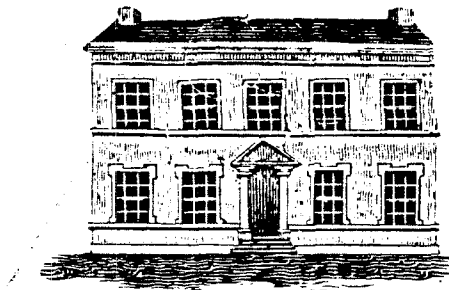


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**TRACING THE OWNERSHIP
OF
PROPERTY
IN
BALTIMORE CITY**

A Beginners Guide



T. J. Gleason

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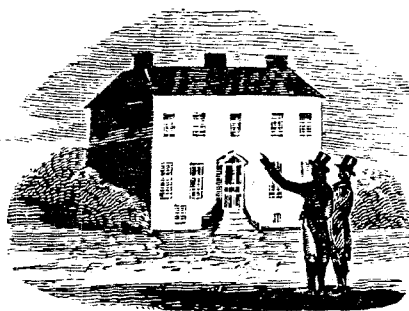
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ANNAPOLIS, MARYLAND

TRACING THE OWNERSHIP OF PROPERTY IN BALTIMORE CITY
A BEGINNER'S GUIDE

By T. J. GLEASON

Prepared for the Society for the Preservation
of Federal Hill, Montgomery Street & Fells Point



A BEGINNER'S GUIDE TO TRACING THE OWNERSHIP
OF PROPERTY IN BALTIMORE CITY

by T. J. GLEASON

(These instructions are based on information presented at a briefing for interested preservationists held in the Baltimore City Courthouse, February 28, 1970. The briefing, which was organized by Mrs. Black of the Maryland Trust for Historic Preservation, was presented by Mrs. Sherwood, a Baltimore attorney).

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I. THE RECORDS

The records of real estate transactions in Baltimore City after about 1800 are housed in the Record Office of the City Courthouse (Room 610, open to the public from 8 A.M. to 10 P.M. on weekdays and from 10 A.M. to 4 P.M. on Saturdays). The basic record is contained in the many volumes of Land Records which fill Room 610 of the Courthouse and spill over into several nearby rooms on the sixth floor. The Land Records consist of complete copies of the actual legal instrument of the real estate transaction, the deed or mortgage or assignment of lease which document the transfer of control of the land. Certain auxiliary records and indices make it possible to use the Land Records to trace the control of any piece of land back from the present to the earliest records. Records prior to 1800 are housed in the Archives of the State of Maryland in Annapolis.

Before starting to use the Land Records a preservationist or historian should be aware of what he will and will not find recorded. For a preservationist the most important thing about these records is that they are not designed to record the structures which may or may not exist on the land. The Land Records are exactly what their name implies, a record of the land. Any reference to buildings on the land is quite incidental, and may even be misleading. At best, the documents in the Land Records may refer to buildings as landmarks in defining the boundaries of the lot; at worst the deed may simply refer to "all improvements" to the property, in which case nothing may be inferred about the existence of buildings since the "all improvements" phrase is simply an example of the fondness that the legal profession has always exhibited for the technique of preventing future problems through the use of standardized, all-inclusive wording. All that this phrase means is that if any improvements are now present, or if they are made at any time in the future, they are included in the transfer of property.

Despite the lack of intent to provide information about the use of the land being sold, a typical deed may provide many useful clues. In order to understand these clues, it is necessary to understand a real estate practice that is almost unique to Maryland, the ground rent. Until recent times it was quite unusual for the same person to own the land and the buildings which occupy that land. The individual who owned the buildings merely had the use of the land on a long term lease, usually 99 years. This leasehold is a real asset, and the unexpired portion of the lease can be sold. In many cases, the actual ownership of the land has become lost over the years and the leasehold has been converted to outright ownership "in fee simple". The Land Records contain documentation regarding the transfer of both the ownership of the land and the leasehold to the land. In the first case, the legal instrument involved is called a "deed"; in the second case, it is an "assignment" or a "deed of assignment" (although it may be improperly labeled as a deed). Deeds of assignment may describe in great detail the obligation of payment of a ground rent which obviously has not been collected for many years, for instance a late nineteenth century deed of assignment may caution the new leaseholder at great length that he is responsible for the payment of twenty shillings a year to some unspecified land owner. The existence of a ground rent for a piece of land is a valuable clue to the existence of a building on that land, since the taking of a leasehold on the land generally indicates the intention to improve it. Of course, the dual "ownership" of the land doubles the work of tracing that ownership, since both the true ownership and the leasehold must be traced for complete coverage, although the leasehold is the more important of the two, as it refers to the actual occupancy of the land.

