

Introduction to Using Land Records in Genealogical Research

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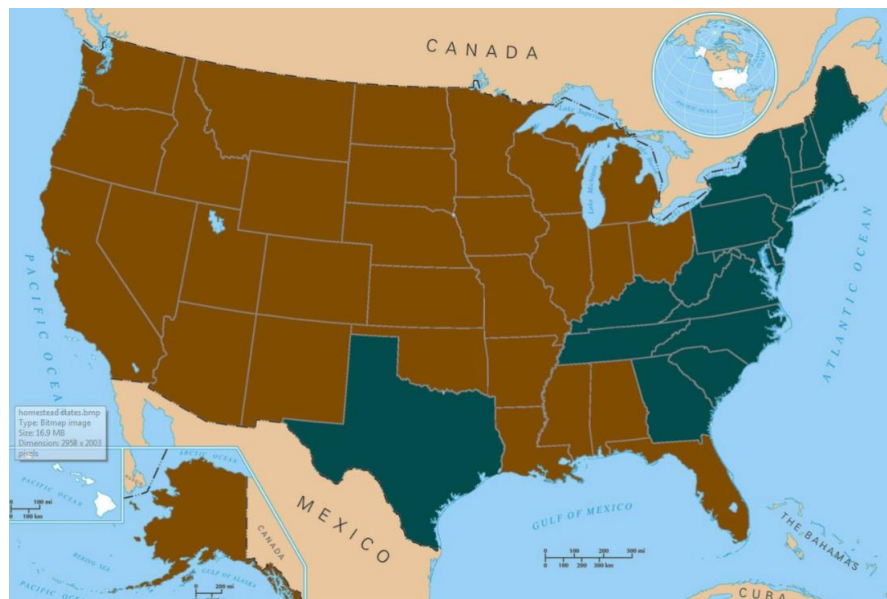
Land was often our ancestors' most valuable asset. They worked hard to obtain land and wanted to ensure they had the proper title to prove their ownership. Land records go back further in time than many other genealogical records and were generally kept by each county (in New England, they may be kept by the town). If there was a courthouse fire, often individuals would take their copy of a deed to the county office to be rerecorded and reflect their title to the land.

Land records can be useful to genealogists as they:

- ♦ place a person in a certain place at a certain time
- ♦ state family relationships, such as husband and wife, or "my son, Robert"
- ♦ name neighbors and witnesses that may be relatives or close associates
- ♦ may transfer property as inheritance and may name all children and their spouses
- ♦ provide information on the residence, or previous residence, of a purchaser
- ♦ indicate whether an individual could sign his name, or if he/she signed by mark

Obtaining Land

The process by which land was **first** transferred from a colony, state, or the federal government to an individual varied by time period and location, but generally included a land grant or a patent. The process also differed if the land was a state-land state, or a federal-land state. We'll look at both types of processes. This map shows the federal land states in brown, and the state land states in green.



National Park Service, <https://www.nps.gov/home/learn/education/classrooms/curriculummaterials.htm>

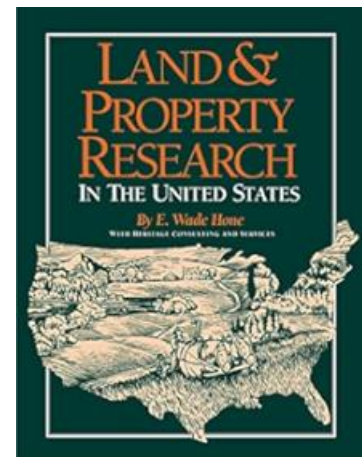
State Land States - There are 20 state land states, including:

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

During the Colonial period, land was transferred to individuals either by the colony's government under a colonial charter or by individual proprietors who then distributed the land (examples: Maryland and Pennsylvania). After the Revolutionary War, the colonies became states, and each state retained the right of disbursing property within its boundaries. When Texas and Hawaii became states, they reserved the right to control land distribution within their boundaries.

These records are generally found in the state archives where the land lies. After the land was transferred to an individual, any further transfers or sales would be recorded as deeds in the county records.

See chapter six on “Records Generated by State Lands” in E. Wade Hone’s book *Land and Property Research in the United States* (reference #4) for details on the land distribution process and records created for each state land state.



