OVERVIEW

In this webinar we will learn about land that was granted to individuals by the governments of France, Spain, or Mexico prior to U.S. acquisition of an area (such as the Louisiana Purchase territories), the process of proving legal ownership, and how to find resulting records in which owners received title to the land under the U.S. government. Many of these transactions provide evidence of kinship.

WHAT IS A PRIVATE LAND CLAIM?

A private land claim may be described as a claim by a person, business, or organization to land within the public domain where the claim originated under a French, Spanish, or Mexican grant. The U.S. government, in the form of appointed officials, a board of commissioners, or other body, would adjudicate these private claims. These lands were usually described in metes and bounds or even more ambiguous descriptions. The confirmation and resulting surveys usually retained metes and bounds, even though the lands lay in the public land grid.

WHERE ARE PRIVATE LAND CLAIMS?

To discover where private land claims may have occurred, we must be conversant with American history. The map in Figure 1 illustrates possessions of Spain and France (Quebec) in 1774, just before the American Revolution. Note the number of modern-day states that fall within the boundaries of those foreign governments originally. Refer also to Figure 2 to see even more states with lands that may have been granted by Mexico (the Mountain West and Texas), Spain, or France (states within the Louisiana Territory).
Confirmation of private claims by the U.S. government occurred in 19 of the public land states, beginning with claims in the Old Northwest Territory (Illinois, Indiana, Michigan, Ohio) and continuing with claims in the Louisiana Purchase areas (Iowa, Missouri, Arkansas, Louisiana), the Mississippi Territory (Mississippi and Alabama), Florida, and the Southwest Territory (Arizona, California, Colorado, New Mexico, and Utah). The map in Figure 2 provides a graphical representation of annexed areas and their dates of annexation. Potential exists for private land claims in any of these areas once controlled by France, Spain, Mexico, or other nations.

**RESEARCHING PRIVATE LAND CLAIMS**

Researchers should read and understand the material in Hone (#11 in the bibliography) for an overview of this topic. Also, review the information he provides on the holdings of the predecessor governments. The other essential resource is Gates (#9). Here you will find a discussion of the laws that governed these transactions. Private land claims created records that may be published in the *American State Papers: Public Lands*, 8 volumes, available online at the Library of Congress Century of Lawmaking and other websites. Private land claim information also may be found in the *U.S. Serial Set*, fully searchable on GenealogyBank and ProQuest Congressional.

**WHERE ARE THE RECORDS**

Original case files, plat maps, and supporting documents may be found at the National Archives and Records Administration (NARA) in Washington, DC, in Record Group 49, Records of the Bureau of Land Management (BLM) or other record groups; at the BLM Eastern States Office (ESO) in the Washington, D.C. area; and at regional NARA or BLM facilities; at state archives or libraries; or even at historical societies.

**THE CLAIMS PROCESS**

The process of obtaining confirmation of a claim and issuance of a certificate was complex, and it varied by time and location. Researchers must familiarize themselves with acts of the legislature, private acts, and government agency regulations that governed the adjudication of a claim in a particular place and time.
As a rule, the claimant provided evidence of his claim in the form of a survey or description of the land, affidavits from neighbors as to length of residency and improvements made, size of his family, compliance with Spanish or French or Mexican rules to obtain the land, etc. He filed this documentation with the appropriate authorities, who examined the evidence and recommended confirmation or rejection. The authorities (courts, commissioners, etc.) generally forwarded their recommendation, along with the evidence and case papers, to the General Land Office (GLO) in Washington, D.C. The GLO functions are now absorbed into BLM. In some cases, the court or land commission could be the final approval authority.

For the cases sent to the GLO, the commissioner made a recommendation to Congress, which voted to confirm or reject the claim. If Congress confirmed the claim, a final certificate was issued. If they rejected it, the claimant could appeal that decision, sometimes resulting in a period of many elapsed years before the case was finally settled. Therefore, you may look at a private land claim case that begins in 1804 with the original claimant and find that final acceptance or rejection are communicated many years later to the legal heirs of a claimant long deceased. This was often the case in Missouri.

**A Research Strategy**

Use the resources at hand first but realize that online sources provide only a portion of the whole story. With private land claims, it is almost always necessary to research the original records.

