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|    | 10 a.m.   | Welcoming Remarks                                                             | David S. Ferriero  
Archivist of the United States of America                                                                                                                                 |
| 1  | 10:05 a.m.| Exploring History Hub for Genealogists and Researchers                        | Rebecca L. Collier  
Archivist at the National Archives at College Park and Coordinator for History Hub  
Darren Cole  
Digital Engagement Specialist at the National Archives in Washington, DC  
Kelly Osborn  
Community Manager and Web Developer at the National Archives at College Park |
| 2  | 11 a.m.   | Preserving Personal Collections                                               | Sara Holmes  
Management and Program Analyst at the National Archives in St. Louis                                                                 |
| 3  | 12 p.m.   | Immigrant Records: More Than Just Ship Passenger Arrival Lists                 | Elizabeth Burnes  
Archivist at the National Archives at Kansas City and NARA’s Subject Matter Expert on Immigration Records |
| 4  | 1 p.m.    | Using National Archives Records to Research World War I Naval and Marine Corps Records for Genealogical Research | Nathaniel Patch  
Archivist at the National Archives at College Park and NARA’s Subject Matter Expert on U.S. Navy, Marine Corps, Coast Guard Records |
| 5  | 2 p.m.    | Discovering and Researching Bureau of Indian Affairs School Records           | Cody White  
Archivist at the National Archives at Denver and NARA’s Subject Matter Expert on Native American Records |
| 6  | 3 p.m.    | The Homestead Act: Land Records of Your Ancestors                             | James Muhn  
Researcher, Writer, and Lecturer on Federal Land Policy                                                                                   |
|    | 4 p.m.    | Closing Remarks                                                               | Ann Cummings  
Executive for Research Services                                                                                                           |
James Muhn explains the basic provisions of the Homestead Act and demonstrates how to research and interpret homestead documents found in Record Group 49, Records of the Bureau of Land Management (BLM) for family history research. Learn about how relevant records such as tract books, public land entry case files, patents and other associated documents can be found and the information they can tell you.
James Muhn has researched, written and lectured on federal land policy issues for 40 years. He worked for the Bureau of Land Management (BLM) for 20 years as its Land Law Historian. After leaving the agency, he provided consulting and expert witness services for another 20 years on Federal and Native American land, water and natural resources policy matters. He has given numerous lectures on Federal land policy and records to the BLM, U.S. Department of Justice, state historical societies and local history groups. He has also written on, and lectured about, women and homesteading. Mr. Muhn is currently working on a book about the administration of the Homestead Act and the myriad issues Government officials had to grapple with.
THE HOMESTEAD ACT
LAND RECORDS OF YOUR ANCESTORS

By James Muhn

National Archives and Records Administration
Virtual Genealogy Fair
October 2019
“The richest free gift that was ever spread before civilized man”

— Frederick Jackson Turner

See Slide 53 for list of public land states
THE “INCONGRUOUS LAND SYSTEM"
Early lands policies sought to generate revenue, reward military service, and promote settlement and development.

- Sale of Public Lands
- Military Bounties
- Grants to States
- Private Land Grants
- Road, Canal & Railroad Grants
- Donation & Preemption Laws
After passage of the Homestead Act in 1862, many of the previous public land laws continued to operate. Congress also enacted additional land disposal laws. The consequence was an “Incongruous Land System” with policies often in conflict with each other.

- Mineral Disposal Laws
- Timber Cultural Act
- Desert Land Act
- Timber and Stone Act
- Conservation Policies
In 1849 Congress gave this new department responsibility for administering public lands.

Created in 1812, this agency handled the day-to-day business of disposing of and otherwise managing the public domain. Under it were district land offices with registers and receivers whose duties included taking applications and reviewing land entries. Surveyors General directed the survey of public lands. Special agents investigated suspected fraud cases.
THE HOMESTEAD ACT

History, Administration, and Records
THE HOMESTEAD ACT OF 1862

HOMESTEAD HIGHLIGHTS

- 1862 - Homestead Act
- 1866 - Southern Homestead Act
- 1872 – Soldiers’ and Sailors’ Homestead Act
  Soldiers’ Additional Homestead Act
- 1875 – Indian Homestead Act (first)
- 1884 – Indian Homestead Act (second)
- 1889 – First of Oklahoma land rushes
- 1898 – Homestead allowed in Alaska
- 1902 – Reclamation (Irrigation) Act
- 1904 – Kinkaid Act (Nebraska only)
1906 – Forest Homestead Act

1909 – Enlarged Homestead Act

[Only Arizona, Colorado, Montana, Nevada, New Mexico, Oregon, Utah and Washington. States added by later laws were California, Kansas, North Dakota and South Dakota. Idaho had separate act in 1910.]