Federal Land States

After the Revolutionary War some of the states ceded their Western land to the United States government which became part of the “public domain.” Other lands were added to the public domain through treaties or purchase. There are 30 federal land states including:

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

Land in the public domain was distributed by the federal government to individuals by sale, confirmation of private land claims, bounty land warrants, donation, homestead, or other acts authorized by Congress. The government's bureaucratic process created some of the most detailed land records available. For descriptions of each of the methods of obtaining federal land, see Research in the Land Entry Files of the General Land Office (reference #11) or Chapter 9 on "Records Generated by Federal Lands" in E. Wade Hone's book *Land and Property Research in the United States* (reference #4).



The application papers individuals submit to obtain land from the federal government are called land entry papers. These original application files are housed at the National Archives in Record Group 49, Records of the Bureau of Land Management. Many land entry papers are indexed in a database on the Bureau of Land Management (BLM) website at <https://glorerecords.blm.gov/search/default.aspx>.

The BLM database includes transactions such as cash sales, credit sales, bounty land, homesteads, private land claims, donation land, and other type of land transfers. This database is an excellent place to start your search if you think your ancestor may have obtained federal land. You can search the database by state and individual's name, or by legal land description.

From a listing in the BLM database you can obtain the information necessary to order a copy of the original application file from the National Archives. In the example:

State = Alabama

Land Office =
Tuscaloosa

Type of transaction
("Authority" =
Cash Entry

Final certificate number
("Document Nr" =
24218)

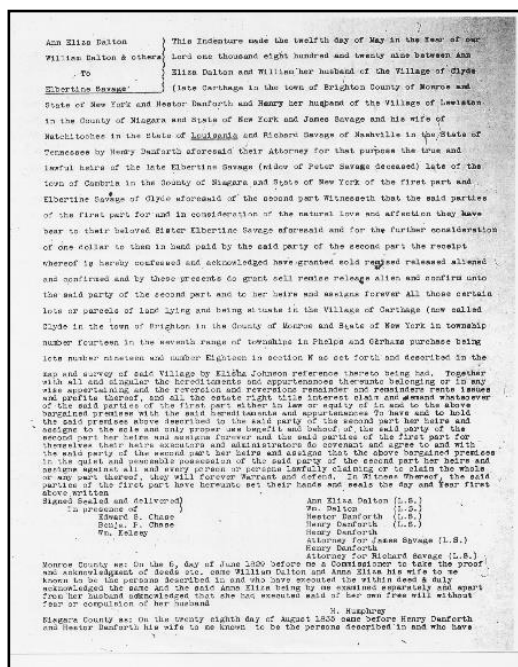
Accession Nr: AL2700__020		Document Type: State Volume Patent		State: Alabama	Issue Date: 7/1/1848	Cancelled: No														
Patent Details		Patent Image		Related Documents																
Names On Document <input checked="" type="checkbox"/> ROBERTS, ISAAC				Miscellaneous Information Land Office: Tuscaloosa US Reservations: No Mineral Reservations: No Tribe: --- Militia: --- State In Favor Of: --- Authority: April 24, 1820: Sale-Cash Entry (3 Stat. 566) General Remarks: ---																
Document Numbers Document Nr: 24218 Misc. Doc. Nr: --- BLM Serial Nr: AL NO S/N Indian Allot. Nr: --- Coal Entry. Nr: ---				Survey Information Total Acres: 39.89 Survey Date: --- Geographic Name: --- Metes/Bounds: No																
Land Descriptions <table border="1"> <thead> <tr> <th>Map</th> <th>State</th> <th>Meridian</th> <th>Twp - Rng</th> <th>Aliquots</th> <th>Section</th> <th></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td>AL</td> <td>Huntsville</td> <td>0185 - 006W</td> <td>SE14SE14</td> <td>17</td> <td></td> </tr> </tbody> </table>							Map	State	Meridian	Twp - Rng	Aliquots	Section		<input type="checkbox"/>	AL	Huntsville	0185 - 006W	SE14SE14	17	
Map	State	Meridian	Twp - Rng	Aliquots	Section															
<input type="checkbox"/>	AL	Huntsville	0185 - 006W	SE14SE14	17															

Ordering Copies

Copies of the original land entry case files can be ordered online from the National Archives at <http://www.archives.gov/forms/>. NARA charges \$50 per file and will make paper copies or send digital images. You can also hire a researcher to copy the files for you, which can be faster and less expensive.

