

LAND RELATED TERMS

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A. G. O.: Adjutant General's Office.

ABSTRACT: A less quantity containing the virtue of force of a greater quantity. Less comprehensive than a transcript.

ABSTRACT OF TITLE: A condensed history of the title to land.

ABTRACTER: A person who prepares an epitome of the successive conveyances and other facts upon which a person's title to a piece of land rests.

ACQUIRED LANDS: Federal land which is not public, usually by the government through purchase, condemnation or gift under laws other than public land laws.

ADJUDICATION: The legal and demonstrative processing of case work to assure full compliance with the public land laws and regulations: to determine rights.

ALiquot PARTS: A quarter division of a section of land - in the public domain.

ALLodial TITLE: Absolute ownership not subject to any feudal duties.

ANTI-RENT AGITATION: In NY (1839-1846) a culmination of the resentment of farmers vs the leaseholders, whereby the great landlords and land companies collected yearly tribute in produce, labor, or money and extracted a share of 1/4 of 1/3 of the sale of a leasehold.

APPLICATION: Formal request for the use or ownership of public lands.

APPROPRIATED LAND: Public domain land which has been entered, patented, or has other type of disposal.

B. L. W.: Bounty Land Warrant.

B. M.: Bench Mark used in surveying, a definite point of known elevation.

BASE LINE: An imaginary line running east and west from an initial point.

BASE LINE MERIDIAN: An imaginary line running east and west from an initial point - used in surveying in public domain. Reference or beginning point for measuring north or south townships.

BEARING TREE: (In surveying) a brazened and/or marked tree denoting a boundary.

BONA FIDE: In or with good faith; w/o fraud or deceit.

BOUNTY: A reward or bonus.

BOUNTY LAND: This was land set aside by state or federal governments for veterans of various American wars, such as the Revolution, the War of 1812 and other early 19th-century wars. These lands were located in either individual states (for state bounty awards) or in U.S.-owned land or territories (such as Ohio, etc.). No bounty lands were authorized for service after the Mexican War. Given in place of money payment.

BOUNTY LAND WARRANT: Script for lands awarded for military service through 1855.

CADASTRAL MAPS: Maps which identify boundaries, buildings, subdivision lines, and related details; a register of property, its value, tax, and ownership.

CADASTRAL SURVEY: A public land survey to establish land boundaries.

CASH CERTIFICATE: Final certificate issued in cash entry.

CERTIFICATE: A certified statement; a written testimony; a written declaration legally authenticated.

CESSION: A yielding or surrender, as of rights to another.

CHAIN: (in surveying) 66 feet in length or 100 links of 7.92 inches; 10 square chains = 1 acre; 16 square poles = 1 square chain.

CHARTER: An instrument in writing from a sovereign power of a State or country, granting or guaranteeing rights.

COLLATERAL: Designating or pertaining to an obligation or security.

COMMON LAW: The unwritten law that is binding because of immemorial usage and universal reception; often used in distinction from statute law.

C. B. or C. C.: Chain bearers - those who carried the chains used in metes and bounds surveys.

CONTROL DOCUMENT: Any legal document which affects the ownership or use of public lands or resources.

CREDIT ENTRY: Cash entry which allowed installment payments.

DEED: An instrument conveying real property.

DEED OF PARTITION: A deed by those holding property jointly.

DEED OF TRUST: A deed that creates a trust.

DEMEANING: Behaving; deportment.

DEVISEE: The person who receives land or other real property by will.

DEVISOR: Testator: One who wills land to another.

DISPOSAL: A transaction which leads to the transfer of the title of public lands from Federal to non-Federal ownership.

DISTRICT OFFICE: Land office which handles transaction for applicants within its district.

DONEE: One to whom a gift is made.

DOWER: That portion of, or interest in, the real estate of a deceased husband which the law gives for life to his widow; dowry; endowment. Also that 1/3 portions of a mans land ownership that is automatically his wife's in some states.

DOWER RIGHT: The right of a widow to receive a portion of interest of her deceased husband's property. In some states where a woman automatically owns 1/3 of her husbands property, a wife must sign her dower right over before her husband can sell the land.

EMINENT DOMAIN: (law) That superior domain of the government which authorizes it to appropriate all or part thereof to a necessary public usage, reasonable compensation being made.

ENCROACHMENT: To enter gradually or by stealth into the right of another; intruder' trespass.

ENDOWMENT: That which is settled on a person or an institution; property permanently devoted to another object.

ENTAIL: Under the old European laws of primogeniture, a landowner could not sell his land or give it away by will. Instead, the land had to remain in the family, being passed on to the oldest son; this, "entailed." This practice was abolished in the United States by the American Revolution.