1912 – Three-Year Homestead Act

1916 – Stock-Raising Homestead Act

1934 – Taylor Grazing Act

Stock-Raising Homestead Act repealed

Public land classification executive order

1976 – Federal Land Policy and Management Act

Homestead laws repealed, but allowed entries in Alaska until 1986
MOTIVATIONS FOR HOMESTEADING

FARM OF THEIR OWN
BETTER ECONOMIC OPPORTUNITIES
ECONOMIC SECURITY
HELPING FAMILY
SPECULATION
FRAUD
ADVENTURE
INTERPRETING THE HOMESTEAD ACTS

LIBERAL SPIRIT CONCEPT
The Homestead Act had a generous and benevolent intent in offering 160 acres to settlers. Therefore, the Land Department took the position that the law was “entitled to a liberal construction in aid of the ends to be attained.” At the same time, however, the Land Department had a legal obligation to assure the law’s “proper construction,” so as to “bestow the [public] lands for homesteads according to the law and not according to individual or corporate desires.”

GOOD FAITH CONCEPT
For the Land Department, “good faith” on the part of a homesteaders was the essential element upon which it determined their compliance with the law. As Secretary of the Interior Henry Teller remarked in 1884, “The homestead law is a practical law, and is so devised that it may have practical enforcement. The law itself provides its own evidence of good faith in improvement, cultivation, and residence; if these exist as facts, the law is satisfied.” Therefore, the Land Department measured the good faith of setters by determining if their acts and intentions showed that they intended to make their homestead entries actual homes to the exclusion of another elsewhere.
THE BUREAUCRACY

DISTRICT LAND OFFICES
REGISTER & RECEIVER

GENERAL LAND OFFICE
COMMISSIONER
DIVISIONS
SPECIAL AGENTS

BOARD OF EQUITABLE ADJUDICATION

DEPARTMENT OF THE INTERIOR
SECRETARY
LAND & RAILROAD DIVISION

FEDERAL COURTS
SURVEYING THE LAND
The township plat shows what the surveyor found when running his “lines” within a township at the time of survey—not the date of the plat’s approval. In this example, the plat shows a lake, streams, roads, houses, fenced lands and other features. Accompanying a survey plat are “field notes” giving surveying details, and at the end, a “General Description” describes the character of the land and often times the settlement activity in the township.
The Forest Homestead Act of 1906 allowed people to make homestead entries on lands chiefly valuable for agricultural purposes within national forests. The available areas were usually located in unsurveyed mountainous regions, and the agricultural tracts of irregular shape, so the law provided for the survey of entries by metes and bounds description. Known as a Homestead Entry Survey (HES), each survey received a specific number for the state or territory located. The HES plat will show physical features like slope and natural water courses, and will show the location of improvements like houses, barns and irrigation ditches. The accompanying field notes provide more information about improvements, quality of soils and agricultural activity on an entry.
THE PROCESS
The Homestead, as with all public land policies, is complex. Congress was constantly modifying the provisions of the Homestead Act for a variety of reasons. At times, a new law sought to liberalize a provision. At other instances, Congress sought to close a “loophole” to prevent frauds the subverted the Homestead Act’s intent.

