

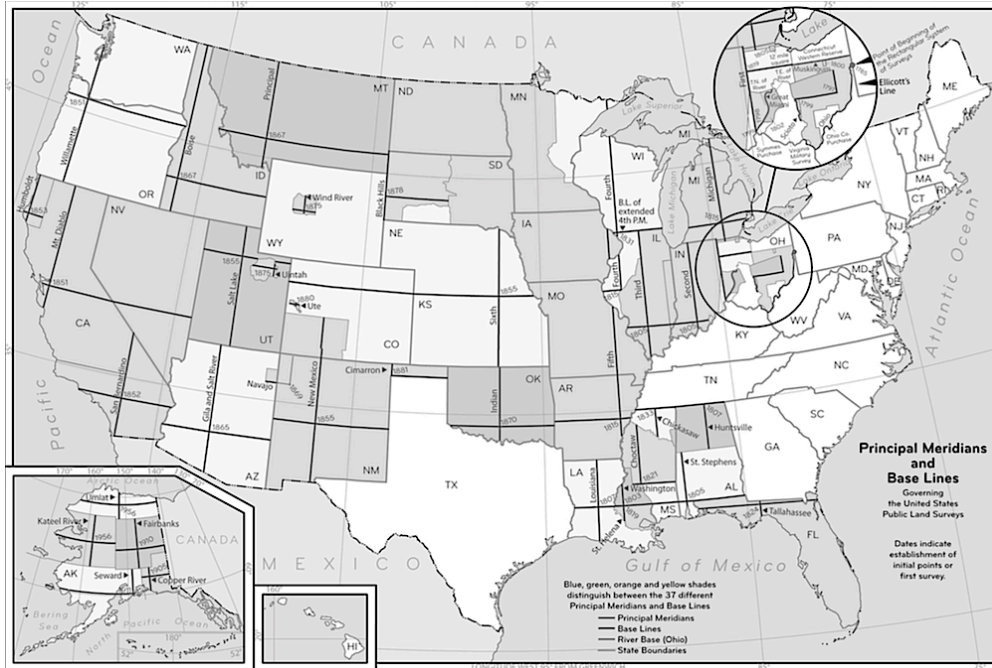
Finding United States Land Records

LAND ACQUISITION

Land is acquired by individuals in America in two ways: from the government (grant or patent) or from another person (deed). In the early colonies, governors and proprietors sold land or issued grants to soldiers and settlers in areas that became part of the U.S.

THE LAND

After the **1783 Treaty of Paris** ended the American Revolution, the United States consisted of the original 13 colonies and over 270 million acres of land east of the Mississippi. Ownership of land in the original 13 colonies, established under British law, was recognized. The plan was to use the 270 million acres as payment to soldiers who had fought in the Revolution.



<http://www.blm.gov/wo/st/en/prog/more/cadastralsurvey/meridians.html>

How to distribute the land? How to measure it? How to price it? In the past, metes and bounds (stepping off plots using geographical and human landmarks) had been used to establish boundaries. This led to inaccuracies and overlapping claims. Border disputes were common.

STATE LAND STATES

The original thirteen colonies plus Maine (then part of Massachusetts), Vermont (conflicting claims by neighboring states), Kentucky (then part of Virginia), and Tennessee (then part of North Carolina) became state land states which kept title to unappropriated vacant lands in their borders. Texas (1845), West Virginia (1863), and Hawaii (1959) kept their lands when they became states.

FINDING THE RECORDS

The State Land States have (or have had) land offices for in-state land distribution. Today the original documents are usually found at the state archives. For detailed lists of where to find these documents, go to the FamilySearch.org Wiki and enter "State Land." Then click on your state. Many of the documents have been microfilmed and are available through the FamilySearch catalog (or perhaps they are online now!).

