

Basics of Land Records for Family History

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Why are Land Records Important?

- Residence or location of property
- Migrations
- Biographical information
 - Marital status
 - Occupation
 - Age estimate
- Vital record replacements
 - Death estimate
 - Daughter's marriage
- Family Groups
- Relationships
 - Neighbors
 - Associates

Types of Land Records

Deeds: Legal document that transfers the ownership of a property from one party to another party

- Generally recorded on the county level
 - Town level: Connecticut, Vermont, Rhode Island
- Deed Process

- | | |
|---|------------------------------------|
| 1. Seller agrees to sell land to the buyer | 4. Seller takes deed to courthouse |
| 2. Buyer pays the seller agreed upon amount | 5. Dower release (if necessary) |
| 3. Deed is written | 6. Clerk records deed |
| | 7. Deed given to buyer |

- Format

- | | |
|------------------------|-------------|
| ○ Seller and Buyer | ○ Dates |
| ○ Payment | ○ Witnesses |
| ○ Property description | |

Mortgages: Money borrowed using land as security

- Mortgagor or Borrower: Person who mortgages property



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- Mortgagee or Lender: Person who holds the mortgage
- Look for repayment information included in deed or mortgage satisfaction in left hand column of deed

Sheriff's Deed or Sale: Forced sale of property

- Failure to pay taxes
- Satisfy judgement against landowner

Leases: Transfer of use and possession of property

- Specific time period and fee
- Length of lease varies

Assignments: Transfer of interest or rights belonging to document

- Warrant or Bounty Land
- Lease
- Mortgages

Quitclaims: Instrument that releases grantor's interest in the property

- Does not guarantee title is valid
- Common amongst family to family transfers

Divisions/Partitions: Process in which a parcel is divided between several owners

- Owners appear in court to request division
- Always examine court records for any corresponding records

Power of Attorney: Legal document authorizing individual to act on behalf of another individual

- Did not require grantor to be physically present at sale
- Can give clues regarding origins and prior residences

Dower Rights and Release

Dower Right: Lifetime interest in a property allowed by law; allowed widow to retain rights in the property of deceased husband

- Also referred to as widow's thirds

Dower Release: Wife agrees to the sale of land that included her dower rights



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- Generally recorded at the end of deed
- Sometimes recorded in separate volume
- Not all states required Dower Release

Abstracting Deeds

- Grantor
- Grantee
- Residences of grantor and grantee
- Volume and Page
- Location of the property
- Description of Property
- Abutters
- Acreage
- Witnesses Dates

Accessing Land Records

Know the Time and Place

1. Establish location and timeframe
2. Understand jurisdiction
 - a. FamilySearch Wiki
 - b. Atlas of Historical County Boundaries – <https://digital.newberry.org/ahcb/>
3. Located at Register of Deeds or County Court House
 - a. Look for corresponding websites
 - b. FamilySearch.org
 - c. Published abstracts or transcriptions

Understanding Indexes

Indexes: Understand the Index - https://www.familysearch.org/wiki/en/United_States_Index_Systems

Be sure to check the first pages of an index. They usually include an explanation of the system being used. Indexes of sellers may be referred to as direct indexes or forward indexes. Similarly indexes of buyers may be referred to as indirect or reverse indexes.

Bibliography and Helpful Sources

Land Records

Hatcher, Patricia Law, *Locating Your Roots: Discover Your Ancestors Using Land Records* (Baltimore, Md.: Genealogical Publishing Company, 2019)

Hone, E. Wade, *Land & Property Research in the United States* (Salt Lake City, Utah: Ancestry, 1997)

Donald A. Wilson, *Interpreting Land Records* (Hoboken, New Jersey: Wiley, 2006)

E. Kay Kirkham, *The Land Records of America and Their Genealogical Value* (Salt Lake City: Deseret Book



Co., c1964)

“Guide to U.S. Land Records,” Cass County Public Library. <https://www.casscolibrary.org/wp-content/uploads/Genealogy/Guide-to-U.S.-Land-Records.pdf>

Cass County Public Library – Genealogy Branch

Understanding Indexes

Rose, Christine, *Courthouse Indexes Illustrated* (San Jose, CA: CR Publications 2006).