Local Deeds

After land was transferred from the state or federal government to an individual, that individual could sell or transfer the land to another individual, usually by deed. A deed is an instrument used to transfer real property from the owner or seller (the “grantor”) to the buyer (the “grantee”). These transactions are usually conducted at the county level, in an office such as the county recorder or register of deeds. These records are generally reliable as they had to be officially recorded with the county. If there was a courthouse fire, individuals would bring their copy of the deed into the county to be rerecorded and prove they were the rightful owners of the land.



Deeds were written by a county clerk, lawyer, or someone familiar with the legal language. The person selling the land, their spouse if they jointly owned the land, and two witnesses needed to be present when the deed was written. The buyer kept the original deed, and the county clerk recorded a copy in the county deed book. It is this recorded copy that we usually use in our research. The original deed could have been handed down in a family, but most do not survive.

In some states, the wife was required to release her “dower right” or one-third interest in the property. She would be interviewed separately and sign the deed releasing her right to interest in the property.

See the “**Components of a Typical Deed**” on page 6 for an example of each part of a typical deed identified.

Locating Deeds

To locate deeds for a particular county, you need to determine the name of the office that handles recording deeds. This can vary by state but is usually a Register of Deeds, County Recorder, or County or Town Clerk. Many counties have original deed volumes, where information was recorded at the time the deed was registered. Sometimes, these original volumes have been transferred to the State Archives or another regional facility for preservation and access.

Many of the early deed books have been microfilmed by FamilySearch, and may have been digitized. To determine if the deeds books you need are available consult the FamilySearch catalog online at <https://www.familysearch.org/search/catalog>.


Search by the name of the county and the state, and then select the “Land and Property” category. Look for “deeds” or “grantor and grantee indexes” in the list of land records. You can tell if the records are available on microfilm or if they are digitized by the film and camera icons on the right side of the page. Even if the records are digitized, most are not indexed. You need to search through the images to find the records of interest.



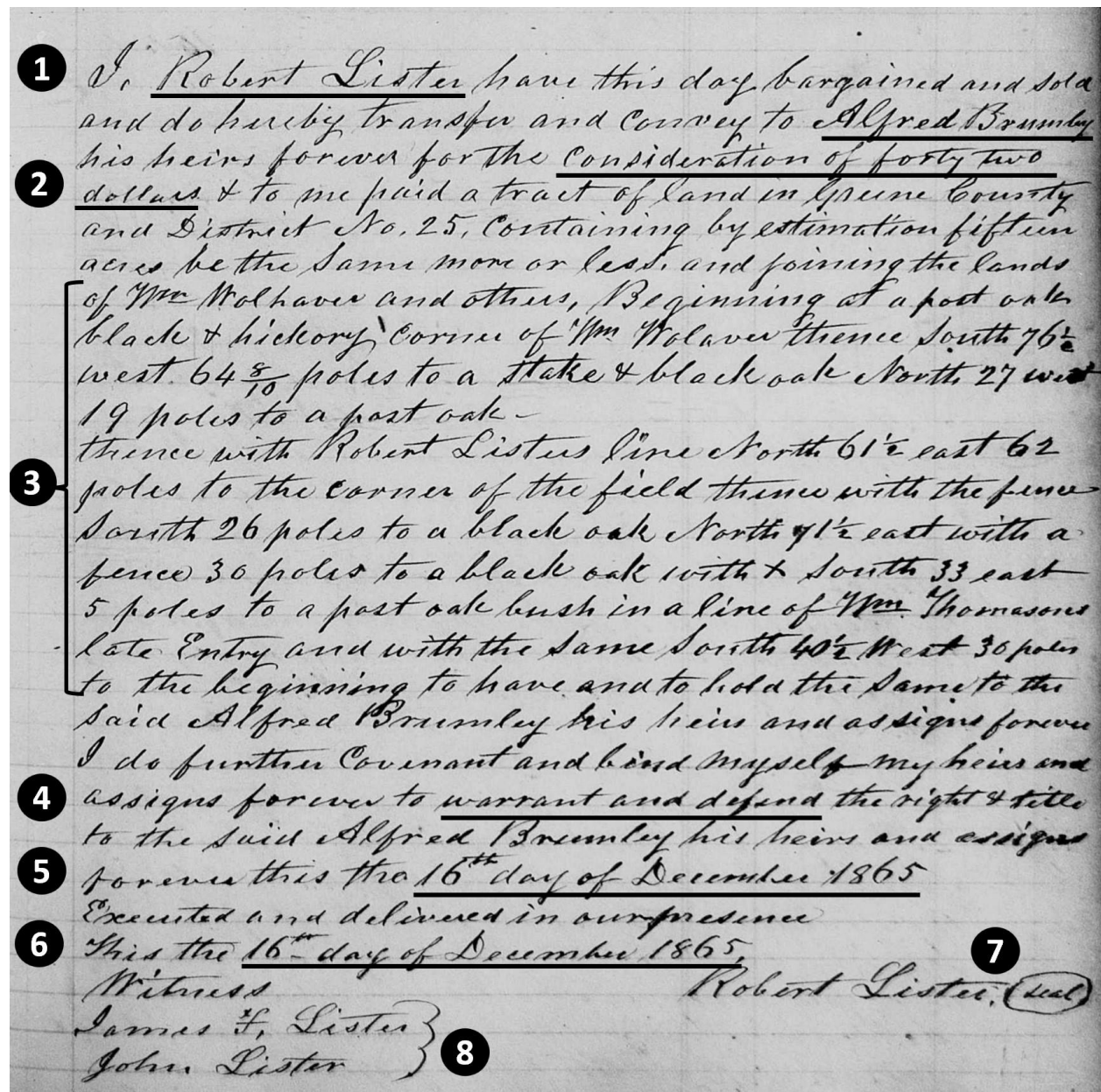
Some states, such as Maryland, have digitized their deeds and made them accessible online. See <https://mdlandrec.net/main/>. Information on North Carolina deeds can be found at https://www.sosnc.gov/divisions/land_records. For other states, try an internet search by the name of the state and “deeds” or “land records.”

