

Using Land Records to Break Down Brick Walls

Rhonda R. McClure, rmcclure@nehgs.org

Deeds are often one of the last record types that family historians turn to. Perhaps this is because researchers don't understand the valuable information they may find. It could be the result of the amount of legalese in the documents. Regardless, land records should be on any researcher's to-do list.

Land Record Basics

To use land records effectively, it is necessary to search them completely. If picking and choosing land records that look interesting, then a complete picture cannot be gathered. Because these records are often spread over many volumes, it is important to research them in a systematic manner and keeping track of what records have been viewed, which ones were abstracted, and which ones do not appear to be for your ancestors are vital. Keeping a research log is highly recommended.

Because land records are such an important record—proving the right of ownership—they are often recreated if there has been record damage so that those buying a property have assurance that the property has no encumbrances. As such they may offer insight when other records are missing or have been destroyed in some fashion. They may also predate other records of genealogical value, as they usually begin when a county is established.

Note: Land records are especially useful when working on genealogical brick walls.

Working with Land Records

While genealogists are often told they should be working in land records, they don't always understand what the records are actually telling about a specific piece of property, or the individuals involved in the land transaction.

Land records have a lot of legal phrases and are certainly focused on the piece of property and its description, but within that land description may possibly be found clues to the family and what happened. For instance, land records that mention an "undivided part" in a piece of property usually indicates an inheritance, most often the result of the owner of the land having died intestate (without having written a will) and there for the state's "heir at law" rules apply, with those who have been identified as heirs getting a piece of the property.

Land descriptions usually are written in one of two survey methods:

- Metes and Bounds – a survey system used in those states referred to as “State Owned Land” states, and usually are described using natural markers such as stones, waterways, trees, and more and are seldom in a square when back at the point of beginning. These long winding descriptions may feel confusing and can cause frustration from those new land record research.
- Rectangular Survey – a system that was developed after the American Revolution that is used in an of the “Public Land” states in which the federal government was involved in the surveying and

sale of lands. The abbreviations in a land description may feel foreign, and it is best to actually read that land description backwards (right to left). This allows the researcher to begin with the largest part of the land description (the location of the piece of property in a town that is referred to by its section (a one-square mile block of land) in a 36 square mile township).

Tip: If you find a volume of typed deeds in which the deeds were recorded in the 1800s, it is very likely that the volume has been recreated for some reason.

Land records as a probate alternative can be seen in a variety of methods:

- The phrase “undivided part”
- Many deeds in which a one of the children purchases property from his or her siblings
- All of the family mentioned in a deed selling a piece of property

Augmenting Research

Land records, when used in conjunction with other records such as census, marriage records, probate and such can push a lineage back. Very often you will uncover an “entry deed” or an “exit deed” that offers insight into where your ancestor is coming from or where he has gone.

It is for this reason that it becomes necessary to ensure that all land records are examined for a given ancestor. If there are more records of an ancestor’s land acquisitions than dispersions, then perhaps land was dealt with after his death. On the other side, if he is selling or dispersing more lands that he appears to have acquired, then it is possible he got land through military service, purchased it from the U.S. government or inherited it.

The only way to know the answers to the above is to exhaust all the records in a given county and see where things stand. It is possible deeds were also created in the parent county of where they ancestor was residing when originally identified.

Tip: Land that is sold can help identify the given name of the wife at the time of the sale, as she must release her right of dower.

Land records are usually arranged in volumes with indexes identifying the *grantors* (sellers) and *grantees* (buyers). You may also see the indexes described as *direct* (sellers) and *indirect* (buyers).

From the indexes, then the individual deed volumes (which may be arrange by type of deed) must be examined. With the land records then arranged by date of deed (which can differ significantly from the date it was ultimately recorded with the clerk of the land court). Only then can a true assessment of the research identify gaps in records, changes in names of wives and more.

Glossary

Aliquot part – A hierarchical reference to a piece of land in which successive subdivision of a larger area are appended (e.g., W1/2 NW1/4 of Sec 22, Township 14N Range 6E)

Base line – used in rectangular survey, it is a parallel of latitude that is designated from an initial point, and used in conjunction with the principal meridian

Bounty land – land given in payment for military service

Corner – point of intersection of two potential survey lines – the corner of a rectangular land parcel

Deed – the legal document showing the transfer of land from one to another and what was involved in that transfer

Direct index – an index arranged by the sellers of the property

Dower rights – the amount of real property entitled to the surviving spouse, usually the widow, which is usually at least one-third of that real property

Grantee – the buyer of the property

Grantor – the seller of the property

Indirect index – an index arranged by the buyers of the property

Initial point – the starting point of the survey, usually the intersection of the principal meridian (a vertical line) and the base line (a horizontal line)

Land grant – land that is bestowed on a person or person(s) from a government (often seen during colonial periods)

Lot – a subdivision of a section, it is often irregular in shape and not an aliquot part of the section

Metes and bounds – a survey method that identifies the boundaries of a parcel of and using natural landmarks (usually found in state land states – those that predated the inception of the U.S. federal government)

Public domain (land) – land that starts out owned by the U.S. Federal government, synonymous with public lands

Principal meridian – the vertical line that runs through the baseline to form the initial point and forms the highest level of the hierarchical framework of the rectangular survey

Quick claim deed – a deed that leaves some question to whether some unknown person has a claim on the land. This is often seen with property sold between family members or in the case of a person who has died intestate where the heirs at law are now selling their rights in the property

Range – abbreviated as Rge, Rng or R is the message of the distance either east or west from the principal meridian (and done in units of six miles)

Section – Roughly a one-square-mile block of land. There are 36 sections in a survey township.

Township – abbreviated as Twp or T and is a square piece of land that consists of 36 square miles and usually referenced in its distance north or south of the baseline. Townships are usually units of six miles.

Warrant deed – a deed in which the seller of the property guarantees his right to sell it and know there are no others who have a claim to the property (often requires a title search of the property back to the original owner)

Suggested Bibliography

Betit, Kyle J., *Researching American Land Records*, (Toronto, Ontario: Heritage Productions, 2002).

Bockstruck, Lloyd DeWitt, *Revolutionary War Bounty Land Grants: Awarded by State Governments*, (Baltimore, Md.: Genealogical Publishing Company, 1996).

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).

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

Rose, Christine, *Courthouse Research for Family Historians: Your Guide to Genealogical Treasures*, (San Jose, Calif.: CR Publications, 2004).

Rose, Christine, *Military Bounty Land, 1776-1855*, (San Jose, Calif.: CR Publications, 2011).

Online Resources

Atlas of Historical County Boundaries <https://digital.newberry.org/ahcb/>

Bureau of Land Management - Eastern States <https://gloreCORDS.blm.gov/>

DeedMapper http://www.directlinesoftware.com/deedmapper_42

FamilySearch.org www.familysearch.org

Research in the Land Entry Files of the General Land Office

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