



THE BIRMINGHAM GENEALOGICAL SOCIETY

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THE PIONEER TRAILS NEWSLETTER

MAY 2020

THERE WILL BE NO MEETING FOR THE MONTH OF MAY

Each Relative Has a Different Story

It is always good to interview as many relatives as possible about the same person or event. Each will remember slightly different things based on their own perspective and life experiences. That's entirely natural. Humans are not virtual tape recorders no matter how "good" one may think their memory is. They may also have been told different stories about long-deceased relatives or remember details that resonate with them for one reason or another. Long-dead Aunt Myrtle may have liked one cousin better than another and shared more stories with one as a result. The reasons are not so important as the reality: talk to as many as you can, even if they think "I don't know nuthin' you ain't already heard."

Wagging the Entail

If the property your ancestor "owned" or lived on was entailed, it meant that he was not allowed to dispose of it however he saw fit. Broadly speaking, the document setting up the entail (usually deed or a will) defined how ownership would pass from one generation to the next. Many times this would be from the oldest son to the oldest son or to other heirs of the body (frequently males). Entails were generally abolished by the late 18th and early 19 centuries in most English speaking locations. A genealogist may find reference to an entailed estate in a deed and should reference the original deed or will of the initial landowner to determine how the original entail was constructed so that later ownership of the property (and genealogical relationships) can be interpreted properly.

Did Grandma Emigrate?

When documenting your immigrant family's experience, keep in mind that immigrants could have been "up in years as well." Widowed individuals, on their own for the first time in decades, may have felt the pull to "cross the pond" with one of their children. Empty nest couples whose last child was emigrating may have felt they had no other choice or decided it was time for a new adventure. And you never know, Grandpa or Grandma may have been the driving force encouraging their children and grandchildren to emigrate—only to decide to join them.

Research & Genealogical Tips

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

Scott A. Martin, BGS Newsletter Editor

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FEDERAL LAND RECORDS IN ALABAMA

**by Robert S. Davis Family & Regional History Program Wallace State College PO Box 2000 801 N.
Main Street Hanceville, AL 35077-2000**

Alabama is a federal land state, which means that all land ownership based upon land grants comes through the United States government. (All states are federal land or "public domain" states except for the original thirteen states, Hawaii, Kentucky, Maine, Tennessee, Texas, Vermont, and West Virginia.) Several books have been published on the history of federal/public lands. Among the best such works are Malcomb J. Rohrbough, *The Land Office Business: The Settlement and Administration of American Public Lands, 1789-1837* ((New York: Oxford University Press, 1968), Benjamin H. Hibbard, *A History of Public Land Policies* (New York: Macmillen, 1924); and Vernon R. Cartstensen, ed., *The Public Lands: Studies in the History of the Public Domain* (Madison: University of Wisconsin Press, 1963). For using the records, researchers should consult the special federal lands issue of *Heritage Quest* 15 (May/June 1999), number three; James C. Barsi, *The Basic Researcher's Guide to Homesteads & Other Federal Land Records* (Colorado Springs: Nuthatch Grove Press, 1996) and the National Archives' booklet *Research in Land Entry Files of the General Land Office* (Washington: National Archives Trust, 1998). An excellent discussion of federal lands in Alabama, starting with 1820, is the introductory chapters of Wyley Donald Ward, *Original Land Sales and Grants in Covington County, Alabama* (Spartanburg, SC: Reprint Company, 1991).

HOW FEDERAL LANDS WERE (AND ARE STILL TODAY) LOCATED

The system used by the federal government to grant lands in federal land states like Alabama is based upon a report compiled by a committee headed by Thomas Jefferson in 1784. The resulting Ordinance of 1785 determined that federal lands would be organized into squares of six miles by six miles called townships. Even modern Alabama county, topographical, and other maps use this system as do all deed records, past to the present. The townships are not numbered but are located by the intersections of numbered range (north-south or longitude) lines with numbered township (east-west or latitude) lines. These township lines (six miles apart) and range lines (six miles apart) . Each such township was subdivided into smaller squares, each of one mile by one mile or 640 acres square, called sections. Each section, within a township, has a unique number. All property in Alabama is identified by the intersection of a township line with a range line and by the section number within the township. For example township 34, range 19, section 12 would refer you to where township line 34 intersects with range line 19 to form section number 12. We have in microfilm drawer 152 records of landowners in Bibb, Blount, Cullman Etowah, Fayette, Jefferson, Marion, Shelby, Tuscaloosa, Walker, and Winston counties in 1913, arranged by township, range, and section from records of the Alabama Mineral Map Company.