LOCATING THE LAND

Metes and bounds were used when determining the boundaries of a piece of land. Natural landmarks (big rock, oak tree, creek) and human structures (fence, road, corner of a barn) were used as points, with the distance between the points described using compass directions and measurement in chains (100 links = 66 feet = 4 rods/poles/perches). If you wish to plot the boundaries of your ancestors' lands, two useful applications are **Deed Platter** (free web app <http://www.genealogytools.net/deeds/>) and **Metes and Bounds** (free and paid versions <http://tabberer.com/sandyknoll/more/metesandbounds/metes.html>). Once you have plotted the land, find an old map or a modern map to overlay and locate the land today. Many old maps can be found at Ancestry.com (Indexed County Land Ownership Maps, 1860-1918; Indexed Early Land Ownership and Township Plats, 1785-1898), at the David Rumsey Historical Map Collection (<http://www.davidrumsey.com>), and at Old Maps Online (<http://www.oldmapsonline.org>).

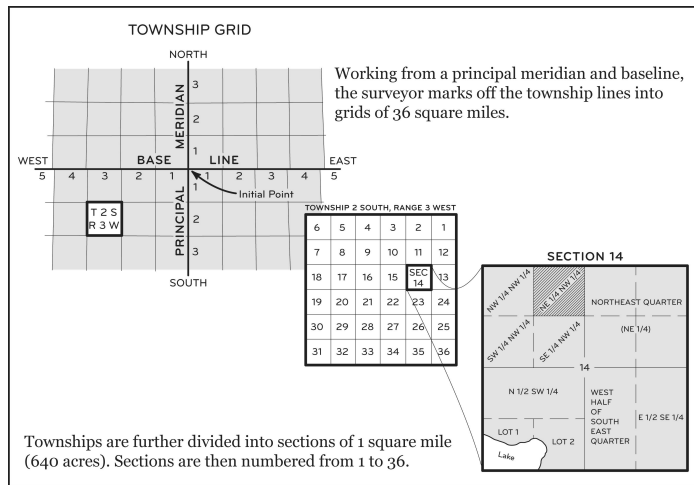
PUBLIC LAND STATES

All states not included as State Land States are therefore Public Land States. Any land not owned by individuals belongs to the federal government and can be sold if not set aside for public use. Much of this land was acquired early in the history of the United States as a result of purchases, wars, or treaties made with foreign countries. The federal government used this land to encourage growth, settlement, and economic development. Land that was not developed, homesteaded, or sold is still in federal ownership as public land.

Military Bounty Land was promised as an inducement to military service or a reward for service to veterans or their heirs in the Revolutionary War and the War of 1812 and other wars during 1812-1855 (Indian Wars, Mexican War).

The **Land Ordinance of 1785** provided for the distribution of the land Northwest of the Ohio River (the Northwest Territory). It called for a cadastral survey to document the boundaries by producing maps using a standardized system of land measurement. This survey resulted in the **Public Lands Survey System (PLSS)**, used to plat, or divide, real property for sale and settlement.

The PLSS survey used **principal meridians** and **baselines** as controlling survey lines. Territory was divided into 6-mile squares (36 square miles) called **townships**. Township lines were determined north and south of a base line. Ranges were east and west of a meridian. Each township had **36 sections**, each one mile square, numbered 1 to 36. Each section contained **640 acres**. The sections could be divided into half, quarter, and smaller sections (**aliquot parts**). Section 16 was set aside for public schools.



http://nationalmap.gov/small_scale/a_plss.html

The purchase could be paid in four installments, with a deposit of 5% plus survey fees, 20% within 40 days, and 3 payments of 25% plus 6% interest at one-year intervals.

In 1803, the Louisiana Purchase doubled the size of the nation: more land to measure and distribute. In 1812 a General Land Office (GLO) was created as part of the Treasury Department. It was moved to a more fireproof building after the British burned Washington, DC, in 1814. District Land Offices were created to manage sales closer to the lands. Auctions were held irregularly, and land was sold to the highest bidder. Unsold lands were then available indefinitely at minimum price. Public land sales boomed.

