

# Home on the Range

## United States Federal Land Records

Starting in the late 1700s, the United States federal government sold public land to settlers moving west. If your ancestors moved into an area as it was settled, they may have purchased land from the federal government. This class will introduce the laws, the survey, and the records of federal land.

### Background

#### Why Federal Land?

Two ordinances, passed in 1785 and 1787, defined how the government would survey and sell public land. The **Land Ordinance of 1785** ordinance established a unique survey system which divided land into thirty-six square mile townships and one square mile sections. The **Northwest Ordinance of 1787** opened land in the Northwest Territories (modern day Midwest) to public entry (sale). These two ordinances provided the foundation for the survey and sale of public land in the United States.

#### A Growing Nation

	Year	Country	Square Miles	Acres
<b>Louisiana Purchase</b>	1803	France	828,000	530 million
<b>Adam-Onis Treaty</b>	1819	Spain	67,755	42 million
<b>Texas Annexation</b>	1845	Texas	389,000	249 million
<b>Oregon Treaty</b>	1846	Great Britain	287,000	183 million
<b>Treaty of Guadalupe Hidalgo</b>	1848	Mexico	530,000	339 million
<b>Gadsden Purchase</b>	1853	Mexico	30,000	19 million
<b>Alaska Purchase</b>	1867	Russia	591,000	378 million

#### Federal Land States

- **State Land States** – states which were primarily settled before the American Revolution or before joining the United States are considered state land states. Land in these states was not sold through public entry. CT, DE, GA, HI, KY, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, TX, VT, VA, WV
- **Federal Land States** – states with some land sold through public entry are considered federal land states. Some land in these states (especially in the south) may have also been sold prior to their entry into the public domain. AL, AK, AZ, AR, CA, CO, FL, ID, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, UT, WA, WI, WY

#### Purchasing Federal Land

The General Land Office (now the Bureau of Land Management) sold land through branch offices located throughout the federal land states. The process used to sell public land included the following:

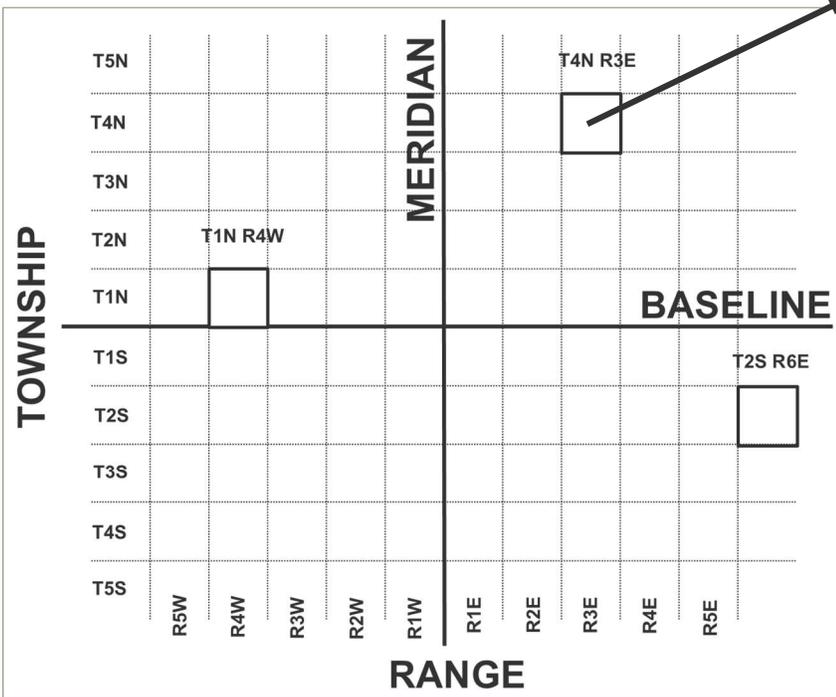
1. Local land office sent surveyors to mark off townships and sections.
2. Land office made land available first at public auction (held at the land office) and then on a first come, first serve basis.
3. Winning bidder/buyer made payment or filed an application for the land (varies by type of sale)
4. Land office issued a receipt and a warrant for survey.

