

Reaping a Harvest in Land Records

Larry W. Thomas

Too many researchers overlook using land records, especially when their ancestors did not own land but rented. Understanding the land itself and where they lived will greatly help in putting flesh on those bones.

Why do most people look at land records?

- Confirm our ancestor lived in the area
- Find the family farm\business

Why should you be looking at land records?

- The purchase date could be the earliest date your ancestor moved there
- The sale date could be when your ancestor moved out of the area
- The disposition might give more clues
- There may be hidden Easter Eggs in the purchase agreement
- There may be additional information you otherwise may not ever know
 - Company they worked for
 - Urban or Rural
 - Near specific land features (creeks, mountains, flood zones)
 - Names of kin

Let's first take a look at where & how people acquired land

- Grants – from government to individual
 - Required requesting means more clues, look for them in the state archives and Federal Bureau of Land Management
 - Typically males 21 and older
 - Size of land based on family size and or ownership of slaves
- Colonial Land Grants vs Post-Colonial Grants
- Bounty Land – for military service
- Homesteads
- Headrights
- Land Lotteries
- Federal Land
- Traditional Sales
 - Includes Gifts
 - Regular buying & selling
 - In Colonial Times - Often required government approval to sell or leave in an estate

Types of Deeds ¹

- Warranty deed - is where grantor warrants a good and clear title
- Mortgage deed - held by a mortgage company, bank, or individual
- Fee Simple – absolute ownership with unconditional power to disposition

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- Quitclaim – Passing any title, claim, or interest in a piece of land without any claim to actually owning the land
- Sheriff's Deed – a sale held by a Sheriff to pay a court judgement against the owner of the land

How land was laid out and measured

- Colonial
 - Metes and Bounds – used physical natural features like trees, creeks, and rocks
 - Used Chains (CC – Chain Carrier; CB – Chain Bearer)
 - Government issued a Warrant to Surveyor
 - Surveyor surveyed the land and drew the land and placed in Plat Book
 - Survey returned to the government body
 - Land Grant issued
 - Many required improvements on the land because the government could inspect and reclaim the land
 - Understanding the process gives you more places to search
- Post Colonial
 - Changed from Metes and Bounds to predetermined land lots and city lots mostly square or rectangular in shape
 - Land lots varied state to state and within states depending on circumstances
 - Based on larger Land Lot districts – may or may not align with county lines
 - Georgia Land Lots were 101 ½, 202 ½ acres, and some larger
 - Georgia Gold Land Lots were 40 acres
 - Supposed to be enough land to support a family
 - No longer required government approval for disposition
 - State Land and Public Domain States
 - Georgia and most colonial based states maintained ownership within their boundaries
 - Georgia gave Alabama & Mississippi to Feds as Public Domain States to pay for war debt
 - Public Land States made initial land grants a Federal Action
- Two most important parts of the deeds –
 - When, where and from whom the land was acquired
 - When, where, and to whom was the land disposed

Where to look for original land records

- Public Domain States – Federal
- State Domain – State, County, and Colonial Records

Looking for land records after initial grant

- Courthouses – Typically county but could be a city like Richmond, VA
- Estate Records – If the property was disposed of via estate

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- Grantor and Grantee Books
 - Watch for “Et Al.” indicates “and others” which could be estate or organization
- Cannot sell what you do not own
- Once acquired must be disposed of – either by family or courts
- Pre-1930 Typed Deed Books

Other places to look for land records

- Did the state or county border move? Look first in original and then in new
- Tax Records – if they owned land it might state county and acreage
- Census Records and Schedules – if they owned land it is often shown as a value but does not specify where the land is
- Other counties or cities
- Plat Books – be sure to look at neighbors and look for the phrase Dower’s Line

Trouble with Indexes

- Standard Indexes
- Variety of Indexes
 - Russell System
 - Cott System
 - Campbell System

Why should you read every word of a land deed? Glad you asked

- Watch for Deeds of Gifts – might indicate kinship
- Watch for sale below market value – might also indicate kinship or close friendship
- Who were the neighbors? - you are looking for links to kinship
- Look specifically for words relating to kinship like Brother-in-Law, Son-in-Law, Brother, Uncle
- Watch for organization land records - Was this an organization to which your ancestor was a trustee? Hint: Another place to look
- Watch for the word Dower –
 - If a widow owning land remarried, husband could not sell without her Dower Approval
 - A widow receiving a Dower’s grant could not sell the land, she did not own it, it was a life estate
- Watch for “Life Estate”

Do’s and Don’ts

- Don’t assume your ancestor actually lived there
 - Land speculators and landlords
 - Home Builders
 - Mr. Gresham had two farms, one in Bibb County and one in Houston and he lived in the city of Macon (*The War Outside My Window*)
- Don’t assume that because the name matches it means it is your person of interest

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- Gilshot or Gilshot - James Thomas, James Thomas, or James Thomas
- It is a clue or another piece to the puzzle
- You might have to prove someone is not the person of interest in order to know which one is
- Don't assume that land records do not exist because of a courthouse disaster
 - Land records were refiled before being sold
 - Often land records were filed many years after the transaction when it was needed
- Do research unknown names found in the land records to determine any kinship
- Do take great care of these historic books
- Do annotate all dates within the record, e.g. date of transaction and date of filing or recording
- Do review and file your digital images as soon after arriving back home as possible

Surveyor's Measure	Equivalent
1 Link	7.92 Inches
25 Links	1 Rod, 1 Pole, or 1 Perch
100 Links	1 Chain (also referred to as a Gunter's Chain)
1 Chain	66 Feet
80 Chains	1 Mile
625 Square Links	1 Square Rod
16 Square Rods	1 Square Chain
10 Square Chains	1 Square Acre

Additional Reading Materials

- Rose, Christine, Courthouse Indexes Illustrated, CR Publications, 2006
- Rose, Christine, Courthouse Research for Family Historian: Your Guide to Genealogical Treasures; CR Publications, 2004
- Morgan, George, How to do Everything Genealogy, Fourth Edition, The McGraw Hill Companies, 2012
- Morgan, G. & Smith, D., Advanced Genealogy— Research Techniques, McGraw-Hill Education, 2014

Georgia Land Websites:

http://www.georgialandsurveying.com/georgia_land_lot/

<https://vault.georgiaarchives.org/digital/collection/hmf/id/53>

<https://vault.georgiaarchives.org/digital/collection/dmf>

<https://glorerecords.blm.gov/default.aspx>

https://publicland.org/wp-content/uploads/2016/08/150359_Public_Lands_Document_web.pdf

ⁱ Definitions from Blacks' Law Dictionary, fifth edition, West Publishing Co., St. Paul, MN, 1979