

A land patent is an exclusive land grant made by a sovereign entity with respect to a particular tract of land. To make such a grant "patent", a sovereign (proprietary landowner) must document the land grant, securely sign and seal the document (patent), and openly publish the documents for the public to see. An official land patent is the highest evidence of right, title, and interest to a defined area. It is usually granted by a central, federal, or state government to an individual or to a private company.

Besides patent, other terms for the certificate that grants such rights include first-title deed and final certificate. In the United States, all claims of land ownership can be traced back to a land patent, first-title deed, or similar document regarding land originally owned by France, Spain, the United Kingdom, Mexico, Russia, or Native Americans.

A land patent is known in law as "letters patent", and usually issues to the original grantee and to their heirs and assigns forever. The patent stands as supreme title to the land because it attests that all evidence of title existent before its issue date was reviewed by the sovereign authority under which it was sealed and was so sealed as irrefutable; thus, at law the land patent itself so becomes the title to the land defined within its four corners.

Through time there were reservations taken from the original land patent for others ie

Mining rights, water rights, mineral rights, easements for utilities to serve the lands, deed restrictions to restrict and govern the use of the lands, zoning laws to define the use of the lands, HOA's to further define the use of the land and keep up common areas and the list goes on. . . .

History of land patents in the United States of America:

Land in the United States of America was acquired by purchase, war, or treaty from the United Kingdom, France, Spain, Mexico, Russia, the Kingdom of Hawaii and the Native American peoples.

As Great Britain began to colonize colonial America, the Crown made large grants of territory to individuals and companies. In turn, those companies and colonial governors later made smaller grants of land based on actual surveys of the land. Thus, in colonial America on the Atlantic seaboard, a connection was made between the surveying of a land tract and its "patenting" as private property.

Many original colonies' land patents came from the corresponding country of control (e.g., the United Kingdom). Most such patents were permanently granted. Those patents are still in force; the United States government honors those patents by treaty law, and, as with all such land patents, they cannot be changed.

After the American Revolution and the ratification of the Constitution of the United States, the United States Treasury Department was placed in charge of managing all public lands. In 1812, the General Land Office was created to assume that duty.

In accord with specific Acts of Congress, and under the hand and seal of the President of the United States of America, the General Land Office issued more than 2 million land grants made patent (land patents), passing the title of specific parcels of public land from the nation to private parties (individuals or private companies). Some of the land so granted had survey or other costs associated with it. Some patentees paid those fees for their land in cash, others homesteaded a claim, and still others came into ownership via one of the many donation acts that Congress passed to transfer public lands to private ownership. Whatever the method, the General Land Office followed a two-step procedure in granting a patent.

First, the private claimant went to the land office in the land district where the public land was located. The claimant filled out entry papers to select the public land, and the land office register (clerk) checked the local registrar records to make sure the claimed land was still available. The receiver (bursar) took the claimant's payment, because even homesteaders had to pay administrative fees.

Next, the district land office register and receiver sent the paperwork to the General Land Office in Washington. That office double-checked the accuracy of the claim, its availability and the form of payment. Finally, the General Land Office issued a land patent for the claimed public land and sent it on to the President for his signature.

The first United States land patent was issued on March 4, 1788, to John Martin.[1] That patent reserves to the United States one third of all gold, silver, lead and copper within the claimed land.

A land patent for a 39.44-acre (15.96 ha) land parcel in present-day Monroe County, Ohio and within the Seven Ranges land tract. The parcel was sold by the Marietta Land Office in Marietta, Ohio in 1834.

Usage restrictions (e.g., oil and mineral rights, roadways, ditches and canals) placed on the land are spelled out in the patent. Such private property rights can also be thereafter negotiated in accord with the terms of private contracts. The rights inherent in patented land are carried from heir to heir, heir to assignee, or assignee to assignee, and cannot be changed except by private contract (warranty deed, quitclaim deed, etc.). In most cases, the law of a particular piece of patented land will be governed by the Congressional Act or treaty under which it was acquired, or by terms spelled out in the patent. For example, in the United States the laws governing the land may involve the Homestead Act or reservations placed on the face of the patent, or the Treaty of Guadalupe Hidalgo, which governs certain jurisdictional dicta relating to large amounts of land in California and adjoining territories.

Because most people become familiar with land rights only when they acquire real estate either by inheritance or through the process of a purchase contract, they never learn the difference between land and the property appurtenant to it. Accordingly, their familiarity with land law remains virtually non-existent; and, they only become accustomed to State statutory regulations relative to the property appurtenant to the land, that is to say: property taxing, zoning and building codes, etc.