



THE BIRMINGHAM GENEALOGICAL SOCIETY

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www.bgsal.org

<http://birminghamgenealogy.wordpress.com/>

THE PIONEER TRAILS NEWSLETTER

AUGUST 2019

General Meeting for August: The Birmingham Genealogical Society will meet at 2:00 p.m. on **Saturday, August 24th** on the fourth floor of the Birmingham Public Library (in the Computer Lab next to the Arrington Auditorium). The Board of Directors will meet at 1:00 p.m. in the same room.

Please join us as Mary Beth Newbill, head of BPL's Southern History & Government Documents Department presents: Using Government Sources for Genealogy Research. Many government agencies offer resources for genealogical research. Learn how to look beyond census records and find genealogical information in some truly surprising places. You can search for patents, land grants, view web tutorials, and much more using free websites from the state and federal government. **Please join us!**

Research & Genealogical Tips

© Michael John Neill, "Genealogy Tip of the Day,"

<http://genealogytipoftheday.com/>, TIPDATE

Read About The Index: Indexes to print materials and printed books that are themselves indexes are not all created the same. Always read the preface to see exactly what material was used to create the index. For a book that has it's own index, read the introduction to the index (if there is one) too see if there are any comments that are relevant. And in books that are themselves indexes, determine how the index is sorted. It might not be strictly alphabetical—I used an index where the items were sorted by year and then by name. I've used indexes where the women were indexed with their first and maiden names in reverse order to facilitate finding them when only their first name was known. And I've seen other variations. Indexes to marriage records may have a separate series of entries for grooms and brides, or the book may be alphabetical by male with a female index in the back. Names of bondsmen (if appropriate) may be in the book, but not indexed. This is not always explained in the index. Don't assume that the index you have is always a strict alphabetical index—it may not be.

Was There a Short -Term Marriage? If you think you are at a brick wall on a certain ancestor or relative, ask yourself: is it possible this person had a short-term marriage that I don't know about? That marriage could have ended with the death of a spouse shortly after the marriage or a divorce not long after the wedding ceremony. If the short marriage did not result in offspring and it's ending was highly dramatic, it's very possible that no one in the family later mentioned it. And it can make records confusing. Relatives don't always tell you everything—sometimes because they don't want you to know it and sometimes because they don't know it.

The past is not dead. It isn't even past. --William Faulkner

Scott A. Martin, BGS Newsletter Editor

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LAND RECORDS

Diana Crisman Smith, 18 December 2013

<https://www.familytreemagazine.com/index.html%3Fp=7724.html>

Land records are among the most underutilized resources for genealogy. One of America's major attractions to immigrants was the ability to obtain land. In the established countries of Europe, almost all the land had been titled for years, even centuries. Laws of primogeniture (inheritance by only the first son) ensured that properties wouldn't be split into too-small parcels, but they meant other children couldn't inherit land. In America, though, residents could amass large estates and distribute their land however they wished. All of a man's sons—and later, his daughters—could be heirs to his estate. Land records were the first records created in new areas opened for settlement. As land changed hands through purchase and sale or inheritance, establishing records of ownership was important. We'll help you effectively use land records by understanding what records are available, what they include, where to find them and how to use them.

Types of land records

Available land records vary by time and place, but in general, two types of records exist: patents (also called grants) and deeds of sale (deeds, for short). The primary difference in these records is who's doing the granting or selling. In a patent or grant, a government is the grantor of land. A deed records a subsequent transaction between private parties, even if either is a business. All of the following types of land records can provide a wealth of information to help pinpoint residences, determine wealth or identify ancestors.

- **Patents/grants:** America's first records of land ownership are grants the country claiming the land issued to original settlers. The English crown made grants in New England, Virginia and its other colonies. France granted land in Louisiana and the upper Midwest. Spain and Mexico granted land in Florida, Texas, and other parts of the Southwest. States in those areas are called state-land states. In public land states, the United States made the initial grants.