Deed Indexes

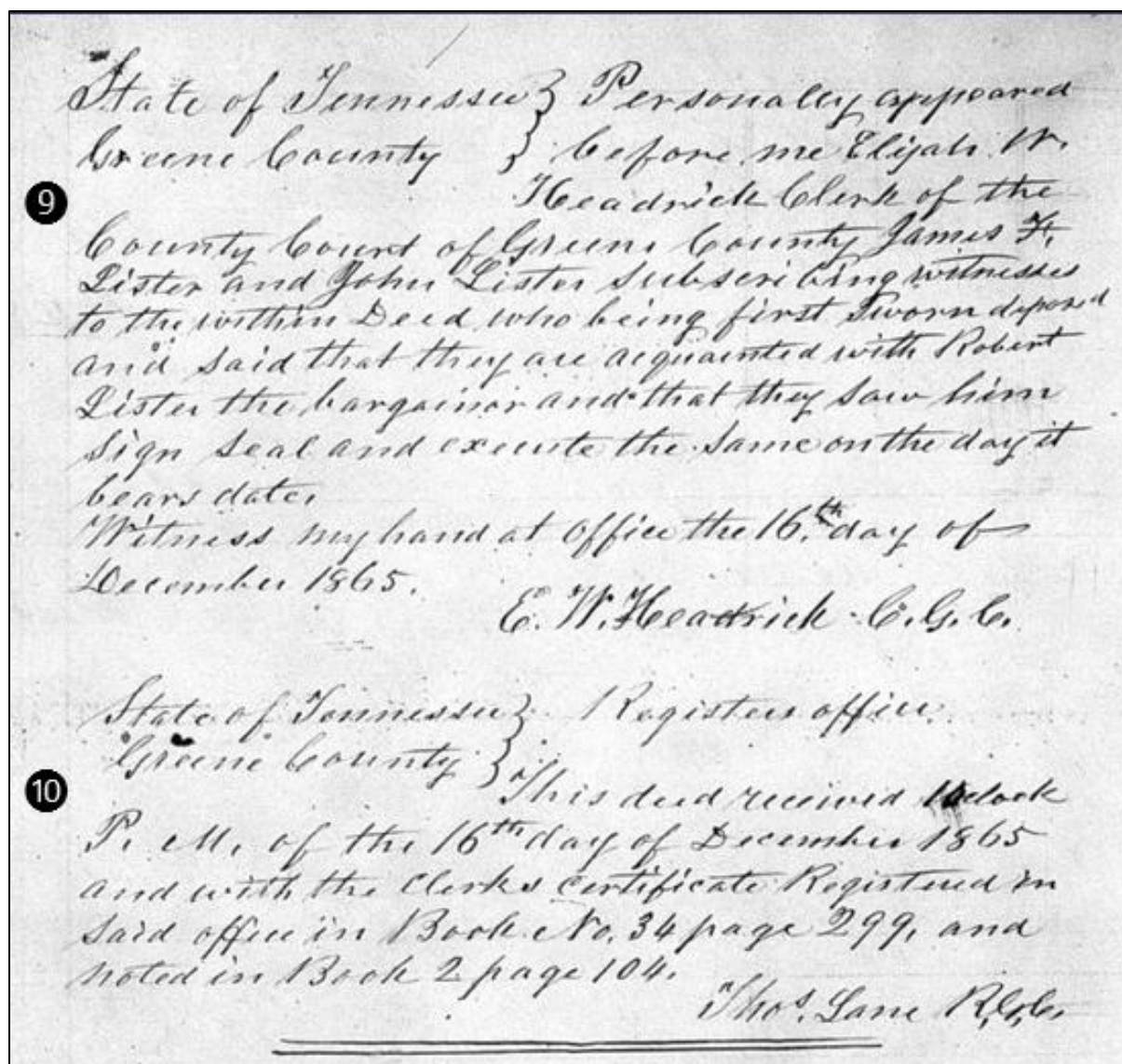
Indexes to deeds and other land records come in various formats. Most counties have created an **index to the grantors** (sellers) and an **index for the grantees** (buyers) for certain periods. Other counties rely on **consolidated indexes** (including a variety of courthouse records) or indexes by location of the land, such as **tract indexes** (federal land states) or **lot and block indexes** (in urban areas). The book *Courthouse Indexes Illustrated* by Christine Rose (reference #7) has images and explanations of all the different types of indexes used in county recorder offices. These include the Cott Index, the Russell Index, and six other indexes.

