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## Starting at a Post Oak: Genealogical Gems among the Rocks and Streams

by Terry Moore, CG

A friend handed me a comic she cut out of an old newspaper. Two Native Americans were standing on a high tree-filled precipice looking out over the ocean. Upon seeing a ship resembling the Mayflower, one of the natives commented, “Oh let them come, what harm can they do?” And come they did.

Land ownership was one reason people immigrated to the United States. In Europe, land was only owned by members of the upper crust, but from the 1600s into the late nineteenth century land in the United States was cheap, there was a lot of it, and immigration was unrestricted. Some of the first records kept in an area were land records. And they can blast holes in research brick walls.

The first North Carolina purchaser of a piece of land received it by grant from the king, proprietor, or the state, depending on the time period. The second and succeeding purchasers received the land by deed, will, or the land division of an estate. A deed is a formal written agreement to sell property. It could have been drawn up anywhere, perhaps in a home or at the local tavern. The deed includes the name of the grantor (seller), the grantee (buyer), the date it was sold, intention to sell, price paid, usually the number of acres, boundaries, and the date it was officially recorded. The grantor and witnesses signed their names or made their marks.

The grantor and/or the witnesses proved the deed by appearing in court and acknowledging that the intention was to sell the land. If there were no witnesses to the deed, it meant the deed was proven in open court with all parties present. The original deed was given to the grantee, whose responsibility it was to take it to the county clerk and have it recorded or registered. After the deed was copied into the deed book the original was given back to the grantee for his care and keeping, so the signatures in the deed books are copies, not originals. Still, the presence of a signature or a

mark indicates whether your ancestor could write his name and may help distinguish between men of the same name. The registration of the deed could have been many years after the date of the deed or death of the grantor. Be sure to search the deeds and indexes long after the grantor died.

Among the post oaks, rocks, and streams, the gems found in deeds show us their many facets. The place of residence and sometimes the former residence of the grantor and grantee is recorded. To find a North Carolina location, check Dr. Bruce Pruitt’s *North Carolina County Maps (1800)*.<sup>1</sup> Dr. Pruitt includes outline maps of each county with their major rivers and streams. If the river or stream is not found in this book, use the USGS maps found at <http://www.libremap.org/data/>, or use Delorme’s *North Carolina Atlas & Gazetteer, Topo Maps of the Entire State*.<sup>2</sup> The topographical maps will show nearby churches and cemeteries. If no streams, creeks, or branches are named in your ancestor’s deeds, read the neighbor’s deeds until one can be identified.

Deeds can help distinguish between individuals of the same name, such as John Jones, John Jones Sr., John Jones Jr., and John A. Jones. Many names on deeds are relatives, whether we recognize them at first or not. By identifying neighbors and witnesses, the family of a wife, whose children married and who migrated together, could be discovered. Sometimes the maiden name of a woman will be given. The wife’s first name can be found in her dower release. Most states allowed the wife a one-third interest in her husband’s property (dower) and because she was part owner she had to consent to the sale and sign a release. However, a dower release was not required in North Carolina between 1784 and 1868.

Only heirs of the deceased can legally sell his or her property. A deed might be found shortly after the death of a land owner, where one heir is buying the

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property of the other heirs. This might have been done in an attempt to keep the property together. All the heirs will be listed in the deed if all were selling their portion.

The amount paid for land may be important if it is different from the market value. If land was sold for a token amount, a relationship is implied between the two parties. If land was sold for a much greater amount than it was purchased for, it implies improvements were made in the property, perhaps a house. A deed may be the only document in which the name of a child, who died young, will be found, especially if the death occurred between census years after 1850. Clues to the age of an individual are given. A person in North Carolina had to be at least 21 years old to sell land and 14 years old to be a witness. Titles such as esquire, planter, gentleman, and yeoman indicated land ownership. “Et al.” in a deed index indicates two or more grantors, often heirs, are selling a piece of property. “Et ux.” in a deed index indicates a wife.

If there are abstracts of the deeds, read them. You can discover in whose deed, other than his own, your ancestor was mentioned and if he served as a witness or was a neighbor. But don't rely solely on abstracts because mistakes can be made. Read the originals, too. Use grantee and grantor or general deed indexes with care. They may not be complete. Deeds of gift were sometimes not indexed, some deeds may just have been missed, and some may have been indexed in an unusual way. For example, if one's property was sold in a sheriff's sale, the deed will be listed in the grantor index under the name “Sheriff.”

What if the deeds did not survive? They were sometimes rerecorded years later, so expand the years of your search. If the court records survived, search them. Deeds were recorded the day they were proven. The court records will not give details of the deed but you will at least know there was one. Ask yourself what land records were not in the courthouse when it burned, flooded, etc. (Land grants were not there as well as original deeds now filed in private collections.) Search families other

than your own to find information about your family. If your ancestor was landless, determine who his neighbors were from census or tax records. Search the deeds of his neighbors for information about him. Read all of your ancestor's deeds. If you don't find the information you need, read the deeds for every one of his surname. If you still don't find the information you need, read the deeds of all your ancestor's neighbors and associates.

Yes, our ancestors came for land and in the process left delicious crumbs and gems for us to follow and bring home.

### Notes:

<sup>1</sup> Dr. A. B. Pruitt, *North Carolina County Maps (1800)* (No place: By the author, 1988-2004).

<sup>2</sup> DeLorme, *North Carolina Atlas & Gazetteer, Topo Maps of the Entire State, Second Edition, Third Printing* (Freeport, ME: DeLorme Mapping, 1993).