



# Using Homestead Records to Tell Your Ancestor's Story

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## Homestead Act of May 20, 1862 (12 Stat. 392)

The Homestead Act provided free land to settlers who met certain requirements. The original 1862 act was amended and expanded over the years. It covers the initial transfer of land from the federal government into private ownership. Subsequent transfers of ownership occurred at the local level.

### Requirements to apply:

1. Head of family or twenty-one years old
  - a. Or if under twenty-one, at least fourteen days service in U.S. Army or Navy
2. U.S. citizen, or filed declaration of intention
3. Never borne arms against U.S. Government or given aid and comfort to its enemies

### “Proving” a Claim:

1. Submit affidavit that the land was for entryman's “exclusive use and benefit” and for “the purpose of actual settlement and cultivation”
2. Reside on and cultivate the land for five years
  - a. Can't leave the land for more than six months at any time
  - b. Military service counted toward five-year residency
3. Provide two credible witnesses to the entryman's residency and cultivation of the land
4. Native born U.S. citizen, or had filed a declaration of intention to become a citizen

### Important to note:

- Could apply for up to 160 acres (one quarter section)
- Women who were the head of a household could apply for homesteads (single, widowed, divorced, or if she could prove her husband had deserted her)
- Applications not proved within seven years of application were cancelled
- Provision for widow(er), heirs, or devisee of deceased entryman to complete the process
- Entryman still had preemption rights
- Commutation was allowed: entryman could pay for the land before meeting his five-year residency requirement

### Homesteads – Found in Federal Land States:



Alabama	Illinois	Missouri	Oregon
Alaska	Indiana	Montana	South Dakota
Arizona	Iowa	Nebraska	Utah
Arkansas	Kansas	Nevada	Washington
California	Louisiana	New Mexico	Wisconsin
Colorado	Michigan	North Dakota	Wyoming
Florida	Minnesota	Ohio	
Idaho	Mississippi	Oklahoma	

Source: “The Public Land Survey System,” *nationalatlas.gov*;  
archived at *WayBack Machine*  
([https://web.archive.org/web/20120607063232/http://www.nationalatlas.gov/articles/boundaries/a\\_plss.html](https://web.archive.org/web/20120607063232/http://www.nationalatlas.gov/articles/boundaries/a_plss.html) : accessed 9 Nov 2025).

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## Other Common Land Acts Related to Homesteading

<u>Act</u>	<u>Acreage</u>	<u>Residency Reqmts</u>	<u>Improvements required</u>	<u>Other</u>
Preemption Act of 1841 (5 Stat. 453)	160 acres max.	Minimum of fourteen months.	Make improvements for minimum of 5 years. If land was idle for 6 months, government could take the property.	\$1.25 per acre Be a "head of household; a single man over twenty-one or a widow; U.S. citizen (or intent to naturalize.
Homestead Act 1862 (12 Stat. 392)	160 acres max.	Five years. Commutation allowed.	Cultivation	
Southern Homestead Act of 1866 (14 Stat. 66)	Initially 80 acres. June 1868 increased to 160.	Five years	Yes	Applied to states of: AL, AR, FL, LA, MS
Timber Culture Act 1873 (17 Stat. 605)	160 acres	None	Plant 40 acres. Keep trees healthy for 10 years min.	Beginning in 1878 produce 6,750 "living thrifty" trees by end of eight years.
Desert Land Act 1877 (19 Stat. 377)	640 acres max.	Not required	Implement irrigation systems. Yearly proofs required.	Payment required. Show land irrigable in first two years. Applied to land in CA, OR, NV, & territories of: AZ, ID, MT, NM, UT, WY, WA, Dakota.
Kincaid Act 1904 (ch. 1801, 33 Stat. 547)	640 acres max. Can add contiguous land up to 640.	Five years. No commutation.	\$1.25 improvements/acre substituted for cultivation.	Applicable to lands in Western Nebraska. Non-irrigable land only.
Enlarged Homestead 1909 (35 Stat. 639)	Allowed those who originally claimed 160 acres under 1862 act to apply for 320.	Subject to residency reqmts (with exceptions). No commutation.	Subject to cultivation requirements.	Applicable to land in AZ, CO, MT, NV, NM, OR, WA, WY. Non-irrigable land only. CA, KS, ND, SD included in later revisions.
3 Year Homestead Act 1912 (ch. 153, 37 Stat. 123)		Final app. - three years. Seven months residency each year. Commutation allowed.	Subject to cultivation requirements.	
Stock-Raising Homestead Act 1916 (39 Stat. 862)	640 acres max. of lands designated as "stock-raising lands."	No commutation.	\$1.25/acre in improvements instead of cultivation	Additional entries contiguous to original allowed up to 640 acres. Can be before or after original entry's patent. Second must be within twenty miles of original.