A second clue to the existence of structures on the land is the price for which the leasehold was sold. A vacant lot is clearly worth much less than a lot with a building. As sufficient data becomes available about any particular area it may be possible to tell a great deal about a specific lot by comparing its sale price with contemporary prices for other lots whose history is known. Modern deeds of assignment often hide the sale price behind a phrase such as "five dollars and other valuable considerations", but in the 18th and early 19th centuries the actual price will be given.

A careful reading of each deed or deed of assignment may provide various historical information. The description of the land being transferred may refer to structures as landmarks, and may refer to early plats of the city. The land description also contains the very important "being clause" which greatly simplifies tracing the ownership, and which will be discussed later. In addition, some personal history of the seller (grantor) may be included; if the last buyer (grantee) of the property has died it will be necessary to establish the bequest or chain of bequests that has brought the property into the hands of

its present seller. In one case in Fells Point, a single deed of assignment in 1921 traces a chain of bequests back to the last sale of the leasehold in 1808! Unfortunately, there is no legal requirement that such a bequest be registered in the Land Records until a sale is made, so that if the present owner obtained the property by inheritance, it will be necessary to trace the ownership back to the most recent sale by searching the wills registered on the second floor of the City Courthouse. Such a search is beyond the scope of this discussion. The starting point for any use of the Land Records is the last sale of the land or leasehold.

The rewards of tracing the ownership of the leasehold of a lot in a historic part of the city are well worth the effort involved. Changes in street names and numbers may well be clarified since both will generally be specified in each deed. Structural details may be mentioned as landmarks. Land uses may be specified in exceptional cases. The very minimum result of such a search is to produce the names of the owners at each point in history, which provides a solid starting point for the use of city directories and other historical sources to unravel the detailed history of the land and its buildings.

II. GLOSSARY

Before describing the use of the Land Records it is useful to establish the meaning of some words that will be used throughout the later discussion.

ASSIGNMENT - a document dealing with the sale of the unexpired portion of a long term lease for the use of a parcel of land.

BEING CLAUSE - a clause occurring as part of the description of a parcel of land. The "being clause" is roughly of the form "being the same land purchased by _____ on _____ and described in the deed recorded in liber _____ folio _____", where the liber number and folio give the transaction reference necessary to go back one more step in the history of the land. (See "transaction reference" and "Land Record").

BLOCK NUMBER - a number assigned by the city to each block in the city, that is to each area bounded by four streets.

BLOCK INDEX - a listing of each real estate transaction in the city which is in sequence by block number. Periodically, a new ledger is required, so that a particular volume of the block index might contain the transactions for blocks 1200 through 1600 for dates between January 1, 1966 and December 31, 1967, for

instance. For each transaction the block index gives the transaction reference needed to find the documents pertaining to that transaction in the Land Records.

DEED - the legal instrument which transfers ownership in fee simple of a parcel of land.

DEED OF ASSIGNMENT - see ASSIGNMENT.

GRANTEE - person, persons, or other entity gaining control of ownership.

GRANTOR - person, persons, or other entity giving up control or ownership.

GRANTOR/GRANTEE INDEX - listing of transactions alphabetically by grantor or grantee, each volume covers a particular period of time, often only a few months.

LAND RECORD - bound copies of the legal instruments of all real estate transactions for the City of Baltimore. These documents are bound in chronological order and the volumes are numbered with a designation such as "G.E.S. 1257" where "G.E.S." are the initials of the City Clerk at the time these transactions were bound, and "1257" indicates that this is the twelve hundred and fifty-seventh volume during his clerkship. In recent years these documents have been photostats of the originals, before that they were typewritten copies, and before that they were handwritten copies. The earliest records in the Courthouse are typed copies of the original handwritten copies of the original deeds. The typing is not always to be trusted, particularly with regard to numbers, and likely errors such as changing 7 into 9, or 5 into 3 should be allowed for.

LEASEHOLD - the possession of a long term lease for the use of a parcel of land in return for the payment of a ground rent.

TAX ASSESSMENT BOOK - a listing of tax assessments in the City of Baltimore by street and number. This listing also gives the block number, precinct, and ward for each lot.

TRANSACTION REFERENCE - a reference to the Land Records of the form "liber G.E.S. 1257, folio 235", meaning "book G.E.S. 1257, page 235".