5. A surveyor was sent out to mark off individual tracts. The survey was recorded in the township plat and land office tract books.
6. Buyer fulfilled requirements for purchasing or obtaining land (varies by type of sale) and filed all necessary paperwork with the land office.
7. Land office issued a final certificate or patent coupon to the buyer.
8. Land office informed General Land Office that the requirements for patent had been fulfilled.
9. General Land Office issued an official patent (signed by the sitting president). One copy was sent to the local land office and one was kept on file at the General Land Office.
10. Buyer exchanged final certificate for patent at the local land office.

The local land office grouped all related paperwork for a single entry into a case file. After most of the land in an area had been sold, the local land office was closed, and all paperwork forwarded to the General Land Office, headquartered in Washington D.C.

### The Federal Land Survey

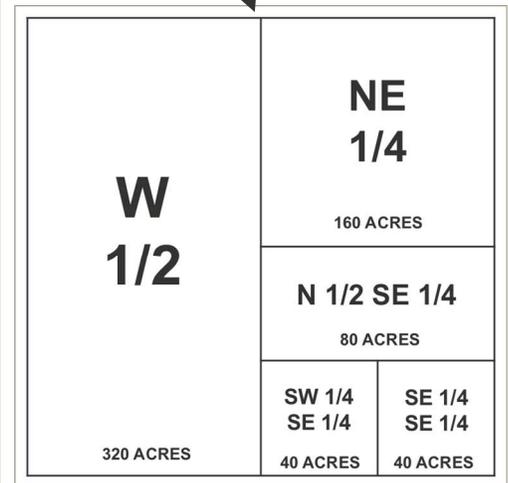
The Federal Land Survey is based on a grid system (sometimes called the rectangular survey.) A point is set through which runs a baseline (east/west) and a meridian (north/south). The meridian is given a name or numerical designation. Townships (thirty-six square miles) are identified based on their distance from the initial point (at six-mile intervals) counting in townships (east/west) and ranges (north/south). Each township is divided into thirty-six sections, each measuring one square mile (or 640 acres). Sections are divided into halves (320 acres), quarters (160 acres), and eighths (80 acres) and described by their location within the section (based on compass points). Each tract of land is described from smallest to largest. For example, the land shown here is the SW1/4 of the SE1/4 of S29, T4N, R3E, of the [Second] Principle Meridian.



6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

SIX MILES (vertical label on the left)

SIX MILES (horizontal label at the bottom)



## **Federal Land Records**

### **Patents**

The official document transferring ownership of land from the Federal government to the buyer. Patents were issued by the General Land Office and signed by the sitting president (through 1833). Though the original patents were held by the land owner, copies were maintained by the General Land Office. Patents include the name of the buyer, land description, and land office.

### **Land Entry Case Files**

All paperwork for an individual land entry was grouped into a land entry case file. Content of land entry case files varies by type of land sale (see **Types of Federal Land** below). Following the closure of individual land offices, land entry case files were sent to the General Land Office (GLO). The GLO has since deposited land entry case files with the National Archives and Records Administration (NARA).

### **Tract Books**

Tract Books index land sales by land description. Tract books are organized by township, range, and section and list every person who made claim on a tract of land, regardless of whether they completed the process and obtained a patent.

## **Types of Federal Land**

### **Private Land Claims**

People living in territories purchased or annexed by the United States had to prove their rights to their own land. Private land claims consist of all documents filed with the federal government to prove ownership. Private land claims case files may include original surveys and land grants, family lineages, legal documents, neighbor affidavits, and much more. Ancestors who lived in Louisiana, Florida, Texas, New Mexico, or California territories may have filed private land claims.

### **Credit/Cash Sales**

As of 1787, land was sold in only sections (640 acres). Starting in 1800, land was available in half-sections (for \$2 an acre) and land could be purchased on credit (with four payments due in five years). In 1820, land was available at \$1.25 an acre in half-quarter tracts (80 acres) and credit sales were eliminated. The price of land would remain at \$1.25 an acre into the early twentieth century.