A grant specified an amount of property and usually a location. The area might not be described in terms of measurements; but rather something like "as far as the eye can see," introducing the potential for duplicate claims that later had to be settled in court. Not all grants have survived, but later documents often refer to older grants, or deeds might transfer ownership to others by virtue of the original land grant. As a result, these deeds may be the earliest surviving records for a given area. The Homestead Act of 1862 allowed settlement of public lands with certain requirements, generating land entry case file records such as applications, copies of an immigrant's naturalization papers, final land patents or cancellation paperwork, and more. Veterans of the American Revolution through the Mexican War were compensated with military bounty lands. Applications for bounty land warrants may contain important genealogical data, including military service details.

- **Deeds:** After the initial grant, local offices (most often the county recorder's office) handled subsequent transfers of property ownership through various types of deeds.

A warranty deed is the most common and legally complete type of deed. It means title to the land has been proven back to the original owner. The seller guarantees he has the right to sell the land and that no other parties have claims against it. A quitclaim deed indicates the sellers give up all real or perceived claim on a property, while not making any guarantees on their right to sell that property. It's usually used if there's a question as to whether some unknown person (such as a missing heir) has a claim to the land. Quitclaim deeds also are used when a deceased landowner didn't leave a will. All surviving heirs who might have a legal interest in the land sign the deed, giving up any interest they might have in the property.

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Deeds usually contain standardized “boilerplate” phrasing in addition to information on your ancestors and their property. The introduction gives the date, names and descriptions of the parties, consideration (payment) being made, the grant (who’s getting what from whom) and any exceptions. The next two sections, which may be merged into one, indicate what interest in the property the deed grants, the party who has title to the land, any trustees and any conditions. A deed may have a section in which the grantor reserves something, such as mineral rights, for himself (or someone else), often using terms such as “yielding and paying.” For example, some early colonial deeds retain part of the property as rents for the crown that originally granted the land.

In another section, the grantor warrants the title to the grantee. Rarely, covenants or conditions may require one or both parties to do something beneficial or abstain from something harmful. For example, a deed from a father to a son may require the son to maintain a home for his parents on the property. This often is seen when the father expects to die soon and wants to ensure his widow is cared for. The conclusion mentions the execution of the deed and the date, either expressly or by reference to the beginning of the document (“here above written”). It names the witnesses and bears the parties’ signatures, followed by the seal. Many jurisdictions required a widow’s examination until the early 1900s. A wife was entitled to “widow’s rights” or “dower rights” (typically a third) of her husband’s property, although she often could not directly control or sell it in her own right. This was supposed to ensure that if widowed, she wouldn’t become a burden to the community. She was required to sign a statement that she was aware he was selling the property and she was losing her dower rights to it.

It’s a good idea to read several deeds before and after the one of interest to determine whether it varies from the typical wording of that time and place. Major variations should raise a flag of something worth investigating further.

- **Plat maps:** These show the precise locations of properties. Where available, they can put the land into context with names of your ancestor (and his neighbors), and locations of towns, roads, waterways, lakes, churches and schools.

Locating land patents

Before 1908, patents for land were filed by state land office, or by the act under which they were sold. After 1908, each patent was assigned and filed by a unique number. The BLM [General Land Office Records database](#) contains more than 5 million records dating as far back as 1820. Search by name and location to find original landowners, military bounty land warrant holders, and homesteaders. Once you locate a patent, order the land entry case file from the [National Archives and Records Administration \(NARA\)](#) to see your ancestor’s application for the land and any documents he filed with it.

To request the land entry case file from NARA, you’ll need some or all of these details: the name of the purchaser, the state in which the land was located, and the approximate date of the entry. In addition, for entries before 1908 from the Eastern public land states of Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Ohio and Wisconsin, you’ll need three additional pieces of information: the type of file, name of the land office and the land entry file number. For entries before 1908 from western public land states of California, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Washington and Wyoming, you’ll need either the legal description of the property or the type of file, name of land office and the land entry file number.

For surrendered military bounty land warrant files, you’ll need the warrantee’s name, the year of the act, the warrant number and the number of acres. You’ll find this information by searching the BLM site if the warrant was used. If not, check the person’s military pension records. See [NARA’s guide](#) for more details on obtaining the warrant number from the military files.

