

## Hitting Pay Dirt: Gold in the NARA Homestead and Land Case Files

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**State-Land States:** 20 states are known State-Land States because they were granted by the King of England to proprietors, or they were created from the original thirteen colonies (ME, VT, TN, KY, WV), or they were independent before becoming part of the U.S. (Hawaii and Texas). All records relating to the State-Land States will be found in state and county archives—they are not held by the federal government and are not on the BLM website.

**Federal-Land States:** After the Revolutionary War, the U.S. boundary expanded west to the Mississippi River. The federal government wanted to raise money by selling federal land as quickly as possible in an organized manner. Before the Constitution was even written, the Land Ordinance of 1785 created a systematic method of surveying and settling the land. It created the Public Land Survey System, or Rectangular Survey System, of township, range, and section. The starting point of the new survey system was at the intersection of Ohio, Pennsylvania, and Virginia (now West Virginia).

As soon as an area was surveyed, it could be sold to individuals and land companies. Two years later, the Northwest Ordinance of 1787 established a framework for governing: when the population of a territory reached 5,000 free males over 21, a nonvoting member could represent them in the House of Representatives. When the territory reached 60,000 free adult residents, they could apply to become a state with full representation in Congress. Westward expansion boomed immediately! Land in what are now 30 states was distributed from the federal government through 200 land offices to private owners in these Federal-Land States. Once an individual owned the land, all subsequent land transactions were (and are) recorded at the county courthouse. Homesteading ended in 1976.

**Remember: The online patents are just part of the story! NARA has the case file that might contain much more info.**

### What is Posted at the Bureau of Land Management website

(<http://www.glorerecords.blm.gov/default.aspx>)?

- Over 5,000,000 patents from 1820 to the present. Patents are the *final* title conferred by the government after several years of meeting requirements. Only about 40% of applicants received patents (driven out by overlapping or prior claimant suits, locusts, loneliness, dust storms, prairie fires, grasshoppers, death, drought, etc.). But a case file should be available at NARA for everyone who started the land-buying process.
  - After an individual purchased land from the federal government, all later transfers of the tract are recorded in the **county as deeds**

### What Was the Process for Distributing the Land?

1. The land to be opened for sale was surveyed by government surveyors. You can see most of the survey plats and field notes at [www.glorerecords.blm.gov](http://www.glorerecords.blm.gov) (use “basic viewer”)
2. A District Land Office was set up to facilitate selling it. Depending on his instructions, the land agent was authorized to take applications for homesteads, cash sales, or bounty land warrants in exchange for land. Usually two men staffed the Land Office: the register who recorded the entries into tract books, and the receiver who collected application and patent fees. They issued receipts to the applicant, and this receipt may be all that is in the earliest case files. All files were forwarded to the General Land Office (now BLM) and these documents constitute the case files at

NARA. The General Land Commissioner kept duplicate tract books and issued patents when all requirements were met.

- Cash sales did not require residency, so patents were issued a year or so later.
- Sometimes a “land rush” or “land run” was scheduled—the first one was the Oklahoma Land Rush of 1889 in which 50,000 land-hungry settlers rushed for 12,000 available tracts and set up tents on their tracts. Guthrie, OK, became a tent city of 10,000 in just one afternoon.