GRANTEE INDEX TO LAND RECORDS— From Jan. 1, 1839 To Dec. 31, 1908, Incl.—Anne Arundel County, Md.											
COTTOG UNIVERSAL INDEX No. 6-24 U. S. Patent No. 1437165—Copyright 1920				 To locate names, open at SURNAME INITIAL TAB and refer to Buff Sub-index sheet for page reference.				THE COTT INDEX COMPANY, Columbus, Ohio Mfrs. Cott Patent Index Systems.			
GRANTEES				GRANTORS	KIND OF INSTRUMENT	WHERE RECORDED		DATE RECORDED			
SURNAME	GIVEN NAMES ABCDEFGHIJ	GIVEN NAMES KLMNO	GIVEN NAMES PQRSTUVWXYZ			Book	Page	Month	Day	Year	
Cosby	Frank C			John Baseman	Assign	SH	6	364	3	13	1875
Cosby	Frank C			Wm H Suit al	Mortg	SH	15	392	3	18	1880
Cosby		John W		Myron E Leclercque al	Deed	SH	34	41	11	30	1888
Cotter		John		Wm G Gischel al	Mortg	SH	34	243	1	21	1889
Cotter		John		Wm G Gischel al	Mortg	SH	35	153	7	10	1889

Components of a Typical Deed



- 1 Name and residence of the grantee (buyer) and grantor (seller)
- 2 Consideration or amount of payment
- 3 Detailed property description
- 4 Warranty clause, found in fee-simple deeds
- 5 Date the Deed was written or signed (many times this is at the top of the deed)
- 6 Date the Deed was registered or recorded
- 7 Signature of grantor(s)
- 8 Signatures of witnesses



Citation:

Greene County, Tennessee, Deed Book 34:299, Robert Lister to Alfred Brumley, warranty deed, 16 December 1865; image, FamilySearch (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-C39N-23PM-1> : accessed 17 February 2024), digital film 008478524, image 481; Tennessee State Library and Archives, Nashville.

- 9 Examination and certification of the deed in open court, usually by the grantor or, as in this case, the witnesses.
- 10 Record of the deed being received by the clerk and recorded in the county deed volume.

References for Further Study

General Land Research

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All URLs were verified on 26 January 2025.