ENTITY: A real being, whether in thought or in fact; existence.

ENTRY: Record of transaction means of acquiring title through agreement to pay and/or improving the land.

ET. AL.: And others.

ET. UX.: And wife or spouse.

FIELD NOTES: (surveying) The permanent detailed record made by a surveyor as he is in the process of establishing a boundary.

FINAL PROOF: Statement of having met the requirements by the entryman and his witnesses.

FREEHOLDER: A tenure of real property by which an estate of inheritance or for life is held, or the estate itself. Usually free-holders had the right to vote if they possessed the minimum amount of property specified by the colony in which they resided.

FREE LAND: In colonial days and again in the mid-19th century, this was government land on which squatters or anyone else could legally settle. To hold their title, the settlers would have to develop the property and build a dwelling, or could sell their claim at any time to someone else for developing.

GENERAL LAND OFFICE (GLO): Government department responsible for execution, management, and administration of public land laws.

GEOGRAPHER'S LINE: Surveyed by Thomas Hutchins, geographer of the US; surveyed by plan provided in Ordinance of 1785.

GLEBE: Land belonging to a parish church or assigned to a minister as part of his salary.

GRANT: Item or property granted or gifted; a tract of land.

GRANTEE: The person to whom a deed or grant is made.

GRANTOR: The person by whom s deed or grant is made.

HEAD RIGHT: Usually practiced in the 17th century in British North America, this was the grant of a set number of acres of land given for each settler. Often the grant was made to the individual who got a head right for each person or settler whose ship passage the sponsor paid.

HISTORICAL INDEX: A summary and index of actions which affect the title to or use of lands and/or resources, public domain.

HOMESTEAD: Folks often talk about the “old homestead,” but that’s just a term of endearment. A real homestead was land acquired under the Homestead law of 1862. That legislation permitted any adult to take up and settle a specific amount of land (a quarter section, or 160 acres) in government-owned land, provided the individual was at least 21 years old and a United States citizen. The only cost was a small fee for filing a claim, and then living on and improving the tract for five years.

HOMESTEAD ACT: Law which provided for the issuance patents for those who settled and improved certain public lands.

HUNDRED: A governmental subdivision of a British North American colony which contained a hundred land occupiers or settlers. Use of this designation was found usually in Maryland, Virginia and Delaware.

INDENTURE: In connection with land, this was a deed, usually written twice on a long sheet of paper. Cut on a wavy line or an “indented” line between the two manuscripts, the two parts were given to the parties concerned, that is the buyer and the seller. Later, if the two halves fit together at the wavy cut line, it was apparent proof of legitimacy. A contract in which an apprentice is bound to a master.

IN FEE SIMPLE: An absolute inheritance’ a fee without any limitation.

IN FEE TAIL: An estate of inheritance limited to a class of heirs.

INMATE: Far from its apparent meaning, this term, was used in earlier times to designate an adult male or female who was renting property rather than owning it.

INTESTATE: When person dies without a will.

JURISDICTION: Authority to govern or legislate; authority; control.

LAND CLASSIFICATION: Designation of public lands as being valuable or suitable for a specified purpose.

LAND WARRANT: A negotiable government certificate entitling holder to be in possession of designated amount of public land or other appropriation by U. S. Congress.

LEGAL DESCRIPTION: The description and identification of the location of any particular parcel of land according to the official survey or plat.

LESSEE: one to whom a lease is given.

LIEU: Place; stead; used commonly as “in lieu of”.

LINK: 7.92 inches in surveyor’s measure; 625 square links = 1 square pole.

LITIGATION: To make the subject of a lawsuit; contest at law.

MERIDIAN: See Baseline Meridian and Principle Meridian.

MESSUAGE: Often mentioned in deeds of earlier days, this means that a house or some habitable structure was then standing on the property.

M. L. W.: Military Land Warrant.

MASTER TITLE PLAT: The plat or survey of the new status records which shows data necessary to identify and/or describe lands in the Public Domain, showing current limitations or restrictions to usage or availability of the land or resources.

MEANDER LINE: (in surveying) A traverse of the margin of a permanent natural body of water.

OLD SOUTHWEST: An area applied first to the present states of TN and KY, but later included AL, MS, and sometimes LA and AR.

ORDINANCE: Established rule or law; especially any public enactment.

ORIGINAL SURVEY: A cadastral survey; first survey creating land boundaries.

PACE: A measure of distance, 2½ feet.

PATENT: Concerning land, such a document was proof of possession of real estate purchased from a state, the federal government or colony. Once an individual had a patent for his land, all other disposals of that property could be made by deed or will.