III. TRACING THE OWNERSHIP OF A LOT

The starting point for the search is a sale of the leasehold or land ownership. Several things should be known about the lot in question:

1. the street number of any building on the lot, 2. the location of the lot in terms of streets and at least approximate distances from corners or other reference points, 3. the compass points of the lot, that is where north, south, east, and west lie with regard to the lot and adjoining streets (a rough map may be of great help), and 4. the approximate date of the last sale of the land or the leasehold.

At the outset a shortcut is available in the search. The Property Location Office of the city can provide a list of all owners of a given lot back to about 1900 if they are provided with the block number, ward, and precinct. This office is located in the Calvert Street Building of the city office complex. Since we are mainly concerned with records before 1900, and since we are also interested in the hints and clues available in the deeds, we will assume that the shortcut has not been used. In any case the procedure before 1900 would be the same, and knowledge of the date of sale closest to 1900 would be important in order to take up the search at that point.

STEP 1 - Determination of the block number.

The Index Department of the Record Office is located in Room 611 of the Courthouse, which is entered through the main records room (Room 610). Several old copies of the tax assessment book are available in the Index Department, any of these will serve the purpose at hand, the date is not important. These books list each lot in the city by side of a street (for instance SWS Thames, meaning the southwest side of Thames, which is actually just the south side) and street number. Each entry appears as in figure 1. After finding the property about which information is desired, read up the column until the column is interrupted by a set of three numbers such as "11-3-403". This set of numbers gives the precinct (11), the ward (3) and the block number for the lot (403). (Block numbers for Fells Point are given on the map in Appendix I.).

SWS MAIN ST						
11-3-402						
2401	50x75	29	John Smith	2000	2500	
⋮						
2437	50x60	36	Jane Jones	1800	2000	
11-3-403						
2501	36x65	42	Geo. Washington	2400	3000	
2503	36x65	43	Thos. Jefferson	2540	3200	
⋮						

FIGURE 1. A column in the tax assessment book. As an example of its use consider 2503 Main St.; it is located on the southwest side of the street, in precinct 11, ward 3, it is in block number 403. The lot is 36 by 65 feet, and the lot number is 43. It belongs to Thomas Jefferson, and is assessed at 2540 and 3200 dollars.

STEP 2. Finding the first transaction reference.

The Index Department in Room 611 also houses the Block Index books. Knowing the block number and the date of the latest sale, or the date of any sale for that matter, we are able to select the appropriate volume, for instance "Blocks 325 to 565, December 1935 to December 1942". Each page of the index has the block number stamped or printed on its upper corner. There may be several pages for a single block. A typical entry is shown in figure 2. After finding the pages for the block of interest we can the "location of property" column, looking for the property we are tracing. The entries are handwritten and are in chronological order. Once we have found the entry which records the transaction for the property which we are tracing, we note the reference given at the end of the entry. This entry is the key to starting a search of the Land Records.

						403	
DATE		GRANTOR	GRANTEE	TYPE	LOCATION	REFERENCE	
1937						J.F.C.	
Nov	22	Robert L. Jones	George Washington	deed	N.W. Cor Main & First Ave W30N58	3785	428
Nov	28	William A Mary Y Smith	Edward B...				

FIGURE 2. Part of a page in the Block Index book. Note the block number in the upper right-hand corner, the year stamped at the top of the date column, and the initials stamped at the top of the reference column.

STEP 3. Looking up a deed in the Land Records.