### Definitions

Principal Meridian and Base Lines	Imaginary lines running vertically from pole to pole (meridian) intersected by imaginary lines running east and west (base lines), creating a grid; starting point for a region of townships (there are 31 sets of meridian/base lines in the continental U.S.); see Wikipedia for map of meridians and base lines or download from <a href="http://www.blm.gov/cadastral/meridians/meridians.htm">http://www.blm.gov/cadastral/meridians/meridians.htm</a>
Township (36 square miles)	6 miles X 6 miles square. Each township contains 36 sections (1 square mile)
Range	Lines running north to south parallel to the Prime Meridian
Section (1 square mile)	One square within a township (1 mile X 1 mile, or 640 acres). Sections are numbered starting with 1 from upper right to lower right in a serpentine arrangement. Section 16 of every township was reserved for public schools, or to be sold to raise money for public education. Sections are divided into “aliquots”: half sections (320 acres); quarter sections (160 acres); etc.
Patent (online at <a href="http://glorerecords.blm.gov">glorerecords.blm.gov</a> )	This is the <i>final title</i> to a piece of land; there is almost always a Land Entry File for each patent. Only those people who actually received a federal land patent are on the BLM site—only about 40% of all applicants actually finished the process and received patents
Land Entry File (only at NARA, not microfilmed)	These are the individual folders leading up to issuing a patent. Some contain only receipts, but individuals who got their land through a military bounty land warrant, preemption entry, or Homestead Act of 1862 may give details about military service, improvement to the land, heirs if the claimant died, and declaration of intent or proof of citizenship. Post-1840 files usually give more information.
Legal Land Description	This is the “name of the land parcel from smallest to largest part. For example, see illustration below for the Northeast quarter of the northwest quarter of Section 14 of Township 2 South, Range 3 West, 2 <sup>nd</sup> Principal Meridian (abbreviated as NE1/4, NW1/4, S14, T2S, R3W, 2 <sup>nd</sup> PM). To locate on a plat map, read from right to left—locate the PM, then the township, then the section, and then the aliquot (subdivision)



- 1855: if a soldier had already received fewer than 160 acres, he was entitled to additional land to make a total of 160 acres. Widows and minor children of deceased soldiers could claim the same amount. These warrants could be assigned and used anywhere.
- Most of the bounty land application files, which contain more information than the bounty land warrants, have been combined with pension files and are currently being indexed. The Revolutionary War files at NARA are posted at Fold3, as are about 65% of the War of 1812 (2 million files through the letter K) and Mexican War soldiers. Soldiers of the Indian wars have not been indexed. You can request a search of the unindexed bounty-land warrant applications for names L-Z at NARA or do it yourself.
- Search for bounty land warrants at <http://search.ancestry.com/search/db.aspx?dbid=1165> and <https://go.fold3.com/1812pensions/>
- See more history of public land sales at [http://www.glorerecords.blm.gov/reference/default.aspx?id=01\\_GLO\\_Records|02\\_Public\\_Lands\\_History](http://www.glorerecords.blm.gov/reference/default.aspx?id=01_GLO_Records|02_Public_Lands_History)
- **Donation Acts (1842 and 1850):** Free land was offered in 1842 if people would settle in Florida to create a defense against Indian raids. In 1850, qualifying settlers were given free land in Oregon, and Washington, creating case files filled with *much* information. The Oregon and Washington donation case files have been microfilmed (the only states which are) and are available from FamilySearch/Family History Library.
- **Homestead Act (1862)** offering individuals 160 acres for free was passed under Lincoln; it was designed to restrict land sales to actual settlers. Northern states had wanted to open the West to settlement, but Southern representatives had opposed a Homestead Act because they knew any new states would be non-slave states. After secession, only Northerners were left and the act was passed in May 1862, in part to make sure that western lands stayed in the Union regardless of the war's outcome. The new act became a true symbol of freedom for African-Americans: the Homestead Act went into effect the same day that Lincoln issued the Emancipation Proclamation. At nearly the same time, the Union Pacific Railroad was chartered to connect the states, running right through the middle of the country. Large tracts of land (every other section extending 20 miles on both side of tracks) were granted to railroads to help settle the country. The Homestead Act allowed people to apply for 160 acres if:
  - The applicant was 21 or over or the head of a family. This included women and African-Americans. The government defined a head of household as the husband, so single women 21 or over had to postpone marriage for five years if they wanted the title in their own names.
  - The applicant was a citizen or in the process of becoming a citizen (non-citizens had to file their Declaration of Intention to become a citizen which required 5-year residence in the U.S. Many files contain these original declarations). By the time the patent could be issued, the immigrant had to have become a citizen. You may find citizenship papers in the case file.
  - The applicant had never taken up arms against the U.S. Government (which meant that former Confederate soldiers could not apply for a homestead)
  - The applicant acknowledged that s/he did not already own over 320 acres and had not quit or abandoned other land in the same state or territory.
  - The applicant stated the homestead would be for his/her exclusive use.
  - The applicant paid a filing fee of \$10 and told the Land Office which quarter section s/he wanted. An additional fee was charged for the patent.
  - Next, the applicant had to live on the land and improve it for at least 5 years. After that five years passed, the homesteader had to file their "Final Proof" which included testimony of two credible witnesses plus the applicant's own statement showing what improvements had been made to the land. Also, a notice of intention of a final claim had to be published in a newspaper nearest the land once each week