The Act of April 20, 1820, allowed for the sale of 80-acre tracts ($\frac{1}{8}$ section) for \$1.25 per acre. Public auctions were pre-announced. Unsold land was then available on a first-come-first-served basis, replacing the credit system. Until the 1830s the President of the United States signed some land patents, giving people title to the land. Other patents were signed by a clerk in the GLO.

https://commons.wikimedia.org/wiki/File%3AU.S._Territorial_Acquisitions.png



Westward movements beginning in 1825 brought more and more people to the lands as they opened to settlement. The Erie Canal to Wisconsin in 1825, Oregon Fever from the Mississippi Valley in 1840s, Missouri to California in 1840s, Mormons to Utah in the 1840s, the annexation of Texas in 1845, the Oregon Compromise adding land below the 49th parallel in 1846, gold in California in 1848, the Mexican Cession of 1848, the purchase of 75 million acres from Texas in 1850, the Gadsden Purchase in 1853 – all of these contributed to expansion of the United States and opportunities for settlers to move West for a new life in the territories opening to them.

Immigrants were coming to the United States in large numbers, drawn by economic prosperity. The

corn laws in England, which had imposed taxes on imported grains, were repealed, allowing American grains a new market overseas. New canals and roadways offered transit to the western lands where settlers could grow crops and raise cattle.

Along with westward expansion came new legislation. In 1854 a graduated scale of prices was established which reflected the desirability of the land. Good land sold for more, poor land, especially some not sold for 30 years, went for as little as 12½ cents per acre. There were bonuses for veterans to settle in the Oregon Territory.

Preemption (also called Squatter's Rights), where settlers could purchase land they had improved prior to the survey, was an issue. The settlers could lose their land if they couldn't pay for it when it was surveyed. Congress was pressured to deal this, so in 1841 a

law allowed settlers to purchase their land prior to auction, without bidding for it, with the revenues to be distributed among the states to finance improvements.

In general, eastern business owners opposed homesteading, thinking that it would deplete their cheap factory labor force. Southern states worried that new states would be settled by small farmers opposing slavery. Laws to improve homesteading were passed three times—in 1852, 1854, and 1859 when the House of Representatives passed homestead legislation and the Senate defeated it. In 1860, President Buchanan vetoed a homestead bill.

With the coming of the Civil War in 1861, the secession of the southern states removed the issue of slavery, leading to the passage of the **Homestead Act of 1862**. This act distributed land in 30 states to over 1.6 million people who claimed 270 million acres.

There were three steps to acquiring land under the Homestead Act of 1862.

1. *File an application*

2. *Improve the land*

3. *File for deed of title*

Eligibility: US citizen or intended citizen; never borne arms against the US Government; 21 years old or head of household.

The application was filed at the nearest land office with a filing fee of \$10 and a \$2 commission to the land agent. The land office would check to see if there was a previous claim to the land.

The claim was for 160 acres of surveyed government land. The homesteader had to live on the land for 5 years and improve it by building a 12 x 14 dwelling and growing crops. After 5 years, the homesteader could file for the patent (deed of title) by showing proof of 5 years residency and the 12 x 14 dwelling. The proof was verified by two friends, who might be relatives. *Think of all the genealogical information that could be found in those documents!*

The paperwork was sent to the GLO in DC where the file was checked out. A valid claim gave the homesteader the patent for a registration fee of \$6. There was no fee for the land.

The land could also be purchased for \$1.25 per acre after a 6-month residency and trivial improvements. After the Civil War, Union soldiers could count the time they served as part of the residency requirement.

Challenges! The law did not specify 12 x 14 – *feet, inches, yards?* And, it wasn't clear if you had to live on *and* cultivate or live on *or* cultivate. There were phony claims, abandoned land, not enough investigators – overworked, underpaid, and susceptible to bribery.

