



Introduction to Private Land Claims

Rick Sayre, CG[®], CGLSM, FUGA

14724 S. Evening Side Dr.

Herriman, Utah 84096

[E-mail: rick@sayreandsayre.com](mailto:rick@sayreandsayre.com)

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.

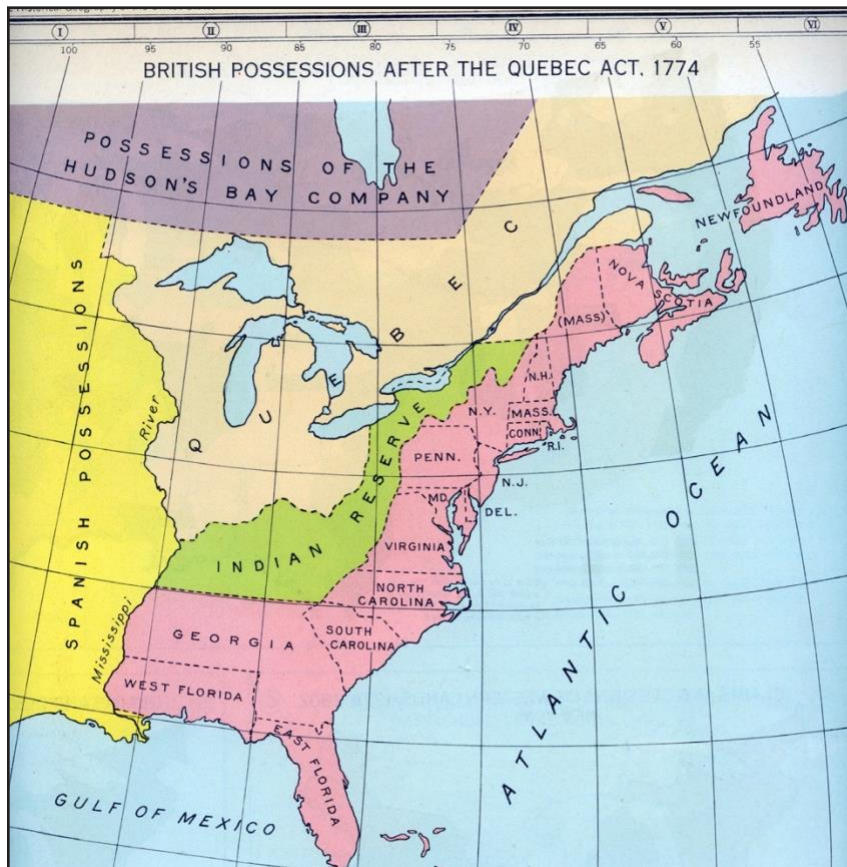


Figure 1: British Possessions 1774 (Paullin, Plate 46A)

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).

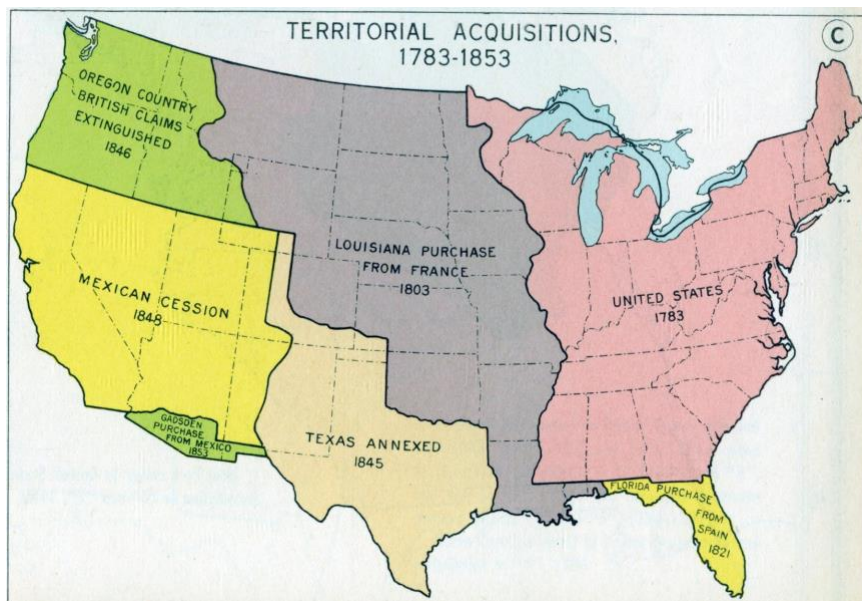


Figure 2: Territorial Acquisitions 1783-1853 (Paullin, Plate 46C)

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.glorerecords.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)