Land Department administration of the law was also constantly evolving. Its efforts to interpret the law in a “liberal spirit,” but not in manner that permitted the fraudulent acquisition of land, resulted in it having to continually change the rules and regulations used to determine the good faith of settlers in complying the provisions of the Homestead Act. What was policy in 1868 might not be policy in 1869. Furthermore, when the Land Department had general administrative rules to govern compliance with the Homestead Act, it at times allowed exceptions to those general rules when it was apparent a settler showed a good faith effort to comply with the law.
MAKING AN ENTRY

THE APPLICATION

In the applicant, an entryman swore that he/she was eligible to make entry and the lands being entered were of the character contemplated by law.
MAKING AN ENTRY

WHO COULD MAKE ENTRY

CITIZENS OR DECLARED INTENT TO BECOME ONE

EX-CONFEDERATES INITIALLY DENIED

MARRIED MEN

SINGLE MEN OVER 21

WOMEN IN CERTAIN CASES

AFRICAN-AMERICANS

HISPANICS

CERTAIN NATIVE AMERICANS

FOREIGN-BORN ASIANS EXCLUDED
MAKING AN ENTRY

WHAT PUBLIC LANDS WERE AVAILABLE

The law allowed a settlers to enter up to 160 acres of public land that was:

UNAPPROPRIATED, UNOCCUPIED & UNRESERVED

NON-MINERAL

AGRICULTURAL

GRAZING
MAKING AN ENTRY

LANDS NOT AVAILABLE

RESERVED FOR GOVERNMENT PURPOSES

NATIVE AMERICAN LANDS

STATE & TERRITORIAL LANDS

VALUABLE MINERAL LANDS

CHIEFLY VALUABLE FOR TIMBER

PRIVATE LAND GRANTS

RAILROAD GRANT LANDS
RESIDENCE

“The law contemplates continuous maintenance by the homesteader and his family of an actual home on the land to the exclusion of a home elsewhere. . . .” Except as required by law, the General Land Office did not stipulate any specific improvements other than the need of a habitable dwelling, but the improvements made had to demonstrate a homesteader’s good faith to make his or her entry their exclusive home. There was never a regulation specifying minimum dimensions for dwellings as some sources state.
The Homestead Act of 1862 did not specify how much land needed to be cultivated. Again, good faith was looked for. The General Land Office generally wanted to see evidence of the land being broken by plow and a crop raised. In 1880, it was ruled that grazing could be substituted for cultivation in regions where only livestock could be raised. The Three-Year Homestead Act of 1912 did require entrymen under the original homestead law to have at least one-eighth of their entry under cultivation at time of final proof. Congress previously adopted such a policy under the Enlarged Homestead Act of 1909.
THE COMMUTATION CLAUSE

Section 8 of the Homestead Act of 1862 allowed persons who did not want to wait five years to complete their entries to “commute” them by paying the minimum price per acre ($1.25 or $2.50). To do so, they also had to make proof of settlement and cultivation as provided by existing law granting preemption rights. The law, as many historians state, did not stipulate that homesteaders had to wait six months before commuting. That was an administrative rule made in 1869 to ensure the good faith of commuters. In 1891 Congress increased the time period to 14 months and later made additional changes. Homestead laws like the Forest Homestead Act of 1906, Enlarged Homestead Act of 1909, and Stock-Raising Homestead Act of 1916 did not allow the commutation of entries.
The Homestead Act required that after complying with the requirements of residence and cultivation for five years, but no more than seven, after entry, claimants could prove up. The General Land Office did this by having homesteaders, along with two "credible witnesses" attest to having fulfilled the law’s requirements as to residence and cultivation. Initially claimants were asked to answer few specific questions, but over time, questions became more numerous and detailed so that final proof forms were at times several pages in length. If the register and receiver at the district land office determined the proof sufficient, homesteaders received a final certificate—that document signifying that claimants were entitled to a patent, provided the General Land Office found no irregularities upon further adjudication.
Upon final adjudication, homesteaders were issued a patent for the lands they had entered. Patents recite the name of the claimant, the legal description of the lands to which title are being passed, and reservations and most easements that that tract was subject. Since the 1830s, patents were not personally signed by the President but made by a “Secretary” in the General Land Office appointed for that purpose.

In the 1880s, the patents for many Homestead Act entries were not issued for up to six or seven years because they were awaiting adjudication by the General Land Office. Under the Act of March 3, 1891, Congress directed that patents for entries that were not contested or protested be issued within two years of the issuance of a final certificate.

