



How the Homestead Act Shaped My Family and Maybe Yours

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The Homestead Act of 1862 helped shape not only our nation, but also the future of so many families that would participate. The western states were populated through this program that

allowed the common farmer and rancher to own large parcels of land if they could meet the requirements of the act. We will explore homestead records from the U.S. National Archives and online resources for researching your homestead ancestor. Learn how to bring all of this together into a vivid picture of the hard, but fruitful, life that your homestead ancestor lived.

The Homestead Act of 1862

“An Act to secure Homesteads to actual Settlers on the Public Domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a preemption claim, or which may, at the time the application is made, be subject to preemption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: Provided, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.”¹

“Perhaps as many as 2 million people filed some 4 million claims under the Homestead Act. At least a million patents were issued, and about 800,000 people received one or more patents for about 280 million acres.”²

¹ “Milestone Documents: Homestead Act (1862),” *National Archives and Records Administration* (<https://www.archives.gov/milestone-documents/homestead-act> : accessed 1 June 2024).

² Greg Bradsher, “How the West Was Settled,” *Prologue* Winter 2012, (<https://www.archives.gov/files/publications/prologue/2012/winter/homestead.pdf> : accessed 1 June 2024), p. 35.

The First and the Last Homesteaders

The first claim was made by Daniel Freeman who supposedly filed his claim 10 minutes after midnight at the land office on January 1, 1863, the first day the Homestead Act went into effect. His land was west of Beatrice, Nebraska and is now the site of the Homestead National Historic Park. The last claim was made by Ken Deardorff for 80 acres on the Stony River in southwestern Alaska. He fulfilled the requirements of the homestead act in 1979 and received his deed in May 1988.

The Land

- A billion acres of government-owned land was available
- Up to 160 acres of unoccupied land per homesteader
- After the initial residence of 6 months the homestead could be commuted to a cash sale instead for \$1.25 per acre
- Consisted of public land/public domain states which included all states with the exception of the 13 original colonies/states, Kentucky, Maine, Tennessee, Texas, Vermont, and West Virginia

The Process of Obtaining a Homestead

To be eligible for a homestead:

- Head of household, widow, or a single male age 21 or older
- Women who were single, widowed, or divorced or deserted by their husbands
- American citizen, or first naturalization papers had to have been filed
- Up until 1867 anyone who had taken up arms against the U.S. were not eligible

Requirements to be fulfilled for a claim:

- Had to continuously live on the land for 5 years
- Could not be absent for more than 6 months
- Could not be a legal residence elsewhere
- Had to settle the land and could not be an absentee homesteader
- Improvements had to be made: a home built and/or cultivation of part of the land

The paperwork and process:

- Filed an application at the local land office after which the homesteader had 6 months to establish residence
- There was an \$10 filing fee and a \$4 application fee
- Residence and improvements were established
- Final proof or “proving up” took place within 5 to 7 years, \$4 fee
- Testimony of witnesses was provided in affidavits as proof of their residence and improvements
- Proof of naturalization was provided if necessary
- A final certificate/patent was created

Homestead Records

- The U.S. National Archives in Washington, D.C. holds all the Land Entry files and Homestead files
- Obtain copies of the files by visiting the archives, by having a professional go to the archives on your behalf (<https://cyndislist.com/us/nara/records-retrieval/>), or by ordering by mail (<https://www.archives.gov/files/forms/pdf/natf-84.pdf>) or through the NARA online system (<https://www.archives.gov/forms>)
- Cash sale files do not typically have as much relevant genealogical data as homestead files do, but it is worth the effort to look at them just in case
- About 60% of homesteads never were patented, but the canceled files may still contain valuable information and may also be noted in the tract book
- Genealogical information to be found within: names of the homesteader and their spouse and children; citizenship information; information about crops, stock, and equipment; a description of the dwelling; the dates during which they lived on the land; and the full legal land description to help you pinpoint where they lived; Civil War service information if applicable; death and probate information if the homesteader died before proving up

Terminology

See the BLM GLO Reference Center, <https://glorerecords.blm.gov/reference/>

- BLM – Bureau of Land Management
- GLO – General Land Office, <https://glorerecords.blm.gov>
- Patents – certificates that were created on the initial transfer of land titles from the Federal government to individuals after meeting all requirements
- Rectangular Survey System – the system used by surveyors to subdivide the public lands
 - Meridian – principal meridians were established running north and south; numbered ranges were laid out east and west of the meridians
 - Base line – base lines were established running east and west; numbered townships were laid out in tiers north and south of the base line
 - Township – 6 miles on each side divided into 36 sections of 640 acres each
 - Range – the intersecting lines of the townships and ranges form the grid
 - Section – each section in a township contains 640 acres and is 1 square mile in area
 - Aliquot parts – the subdivision of the land in sections into halves, quarters, or small lots
- Legal land description – each land patent contains a legal land description that describes in legal (survey) terms the land to which title is given
- Tract books – large books that document all general and bounty land warrant land entries before and after 1908 and provide the legal land description elements (township, range, section) needed to identify and retrieve land entry case files

