

COLONIAL LAND RECORDS

By Carolyn H. Brown

Land records in the United States are generally divided into two groups: Colonial Land Records and Federal Land Records. Colonial Land Records apply to all land developed before 1776 and land controlled by the state. Federal Land Records did not begin until after the Revolution and apply to all lands owned by the federal government after 1776.

Many times researchers choose not to research in land records because they don't understand the strange terminology found in them. However, land records can go a long way to helping you get past some of your major brick walls.

Understanding what types of land records are available and where to locate them can make a big difference in your research success. Being prepared before you go searching will save lots of time and effort.

FOLLOW THE LAND

When you come across the mention of possible land ownership in a record, it is time to follow-up and locate the land records. Following the land may mean that you will be researching in multiple types of records.

DOCUMENTS LEADING TO LAND RECORDS

Several types of records which might include a reference to colonial land ownership are: all forms of federal and state censuses, court orders, court cases, wills, probates, deeds of neighbors, diaries, letters and other family papers.

KNOW WHERE TO LOOK

Colonial Land Records will generally be found in the local courthouse. However, some counties have placed their very early land records in their state archives.

Common Types of Land Records

The most common types of land records you will encounter in your research are: Land Grants, Land Patents, Warrantee Deeds, and Quitclaim Seeds.

Land Grants - were issued by the ruling government to its citizens for services rendered. Also known as Bounty Land Grants and Bounty Land Warrants:

Bounty land grants were grants of free land awarded to veterans by the individual states in return for military service performed between 1775 and 3 March 1855. This includes veterans who served in the American Revolution, the War of 1812 and the Mexican War.

Veterans had to apply for the warrant, as they were not automatically issued to every veteran who served. If the bounty land warrant was granted, he could use the warrant to apply for a land grant. Bounty land warrants could also be transferred or sold to other individuals.

Not all states issued bounty land grants. For example, there was no bounty land policy in Delaware, New Jersey, New Hampshire, Rhode Island, or Vermont, as those states lacked enough vacant land to support such a policy. The bounty land states of Connecticut, Maryland, North Carolina, Pennsylvania, South Carolina and Virginia used land in their western domains which included: Indiana, Kentucky, Ohio, and Tennessee. Georgia and New York used land within their reserves on their western borders as they existed in 1783. Massachusetts used its northern domain of Maine for its bounty land warrants.

Most bounty land was awarded for military service, however, there were two exceptions. Connecticut compensated its citizens with lands in Ohio if their homes, outbuildings, and businesses were destroyed by the British. They did not award any bounty land for military service. Georgia issued bounty land to its citizens who remained loyal, or at least neutral, to the Revolutionary cause.

Many veterans applied for their bounty land warrants and grants, but did not use them. So even if your ancestor did not relocate following the American Revolution, the War of 1812 or the Mexican War, he may have received a land warrant or grant and given it away or sold it.

It depends on what country or state owned the land at the time the grant was issued as to where the grants may now be located. If the land grant was issued in the East before the Revolution a copy may be located at the state level. It is important to know the history of the state to locate these documents. Land grants did not specify the exact location of the land.

Land Patents - Once a person received a grant, they had to lay claim to the land through the land patent. Land Patents are filed in the jurisdiction that owned the land. You may find that land patents were issued and not followed-up on, and then another patent was issued for the same land.

Warranty Deeds - Are required for all land transfers. Deeds are recorded at the county level. These are deeds where the grantor (seller) is legally claiming they own the real estate and have the right to sell it to the grantee (purchaser).

Quitclaim Deed - A deed conveying the interest of the grantor at that time. In some states, more than a release, it is used as simple conveyance for making a grant of lands.

Warranty deeds, the type of deeds most of us know about, are deeds where the grantor (seller) is legally claiming that they own the real estate, have title to it, and have the right to sell it. Not so with a quitclaim deed.

To understand what is happening in a quitclaim deed you need to know the family structure at the time. Did someone die while owning property that would eventually pass to others? If so, how were the people in the quitclaim deed related to the individual who died? How were they related each other? Step relationships (i.e. step-brother or step-sister) could prove a problem with how the land should be divided.