for 30 days to be sure no one else contested the sale. If an applicant died, his widow and heirs could proceed if they provided proof of his death.

- If a settler wanted to, he could commute the homestead to a cash sale which eliminated the residency requirement and allowed him to keep the land. These are categorized as cash sales in BLM and NARA.
- Civil War Union veterans were allowed to deduct the time they had served in the Union Army from the residency requirement. The same provision applied to widows of Civil War soldiers who could deduct the entire period of his enlistment rather than what he actually served.
- **Railroad Grants (1862):** Railroads were given alternating sections the tracks passed through. Railroads then sold their tracts to settlers at premium rates since the closer a farmer was to a railroad, the easier it was to ship their crops and livestock to markets. They advertised aggressively and sent recruiting agents to Europe. Railroads actually transported prospective settlers on trains to areas they were selling; if a passenger decided to buy, the price of the train ticket was deducted from the price of the land. NARA has records of sales to railroads, but not sales by railroads to private individuals. See <http://railroads.unl.edu/topics/landsales.php> and [http://www.nebraskastudies.org/0500/frameset\\_reset.html?http://www.nebraskastudies.org/0500/stories/0501\\_0210.html](http://www.nebraskastudies.org/0500/frameset_reset.html?http://www.nebraskastudies.org/0500/stories/0501_0210.html):
- Mineral Acts (1860s-1870s), Desert Land Act (1877), and Timber Culture Act (1873) were to encourage homesteaders to plant trees on the plains which was believed to attract rain. The last act gave a quarter section (40 acres) to a settler who planted trees, often in addition to his homestead, and didn't require that he live there. After 10 years they could apply for another 160 acres. There can be a lot of information in these files.

#### **Obtaining a Case File if a Patent Exists**

- Start by searching for a patent at [www.glorerecords.blm.gov](http://www.glorerecords.blm.gov). All of the relevant information is there if the land claimant received a patent (remember to search on the state in which the land exists *today*; if that doesn't work, try the state it was at the time of sale). Either order from NARA (form NATF 84, \$50/file) or go in person to obtain the file.
- Check [www.historygeo.com](http://www.historygeo.com) (\$) which shows the neighboring warrantees and patentees based on BLM data<sup>1</sup>

**Obtaining a Case File If a Patent Doesn't Exist:** 60% of homesteaders didn't obtain a patent but their unindexed files are at NARA

- **Alabama, Alaska, Arizona, Florida, Louisiana, Nevada and Utah** are indexed by name
  - The "Seven States Index" covers patents as well as cancelled or relinquished land entries, but not bounty land warrants and scrip purchases. The index is on 3" X 5" cards and was done by the WPA; it is located only at NARA and they can look up case file numbers by name of applicant, state, and approximate year of purchase.
- **Kansas:** (Dodge City and Topeka Land Office only): see "U.S. Cancelled, Relinquished, or Rejected Land Entry Case Files, 1861-1932" at <https://familysearch.org/search/collection/2170637>. Remember there were other land offices in Kansas, as well as years, where settlers may have applied.
- **Nebraska:** All of Nebraska's case files are online at Ancestry and indexed by landowner (<http://search.ancestry.com/search/db.aspx?dbid=60593>)
- **Oregon:** "Genealogical Material in Oregon Donation Land Claims" is a name index that includes township-range-section description of land tracts.

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<sup>1</sup> Subscription price as of September 2015: \$20 for 3 months, \$34 for 6 months, or \$59 per year.

