been filed with the proper authority, title to individual lots can be legally transferred by referencing the subdivision name and lot/block numbers.

**Survey:** The plat (drawing and accompanying text) prepared by a surveyor, showing the boundaries of a piece of property.

**Surveyors’ Book:** Book in which a surveyor or governmental jurisdiction recorded surveys.

**Swamp:** In some areas, this term often refers to a creek.

**Taxes:** Owners were normally taxed on all land they possessed. Tax records often point to land ownership and transfer, especially if the records are destroyed or not readily identifiable in an index.

**Tenants in Common:** When there are multiple owners to a property, they are considered tenants

in common if, upon the death of one of the tenants his heirs inherit the property. If the other owners divide the portion of the deceased, this is called joint tenants with rights of survivorship. See also *undivided interest*.

**Tenement:** A dwelling house; also used to refer to real property irrespective of the presence of a house. It has nothing to do with the modern usage as a multifamily residence, often a slum dwelling.

**Tenure:** As an English colony, our understanding of land derived from the English concept that the crown owned the land and that anyone else held it in tenure, which meant as a result of service to the king or to whoever was next in line from the tenure holder. Some colonies rejected this feudal concept outright, while others initially tried to accommodate portions of it within their own political concerns.

**Testator:** Person who wrote or dictated their own will.

**Title:** The ownership of a property; the document stating or proving that ownership.

**Title Abstract:** A list of the changes of ownership to a piece of property.

**Topographical Map:** A map showing geographical features, often with contour lines to indicate elevations and colors to indicate the type of terrain.

**Township:** In most public-land areas, townships are six-mile-wide strips running east-west and numbered north and south from the baseline of a major survey in the public-land system. Townships were basic units for granting new settlement lands in New England. They were intended to be community entities, with church, school, and government associated with the township.

**Tract Book:** A book used to record a summary of land transactions with public-land states. It's organized according to the land survey (township, range, section). The federal government used tract books to keep track of what land had been granted and what land was yet ungranted.

**Transcript, Transcribe:** A verbatim, word-for-word copy of a document.

**Treasury Warrant, Treasury Right, Treasury Certificate:** Instrument (document) used in a process in which the potential grantee had to exchange cash at the Treasury Office for the right to obtain a land warrant.

**Trustee:** Someone who holds something in trust for one or more other persons. Trustees often did land transactions for corporate entities such as churches and towns. In some instances, a trustee may act for one or more individuals, although we are more likely to see a guardian than we are a trustee. Sometimes a land sale may be indexed under the trustee's name.

**Undivided Interest:** When land is owned jointly by more than one person, they usually own an unspecified portion of the whole. An owner can sell his or her share but cannot sell any specific part of the land. This created legal problems, so an owner wishing to sell his interest had to petition for a division of the property.

**Unrecorded Deed:** There was not necessarily a legal requirement in early times that deeds be recorded in order to be legal (although the recording may have created a stronger claim in the event of a legal challenge). As you examine various records, you may see a reference in the chain of title in a deed to "an unrecorded deed." You may also notice that, if a deed was not recorded near the time of the transaction, it will be found recorded with a later deed at the time of a later sale of the property, if it still is in the hands of the seller. These are sometimes referred to as late-recorded deeds.

**Vacant Land:** Also often called unappropriated land. This is land that has not been granted to someone. It does not relate to whether or not it is occupied.

**Vara:** A Spanish measure of distance, exact value varied.

**Voucher:** Similar to a warrant. Precise usage varies by time and locality.

**Warrant:** An instrument (document) such as a treasury warrant, military warrant, bounty land



warrant, or preemption warrant, stating that the possessor had a right to a certain number of acres in a specified area. This warrant allowed him to select land and have it surveyed (if it was not in a public-land area, in which case it was already surveyed). Precise usage varies by time period and locality.

***Waters of:*** Refers to land that drains into a named waterway.

***Widow's Thirds:*** A common terminology for women's dower rights.

***Witness:*** The person who observes another person signing a legal document. The purpose of a witness is that they can appear to prove the signer's signature in the event of a legal challenge or that the signer cannot appear in person to acknowledge the signature.

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