Powell, Kimberley, “Navigate Courthouse Indexes like a Pro,” <https://levelupgenealogy.com/wp-content/uploads/2022/10/Navigating-Courthouse-Indexes-like-a-Pro-NGS-Magazine-Vol-44-Jan%E2%80%93Mar-2018.pdf>

Terms

The Legal Genealogist – www.legalgenealogist.com

Black’s Law Dictionary – <https://thelawdictionary.org>

Genealogical Dictionary of Legal Terms -

https://www.familysearch.org/wiki/en/Genealogical_Dictionary_of_Legal_Terms

Maps

Library of Congress: www.loc.gov/maps

Norman P. Leventhal Map and Education Center: <https://collections.leventhalmap.org>

David Rumsey Map Collection: www.davidrumsey.com

American Geographical Society: <https://collections.lib.uwm.edu/digital/collection/agdm/search/>

Harvard University Scanned Maps: <https://curiosity.lib.harvard.edu/scanned-maps>

HistoryGeo.com: Historygeo.com

University of California Berkeley Geodata: <https://geodata.lib.berkeley.edu/?utf8=%E2%9C%93&q=>

Glossary

See https://www.familysearch.org/en/wiki/U.S._Land_Records_Class_Handout for additional terms

Acre: A unit of land area equal to 4,840 square yards (0.405 hectare).

Appurtenances: Easements, rights of way, or agreements attached to land.

Assigns: Anyone acting on behalf of or in place of the owner.

Cash entry: The process of purchasing land from the federal government.

Consideration: The money or other property used to purchase the land.

Convey: To transfer property from one person to another.

Deed: A legal document that conveys the title to property; also a contract.

Dower: A wife's interest in her husband's property, inheritable at his death.

Escheat: The reversion of property to the state, or (in feudal law) to a lord, on the owner's dying without legal heirs.

Et. Al: And others.

Et. Ux: And spouse.

Fee simple: Ownership of land that can be inherited by any heirs.

General Land Office: A division of the federal government charged with the distribution and management of public land. It is now known as the Bureau of Land Management (BLM).

Grant: The first sale of land from the government to a person.

Grantee: Buyer.

Grantor: Seller

Heirs: A person legally entitled to the property or rank of another on that person's death.

Indenture: A written agreement.

Land grant: A piece of land given or sold to an individual or institution by the government.

Land ownership map: A map that divides and identifies land according to who owns it. Also called a cadastral map.

Lease: A contract in which a person gives another person the use of and possession of some type of property for a stated time and stated fee.

Lien: A charge or claim upon someone's property as security for a debt.

Lot: A small tract or parcel of land in a village, town, or city.

Metes-and-bounds system: Metes/bounds/chain/link/rods/degrees: A method of surveying land that uses compass directions and distances from one boundary to another. It is also called courses and distances or an indiscriminate survey. This method was commonly used in the United States before 1785 and has been continued in the 20 State Land States.

Military bounty land: Federal land given to people for their service in the military.

Mortgagee: One to whom property is mortgaged.

Mortgagor: One who mortgages property.

Parcel: A piece of land. A tract.

Patent: A certificate that conveys ownership of a piece of land from the government to a private institution or individual. Also called a final certificate or first-title deed.

Plat map: A map that gives the legal description of a piece of land by lot, street, and block numbers. It shows townships and the divisions within them.

Preemption law: A law passed by the United States Congress in 1841 to protect the rights of those who had settled and improved public land before they had obtained a legal title. It allowed the head of a family, including a widow, to make a claim and purchase that land from the government.

Private land claim: A claim on a piece of property that is now within the United States but that was previously owned by another country and was allegedly sold or given to an individual by the other government.

Public domain: Land and water owned and managed by federal or state governments.

Range: Imaginary lines set apart the width of a township, running north and south.

Rectangular survey system: A method for surveying land in which land is divided into townships that are six square miles in size. Each township is divided into 36 sections of 640 acres each. Each section is divided into tracts of various sizes. Land descriptions are based on the location of the lot within the section and township.

Section, land: A piece of land within a township that is 640 acres (1 square mile) in size.

Seized: Legally owning and possessing real property.

Survey: A written, legal description of the location and size of a piece of land; also the process used to create the description.

Title: The right to own land; also a certificate showing ownership of land.

Township: A piece of land that is six miles on each side. A township contains 36 square miles of land.

Tract: A piece of land.

Warrant/Warranty: A land warrant instructs a state to issue land to someone.