The Alabama Secretary of State has posted for free access on the Internet to patents survey maps by township and range of all of Alabama: <http://www.sos.state.al.us/GovtRecords/Land.aspx>. The Eastern Division of the Bureau of Land Management has also posted similar records on its site but so far these records lack the surveyor's field notes found in the Alabama copy: <http://www.glorerecords.blm.gov/>

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WHERE FEDERAL LANDS WERE GRANTED

Obtaining federal lands often proved complicated and expensive. The ordinance of 1785 allowed only cash sales. The acts of 1796 and 1800 allowed settlers to buy lands on "credit" through four cash payments of \$80 each. The act of 1820 reverted back to only cash sales. Under the act of May 18, 1796, federal lands as small as 320 acres (half sections) could be sold. By act of March 26, 1804, quarter sections (160 acres could be sold) and, in 1817 and under certain conditions, quarter quarter (or half-quarter) sections (80 acres) were sold. By 1820, quarter quarter sections were available everywhere and even forty-acre tracts were available for sale.

Lands were granted through land offices to male and single female adult citizens. Each land office served a specific district. District boundaries changed over the years and researchers should consult the maps in the books below for boundaries at different periods. Alabama's last land office, Montgomery, closed in 1927 and all remaining unclaimed land went to the Federal Land Bank. For maps and information on the first of these offices see Malcom J. Rohrbough, *The Land Office Business: The Settlement and Administration of American lands, 1789-1837* (New York: Oxford University Press, 1968). The land offices in Alabama were:

St. Stephens (opened December 26, 1806). Many names from land entry books and other records for this office at the Alabama Department of Archives and History appear in Marilyn Davis Hahn, *Old St. Stephen's Land Office Records & American State Papers Public Lands VOL. I 1768-1888* (Greenville, SC: Southern Historical Press, 1983).

Huntsville (opened July 27, 1810; moved from Nashville, Tennessee to "Twickenham," i.e. Huntsville by act of February 11, 1811; moved to Montgomery by March 1, 1905). Many names from land entry books and other records for this office at the Alabama Department of Archives and History appear in Marilyn Davis Barefield, *Old Huntsville Land Office Records & Military Warrants 1810-1854* (Greenville, SC: Southern Historical Press, 1985).

Cahaba or Conecuh Court House (opened August 4, 1817; moved to Cahaba and opened there on October 20, 1818). Many names from land entry books and other records for this office at the Alabama Department of Archives and History appear in Marilyn Davis Hahn, *Old Cahaba Land Office Records & Military Warrants, 1817-1853* (revised edition, Greenville, SC: Southern Historical Press, 1986).

Tuscaloosa (opened by July 2, 1821; moved to Montgomery, March 30, 1866). Many names from land entry books and other records for this office at the Alabama Department of Archives and History appear in Marilyn Davis Barefield, *Old Tuscaloosa Land Office Records & Military Warrants 1821-1855* (Greenville, SC: Southern Historical Press, 1984).

Sparta or Conecuh Court House (opened August 1, 1822; moved to Elba, April 1, 1854). Many names from land entry books and other records at the Alabama Department of Archives and History for this office appear in Marilyn Davis Hahn, *Old Sparta & Elba Land Office Records & Military Warrants 1822-1860* (Greenville, SC: Southern Historical Press, 1983).

Demopolis (opened by July 15, 1833; moved to Montgomery, March 30, 1866). Many names from land entry books and other records at the Alabama Department of Archives and History for this office appear

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in Marilyn Davis Hahn, *Old Demopolis Land Office Records & Military Warrants 1818-1860 and Records of the Vine and Olive Colony* (Greenville, SC: Southern Historical Press, 1983). The Vine and Olive Colony refers to exiled followers of the Emperor Napoleon who settled in Marengo County, Alabama under the federal Act of March 3, 1817.

