

# Homesteaders

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## History

- Homestead Act was signed in 1862.
- The law allowed any American (or immigrant pursuing the citizenship process) to purchase up to 160 acres of federal land.
- Buyer was required to live on the land for five years and perform necessary upkeep and additions.
  - Civil War Union veterans could use time served in military towards the residency requirement.
  - Settlers could also acquire the title of land if they lived on the land for 6 months and paid the government \$1.25 per acre.
- Eligibility:
  - Adults 21 years and older, which included the following:
    - Single women
    - Former enslaved people
    - Immigrants (1<sup>st</sup> papers required – otherwise known as declaration of intention)
- The Process:
  - Go to the local land office.
  - Pay a small filing fee.
  - Live on the land and grow crops for 5 years.
  - After the 5 years, file for the patent (land title).
  - If approved, patent was awarded.
- What's in the Land Entry Case File?
  - Final Certificate
  - Final Receiver's Receipt
  - Testimony of Claimant
  - Testimony of Witness
  - Final Homestead Affidavit
  - Application and accompanying affidavits
- Which States Did NOT have Homesteads?
  - Original 13 colonies
    - Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia
  - Hawaii, Kentucky, Maine, Tennessee, Texas, Vermont, and West Virginia
- The law was not fully repealed until 1986, when it expired in Alaska. All previous states had repealed the law by 1976.
- Homestead Acts
  - Southern Homestead Act of 1866
    - Included and encouraged African Americans to obtain a homestead.
  - Timber Culture Act of 1873
    - Claimant required to plant trees.
    - No residency requirement.
  - Kinkaid Amendment (1904)
    - 640 acres to new homesteaders in western Nebraska.
  - Enlarged Homestead Act (1909)
    - Doubled acreage from 160 to 320 acres in marginal areas.



- National Stock-Raising Homestead Act (1916)
  - Granted 640 acres for ranching purposes.

### Did Your Ancestor Have a Homestead?

- Check census records for birthplace of head of family and children. You may notice a move shortly after 1862 out west.
- Check census records for the occupation of the head of household. Look for farmers that owned property.
- Review agriculture schedules to identify if the family had 160 acres (full portion) or 80 acres (half portion).
  - Early 20<sup>th</sup> century, you may see a higher increase (320-640 acres).

### Online Resources:

- Bureau of Land Management General Land Office (GLO) Database - <https://gloreCORDS.blm.gov>
  - Click Search Documents.
  - Search by first and last name and include location if known.
- Ancestry.com is digitizing the files from the National Archives in Washington, D.C.
  - U.S. Homestead Records, 1863-1908 - <https://www.ancestry.com/search/collections/60593/>
- FamilySearch
  - Cancelled, Relinquished, or Rejected Land Entry Case Files, 1861-1932 - <https://www.familysearch.org/search/collection/2170637>
  - Use the catalogue to locate individual homestead records from various land offices across the United States
- African American Homesteaders - <https://www.nps.gov/home/black-homesteading-in-america.htm>

### Requesting Land Entry Case Files from the National Archives:

- For pre-1908 files, provide the following:
  - State
  - Land Office
  - Type of Patent Under Law (“Authority” field on BLM GLO web site)
  - Patent # (“Document Nr.” field on BLM GLO web site)
- For post-1908 files, provide the serial patent # (“Accession Nr” field on GLO web site)
- NATF Form 84 - <https://www.archives.gov/files/dc-metro/washington/natf-84.pdf>
- Order online - <https://eservices.archives.gov/orderonline>

### Locating Tract Books on FamilySearch:

- Contain the records of each parcel of land transferred from federal to private ownership in 28 of the 30 federal land states.
  - The tract books for Alaska and Missouri are lost.
  - Accessed on FamilySearch at <https://www.familysearch.org/search/collection/2074276>
    - Browse by state, then volume #.
    - Not all records are indexed and searchable.
- Volumes are organized by state, in some states by land offices, and then by township number and range.
  - Within each volume, entries are arranged by Section, Township, Range.
- Use the Coverage Table on the FamilySearch wiki to identify which volume to find the corresponding tract book.
  - Coverage Table:  
[https://www.familysearch.org/wiki/en/United\\_States,\\_Bureau\\_of\\_Land\\_Management\\_Tract\\_Books\\_Coverage\\_Table\\_-\\_FamilySearch\\_Historical\\_Records](https://www.familysearch.org/wiki/en/United_States,_Bureau_of_Land_Management_Tract_Books_Coverage_Table_-_FamilySearch_Historical_Records)

#### Strategies for Using Land Entry Case Files:

- Immigrant Origins
  - Immigrants were required to have already filed their first papers (declaration of intention) in order to apply for a homestead.
  - Many land entry case files contain copies of the naturalization papers that were filed by the applicant.
  - Applications also list details about an ancestor's birthplace.
- Military Service
  - Veterans who served in the Union during the Civil War were eligible to apply for a homestead and use their military service towards the 5-year residency requirement.
  - Soldier's Discharge records are included as proof of service.
    - Information includes regiment information, where enlisted or drafted, occupation, birth date and birthplace.

#### Publications

Edwards, Richard. *Homesteading the Plains: Toward a New History* (University of Nebraska Press, 2019).

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Hatcher, Patricia Law. *Locating Your Roots: Discover Your Ancestors Using Land Records* (Cincinnati, Betterway Books, 2003).

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Hawkins, Kenneth. *Research in the Land Entry Files of the General Land Office* (Washington, DC: National Archives Records and Administration, 2009). Available online at <https://www.archives.gov/files/publications/ref-info-papers/rip114.pdf>.

Raabe, Emily. *Pioneers: Life as a Homesteader* (New York: Powerkids Press, 2003).

Wilson, Donald A. *Interpreting land records*. (Hoboken, Wiley, 2006).