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## Land Entry Case Files for Homesteads May Contain:

- Citizenship documents
- Descriptions of crops
- Descriptions of improvements to the land
- Information on family members
- Proof of military service
- Settlement date
- Witness testimony – neighbors, family
- If validity was challenged – legal docs, court testimony

## Determining if Your Ancestor Homesteaded

- ✓ Look through family papers
- ✓ Ask extended family members
- ✓ Check the BLM website: <http://www.glorerecords.blm.gov/default.aspx>

## Ordering a Land Entry Case File from the National Archives and Records Administration (NARA)

NARA in Washington, D.C. has the original case files. Use the BLM website at <http://www.glorerecords.blm.gov/> to gather the information to order the files. The search results screen (example below) provides the necessary information. In your order, include the information based on how the files are arranged at NARA.

- ✓ **Before July 1908**, files are arranged by state, land office, granting authority or law (i.e. Homestead Entry), and certificate number. It's also a good idea to include the applicant's name and property description to verify the correct file is pulled.
- ✓ **After June 1908**, files are arranged by serial patent number. Also, include applicant's name and property description to verify the correct file is pulled.

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
General Land Office Records

Search Documents | Reference Center | SupportPathfinder

Accession Nr: WASPAA 011303 Document Type: Serial Patent State: Washington Issue Date: 4/14/1906 Cancelled: No

**Note:** This record has not been checked against the legal land patent. We do not have an electronic image for this document.

Patent Details | Patent Image | Related Documents

**Names On Document**  
MITCHELL, JOHN H

**Miscellaneous Information**  
Land Office: Spokane  
US Reservations: Yes  
Mineral Reservations: No  
Tribe: ---  
Militia: ---  
State In Favor Of: ---  
Authority: May 20, 1862: Homestead EntryOriginal (12 Stat. 392)  
General Remarks: ---

**Document Numbers**  
Document Nr: 7881  
Misc. Doc. Nr: ---  
BLM Serial Nr: WASPAA 011303  
Indian Allot. Nr: ---  
Coal Entry. Nr: ---

**Survey Information**  
Total Acres: 160.00  
Survey Date: ---  
Geographic Name: ---  
Metes/Bounds: No

**Land Descriptions**

Map	State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
<input type="checkbox"/>	WA	Willamette	028N - 041E	W½NE¼	18		Stevens
<input type="checkbox"/>	WA	Willamette	028N - 041E	E½NW¼	18		Stevens

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All URLs were verified on 12 November 2025.

## Resources in Print

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- Carter, Sarah, editor. *Montana Women Homesteaders: A Field of One's Own*. Helena, Montana: Forecountry Press, 2009.
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- General Land Office. *General Land Office Primer*. Compiled by I.P. Berthrong. Washington D.C.: General Land Office, 1921. Downloadable pdf: [https://glorerecords.blm.gov/reference/manuals/GLO\\_primer.pdf](https://glorerecords.blm.gov/reference/manuals/GLO_primer.pdf).
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- United States, Bureau of Land Management. *The Homestead Law: A Brief Sketch in United States History*. Washington, D.C.: U.S. Government Printing Office, 1962. Downloadable at: <http://archive.org/details/homesteadlawb00unit>.

## Websites

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- Association of Professional Genealogists. <https://www.apgen.org/>.
- Bureau of Land Management General Land Office Records. <http://www.glorerecords.blm.gov/>.
- . "Rectangular Survey System." [https://glorerecords.blm.gov/reference/default.aspx?id=05\\_Appendices|03\\_Rectangular\\_Survey\\_System](https://glorerecords.blm.gov/reference/default.aspx?id=05_Appendices|03_Rectangular_Survey_System)
- Cyndi's List. "Land Records, Deeds, Homesteads, Etc." <http://www.cyndislist.com/land/>.
- FamilySearch. "Missouri Land and Property." [https://www.familysearch.org/en/wiki/Missouri\\_Land\\_and\\_Property](https://www.familysearch.org/en/wiki/Missouri_Land_and_Property).
- . "OreandWashingtdonatiland files, 1851-1903 [sic]." <https://www.familysearch.org/en/search/catalog/koha:18339>. Catalog entry.
- . "United States, Bureau of Land Management Tract Books, 1800-c. 1955." <https://www.familysearch.org/en/search/collection/2074276>.
- . "United States, Cancelled, Relinquished, or Rejected Land Entry Case Files, 1861–1932." <https://www.familysearch.org/en/search/collection/2170637>.
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