Many times wives died in childbirth, or husbands died at war. Where multiple spouses are involved, the children may have been 'his,' 'mine' and/or 'ours'. Normally, when one spouse died the property was then owned by the remaining spouse. When the remaining spouse died, all of the children would have claim to the land. To ensure that the land owned by an individual passed to his or her direct descendants only, the children who were not direct descendants would sign a quitclaim deed to deed the land to the direct descendants. Don't underestimate the value of a quitclaim deed, or you may be missing a vital piece of evidence.

HEADRIGHT SYSTEM

In colonial times, immigrants who paid for their own passage to the colonies were given one Headright. Additionally, they would receive one Headright each time they paid for the passage of another individual. A Headright is equivalent to 50 acres.

The Headright system was used to solve the labor shortages caused by the exponential growth of the tobacco industry, which required huge plots of land and a greater number of workers.

The Headright system was established by the Virginia Company in 1618 to encourage immigration by promising land to settlers. The Plymouth Company soon followed suit. The Headright system expanded to Maryland, as well as North and South Carolina. It was cancelled by the Virginia General Assembly in 1779.

Initial large land investors did not receive free land under the Headright system. However, once they became colonists they could participate by paying the passage of other immigrants. Those immigrants would sign a contract with the land owner and become indentured for the cost of transportation to the New World and, upon arrival, their room, board and clothing. These indentured servants worked for five to seven years clearing new land and moving the edge of English settlements further west. During their term of service, they could not acquire title to the land.

Abuses of the Headright system allowed some people to expand legitimate claims. Both the benefactor paying the transportation costs of an indentured servant and the ship captains might try to obtain Headrights for the people transported. Sometimes, a claim would be filed for more immigrants than actually arrived in the colony.

Slave labor fell under the same Headright system. Both large and small landowners imported slaves, or purchased them from ship captains who brought them to the colonies for sale. The Headright claims for the indentured servants listed the names of the individual, but the claims for slaves rarely identified individual slaves.

In 1699, as European immigrants became harder and harder to attract, the colony began to sell "Headrights" allowing people to claim 50 acres for 5 shillings.

The three volumes of the *Cavaliers & Pioneers - Abstracts of Virginia Land Patents & Grants* by Nell Marion Nugent, cover the period from 1623 through 1732. Copies of all eight volumes are available at the Family History Library in Salt Lake City, Utah, and some other private libraries. Check World Cat at <www.worldcat.org> to see if a library near you has them. They are available at the Virginia State Library, Richmond, Virginia, and the Bouse Public Library, Bouse, Arizona, where they are for "reference only" and not available for interlibrary loan.

Land Descriptions and Survey Methods

There are two types of survey methods: "metes and bounds" and "public land survey"; their descriptions vary greatly. Knowing what the record says, and how the land is identified, will help you glean information from land records. You also need to know which states and counties used which survey method. All colonial land states or areas continue to use the colonial land method of metes and bounds.

Metes and Bounds Survey Method

This method made use of the natural physical and topographical features in conjunctions with the measurements and artificially designated objects or places.

Some states are strictly metes and bounds states. Those are the original 13 colonies and states where the land was allocated before 1785. These other states include; Kentucky, Maine, Tennessee, Vermont and West Virginia.

Some states use both the metes and bounds, and the rectangular survey systems. A small portion of the south-eastern corner of Missouri known as Little Dixie uses the metes and bounds system and the rest of the state uses the rectangular system. Ohio was originally developed by military grants from Connecticut and Virginia and uses both systems. Texas, California and Vermont also use both systems. Other states use both methods where land was patented before the United States was formed.

Know the Terms

Land documents have a vocabulary of their own. You can't read a deed and make sense out of it if you don't know the language. Knowing the terms makes understanding the records easier. You can get lists of the terms used in deeds online. Today's handout has some of the most common terms. For an extensive list of terms download the document "Land Related Terms" from the BGS website at: <<http://www.bousegeniesaz.org/Resources.html>>.

What Are Metes?

Metes refers to the measuring of directions in degrees, minutes and seconds, plus the measurement of distance.