PATENTEE: One to whom a grant is made; or a privilege secured by patent.

PERFECTED PATENT: Supplementary patent to provide the required official signatures.

PERPETUAL: Continuing forever or for unlimited time.

PLANTATION: Surprisingly, this term we think of as pertaining to the huge Southern cotton or tobacco plantations or estates was also used by Yankee and other Northern colonists, especially in Rhode Island, Pennsylvania and Massachusetts. Such property may be large or quite small with no minimum acreage.

PLAT OF SURVEY: a drawing which shows boundaries, subdivisions, areas, and other features included in a cadastral survey.

POLES: (in surveying) 1 square pole = 625 square links; 16 square poles = 1 square chain.

PREEMPTION CLAIMS: For squatters who had settled on unappropriated government land before the Homestead Act era, they could buy their improved plots of real estate for a nominal price per acre.

PREEMPTIONS ENTRY: A squatter's right; based on laws enacted to protect title for those who had settled upon and improved land in the public domain.

PRINCIPAL MERIDIAN: A true north south line running through an in tail point. Reference or beginning point for measuring east or west ranges.

PRIVATE ENTRY: Cash entry for public land sold direct transaction with settler.

PRIVATE LAND CLAIMS: These were land grants made to individuals by foreign governments such as France, Spain, Mexico or Great Britain. When the United States took over those territories, in most instances those prior claims were recognized as legitimate and valid, and the possessors could keep their land.

PUBLIC DOMAIN: Any unsettled land in this country which was not allocated for any other purpose, such as military tracts, railroad grants or Indian Reservations, etc. It was from this huge chunk of land that the above-mentioned homestead tracts were given out.

PUBLIC DOMAIN LANDS: Land which has remained in Federal ownership.

PUBLIC LAND STATES: Alabama, Arizona, Arkansas, California, Colorado, 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, and Wyoming.

QUITCLAIM DEED: A deed conveying the interest of the grantor at that time. In some states, more than a release, used as simple conveyance for making a grant of lands.

QUIT RENT: In British North America, this was usually a small annual payment by a freeholder or other property possessor to the landowner (normally the proprietor of the colony) or to the British Crown. If the quit rent was paid annually on time, the payer retained possession of his land another year. If not, the land reverted to the proprietor.

RANGE: A tier of townships running vertical or north and south: abbreviated as "R" in land descriptions.

REGISTRAR: The official in charge of the District Land Office.

SCRIP: Any of various documents used as evidence that a holder or bearer is entitled to receive something; a certificate; an allotment. Certificate of Entitlement which allowed the holder to select a specified number of acres out of available designated public land.

SCRIPT: Something written; a style of writing.

SECTION: (in surveying) 640 acres or one square mile area; abbreviated as "Sec." in some documents.

SOUTHWEST TERRITORY: a short title applied to the region officially set up in 1790 as Territory of the U. S. South of the Ohio River. It consisted mainly of the future state of TN.

SQUATTER: Although seemingly highly derogative, this term was used officially and in common language to describe individuals who had taken up residence on land they didn't own.

STATUS PLAT: A plat on which has been diagrammed and noted such information as is necessary to determine Federal ownership, disposition, use or availability of public lands and resources.

SUPPLEMENTARY PATENT: A patent which is issued to change or modify a previous patent.

SURFACE RIGHTS: Right to land without the right to the minerals connected with the land.

SURVEY: The operations of finding and delineating the contour, dimensions, position, etc. by applying the principles of geometry and trigonometry, as of any part of the earth's surface; a measured plan and description.

SURVEY PLAT: A map on which land surveys are recorded at a scale of two inches to the mile. Each plat usually shows one township.

TOPOGRAPHY: Land contour description, usually exact and scientific of an area in map form.

TOWNSHIP: (in survey) 36 square miles in the public domain; abbreviated usually as "twp". Also a unit of local government in New England; an area.

TRACT BOOK: a journal or narrative record which is an index to and digest of all essential actions which affect public lands.

TRANSCRIPT: A copy of a document containing all information in the document.

VARA: A Spanish or Portugese term of measurement; varies in length from 32 inches to 43 inches in different localities. In TX it is 33.33 inches.

WARRANT: Seller has clear title and will defend said title.

WARRANTY DEED: One which contains a covenant or of warranty or a covenant by the grantor to defend the title and possession of the estate granted.

WITNESS CORNER: (in surveying) Blazed trees or corners similar to true property corners established in a given direction at a given distance from an actual property corner. Witness corners aid in the location of property corners and are in the surveyor's field notes.