



The Homestead Act of 1862

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The Homestead Act was signed into law May 20, 1862 by President Abraham Lincoln. It provided 160 acres of undeveloped federal land west of the Mississippi River to qualified applicants.

Homestead Act Goals

- Ease previous homesteading regulations (Preemption Act of 1841).
- Attract farmers and citizens to populate areas and expand the nation.
- Prevent the spread of slavery by rich landowners.

The First Homesteader

Daniel Freeman, of Illinois, filed the first claim on January 1, 1863. His homestead was in Beatrice, Nebraska which is currently the site of the Homestead National Monument of America (<http://www.nps.gov/home/index.htm>).

Enlarged Homestead Act

- Original act was expanded in 1909.
- Targeted land suitable for dryland farming.
- Increased homestead size to 320 acres.

Stock-Raising Homestead Act

- Approved in 1916.
- Targeted land suitable for ranching.
- Increased homestead size to 640 acres.

End of the Homestead Act

- Ended in 1976.
- Alaska was allowed to continue until 1986.
- Last claim made by Ken Deardorff in Alaska. Applied in 1979 and received deed to 80 acres in 1988.

The Homesteading Process

- **File an application.** Filed application at Land Office and paid \$10.
- **Improve the land.** This meant farming, planting an orchard, or adding a building.
- **File for deed of title.** Had to file proof of residency and proof of land improvement. These filings often included witness testimony from family and neighbors.



Applicant Qualifications

- US citizen or had filed a Declaration of Intention.
- Had never borne arms against the United States.

Other Process Information

- Military service could reduce the residency period.
- A widow or heirs could complete the process if the claimant died.

Homestead Forms

- **Claimant Form.** 44 questions asked in process to prove improvement. (<http://www.genealogyforum.com/gfaol/resource/land3.htm>)
- **Witness Form.** 28 questions asked of witness in process to prove improvement. (<http://www.genealogyforum.com/gfaol/resource/land4.htm>)
- **Final Certificate.** Conveyed patent or title of land to applicant.

Homestead Act Records

- Original applications
- Final certificates
- Affidavits
- Register and receiver receipts
- Notices
- Witness testimony

Land Records

- **Bureau of Land Record Management (BLM)** (<http://www.glorerecords.blm.gov>)
Originally known as Land Record Office. Homestead Records are Record Group (RG) 49. (<http://www.archives.gov/research/guide-fed-records/groups/049.html>)
- **Land Entry Case Files**
The paperwork required in order to obtain a patent or title to the improved land is called a Land Entry Case File. And important source of genealogical information.
- **Legal Land Description**
All homestead land had been surveyed. Legal land description includes numbered section, township and range.
- **Incomplete Homesteads**
Only application papers exist. Visit NARA not BLM. Use General Land Office Tract books to locate legal land description. Need county name at a minimum.



- **Tract Books**
The Western States located at NARA, Washington DC.
The Eastern States locate at the BLM, Springfield, VA.
Family History Library FHL 1445277, 1265 microfilm reels. Missing Alaska and Missouri. Also try state archives. Many have microfilmed tract books for their own state.
- **Ordering Homestead Records**
See <http://www.nps.gov/home/historyculture/upload/W.pdf,Genealogy,rvd.pdf>.
There is a waiting period of several months.

Online Homestead Act Records

- **Bureau of Land Management** search engine
(<http://www.glorerecords.blm.gov/search/default.aspx>)
Only lists legal land description for completed homesteads.
- **Fold3 Homestead Records**
http://www.fold3.com/page/1999_homestead_records/
Only Nebraska are now digitized, indexed and searchable.
- **Broken Bow, Nebraska** (<http://cdrh.unl.edu/homestead/>)
Online index of Broken Bow Land Office Records, 1890-1908. Joint project with NARA, National Park Service and University of Nebraska-Lincoln.

Resources

- **Bureau of Land Record Management (BLM)**
<http://www.glorerecords.blm.gov>
- ***Filled with Stories: The Homestead Records Digitization Project***
<https://www.youtube.com/watch?v=C2X4UsIDrso>
- ***First Woman Homesteader Found at Ancestry.com and Fold3***
<http://blogs.ancestry.com/ancestry/2013/06/18/first-woman-homesteader-found-at-ancestry-com-and-fold3/>
- **Homestead Act Records Toolbox**
<http://longlostrelatives-smp.blogspot.com/p/homestead-act-records-toolbox.html>
- **Homestead Records – Ancestry.com**
<http://bit.ly/acomhomestead>
- ***Land & Property Research in the United States*** by E. Wade Hone
<http://bit.ly/genlandprop>
- **Land Records Project**
<http://www.nps.gov/home/historyculture/landrecordsproject.htm>
- **Texas Land Grants**
<http://www.glo.texas.gov/cf/land-grant-search/index.cfm>