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Finding deeds

A county recorder's office (an office of the courthouse) usually records deeds. Old deeds may still be there, or they may have been sent to a state archive or other repository. Microfilmed copies might be in local libraries and/or at the [Family History Library](#). The deed will be recorded in the county that had jurisdiction over the property at that time. If you're unsure of the right county to search in, consult one of the references in the Toolkit, such as *Land and Property Research in the United States* by E. Wade Hone (Ancestry). Even if the county boundaries moved later, the deed would've stayed in the county that recorded it. If you're not sure where your family lived, check US census records and city directories for clues. Once you have an address, use a source such as *Redbook: American State, County and Town Sources* (part of the free [Ancestry.com Wiki](#)) or the online [Atlas of Historical County Boundaries](#) to determine if the boundaries have changed. The more background information you have, the easier it'll be to find family deeds. Follow these tips:

- **Start online:** Although not many deeds are online (yet), you may get lucky. More likely, you'll find contact information for the repository that has your ancestor's deed, and/or an index that'll help you request it. Search [Google](#) or another search engine using the county name and deeds. Browse [Cyndi's List](#) for links to websites with useful information on land records, deeds and homesteads. Go to [USGenWeb](#), a free, volunteer-run genealogy network, and navigate to your ancestors' state and county—you might find digitized records, indexes and instructions for obtaining deeds.

Your best bet for finding deeds is to run a place search for the county in FamilySearch's online catalog. Look for deed records listed under "Land and Property." If FamilySearch has digitized the records (unlikely as yet), the listing will link to the collection on the free FamilySearch.org. Otherwise, you'll be able to order the microfilmed records for a small fee to view at a FamilySearch Center near you.

- **Search indexes:** Whether you're using microfilm, mailing a request to a court clerk, or visiting a courthouse, your search will be easier if you first can find an index to the county's deed records. Indexes may be in the beginning of each volume of a county's deed books, or in a separate volume; they'd be microfilmed along with the deeds. A local genealogical society also may have transcribed and published deed indexes online or in books you can borrow from libraries.

Deed indexes have columns for the grantee's and grantor's names, date of recording (which may or may not be the date of the transaction), type of transaction, volume and page number of the original deed, and the property location. Some courthouses have separate indexes for grantees' and grantors' names. Others may combine grantees and grantors in the same index, with the transaction indexed twice (or possibly more if multiple parties were involved). When there are multiple sellers or buyers, the index may include only the first name followed by et. al. ("and others"). If you don't find the listing you expect, look for others who may have been party to the deed or check all the deeds indexed with et. al. Online deed indexes also may include every name listed.

Most indexes aren't strictly alphabetical, but are grouped more or less chronologically by the first letter or two of the surname. This makes sense given how the indexes were created: Names were entered on the appropriate page over time as transactions occurred, or periodically in groups. Look through all the entries for the letter of the alphabet you're seeking to find names that may be out of place or misfiled. Record the index information for the deed(s) you need on the free downloadable [grantee and grantor index forms](#).

- **Get the deed:** If you're using microfilm, borrow the roll with the deed volume you need. At the courthouse, pull the deed book. If you're mailing a request for the deed to a county courthouse, check online or call for any fees and instructions. Include the information you found in the index, or if you couldn't find an index, provide the name of the grantor and/or grantee, the transaction date and the location of the land.

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Finding clues in land records

To get the most from a deed, fully transcribe it (even though you may have a photocopy). This will force you to look at every word. Don't make any corrections; transcribe exactly what's in the document, including misspellings, punctuation and new paragraphs. Even include words that were written in or marked out, with appropriate notations in square brackets [] to indicate what was added or struck.

What appears to be “wrong” may have been intentional. For example, if a list of grantees lacks commas, it might not be clear whether there are one, two or more people. For example, “John Jacob James and William Jones” could actually mean John Jacob James and William Jones (two people) or it could mean John Jones, Jacob Jones, James Jones and William Jones (four people). Never assume anything until you've done additional research in other documents. For ease of use in the future, abstract the important information from the deed as a summary.