Tract Books

- “These federal tract books show the federal government transactions and status of each parcel of surveyed public land. These books indicate who obtained the land, and include a legal description of the property and where the land is located. The type of transaction is also recorded such as cash entry, credit entry, homesteads, patents (deeds), timberland rights, or mineral rights granted by the federal government, and other conveyances of title such as Indian allotments, internal improvement grants (to states), military bounty land warrants, land grants from previous foreign governments, railroad grants, school grants, and swamp grants.” See:
https://www.familysearch.org/en/wiki/United_States_Bureau_of_Land_Management_Tract_Books_-_FamilySearch_Historical_Records
- Tract books for the western states are located at the National Archives in Washington, D.C.: Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.
- Tract books for the eastern states are located at the Eastern State Office of the Bureau of Land Management (BLM) in Virginia: Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, and Wisconsin.
- Duplicate copies of the tract books were made and might be at state offices of the BLM.
- The inventory for the United States Bureau of Land Management Tract Books in the collection below is detailed in the FamilySearch Wiki here, arranged by land office and volume number:
https://www.familysearch.org/en/wiki/United_States_Bureau_of_Land_Management_Tract_Books_-_Inventory
- FamilySearch has digitized copies of the tract books for the following states here,
<https://www.familysearch.org/search/collection/2074276>:
 - Alabama
 - Arizona
 - Arkansas
 - California
 - Colorado
 - Dakota Territory
 - Florida
 - Idaho
 - Illinois
 - Indiana
 - Iowa
 - Kansas
 - Louisiana
 - Michigan
 - Minnesota
 - Mississippi
 - Montana
 - Nebraska
 - Nevada
 - New Mexico
 - Ohio
 - Oklahoma
 - Oregon
 - Utah
 - Washington
 - Wisconsin
 - Wyoming
- FamilySearch also has digital copies of the tract books for Alaska and Missouri, but they are available through the FamilySearch Library catalog, rather than the database above:
 - Alaska, <https://www.familysearch.org/search/catalog/2835353>
 - Tract books (Missouri), Boonville,
<https://www.familysearch.org/search/catalog/1690185>

- Tract books (Missouri), Palmyra and St. Louis,
<https://www.familysearch.org/search/catalog/1690182>
- Tract books (Missouri), Plattsburg,
<https://www.familysearch.org/search/catalog/1789709>
- Tract books (Missouri), Springfield,
<https://www.familysearch.org/search/catalog/1690184>
- Tract books (Missouri), St. Louis East,
<https://www.familysearch.org/search/catalog/1690190>
- Tract books, (Missouri) Fayette,
<https://www.familysearch.org/search/catalog/1654586>
- Some tract books have been digitized and put online at the BLM GLO website. As of March 2024 they are for Alabama, Florida, Iowa, Louisiana, and Wisconsin
<https://glorerecords.blm.gov/search/default.aspx#searchTabIndex=0&searchByTypeIndex=4>
- Nebraska U.S. General Land Office Tract Books,
https://history.nebraska.gov/collection_section/nebraska-u-s-general-land-office-tract-books/
- Searchable 1860-1954 Tract Books Index,
https://history.nebraska.gov/collection_section/nebraska-homestead-land-records/

Finding the Records

- Bureau of Land Management – General Land Office Records (BLM GLO),
<https://glorerecords.blm.gov/default.aspx>
- Ancestry – U.S., General Land Office Records, 1776-2015,
<https://www.ancestry.com/search/collections/1246/>, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Ohio, Wisconsin
- Ancestry – U.S., Homestead Records, 1863-1908,
<https://www.ancestry.com/search/collections/60593/>, Arizona, Illinois, Indiana, Iowa, Nebraska, Nevada, Ohio, Utah, Wyoming
- Ancestry – Homestead and Cash Entry Patents, Pre-1908 – By State
 - Alabama, <https://www.ancestry.com/search/collections/2069/>
 - Arkansas, <https://www.ancestry.com/search/collections/2070/>
 - Florida, <https://www.ancestry.com/search/collections/2071/>
 - Louisiana, <https://www.ancestry.com/search/collections/2074/>
 - Michigan, <https://www.ancestry.com/search/collections/2075/>
 - Minnesota, <https://www.ancestry.com/search/collections/2076/>
 - Mississippi, <https://www.ancestry.com/search/collections/3052/>
 - Ohio, <https://www.ancestry.com/search/collections/2077/>
 - Wisconsin, <https://www.ancestry.com/search/collections/2079/>
- Texas General Land Office Land Grant Search,
<https://s3.glo.texas.gov/glo/history/archives/land-grants/index.cfm>

Mapping PLSS Lands on Google Earth

- Bureau of Land Management (BLM), General Land Office (GLO) Records, <https://glorerecords.blm.gov>
- Earthpoint: Township and Range Search by Description, <https://www.earthpoint.us/TownshipsSearchByDescription.aspx>
- Google Earth, <https://earth.google.com>
- How to display the BLM's Public Land Survey System (PLSS) data in Google Earth, <https://ucanr.edu/sites/forestry/files/318127.pdf>
- PLSS in Google Earth (PLSGE), <http://www.earthsurvey.us/plss/plss.html>

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All links checked as of June 2024.

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