

Working with Federal Land Records: Bounty Land, Land Entry Files, and Homesteads

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Bounty Land

As the American Revolutionary War got underway, the Continental Congress did not have any money to pay their military. Instead, they offered land grants to officers and soldiers if they were willing to fight in the Continental Army. While technically the Continental Congress lacked the authority to make such a promise in 1776, after the war ended the new Congress of the United States made good on their promise. Of course, they had to find land and devise a process for awarding the land and for determining who qualified as an eligible soldier.

In an effort to garner the needed lands, Congress turned to the now thirteen states and stated that as part of their ratifying the Constitution of the United States, they would relinquish any claims they thought they had to western lands (the one boundary that had not been very well described in the royal grants given at the founding of the original thirteen colonies. The newly created U.S. government promised that if the states did this, then the government would use the monies earned from selling land as their operating capital instead of taxing the people.

The key to making bounty land a reality was the opening of the Northwest Territory which includes modern day Ohio, Indiana, Illinois, Wisconsin, Michigan, and a portion of Minnesota.

During the time period that bounty land was awarded, there were numerous legislative acts spelling out the criteria for an award and other parameters circumscribing the process.

Though some states also offered bounty land to their soldiers, that is not addressed here.

Eligibility

A soldier was eligible for bounty land if they served in the Continental Line for a minimum of three years, or until the end of the War if they enlisted towards the end of the conflict.

Initially the federal government did not allow a soldier to assign their award to someone else, but as time dragged on, it became clear that soldiers were becoming too old to start afresh on new land and the law was changed in 1788 to allow assignment. The law also allowed a soldier to claim bounty land from both the federal government and a state government. The amount of land to be granted was dependent on the soldier's rank at the end of the War.

For federal bounty land, initially the Secretary of War reviewed applications and issued warrants and the Treasury Department supervised the selection of land and issued the final patent. First a soldier had to apply for a land grant. If they met the criteria, they were issued a warrant which they took to the War Department and requested a survey of the land. After the survey was returned, a patent was issued and in theory, the soldier took possession of the land.

Finding the paper trail is sometimes challenging. The War Department suffered two fires in 1800 and in 1814 that destroyed many of the Revolutionary War warrants in its possession. So pre-1800 federal applications are gone. They have been replaced by cards that are filed with Revolutionary War Pension files and filmed by the National Archives (NARA) on microfilm publication M804. The warrants for the Ohio Bounty Land are shown on NARA microfilm publication M829.

The land given by the federal government was in present-day state of Ohio and was in the counties of Noble, Guernsey, Tuscarawas, Muskingum, Coshocton, Holmes, Licking, Knox, Franklin, Delaware, Morrow, and Marion. Of the over 1 million acres claimed by warrant, only about half were finally patented.

Bounty Land for Other Conflicts

War of 1812: Land was located in present day states of Arkansas, Illinois, and Missouri (Michigan was planned, but not fulfilled).

NARA Publications:

- War of 1812 Military Bounty Land Warrants, 1815-1858 (M848, 14 rolls)
- Ancestry Database: "U.S., War Bounty Land Warrants, 1789-1858" (includes M848 and M829 – Ohio Warrants)
- Fold3 Database: "War of 1812 Military Bounty Land Warrants, 1815"

Mexican War and Indian Wars also allowed bounty Land.

Land Entry Case Files

- These are records that document the transfer of public lands from the U.S. government to private ownership
- Public states do not include the following:
 - 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

- Three types of land entry case files:
 - Military Bounty Land Warrants
 - Pre-1908 General Land Entry Files
 - Post-1908 General Land Entry Files

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

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>

Homesteading

- The Homesteading 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 (1st 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 20th century, you may see a higher increase (320-640 acres).

Online Resources:

- Bureau of Land Management General Land Office (GLO) Database - <https://glorerecords.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>

Strategies for Using Homesteading 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.

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