

Land Records Unlocked: A Genealogist's Guide to Deeds and Other Records

Class 4: Homesteaders

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History

- The 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.
- The 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 the 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
 - Formerly 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- The law was not fully repealed until 1986, when it expired in Alaska. All previous states had repealed the law by 1976.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/>
 - Note: Not all records have been digitized. Most files are still located in Washington, D.C.
- 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 website)
 - Patent # (“Document Nr.” field on BLM GLO website)
- For post-1908 files, provide the serial patent # (“Accession Nr” field on GLO website)
- 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, and Range
- Use the Coverage Table on the FamilySearch wiki to identify which volume to find the corresponding tract book:
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) 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 as service.
 - Information includes regiment information, where enlisted or drafted, occupation, birth date and birthplace.

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