Montevallo (opened December 20, 1833; moved to Mardisville by January 1834).

Montgomery (opened January 1, 1834; closed 1927). Many names from land entry books and other records at the Alabama Department of Archives and History for this office appear in Marilyn Davis Barefield, *Old Montgomery Land Office Records & Military Warrants 1834-1869* (Birmingham, AL: Southern University Press, 1991).

Mardisville (opened January 1834; moved to Lebanon, April 12, 1842; moved to Centre by August 1, 1858; moved to Huntsville, March 30, 1865; moved to Montgomery, May 26, 1866). Many names from land entry books and other records at the Alabama Department of Archives and History for this office appear in Marilyn Davis Barefield, *Old Mardisville, Lebanon, & Centre Land Office Records & Military Warrants 1834-1860* (Birmingham, AL: Southern University Press, 1990).

Elba (opened April 1, 1854, moved to Montgomery, March 30, 1866). Many names from land entry books and other records for this office from the Alabama Department of Archives and History; Hoole Library of the University of Alabama; and the Scruggs Collection of the Birmingham Archives, Birmingham Public Library appear in Marilyn Davis Hahn, *Old Sparta & Elba Land Office Records & Military Warrants 1822-1860* (Greenville, SC: Southern Historical Press, 1983).

Greenville (opened June 16, 1856, moved to Montgomery, March 30, 1866).

RESEARCH IN OTHER FEDERAL LAND RECORDS

With the exception of military bounty and homestead land grants (see below), federal land records usually contain little personal data. For any grant, typically the paperwork provides little information beyond the name of the applicant, applicant's place of residence when applying for the grant, description of the location of the land, and date of application. Case files can, in a few instances, give information on heirs or other data; see William Dollarhide, "Federal Land Records: Send Me The Case Files!," *Heritage Quest* 15 (May/June 1999): 21-32. Copies of the case files can be obtained from the National Archives (see below).

Records of the individual land offices exist in many places. The Alabama Department of Archives and History has microfilm of the Secretary of State's copies of the county tract books. These tract books can ALSO be read on the free website of the Alabama Secretary of State at: <http://www.sos.state.al.us/GovtRecords/Land.aspx> Computer searches on this site can only be made by township and range. The books are often illegible and the original records remain in the custody of the Secretary of State. The Archives also has 550 receipt books that show the purchases of federal lands and many related federal land records. It has at least a partial card catalog index to some fifty of these volumes. The William Stanley Hoole Library of the University of Alabama at Tuscaloosa has many other records. Federal copies of the land office records are in the National Archives and Records Administration, 700 Pennsylvania Ave. NW, Washington, DC 20408-0001 (which has an alphabetical name index to land grantees and applicants to land grants to 1908 for Alabama, Alaska, Arizona, Florida, Louisiana, Nevada, and Utah; copies of the order forms can be ordered through the NARA web site) and

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in the Bureau of Land Management, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153.

The Bureau of Land Management (Eastern States) 7450 Boston Boulevard, Springfield, VA 22153 has annotated federal copies of the county tract books and the actual patents to the individual land grants. An index to patents issued to land grantees that excludes the persons paying in installments (on "credit"), 1796-1820; military bounty lands; and homestead applications has been completed and is available on the BLM website. The patents for the other types of grants are being added.

This index is also widely available on CD-ROM computer disk and, with the patents themselves, through the bureau's Internet web site: www.glore.blm.gov. Bill Tubbs is publishing this information for Alabama and parts of Mississippi on a county by county basis, with accompanying local maps. Also see as a source for miscellaneous land grants Fern Ainsworth, *Private Land Claims: Alabama, Arkansas, Florida (Natchitoches, LA: The Author, 1978)*.