The patent form used for Homestead entries proved up under Section 2 providing for five years residence and cultivation recite the Homestead Act of May 20, 1862 as the authority for issuance.
In this example of a serial patent, note that this homesteader took title “subject to any vested and accrued water rights” as well as associated ditches; the right for the later construction of ditches and canals by the United States; and reservation to the government of “all coal” under the Act of June 22, 1910.
Patents issued for Homestead entries proved up under the Section 8 commutation clause used cash patent forms citing the Act of April 24, 1820—the general sales authority for public lands.
Patents issued for Homestead entries proved up under the Section 8 using military bounty warrants or other scrip law used the patents forms for those authorities.
UNSUCCESSFUL HOMESTEAD ENTRIES

RELINQUISHMENTS

A relinquishment was a voluntary surrender of an entry. Before 1880, lands covered by a relinquished Homestead entry could not reentered by another person until the land was reopened by the Commissioner of the General Land Office. Under the Act of May 14, 1880, when a relinquishment was filed, the lands immediately became subject entry by others. Under the law, relinquishments could not be sold, but the practice was common.
UNSUCCESSFUL HOMESTEAD ENTRIES

CANCELLATIONS

There were many reasons the General Land Office could cancel a Homestead entry. Abandonment of an entry by a settler was a common reason. Contests filed by third-parties alleging failure on the part of a homesteader to fulfill some requirement could also result in cancellation. The General Land Office could cancel an entry if it felt it was fraudulent or the final proof found defective. In all cases, homesteaders had the right to a hearing where all parties could present testimony and evidence. A party could then appeal an adverse ruling. Rulings made by registers and receivers were reviewed by the Commissioner of the General Land Office. That official’s decisions could be appealed to the Secretary of the Interior. In rare instances, the Secretary’s decisions could be taken to the Federal courts.
RECORD KEEPING

For the General Land Office, good recordkeeping was of vital importance. Various types of finding aids were maintained at both the district land offices and the General Land Office’s headquarters in Washington, DC. This allowed land officials to not only identify and locate geographically individual entries and filings on public lands to ensure the protection of the rights and interests of individuals, corporations, and states and territories, but to detect errors in recordkeeping.
Congress directed that tract books be maintained in 1800, and to this day the Bureau of Land Management uses a variant of this record. Tract books were intended to provide users with a way to determine the status of public lands within a township. At a glance, readers could determine what lands had been entered; the laws under which entries and filings were made; the file for those actions; the names of the associated persons or entities; when entries or filings had been made; and dates of final actions and what the final actions were—final certificate, patent, relinquished, or cancelled. Each district land office maintained a set of tract books, as did the General Land Office’s headquarters.
RECORD KEEPING

ABSTRACT REGISTER BOOKS

A set of these books was kept by kind of entry (Homestead, Desert Land, etc.) and action (original entries and final certificates) at both district land offices and the General Land Office headquarters prior to July 1, 1908. Entries and proofs were entered in the ordered received and numbered consecutively. For original entries, the number assigned became the application number. For proofs, the number assigned was the final certificate number, which would eventually become the patent number. Homesteads commuted to cash entries will be in Cash register books and appropriate military bounty or scrip in register books for those actions.
SERIALIZED RECORDS SYSTEM

On July 1, 1908, the General Land Office inaugurated a new record keeping system to better its efficiency and accountability. Commonly referred to as the serialized records system, all applications were arranged by district land office as before, but rather than assigning applications according to entry type (Homestead, Desert Land, etc.), all were filed together, and application numbers were then assigned in consecutive numerical order staring with 01.
One of the new records introduced was the Alphabetical Card Index. Each district land office maintained a set, as did the General Land Office’s headquarters for all the land offices. Each card had the name of the land office, name of the applicant, the post office of record, the serial number assigned to each entry and filing made for that person or entity, and the entry type associated with the serial number application. The Alphabetical Card Index makes finding persons whose homestead entries did not go to patent easier than in the old record keeping system.
Another record introduced in 1908 was the serial register page. This was an abstract of an entry. It states the law under which application was made, name of claimant, legal land description of entry, then dates each action recorded until patent issued or entry was relinquished or canceled.
The General Land Office used two filing systems for its land-entry papers. The dividing date for the systems is July 1, 1908.