Take a close look at the deed for clues about your ancestors and their relationships, for example:

- **Cluster research:** Deeds often mention neighbors in the property description. Witnesses for all types of deeds were usually neighbors, friends or relatives. Plat maps show neighboring landowners. Look carefully at these witnesses and neighbors: They may be in-laws, cousins or siblings. If your ancestral family was new to the area, see if those witnesses were, too—perhaps they arrived together from a previous home. Tracking a cluster of travelers may be easier than tracking one person or family.

Neighbors often can lead to the families of spouses. In the days before cars, the families of a young couple who married usually lived within about three miles of each other. Why? Courting was done after chores, which meant a young man had to walk (or ride horseback) to a young lady's home and back before bedtime. If a male relative married an Elizabeth, look at neighboring households for a missing Elizabeth. Then look for connections between that neighboring household and your ancestor's family: Did Elizabeth inherit property from the neighbors? Did they witness your family's deeds? Did they exchange land for surprisingly small sums of money? These circumstances are added support that you've found the right Elizabeth.

- **Relationships:** When heirs sold the inherited land, the source of the land was often part of the deed's land description. For example, John Smith might sell “the land John Smith's wife obtained from her father Michael Brown, on his death.” When a parent gave land to a child (usually a son who'd reached adulthood; sometimes to a daughter through her husband at marriage), the deed may bear a statement of the “consideration” (payment) such as “for love and affection” or some very low price (such as a dollar). Other records or a later deed for sale of the property may confirm a relationship.

“Following the dirt” may lead through an undocumented change of hands. Person A sold to person B, but person C later sold the land. How did it get from B to C? These cases nearly always indicate transfers by inheritance, not by sale, so look for person B's will listing person C as an heir. The other possibility is that the land “moved” in and out of the jurisdiction when boundaries changed, leaving a transaction for the transfer from B to C in another courthouse. For example, land in and near the current-day town of Tiverton, RI, has been alternately claimed by Rhode Island and Massachusetts over the past 350 years.

- **Politics:** The dates in a Colonial deed may give a clue to the politics of the grantor by indicating dates as being “in the 3rd year of the reign of King George III.” This wording (referred to as “regnal dates”) was most often encountered before or during the Revolutionary War, and might indicate a Loyalist. Find a regnal date converter at [GenProxy](#).

Land records research isn't just for rural ancestors. City residents owned land, too. Even renters could create land records, although they're usually in the name of the landlord. If you have an address, look for property ownership records. You may be surprised at how much you learn when you dig through the records.

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Fast Facts

- **Records begin:** with earliest settlement and continue through the organization of each jurisdiction
- **Key dates:** 1785, when the Land Ordinance Act authorized the US Treasury Department to survey and sell public domain land; and 1862, when the Homestead Act allowed settlement of public lands in exchange for improvement and cultivation of the land (the act was repealed in 1976)
- **Key details in land records:** names of grantee (recipient of the land) and grantor (seller), date of transfer, location of property, terms of transfer
- **Microfilm availability:** The Family History Library (FHL) has microfilmed land patents for some individual states' land offices, as well as microfilmed deeds for many counties. State archives and county courthouses also may have microfilmed deeds.
- **Search terms:** county name, deeds, land grant, land entry case file, land patent, bounty land grant
- **How to find in the FamilySearch catalog:** Run a Place search for the county and state. Scroll to Land and Property, then browse for the record type and time period. Rent microfilm for viewing at a [FamilySearch Center](#) near you.
- **How to find at a courthouse:** Call or check online to find out if old deeds have been moved to another repository. Search deed index volumes covering the years of interest. Use the volume and page number listed to find the deed.



Do you have a golden nugget to share?

**If you have broken through a brick wall
or have genealogical news to share,
please share & forward to the newsletter editor,
Scott Martin - BEVEL67@aol.com**

REMINDER: MEMBERS MAY SUBMIT QUERIES TO "PIONEER TRAILS" FOR FREE (Limit 4 queries per family per issue). Please forward to Scott Martin, BGS Newsletter Editor at BEVEL67@aol.com

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