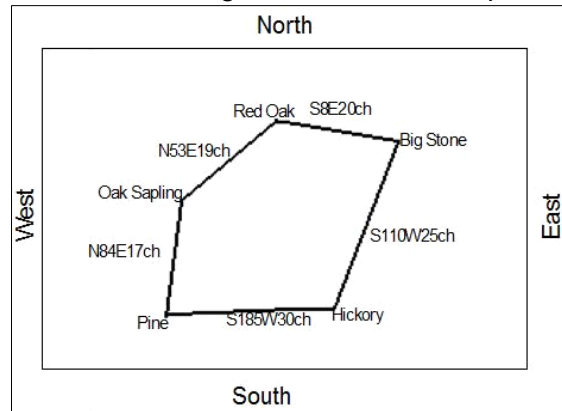
Mile = 5,280 feet Chain = 100 links /66 feet
Rod, Pole, or Perch = 16½ feet Foot = 12 in. Link = 7.92 in.

What Are Bounds?

Bounds refers to the natural, man-made, or artificial physical features of the land, rivers, streams, trees, roads, rocks, etc. It is not unusual for some of the early bounds identifications to have been lost due to land development and rivers and streams boundaries changing.

Sample Land Description With Metes & Bounds

“Beginning at pine corner between said land of William Graves & the said James Bullifant, running N84 degrees E17 chains 2 poles 10 links to oak sapling, thence N53 degrees E19 chains 30 links to red oak, thence S8 degrees E20 chains 10 links to big stone, thence S110 degrees W25 chains 2 poles to hickory, thence S185 degrees W30 chains 1 pole 5 links to pine where began.”



Researching Deeds

When researching deeds, make sure you look at both the grantor and grantee indexes. Where you have more than one surname, make a copy of the name page and volume for every deed of interest in the entire index. Use the “Index to Courthouse Records” form as explained below to record the information from the grantor & grantee indexes.

Recording the Data You Find

Make a copy of the front of the documents or book, making sure you know the book name, author/publisher and date of publication. Take care with all books and documents. If you are working with hand written documents, pay the price and get a copy. For books, copy only the pages you need, be aware of copyright laws. For deeds in books, record the book name and number and page number on the copied page itself.

Index to Courthouse Records - Deeds Form

Use the “Index to Courthouse Records - Deeds” form located on the Bouse Genies website Resources page to record the information you locate in a deed list. Take the list you have created and put it in your spread sheet program: i.e., Excel. Enter each item in a separate column. Then sort the sheet by deed book, page and surname. You now have a list you can use to go quickly through a deed book or a microfilm reel. A copy of the form is available on the BGS website Resources page at: <http://www.bousegeniesaz.org/Resources.html>.

BOUNDARY CHANGES

As state and county boundaries changed over time, so did the location of tax lists. It is important to research in the right area at the right time.

An easy way to make sure you are in the right place at the right time is to use the program *AniMap*. With this software you can plot a place and then by changing the dates, to see which county to research in for different time periods. Another resource for county line changes is Thorndale and Dollarhide’s book *Map Guide to the U.S. Federal Censuses, 1790-1920*, which shows the old county lines superimposed over the modern ones. Also, check the US GenWeb web site of your ancestors for the state

As tax payers we really don’t like taxes. As genealogists we should love them because they are priceless sources for tracking our ancestors. Don’t shy away from tax records.

ANALYZING DEEDS

Be a List Maker: When analyzing deeds and other land documents don’t list them in the order you found them. List them in chronological order, then list each property separately with the purchase and sales dates. Understanding when and why each was created is very important to

understanding the entire process. Analyze the impact land purchases and sales had on the life of your ancestor.

Be a Map Maker: Make a section map and plat of your ancestors land. Record the names of all adjacent land owners. These are clues you will use later in your research.

DOLLAR DEEDS

One way our ancestors avoided probate was to transfer ownership in their farm or home to their children while the parents were still alive. The consideration for these types of land transfers was a dollar and/or love and affection. No money actually changed hands.

USING TAX LISTS WITH LAND RECORDS

There are several types of tax lists that can help steer you to land records. They are: Poll Taxes, Tithables, Quit Rents, Real Estate and Personal Property Taxes.