<http://search.ancestry.com/search/db.aspx?dbid=25452>; also see “Index to Oregon Donation Land Claim Files in the National Archives.”

<http://search.ancestry.com/search/db.aspx?dbid=25541> .

- **Texas** has a “Land Grant Index” similar to a homestead index at <http://www.glo.texas.gov/cf/land-grant-search/index.cfm>.
- **Washington:** “Abstracts of Washington Donation Land Claims” is available at several libraries and microfilm at the Family History Library.
- **All other states:** you must give NARA the following information for them to locate the Case File:
  - Applicant’s name
  - State
  - Land office name (location where the patent was issued)
  - Type of land entry or title authority (cash entry, cash, timber, mineral, bounty land warrant, homestead)
  - Document number (final certificate number) or legal description of the land (township-range-section)

#### **Finding Case Files For Settlers in Other States Who Didn’t Get a Patent:**

- If you find an ancestor sold a piece of land but there’s no record that he bought it in the county (or parent county) records, get the legal description of the land from the deed.
- See if there are historical atlases covering land in the townships of the county, or plat maps of the county (search Google for “plat maps” and other relevant terms) that show owners. Ancestry has an excellent collection of “U.S., Indexed County Land Ownership Maps, 1860-1918” showing township-range-section that is searchable by landowner name at <http://search.ancestry.com/search/db.aspx?dbid=1127>. Also, try the subscription site Historic Map Works (<http://www.historicmapworks.com/>; \$) and check [www.historygeo.com](http://www.historygeo.com) (\$)
- Wills may describe land the deceased owner’s land, giving township, range and section
- See if family members—brothers, married sisters, uncles, other relatives—and other associated families created land records and search their records.
- See if state and local archives, as well as historical societies, have information about your ancestor’s land.
- Check published county histories which often give considerable information about early settlers.
- Finally, check the only index that exists for all federal land sales, even the canceled ones, Tract Books (see below)

#### **Tract Books**

- Tract Books are the only nationwide index for all federal land sales, including incomplete or relinquished sales. They are organized by state, land office, and legal property descriptions (township and ranges) rather than name, so they are difficult and time-consuming to use, however. States often have their own version of these tract books.
- The best guide to searching Tract Books is E. Wade Hone, *Land and Property Research in the United States*. Appendix A of this book gives the coordinates covering every county in the U.S. Appendix B gives maps of the land offices your ancestor applied to depending on time period and state.