**BLM GLO Website (www.glorecords.blm.gov)**

This website, managed by the BLM, hosts many of the records created by the GLO. Though many patents deriving from a private land claim are not yet on this site, some are, so an online search is necessary. If you know the location of the land, this site is also a great resource to identify members of the FAN club. If the search is unsuccessful, consider a trip to Washington, D.C. to do onsite research at the Eastern States Office (ESO) of the BLM. Patents and tract books held by the office should be your focus. While in town you can also research at NARA. You want to locate the land entry file and possibly records of the land office. Prepare by reviewing the resources in this handout. A trip to NARA II in College Park, MD may yield plat maps and surveys – they also have a great copy capability. Many of plat maps and surveys held by NARA are being digitized and some are online at both the NARA catalog and the GLO website.

**American State Papers (ASP) and U.S. Serial Set (SS)**

In several states and territories private land claims were adjudicated by land commissions appointed by the federal government. The reports of these commissions were published in the land class of the ASP and the Serial Set. Search these sources for a person’s name or perhaps a unique location. You may find published reports with detailed information about the claim and claimant, references to relevant Acts of Congress, and evidence of approval or rejection of a claim. Sometimes several entries contradict one another, and it is necessary to follow the case in its entirety to determine the final outcome, sometimes many years after the initial claim submission. In many cases, the adjudicated claims may overlap each other. Congress resolved some of these issues with the passage of the Act of 2 June 1858 (11 Stat. 294) that allowed successful claims to be taken up anywhere in the public domain. This process was normally documented by the issuance of a Surveyor General’s Certificate. Many of these can be found on the GLO database.

**Search Century of Lawmaking**

Start searching with the *Statutes at Large*. Many times, a successful private land claim by an individual (as opposed to adjudication by a land commission report) will result in the passage of a private act. Also,
take the opportunity to read the law. Many questions are answered by understanding the law.

**Newspapers**

Search online newspapers at Library of Congress, Chronicling America, or commercial services for evidence of the person’s residence or legal matters pertaining to the land. You never know what you will find here. Land transactions and decisions could generate significant controversy. Your ancestor could be part of that story.

**Tract Books**

Consult online GLO Tract Books to see if an entry about a private land claim shows up under the land description (township, range, and section). Microfilm copies of BLM GLO Tract Books are digitized and online at FamilySearch except for Alaska and part of Missouri. You may find the copy of the tract books held by the local federal land office in your state archives or regional NARA archive.

**State Land Office or Archives**

Turn to the website of the state archives or land office or state library to look for information about private land claims in that area. For example, the New Mexico State Archives is an affiliated archive of NARA because it holds many original land grants and private claim documents. The Missouri State Archives also provides information about private land claim records held at its facility. In the case of Illinois, you may not be able to complete your research on a private land claim without examining the federal land office records held by the state archives.

**SEARCH THE COUNTY LAND RECORDS**

Start with FamilySearch online deed records, but you may want to consider visiting the county courthouse and local repositories. FamilySearch does not film everything when they visit a county. Check to see who holds the current land title in the county courthouse and work the title backward in time until you find mention of a private land claim.

**Research Onsite at BLM GLO Eastern States Office**

Visit in person or hire a researcher to research a private land claim at the ESO BLM office located at 5275 Leesburg Pike, Falls Church, VA (ph. (703) 558-7754). You can consult an on-site card-file index to private land claims arranged by state and then alphabetically by name. The card entry provides details of the claim, such as the BLM GLO volume and page number containing the patent, the survey number, the description (township, range, and section), and the docket number. The private land claims at NARA are filed by docket number, so this resource held by the ESO can help you locate the claim file later at NARA. Pull the referenced volume and find the patent and any accompanying documents or plat maps. While you’re at the ESO, be sure to check the tract books for private land claims. They hold the original tract books for the public land states east of and bordering the Mississippi River. The rest are held by NARA.

**Research at NARA**

The best source for understanding what is available for private land claims at NARA is Kvasnicka’s Guide (see bibliography). Read the section that describes the records of Division “D” (Private Land Claims) beginning on page 97. Also be sure to use the online National Archives Catalog to search for private land claims materials available onsite at NARA. There are two shortcuts to locate the records.
One is the National Archives Identifier (NAID) that allows you search the NARA catalog by this number. The other file naming convention the UD number used by Kvasnicka’s Guide. These numbers are also found in the NARA catalog.