Usually you won't find the names of women, wives and daughters, unless they are the current owner of the property and/or head of the household. Names of slaves are not listed except in the early years, about 1782-3.

Poll Taxes - The earliest of the known taxes was a head tax or capitation tax, more often called a poll tax. The poll tax is a capital tax equally levied on adults in the community.

In 1377, John of Gaunt, the regent for King Richard II of England, levied a poll tax to finance a war against France. Later, in the U.S. the poll tax became a means of deterring or preventing African-Americans and poor whites in the Southern U.S. from voter registration and voting. The poll tax was ended in the U.S. by the ratification of the 24th Amendment to the U.S. Constitution on 23 January 1964.

Tithables - The term "tithable" referred to a person who paid one of the taxes imposed by the General Assembly for the support of civil government in the colony. Also referenced are persons who paid this tax for someone else, such as an owner or master.

States like Virginia in the early 1700s, imposed a tithable tax on the produce of free white males, Native American servants (both male and female), and African-American slaves of the age of 16 and older.

Tithable lists may include the names of every male over 16 years of age in the household. It also lists numerically the number of slaves, and the number of tithes payable. In 1782 in Virginia, the name of each slave is also listed.

When the surnames of the males listed in the household are identical, circumstantial evidence can infer that a familial relationship exists. They may be father and son. Also the number of unnamed persons, tithable slaves or others, tells you something about the prosperity of the slaveholder.

Quit Rents - Quit Rent Rolls, which indicate the acreage owned, are often considered the first type of "census" record. They are an annual tax paid directly to the King of England. In Virginia, there are Quit Rent Rolls as early as 1704.

These rolls recognized the "headright system." Georgia also adopted a headright law and a revision in 1777, however, headrights were not granted until 1780. Fees were due for issuing land grants, which show up in these rolls.

Real Estate Property Taxes - Property tax records may indicate the year and individual arrived in a specific area. They also indicate when the property owner departed or died. These records can direct you to other land documents such as deeds, indentures, wills and other instruments.

By following the property tax lists you may find when land changed hands and who received it. These records can fill in where deeds are missing. These usually provide a specific reference to the parcel(s) being assessed and can help in locating the current property owner.

Personal Property Taxes - Many states had taxes on items other than real estate. The items taxed ranged from windows in the home to horses, carriages and other livestock. Laws governing personal property taxes have varied greatly over time and can indicate the wealth of the individual.

The Virginia State Library had an excellent reference concerning personal tax materials on their web site at www.lva.virginia.gov/public/guides/rn3_persprop.htm. These tax records vary so much that you will need to consult the tax assessor or similar administrator for advice on how to access what records still exist.

LOCATING TAX LISTS

In some areas these records are available at the local courthouse. However, many of these older records have been microfilmed and are available at the state archives or state library.

The Family History Library (FHL) also has copies of some of the microfilm of tax lists. Some have been lost, but don't assume that all were lost. It is possible that some of the tax lists have been salvaged, and a copy is held elsewhere. Some lists have been published in newspapers, genealogy quarterlies and newsletters. Tip: Check PERSI (Periodical Source Index).

COUNTY TAX RECORDS

Work at least 10 years either side of the expected dates of the individuals life. Get both personal property and Real Estate tax records.

Copy everyone by the last name you are researching. Copy everything on the record. Follow the land. Also look for any types of licenses they may have needed to work. Pub, real estate, hair dresser, barber, auto drivers licenses, etc.

TAX RECORDS REVEAL RELATIONSHIPS

Though it is not an easy task, you can learn a lot by following tax records, and identifying who received land from someone's estate. This may prove a relationship where no deed was recorded. Use the "Annual Tax Records" form found on the Bouse Genies website Resources page to record your findings.

FAMILY RELATIONSHIPS IN LAND RECORDS

Deeds often provide a lot of family relationship data, which is not always found in wills and other records. By Following deeds on a single piece of land you may identify several generations in a family.

Follow the Land

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More Information

The Source: A Guide of American Genealogy (1984) edited by Arlene Eakle and Johni Cerny, Ancestry, Inc. Salt Lake City, Utah.