The system prior to July 1, 1908, sometimes referred to as the “Certificate” case file system, can be complicated. The General Land Office arranged patents issued under the Homestead, Cash (which includes commuted homesteads, preemptions, private entries, commuted timber culture entries, and cash sales), Desert Land, Donation laws, Indian allotments on public lands, Timber Culture, and Timber and Stone laws by state/territory, then district land office issuing the final certificate, type of entry (Homestead, etc.), and final certificate number.

The General Land Office filed commuted homestead, preemption entries, and cash sales paid for with scrip or military warrants under the appropriate scrip or warrant series. Military land warrants are arranged by the authorizing act, warrant number. Scrip filed is by law. Agricultural College Scrip is further arranged by the state to which it was issued and then by number.

Entries made under the above laws that did not go to patent (i.e., canceled or relinquished cases) are arranged by state/territory, land office, type of entry, and application number.

Starting on July 1, 1908, the General Land Office adopted the “Serialized” case file system. All land-entry types were filed under single application series by district land office starting with the number 01. All numbers start with a “0,” which allows you to differentiate between applications made before or after July 1, 1908. Applications made prior to July 1, 1908, for which final proof had not been offered eventually received a serial application number. [continued next slide]
All patents issued are in one series. You do not need all the information necessary for pre-serialized land entries; just the patent number is sufficient.

To find cases that did not go to patent, you need to know the land office of the application and the serial number issued. If a case was transferred to another land office (usually because the first land office was closed and its records were transferred to the other office), a new serial number was assigned to the case.

The Bureau of Land Management and National Archives destroyed many unpatented case files. It will take some effort to find out which ones still survive.

To obtain copies of patented land-entry case files, as well as pre-1908 cancelled and relinquished case files, go to the National Archives and Records Administration


To get unpatented serialized land-entry case files (post-July 1, 1908), contact the appropriate National Archives and Records Administration field location. Find a location by choosing “Visit Us” on Archives.gov.
RESEARCHING A HOMESTEAD

THE ENTRY OF FRITZ RITSCHARD

James Muhn
NARA PRESENTATION
October 2019
RESEARCHING A HOMESTEAD

REMEMBER

When researching for a Homestead Act entry, keep in mind that the words homestead and homesteading are often generic. As the Land Department observed in 1887, “the expression ‘homestead laws’ has more than once been interpreted by this Department in a generic sense, so as to include other settlement laws, besides the homestead law proper.” Settlers and others were even more loose in using the words. The railroad company broadside advertisement to the right offered its grant lands for sale as homesteads. Settlers and their decedents often refer to their entries under other public land laws or that were purchased from third-parties like railroads as homesteads. So don’t be surprised when your homestead research results in learning someone did not take up land under the Homestead Act.
The best research option is the Bureau of Land Management’s General Land Office Records website (www.glorecords.blm.gov). Researchers can search by name and location and get a copy of a person’s land patent. When searching for names, be aware that last name spellings can vary. Fritz Ritschard’s name is spelled three different ways in General Land Office documents—Ritschard, Ritchard, and Richard. In one record, his first name is given as Frederick. Many reasons can explain such occurrences. In the case of Mr. Ritschard, as will be shown, part of the explanation is careless recordkeeping, but also the use of the name “Richard” in his citizenship certificate.
RESEARCHING A HOMESTEAD

FRITZ RITSCHARD’S PATENT

The General Land Office misspelled Ritschard’s last name as “Richard.” Mr. Ritschard could have asked for the General Land Office to issue a curative patent to correct the error but did not.
RESEARCHING A HOMESTEAD