Challenges! On the frontier the homesteaders had to contend with wind, blizzards, insects, few trees for building and fuel, little water, and loneliness. And, on the dry plains, 160 acres was too small – not enough for agriculture; little vegetation on the prairie made raising livestock difficult. Many homesteaders did not stay long enough to complete their claim.

The **Railroad Act of 1862** was passed to encourage a transcontinental railroad. The 32nd parallel was chosen as the route and large grants were given as rights-of-way. The railroads got \$16,000 per mile over easy grade, \$32,000 in the high plains, and \$48,000 in the mountains. To raise additional funds, the railroads were also given land grants of 400-foot rights-of-way and 10 sections of land next to the track for every mile built. The sections were in a checkerboard pattern, leaving the in-between sections for individual purchase.

Additional military bounty land warrant acts were passed in the 1840s and 50s, mineral acts in the 1860s and 70s, the Timber Culture Act in 1873, and the Desert Land Act in 1877. All of these added some new aspects and incentives to homesteading.

Exodusters moved West to homestead from 1877 to 1881. African Americans from the South found that emancipation did not mean equality as “black codes” allowed economic racism and poverty to continue. Homesteading offered an opportunity for a new life.

The Homestead Act of 1862 was repealed in 1976, with some parts lasting in Alaska until 1968. The last claim was patented in May of 1988. *The Homestead Act of 1862 was a success, distributing land in 30 states to over 1.6 million people claiming 270 million acres.*

FINDING THE RECORDS

The homestead documents exist today and include final certificates, applications with land descriptions, affidavits showing proof of citizenship, register and receiver receipts, notices and final proofs, and testimonies of witnesses (Fold3). Two GLO officials worked at the land office: the register maintained the tract books and documents from the entryman (the person filing the claim), and the receiver

Testimonies – The claimant and two neighbor witnesses in good standing were required to answer, under penalty of law for untruthfulness, a set of questions to verify fulfillment of the homestead requirements.

- full name, age, and address (important information for a researcher);
 - if native-born, where born; and if foreign-born, proof of citizenship (important information when a citizenship paper is included, noting court of citizenship and locality);
 - if married, with family information, or single;
 - if a married woman, status of husband's property;
 - when actual residence was established;
 - when house was built;
 - whether absence has occurred, with dates and why;
 - land character, improvements (house and outbuilding built, acres cultivated, property improvements);
 - whether claimant has made other entries
- (Roberta “Bobbi” King, http://www.fold3.com/page/1999_homestead_records/)

accepted the fee payments and issued receipts. At the end of the required period of residence and improvement, the entryman returned to the land office to file the proof papers, signing affidavits that the requirements had been met, in order to “prove” the claim.

The claimant signed the document. Two witnesses gave testimony, answering similar questions. They also signed the form. The witnesses were usually neighbors; they could be family members – or future family members. Comparing the signatures in these documents with other documents that you have may help you sort out people with similar names.

The final papers were sent to DC for official review. Two copies were made, one kept by the GLO and one sent back to the owner, including the patent (transfer of title of land from government to individual). Land was patented only once; later transactions between individuals (deed transfers) were recorded at the county courthouse.

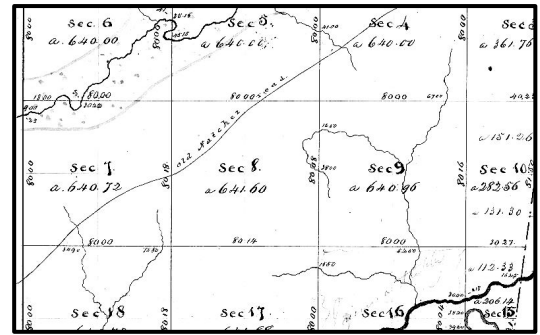
Some homestead amendment acts in the 1870s, called “grasshopper acts,” allowed homesteaders to leave for up to one year in order to support themselves when a grasshopper invasion or other disaster occurred. There may be a missing time period in the required residency in the papers you find. Check to see if one of these grasshopper acts provided for that absence.