Land sold on credit or with cash produced very few records. Case files rarely include more than a warrant, a receipt, and a final certificate showing the land description and relevant dates. Credit files may include evidence of a former residence.

### **Preemptions**

Settlers arriving in an area before the general survey took place often 'squatted' on public land. Starting in 1830 (formalized in 1840), individuals who 'preempted' the official survey were given the opportunity to 'purchase' their land prior to the survey if they met certain requirements. Requirements included citizenship, age 21+, head of household, able to prove residency and improvements to the land.

Preemption case files include valuable documentation including citizenship papers, affidavits from friends and neighbors, descriptions of developments to the land, and may include earlier residences. Preemptions are not officially a separate type of land entry case file. Those filing under preemption could pay case, use a bounty land warrant, or homestead. The boundaries of preemption tracts are often identifiable because they do not conform to the rectangular nature of the federal land survey.

### **Bounty Land**

Land was offered as incentive for military service during the American Revolution, War of 1812, the Indian Wars, and the Mexican-American War. Soldiers eligible for bounty land had to commit to serve

for several years (or length of the war) and the acreage earned depended on rank. Bounty land for military service was set aside in specific locations and bounty land warrants were non-transferable.

Three bounty land acts passed in 1850, 1852, and 1855 which offered bounty land to qualified veterans (or their heirs) of earlier wars. The 1850 act provided land to veterans of any war dating back to 1790 and land was granted based on length of service. The 1852 expanded bounty land to officers and made benefits assignable (meaning warrants could be sold). The 1855 act offered 160 acres to every veteran (or his heirs) who served in any war for 14+ days or traveled 1200 miles in any war, including the American Revolution. Veterans were issued warrants which could be exchanged for a patent at any local land office. Many veterans sold their warrants, meaning the individual redeeming the warrant may not have been a veteran.

There are two sets of records associated with bounty land: applications for bounty land (not discussed in this class) and land warrant files (land entry case files). Case files include information relating to the soldier, his military service, the act under which the warrant was issued, the date it was issued, warrant sales, and the name of the individual redeeming the land.

## Homesteads

In the 1840s and 1850s, to encourage settlement in disputed territories (such as New Mexico and Oregon), the U.S. offered free land to anyone willing to travel to and settle in those areas. Those claiming land in these territories were required to fulfill certain requirements (such as citizenship, head of household, and arrival by a certain date).

In 1862, the offer of free land was expanded to all public land in the United States. The **Homestead Act of 1862** granted 160 acres of land (320 acres after 1909) to any United States citizen for the cost of filing (about \$18) if he or she met certain requirements, including citizenship, age 21+, and residency on and development of the land for five years.

The land entry case files for homesteads including information on citizenship, family members, neighbors, and descriptions of improvements made to the land. Not everyone who started a homestead filed for and received a patent. Nearly 60% of all homestead entries were never completed. Land entry case files exist for both complete and incomplete homestead entries.

## Finding Federal Land Records

- **National Archives and Records Administration (NARA)** – original land entry case files and the original tract books for the western states (AK, AZ, CA, CO, ID, KS, MO, NE, NV, NM, ND, OK, OR, SD, UT, and WA). <https://eservices.archives.gov>
- **General Land Office: Eastern States Office** – index and images for all patent copies, original surveys, field notes, and other information. [www.gloreCORDS.blm.gov](http://www.gloreCORDS.blm.gov); holds the original tract books for the eastern federal states (AL, AR, FL, IL, IN, IA, LA, MI, MN, MS, MO)
- **FamilySearch** – digital copies (unindexed) of all surviving tract books (AK/MO are missing); tract books are also available on microfilm. <https://www.familysearch.org>
- **Fold3 (\$)** – land entry case files (homesteads) for fifteen Nebraska land offices. [www.fold3.com](http://www.fold3.com)
- **Earthpoint** – works with Google Earth to map the public land survey. Free version identifies one section of land at a time, subscription version overlays township/range grid. [www.earthpoint.us](http://www.earthpoint.us) (Download Google Earth at <https://www.google.com/earth/desktop>.)