**Tract books are in *two* locations: know whether your state is an Eastern State or a Western State**

- Tract Books are divided into two geographic areas, Eastern States and Western States, depending on their proximity to the Mississippi River. The associated Tract Books are kept in two separate locations in Washington, D.C. The Eastern States' Tract Books are located at the BLM office (20 M Street SE, Suite 950, Washington, D.C. (202/912-7700); Tract Books for the Western States are at NARA.
  - **Eastern States are AL, AR, FL, IL, IN, IA, LA, MI, MN, MS, MO, OH, and WI**
  - **Western States are those to the west of the above**
- Copies of many of the original state Tract Books are in the National Archives branch that serves the state. Many state archives and historical societies also have copies and quite a few regional BLM offices also have copies for the states they cover.
- Find the volume you want by first looking at the BLM "Tract Books Coverage Table" at [https://familysearch.org/learn/wiki/en/Tract\\_books](https://familysearch.org/learn/wiki/en/Tract_books) (link is under "Coverage Table" halfway down the page). Search by range first, then by township, then by section. Next, access the correct Tract Book volume posted by the Family History Library at <https://familysearch.org/image/viewer#uri=https://familysearch.org/recapi/sord/collection/2074276/waypoints>.
  - **Example: Using Tract Books, Eastern States (MN):** my Daniel Cook is mentioned in *History of Houston County, Minnesota*, pg. 744, as part of the first tiny congregation of the Methodist Episcopal service in 1854 near Caledonia, Houston Co., MN. I wanted to see if he had purchased a tract from the government but not stayed long enough to patent it. The only other congregants had surnames Belden, Herring, Paddock, Haight, Phelps, Armstrong and Stewart. A search of the BLM website for these names in Houston County revealed no Daniel Cook but Lewis Herring and John Paddock received patents in Houston Co., T102N R6W; Phelps in T101N R6W; early Armstrongs were in T103N R5W. Hones' book verifies that Houston County's northern boundary is 104N and its southern boundary is 101N. Ranges are 3W-7W. Hoping these were the families making up Daniel Cook's far-flung neighbors, I checked the "Tract Books Coverage Table" for Minnesota to see what volume would cover townships 101-103 and ranges 5 & 6 west. I was only partially successful. The table entry shows Township "101-105N, Range 4-5W" are recorded in volume 121-123. But where was Range 6? I then went to the BLM Office (20 M Street SE, Suite 950, Washington, D.C.) to see if they could find T101-T103, Range 6. They brought out volume 121 that reads, on the spine, "T.101-102 R.3, T.101-105 R.4-7." Aha! My missing Range 6! They made copies for me of pages 147-148, 151, and 153 which are written in black, blue, and red ink; I compared them with the digitized images of the same pages in Minnesota Volume 121 on FamilySearch. They are identical except for the coloring, but the FamilySearch images are actually easier to read than the original because they can be enlarged. Unfortunately, I didn't find Daniel Cook in the Tract Book for Houston County, MN, so he never applied for land there. He did, however, patent land in Faribault Co., MN. Lesson learned: if you can't find the township and range for the eastern states in the "Tract Books Coverage Table," email Frankie Morgan ([fmorgan@blm.gov](mailto:fmorgan@blm.gov); 202/912-7738) or Charles Johnson ([c35johns@blm.gov](mailto:c35johns@blm.gov); 202/912-7737; as of January 2016) and ask what specific volume for your state includes the townships and ranges you wish to consult. Then page through the correct volume that is online at FamilySearch.

#### How To Access Case Files at NARA

- If you go in person (*free*): the National Archives researcher entrance is directly across the Pennsylvania Avenue from the Archives/Navy Memorial Metro Station. It is open Monday-Saturday 9am – 5pm. They "pull" original records for you to view only M-F (no files are pulled on Saturday) at 10am, 11:00, 1:00, 2:00 and 3:00, so

you must have your requests submitted before those times. They will hold the files for up to three days.

- After going through the airport-type security guard, sign in at the desk.
  - Go into the main lobby area and turn left to registration. After presenting a photo ID, you can obtain a researcher's card good for one year.
  - Leave your belongings in a locker just down the hall from registration. You may bring notes, cameras, computers, and cell phones (turned to vibrate) into the research rooms, but no food or drink.
  - Go to the Finding Aids Room that is to the right of the lobby. Fill out the request slip with the required information that you found on the patent. Hand it to the Civilian Records specialist who will look up where your records will be found in the stacks and add it to your request slip; s/he will submit the request before the pull time.
  - After about an hour, proceed upstairs to the central research room, Room 203. Hand your researcher's card to the guard who will scan it. Your notes may be stamped by the guard. Paper and pencils are available.
  - Self-service scanners and copiers are available—**remember that your own camera will probably provide a much better quality copy, however!**
  - A short video of the above is posted at <https://www.youtube-nocookie.com/embed/5HNYhMIXYhU?rel=0>.
- If you can't go to NARA in person, submit your request on NATF Form 84—each land entry file requires a separate form. There is a \$50 per file charge if they find it, but no charge if they are unable to find the file. You can also register and order online at NARA through <https://eservices.archives.gov/orderonlineCost>, including shipping, is \$50 per file. They will send either paper copies or digitized copies on a CD. Allow up to 90 days for processing.

#### References

- Kenneth Hawkins, *Research in the Land Entry Files of the General Land Office* (Washington, D.C.: National Archives, 2009); download at <http://www.archives.gov/publications/ref-info-papers/rip114.pdf>. This is the latest version of the government pamphlet and is a bit out of date but has good information.
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- Christine Rose, *Military Bounty Land 1776-1855* (San Jose, CA: CR Publications, 2011).
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