- *Ancestry.com, New Mexico, Land Records of New Spain, 1692-1846,* (<https://www.ancestry.com/search/collections/60892/>)
- *Ancestry.com, Spanish and British Land Grants in Mississippi Territory, 1750-1784* (<https://www.ancestry.com/search/collections/49216/>)
- *Ancestry.com, California, Spanish Land Records, 1784-1868,* (<https://www.ancestry.com/search/collections/8808/>)
- *National Archives, Center for Legislative Archives, Private Land Claim of Luis Mesa* (<https://www.archives.gov/legislative/features/mesa>)
- *Florida Memory, Spanish Land Grants,* (https://www.floridamemory.com/discover/historical_records/spanishlandgrants/)
- *Illinois Digital Archives, U.S. Surveyor General's Records for Illinois, Federal Township Plats* (<http://idaillinois.org/digital/collection/IllinoisPlats>)
- *The Legal Genealogist, The thirteen-year court* (<https://www.legalgenealogist.com/2012/06/27/the-thirteen-year-court/>)
- *Missouri Digital Heritage: Land Records: 1777-1969* (<https://s1.sos.mo.gov/records/archives/archivesdb/land/>)
- *Missouri Historical Review,* (<https://digital.shsmo.org/digital/collection/mhr>)

- *New Mexico History, Overview of Land Grant in New Mexico* (<https://newmexicohistory.org/2015/07/29/overview-of-land-grants-in-new-mexico/>)
- *Plat Books of Missouri* (Collection) (<https://dl.mospace.umsystem.edu/mu/islandora/object/mu%3A5220>)
- *Plat Books of Missouri* (<https://digital.shsmo.org/digital/collection/plat>)
- *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/>)

BIBLIOGRAPHY

1. Ainsworth, Fern. *Private Land Claims, Alabama, Arkansas, Florida*. Natchitoches, LA: by author, 1978.
2. ———. *Private Land Claims, Illinois, Indiana, Michigan, and Wisconsin*. Natchitoches, LA: by author, 1980.
3. ———. *Private Land Claims, Louisiana*. Natchitoches, LA: by author, 1979.
4. ———. *Private Land Claims of Mississippi and Missouri*. Natchitoches, LA: by author, 1980.
5. Beers, Henry Putney. *French and Spanish Records of Louisiana: A Bibliographical Guide to Archive and Manuscript Sources*. Baton Rouge: Louisiana State University Press, 1989
6. Chadwell, Patricia and Anton Pregaldin. *Missouri Land Claims*. 1835. Reprint, New Orleans: Polyanthos, 1976. This is a reprint of the 1835 report of the Commissioner of the General Land Office (GLO) with an index by Chadwell and an introduction by Pregaldin. Online at *FamilySearch* (<https://www.familysearch.org/library/books/records/item/155779-redirect>).
7. Conover, Milton. *The General Land Office : its History, Activities, and Organization*. 1923. Reprint, New York: AMS Press, 1974.
8. Ebright, Malcom. *Land Grants and Lawsuits in New Mexico*. 1994. Reprint. Guadalupita, NM: Center for Land Grant Studies, 2008.
9. Gates, *History of Public Land Law Development*. Washington, DC: The Government Printing Office, 1968. The best single source for a comprehensive discussion of the development of the public lands. See Chapter VI, Private Land Claims.
10. Hawkins, Kenneth, compiler. *Research in the Land Entry Files of the General Land Office*. Reference Information Paper No. 114. Revised. Washington, DC: National Archives and Records Administration, 2009. Also online at NARA, <http://www.archives.gov/publications/ref-info-papers/rip114.pdf>.
11. Hone, E. Wade. *Land & Property Research in the United States*. Salt Lake City, UT: Ancestry, Inc., 1997.
12. Kvasnicka, Robert M., compiler. *The Trans-Mississippi West, 1804–1912, Part IV, A Guide to Records of the Department of the Interior for the Territorial Period, Section 3: Records of the General Land Office*.

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.

13. Lowrie, Walter. *Early Settlers of Missouri As Taken from Land Claims in the Missouri Territory*. 1834. Reprint, Easley, SC: Southern Historical Press, 1986. Compiled and indexed from the *American State Papers*.
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).
15. Morrow, William W. *Spanish and Mexican Private Land Grants*. San Francisco: Bancroft-Whitney Co., 1923. Available on *HathiTrust*.
16. Naylor, Chris. “Those Elusive Early Americans: Public Lands and Claims in *American State Papers*, 1789–1837.” *Prologue*, Vol. 37, No. 2 (Summer 2005).
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>.
18. Price, Edward T. *Dividing the Land : Early American Beginnings of Our Private Property Mosaic*. Chicago: University of Chicago Press, 1995.
19. Richardson, Lemont K. “Private Land Claims in Missouri : Part I: Spanish Colonial Land Policy, 1763–1800.” *Missouri Historical Review*. Vol. L. No. Two (Jan. 1956): 132–144.
20. ———. “Private Land Claims in Missouri : Part II: The Board of Land Commissioners.” *Missouri Historical Review*. Vol. L. No. Three (Apr. 1956): 271–286.
21. ———. “Private Land Claims in Missouri : Part III: The Era of Increasing Liberality.” *Missouri Historical Review*. (Jul. 1956) Vol. L. No. Four (Jul. 1956): 387–399.
22. Salazar, J. Richard, ed. and comp. *Calendar to the Microfilm Edition of the Land Records of New Mexico: Spanish Archives of New Mexico, Series I, Surveyor General Records, and the Records of the Court of Private Land Claims*. Santa Fe: New Mexico State Records Center and Archives, 1987.
23. Schamel, Charles E. “Untapped Resources: Private Claims and Private Legislation in the Records of the U.S. Congress.” *Prologue* 27 (Spring 1995).
24. United States Congress. *American State Papers: Public Land Series and Claims, Vols. 1–9*. 1832–1861. Greenville, SC: Southern Historical Press, Inc., 1994. Originally published under authority of Congress by Duff Green and Gales and Seaton. Online at Genealogy Bank.
25. Violette, E. M. *Spanish Land Claims in Missouri*. 1921. Reprint, Sweden: Pranava Books, 2020.
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*