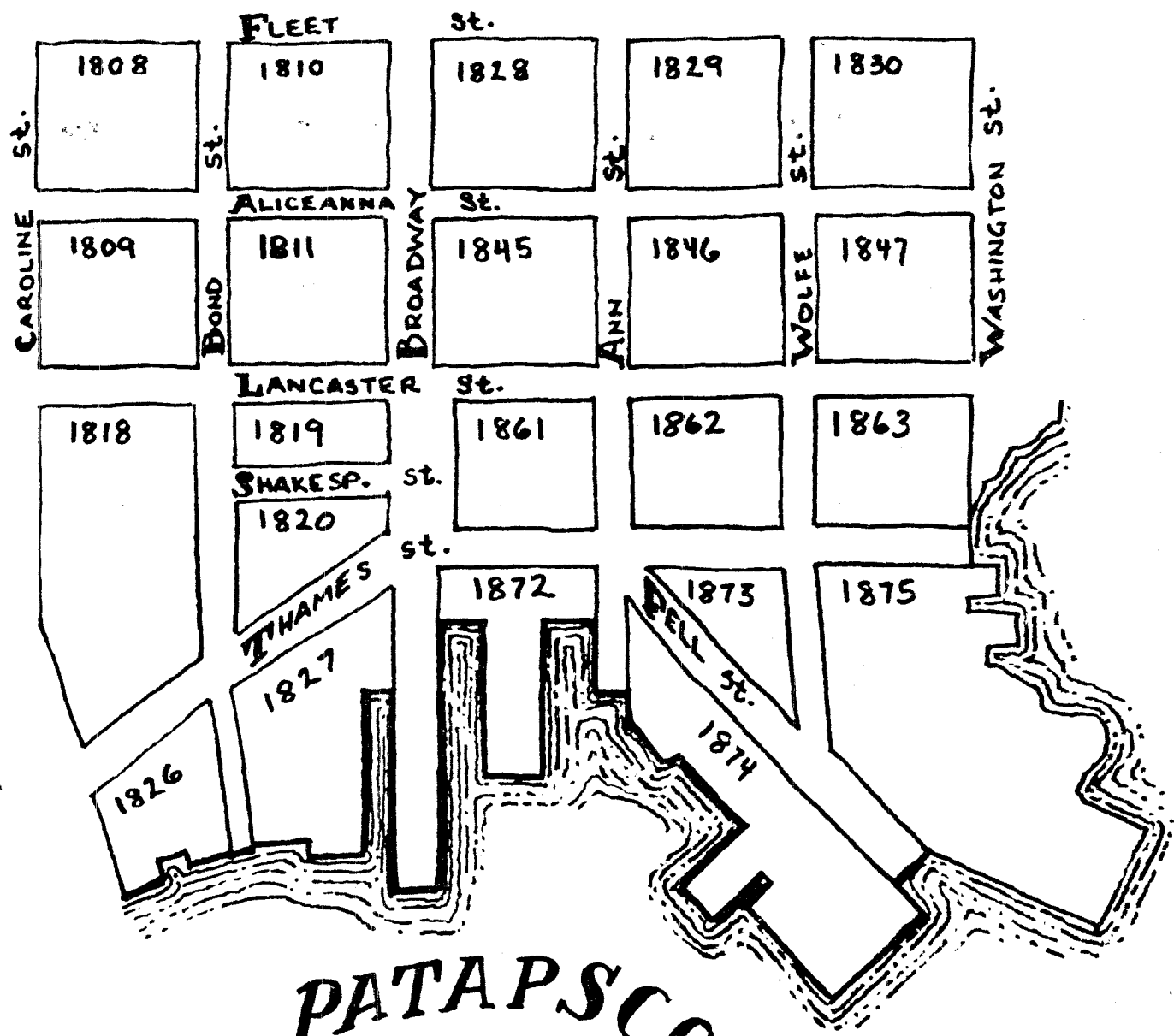
Having found our first reference, for instance "J.F.C. 2537, 355", we return to the main records room and find the volume of the land records which contains the documents pertaining to the sale in question. (Some of the more recent volumes are across the hall in room 615). On page 355 of the volume J.F.C. 2537 we will find a deed or deed of assignment for the land being traced. After noting any interesting information in the deed, such as the exact location and boundaries of the lot, we find the "being clause", which will probably appear at the end of the description of the boundaries of the lot. This clause will be of the form "BEING the same property described in a deed of October 23, 1815 recorded in Liber No. S.C. L. 4537 folio 243 from John H. Smith to Thomas B. Jefferson". (The capitalization of the word "being" will usually be

present in the Land Records to make this clause easy to find).

Having found the first deed it is simply a matter of following the chain given by the "being" clauses back to the earliest recorded sale. As has been stated earlier, the chain may branch out into two chains at some point when the property was not owned in fee simple. The chain may be broken at some point, in which case it may become necessary to search the block index books backwards in time until a sale is recorded. Alternately, the records of wills probated might be searched to determine if the property has been passed on by bequest. One type of break in the chain which is usually easily overcome, is the lack of a transaction reference in the "being clause". For instance, the "being clause" may say only "...being the same property purchased by Thomas Jefferson on October 23, 1815...". In this case the most direct procedure is to find the Land Record book containing transaction for October 23, 1815 by looking through the books (which are on the shelves in chronological order) and use the order by grantor and grantee which appears in the front of each book to find the transaction desired.

As a final note, it should be noted that the clerks in the Records Office and the lawyers and law students working there on title searches can be expected to be helpful as long as their helpfulness is not abused. Don't hesitate to ask for assistance when you need it.





PATAPSCO River