Each probate court in each Alabama county has a county tract book for its respective county wherein information on land grants within the county appears, arranged by township line, range line, and section number. Some of these county tract books have been published. Margaret Matthews Cowart has published these records for Colbert, Franklin, Jackson, Laurence, Limestone, Madison, Marshall, and Morgan counties. Military Bounty Land Grants

Originally federal bounty land for veterans and heirs of veterans of the War of 1812 (1812-1815) could only be taken out in designated districts in Arkansas, Illinois, and Missouri. An act of 1842 allowed the claimants to receive their land in any federal land state, including Alabama. Until 1852, veterans/heirs of veterans could not sell their bounty land claims but they could accept government land script in lieu of a grant and, starting in 1830, could sell that script to anyone. Acts of 1850 and 1855 offered bounty lands to veterans and widows of veterans of all conflicts from 1790 on and the act of 1855 granted bounty lands on service of as little as fourteen days. In 1856, bounty lands were offered based up Revolutionary War service. The last additional warrants for military bounty lands were issued in 1858 and lands on such warrants were no longer allowed to be located after 1863.

The applications for bounty land warrants, often containing extensive personal information, should be requested from Military Records, National Archives, Washington, DC 20408. Most of the War of 1812 bounty land claims are indexed in National Archives microcopy M848 War of 1812 Military Bounty Land Warrants. For use of these records see E. Wade Hone, "Federal Military Bounty Lands," *Heritage Quest* 15 (May/June 1999): 9-16 and for historical background see James W. Oberly, *Sixty Million Acres: American Veterans and the Public Lands before the Civil War* (Kent, Ohio: Kent State University Press, 1990).

The military bounty lands are currently not indexed through the Bureau of Land Management indexes but the Bureau of Land Management, Eastern Division, is currently preparing to place military bounty land patents on its Internet web site. The National Archives and Records Administration is preparing an index to military bounty land claims and has so far indexed them through the letter "H." Homestead Applications

Federal lands were essentially given away to individuals, over age twenty-one and heads of households, willing to develop the land, starting with the Homestead Act of May 20, 1862. Each adult head of

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household could receive up to 160 acres of land worth no more than \$200, for a ten dollar fee. No one could receive land where someone else had a "preemptive claim," i. e. a claim based upon occupancy without having applied for a grant. An act of March 21, 1864, allowed federal veterans to receive homestead grants of relatives with preemptive rights. Time spent in the United States military during the Civil War counted towards time needed to receive a homestead grant. No one having borne arms against the United States (i. e. Confederate veterans) or who had aided anyone in such action could apply for a homestead grant until 1876. Only United States citizens could apply for homestead grants. Foreign-born applicants had to provide proof of naturalization. The act of June 21, 1866 limited, for two years, homesteads in Alabama, Arkansas, Florida, Louisiana, and Mississippi to no more than eighty acres per grant but also reduced the grant fee from ten to five dollars.

Applications for homestead lands, often containing extensive personal information, should be requested from National Archives and Records Administration, 8601 Adelphi Road, College Park, Md. 20740-6001. The Bureau of Land Management land grant indexes do not include homestead applications that were begun but never finished.

SELLING LAND BEFORE IT IS GRANTED OR INHERITED

Farris Cadle wrote: The situation here is what in law is called "after acquired title." Put the term in quotation marks in google for lots of cases and definitions. It happens fairly often in conveyancing. A person executes a deed to a third party for land he or she expects to acquire in the near future. The moment the person who executed the deed acquires title to the land, the title passes to the third party as a result of the previously executed deed. The law requires this to prevent inequities and fraud. The most common situation is someone is in debt, they have no assets, they expect to receive some land in the near future through inheritance or otherwise, they immediately execute a deed to their creditor for the land, the creditor is willing to accept the arrangement because it is unlikely the debt will be discharged otherwise, and the creditor can be the first in line to receive the land that the debtor expects to receive. This sort of thing was done with regard to land warrants, land lottery tickets, and land grants in Georgia. There are many variations but in general a person might sell his or her draw in the upcoming land lottery. If already a successful drawer, he or she might execute a deed for the lot before taking out the grant. Upon the grant being issued, title to the lot immediately passed to the grantee in the deed.

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