the civil law of Spain. Philadelphia: T & J. W. Johnson. 1839. Gates (author of *History of Public Land Law Development*) considers this source the principal published source on Spanish land grants. Online at *HathiTrust*.

27. Williams, Betty Harvey. *Index to French and Spanish Land Grants Recorded in Registers of Land Titles in Missouri: Books A, B, C, D, E*. Warrensburg, MO: Williams, 1977.

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(4-758.)

SURVEYOR GENERAL'S CERTIFICATE No. 303 B FOR 80 ACRES.

THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greeting:

Whereas, by the 3d section of the act of Congress approved June 2d, 1858, entitled "An act to provide for the location of certain confirmed Private Land Claims in the State of Missouri, and for other purposes," it is enacted "that in all cases of confirmation by this act, or where any private land claim has been confirmed by Congress, and the same, in whole or in part, has not been located or satisfied, either for want of a specific location prior to such confirmation, or for any reason whatsoever, other than a discovery of fraud in such claim subsequent to such confirmation, it shall be the duty of the Surveyor General of the district in which such claim was situated, upon satisfactory proof that such claim has been so confirmed, and that the same, in whole or in part, remains unsatisfied, to issue to the claimant, or his legal representatives, a certificate of location for a quantity of land equal to that so confirmed and unsatisfied; which certificate may be located upon any of the public lands of the United States subject to sale at private entry at a price not exceeding one dollar and twenty-five cents per acre: *Provided*, That such location shall conform to legal divisions and subdivisions." And, in the 4th section of the said act, it is declared "That the register of the proper land office, upon the location of such certificate, shall issue to the person entitled thereto a certificate of entry, upon which, if it shall appear to the satisfaction of the Commissioner of the General Land Office that such certificate has been fairly obtained, according to the true intent and meaning of this act, a patent shall issue as in other cases."

And whereas, on the thirtieth day of September, A. D. 1874, the Surveyor General of the United States for the State of Louisiana, in conformity with the provisions of the act aforesaid, issued his Certificate of Location numbered 303 A to 303 D, inclusive, each for Eighty Acres, and his certificate of location 303 B for eighty acres and forty hundredths of an acre, in full satisfaction of the unlocated and unsatisfied claim of Pedro Apolinar, entered as number thirty six first class in the report made on the first day of January, A. D. 1821, by L. J. Sutton, Register of the District of Red River &c. Confirmed by Act of Congress approved February 27th 1823.

And whereas it appears by certificate number one of the Register of the United States land office at Gessburg, in the State of Oregon, which said certificate has been deposited in the General Land Office of the United States, that by virtue of the Surveyor General's certificate, as aforesaid, numbered 303 B, for eighty acre, there has been located the following-described tract of land in part satisfaction of the aforesaid claim of Pedro Apolinar by Thomas J. Beale, of, Calhoun, Clarke, Appal, repa- maintain of the aforesaid Pedro Apolinar, the east half of the north east quarter of section twenty-two, on township twenty-four south of range thirteen west of Willamette Meridian, in Oregon, containing eighty acres.

according to the official plat of the survey of the said land, returned to the General Land Office.

Now know ye, that the United States of America, in consideration of the premises, and in conformity with the aforesaid act of Congress of June 2d, 1858, have given and granted, and by these presents do give and grant, unto the said Thomas J. Beale or his legal representatives, the tract of land above described; To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said Thomas J. Beale, or his legal representatives, and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof I, Chester A. Arthur, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington the thirtieth day of December, in the year of our Lord one thousand eight hundred and eighty-two, and of the independence of the United States the one hundred and twentieth.

By the President Chester A. Arthur
By M. J. Crook, Secretary.
S. W. Clark, Recorder of the General Land Office.

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Figure 3: GLO patent SGS-0403-090, based on the Surveyor General for Louisiana Certificate No. 303B (GLO website, www.gloreCORDS.blm.gov)