TRACT BOOK NOTATION FOR FRITZ RITSCHARD’S ENTRY
RESEARCHING A HOMESTEAD

ABSTRACT REGISTER BOOK NOTATION FOR FRITZ RITSCHARD
THE ENTRY OF FRITZ RITSCHARD

When the case file for the “Richard” Homestead patent is pulled, it is seen that the file has the name of Fritz “Ritchard” on its cover.
On the Homestead Affidavit, Ritschard’s name is correctly spelled. This form tells us that Ritschard made entry in October 1887; however, he states he made settlement in October 1884. The township plat was approved in September 1883 and filed at the district land office soon after. Why did Ritschard wait three years after making settlement before making entry? Notations in the tract book and other records reveal Mr. Ritschard made a Preemption Act of 1841 filing in October 1884, but he did not prove up under that law. Why is not known. To keep the tract he had settled, he then made entry under the Homestead Act.
This is Mr. Ritschard’s naturalization certificate. Case files may include documents such as citizenship papers, military discharges, various required affidavits, special agent reports, GLO correspondence, and other documents. Note that in one part of this document, Ritschard’s name is given as “Richard.”
RESEARCHING A HOMESTEAD

FRITZ RITSCHARD’S FINAL PROOF

This is Ritschard’s final proof filing made in 1892. He claims to have made substantial improvements. When compared to his Application Affidavit [slide 48], he had constructed a number during the five years between making entry in 1887 and proof in 1892.

To verify the statements made and attest to his good faith, the law required Ritschard to have two witnesses of his choosing answer questions about his residence and the improvements made on his entry.

There is no question that Fritz Ritschard’s made his Homestead Act entry in good faith and for the purpose of establishing “an actual home on the land to the exclusion of a home elsewhere.” Perhaps the most telling proof of that is the 2015 edition of the DeLorme Atlas & Gazetteer for Colorado which shows that his lineage still own the “Ritschard Ranch.”
A FEW PUBLIC LAND TERMS

APPLICATION: A formal request for rights in, or eventual title to, public lands.

CANCELLATION: An abrogation of a right in the public lands because of noncompliance with the public-land laws or because of expiration of time limits.

COMMUTED HOMESTEAD ENTRY: A homestead entry, not exceeding 160 acres, in connection with which the entryman pays the minimum statutory price for the land in consideration for reduction in residence and other requirements. Only certain classes of homestead entries could be commuted.

CONTEST: Formal proceedings against a filing, claim, or entry on charges that it does not comply with the requirements of the public-land laws.

ENTRY: In general, an allowed application which was submitted by an applicant who will acquire title to the lands by payment of cash or its equivalent and/or by entering upon and improving the lands.

ENTRYMAN: An individual who has made an entry.

FINAL CERTIFICATE: A document that evidences that an entryman is entitled to a patent provided that no irregularities are found in connection with his entry.

[Continued next slide]
A FEW PUBLIC LAND TERMS

FINAL PROOF: A detailed statement by an entryman and his witnesses purporting to prove that he has fully complied with the public-land laws relating to his entry.

GOVERNMENT CONTEST: A contest in which the proceedings have been initiated on the basis of charges preferred by a representative of the United States.

MILITARY BOUNTY LAND WARRANT: Scrip that was issued as a reward for military service.

PATENT: A document that conveys to the patentee legal title to public lands.

RELINQUISHMENT: A voluntary surrender of an application, right, entry, or claim.

SCRIP: A certificate that allows the owner to make a selection of a specified number of acres out of available public lands.

THE PUBLIC LAND STATES

ALABAMA
ALASKA
ARIZONA
ARKANSAS
CALIFORNIA
COLORADO
FLORIDA
IDAHO
ILLINOIS
INDIANA
IOWA
KANSAS
LOUISIANA
MICHIGAN
MINNESOTA
MISSISSIPPI
MISSOURI
MONTANA
NEBRASKA
NEVADA
NEW MEXICO
NORTH DAKOTA
OHIO
OKLAHOMA
OREGON
SOUTH DAKOTA
UTAH
WASHINGTON
WISCONSIN
WYOMING
SOME SUGGESTED READINGS


ILLUSTRATION SOURCES

BUREAU OF LAND MANAGEMENT

JAMES MUHN

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

U.S. DEPARTMENT OF THE INTERIOR MUSEUM
Thank you for attending!

If we did not get to your question, you may submit it to inquire@nara.gov

Video recording and handouts will remain available at www.archives.gov/calendar/genealogy-fair
Feedback

We value your opinion.

Please take a few minutes to complete a short evaluation. Your comments help us maintain the quality of our services and plan future programs.

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