In the Finding Aids room at NARA in downtown Washington, DC, two print volumes of indexes to private land claims can be found on the shelf with other Record Group (RG) 49 finding aids. The first is labeled “RG 49 Special Lists, Surveying Files, Expedientes, Railroad Files, Private Land and Forest Files,” The National Archives, 1967. The second is labeled “Index to Private Land Claims Volume List of Land Offices and Index to Old Canal and Reservoir Files,” the national Archives, 1970.

Of more use is the “Seven States Index,” a 3x5 card index created by the WPA in the 1930s covering most land entries in Alabama, Louisiana, Arizona, Florida, Nevada, Utah, and Alaska (NAID 5821766). You must request this index by state. And perhaps most helpful of all for Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, and New Mexico is information found in NARA series “Indexes to Private Land Claims Dockets, 1849?–1895?,” (NAID 5586580, UD 2319) This series, part of Record Group 49, consists of 11 bound volumes relating to the preceding states. Also identified in the catalog and can be ordered for research, is a series of folders with typed indexes (NAID 24278846, UD 2319A) for several states with private land claims. All these indexes provide a survey number, which may allow you to identify plats on modern or historical maps by survey, and they provide the docket number, which is how the case files are arranged within each state. Fern Ainsworth also published several indexes to private land claims (see bibliography).

Not to be neglected are the cartographic records of private land claims found at NARA’s College Park facility. Here you’ll find plat maps, surveys, and some detailed drawings that depict original private claims, California diseños (Spanish or Mexican grant), entire geographic areas, or single claims. Search National Archives Catalog for “private land claim cartographic” or a similar phrase to learn about finding aids for these accompanying cartographic records.

**Useful Websites (all websites current as 12 Sep 2021)**

- **National Archives, Center for Legislative Archives, Private Land Claim of Luis Mesa**, ([https://www.archives.gov/legislative/features/mesa](https://www.archives.gov/legislative/features/mesa))

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• New Mexico History, Overview of Land Grant in New Mexico
• Plat Books of Missouri (Collection)
  (https://dl.mospace.umsystem.edu/mu/islandora/object/mu%3A5220)
• Plat Books of Missouri
• United States Bureau of Land Management Tract Books, 1800–c. 1955
  (https://www.familysearch.org/search(collection/2074276)
• University of Missouri, Maps and Geographic Information Systems: Missouri
  (https://libraryguides.missouri.edu/c.php?g=28017&p=172783)
• U.S. General Land Office – RG 952 – Illinois State Archives
  (http://ilsos.libraryhost.com/?p=creators/creator&id=4)
• U.S. Surveyor General’s Records for Illinois – Federal Township Plats
  (http://idaillinois.org/digital/collection/IllinoisPlats/search/)

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Washington, DC: National Archives and Records Administration, 2007. The discussion of Division “C” (Public Lands Division), especially pages 79–87 that deal specifically with homesteads, is important to understanding homestead records held by NARA. The discussion of Division “D” (Private Land Claims) explains in detail the types of private land claims and the records they created. Some of the text of this volume has been included in entries found in NARA’s catalog. Series titles also include prefix information from NARA’s Master Location Register (MLR) for RG 49. This additional information is intended to help differentiate the many series titles that have similar names. The Guide also identifies relevant NARA microfilms.


14. Marshall, Thomas Maitland. *The Life and Papers of Frederick Bates.* St. Louis: Missouri Historical Society, 1926. Online at *HathiTrust.* Bates was the recorder of land titles in the Missouri Territory. In the forward of the Volume XVIII of the *TPUS*, Carter, editor of *TPUS*, recommends using this reference in conjunction with the Bates papers. Many of the original papers of Bates are held by the Missouri Historical Society (MOHIS).


17. A new interactive version featuring overlays on a modern map can be found online at Digital Scholarship Lab, University of Richmond [Virginia], [http://dsl.richmond.edu/historicalatlas](http://dsl.richmond.edu/historicalatlas).


26. White, Joseph M. *A new collection of laws, charters and local ordinances of the governments of Great Britain, France and Spain, relating to the concessions of land in their respective colonies; together with the laws of Mexico and Texas on the same subject, to which is prefixed Judge Johnson's translation of Azo and Manuel's Institutes of*

Online at HathiTrust.