In 1946 the GLO became part of the Bureau of Land Management (BLM). The case files containing the paperwork are now mostly located in the National Archives. The first place to check is on the BLM/GLO records site (<http://www.glorerecords.blm.gov/search/>) where information about the township and range of the land patent can be found. This site only has records for people who got patents. The actual case files for both successful and unsuccessful homesteaders are in the National Archives (NARA) and can be requested using NATF form 84 (<http://www.archives.gov/forms/>).

The Homestead National Monument of America, Fold3, FamilySearch, & the University of Nebraska-Lincoln have created the Homestead Records Project to digitize all Homestead Land Entry Case Files housed at the National Archives, over 800,000 Homestead Records from nearly 200 land offices in all 30 Homesteading States. As they are digitized they are made available online at Fold3 (by subscription or at NARA & FHCs). The project has finished all digitizing the Nebraska records; Arizona is next.

LOCATING THE LAND

A description of the land using Township and Range can be found at the BLM GLO website (<http://www.glorerecords.blm.gov/search/>). Once you have found records for your family, you can view an image of the patent and see the details showing the land office, the legislation under which the land was obtained, how many acres it included, and the exact Township, Range, Section, and Aliquots. Don't forget to scroll down and click on the box under the word *Map* so you can zoom in to the area where the land is located. The tab for *Related Documents* will show who else had land in the same section, if any. Maybe they are also part of your family. Click on *Survey* and *Plat Image* to see the original survey map.



Plat image, S8, T5S, R11E, 160.4 Acres, Chickasaw Meridian

You can also see the land on a **Google Earth** map. Google Earth is a free application for Mac or PC; download it at (<https://www.google.com/earth/>).

Once it is installed on your computer, go to the **EarthPoint** website <http://www.earthpoint.us/TownshipsSearchByDescription.aspx> (you will use the *free* portion). Find the section *Township and Range – Search by Description*. Using your information from the BLM GLO website, enter State, Principal Meridian, Township, Range, & Section. Click *Fly to on Google Earth*. A .kml file will download to your computer downloads folder. Open the downloads folder and double click on the .kml file; it will open in Google Earth and zoom to the land with boundaries marked. Next – get in your car (or on a plane) and go explore your family's land!

HOMEWORK

- Plot a metes and bounds record.
- Find land patents on BLM GLO.
- Find a township, range, and section using Earth Point and Google Earth.

SOURCES FOR FURTHER REFERENCE: (All last accessed January 10, 2016)

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Indexed Early Land Ownership and Township Plats, 1785-1898

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Bureau of Land Management/General Land Office <http://www.glorerecords.blm.gov/search/> (search page)

Cazier, Lola. *Surveys and Surveyors of the Public Domain, 1785-1975*. Washington: U.S. Dept. of the Interior, Bureau of Land Management, 1976. (Free on Google Books & at Archive.org)

Deed Platter (free web app) <http://www.genealogytools.net/deeds/>

Earth Point “Township and Range - Search By Description.” <http://www.earthpoint.us/TownshipsSearchByDescription.aspx>

FamilySearch (Wiki>United States>Land & Property>Grants to States) http://familysearch.org/wiki/en/State_Land

Fold3 (subscription or free at NARA & FHCs) “Homestead Records: Story, Pictures and Information.” Background by Roberta “Bobbi” King https://www.fold3.com/title_650/homestead_records_ne

Google Earth (Use satellite imagery and plot Land Grants) <http://www.google.com/earth/>

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Metes and Bounds (free and paid versions) “Metes and Bounds Software for Mac OS X, Windows, Linux, IOS and Android™.” <http://tabberer.com/sandyknoll/more/metesandbounds/metes.html>

NARA “The Homestead Act of 1862.” National Archives and Records Administration.

<http://www.archives.gov/education/lessons/homestead-act/>

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