



Schedule



#	TIME (ET)	SESSION TITLE	PRESENTER(S)
	10 a.m.	Welcoming Remarks	David S. Ferriero Archivist of the United States of America
1	10:05 a.m.	<i>Exploring History Hub for Genealogists and Researchers</i>	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.	<i>Preserving Personal Collections</i>	Sara Holmes Management and Program Analyst at the National Archives in St. Louis
3	12 p.m.	<i>Immigrant Records: More Than Just Ship Passenger Arrival Lists</i>	Elizabeth Burnes Archivist at the National Archives at Kansas City and NARA's Subject Matter Expert on Immigration Records
4	1 p.m.	<i>Using National Archives Records to Research World War I Naval and Marine Corps Records for Genealogical Research</i>	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.	<i>Discovering and Researching Bureau of Indian Affairs School Records</i>	Cody White Archivist at the National Archives at Denver and NARA's Subject Matter Expert on Native American Records
6	3 p.m.	<i>The Homestead Act: Land Records of Your Ancestors</i>	James Muhn Researcher, Writer, and Lecturer on Federal Land Policy
	4 p.m.	Closing Remarks	Ann Cummings Executive for Research Services

The Homestead Act: Land Records of Your Ancestors

James Muhn

Audience Skill Level: All

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.

Presenter Biography



James Muhn

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

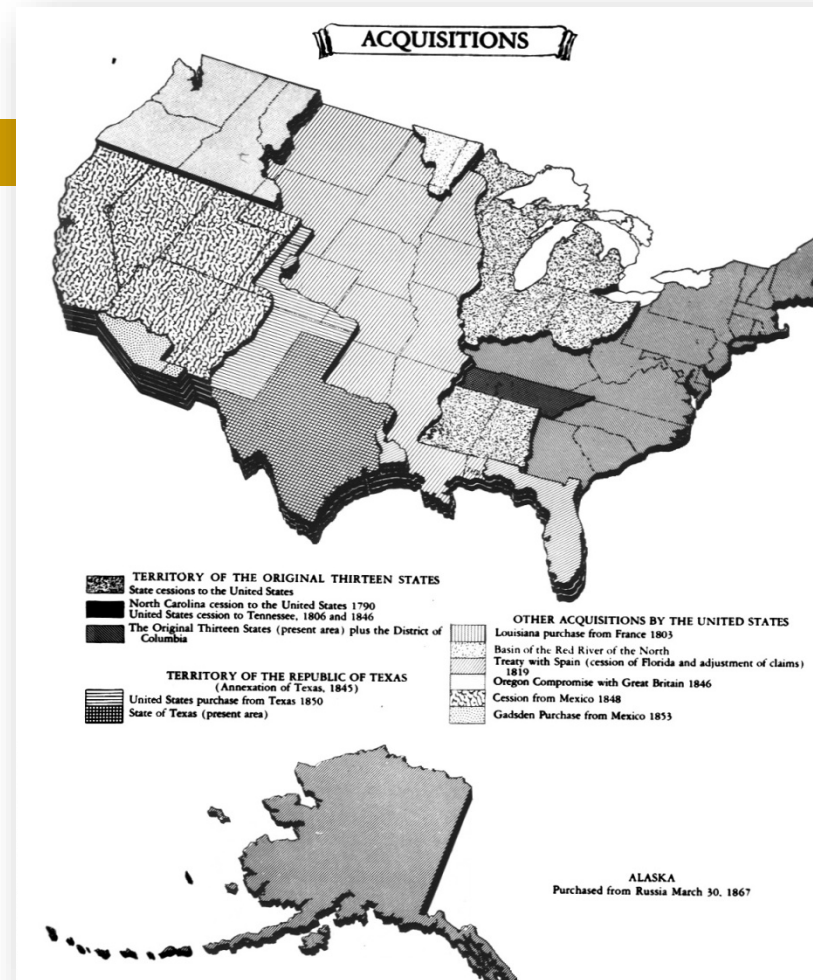
October 2019

James Muhn
NARA PRESENTATION
October 2019

ACQUISITION OF THE PUBLIC DOMAIN

“The richest free gift that was ever spread before civilized man”

— Frederick Jackson Turner



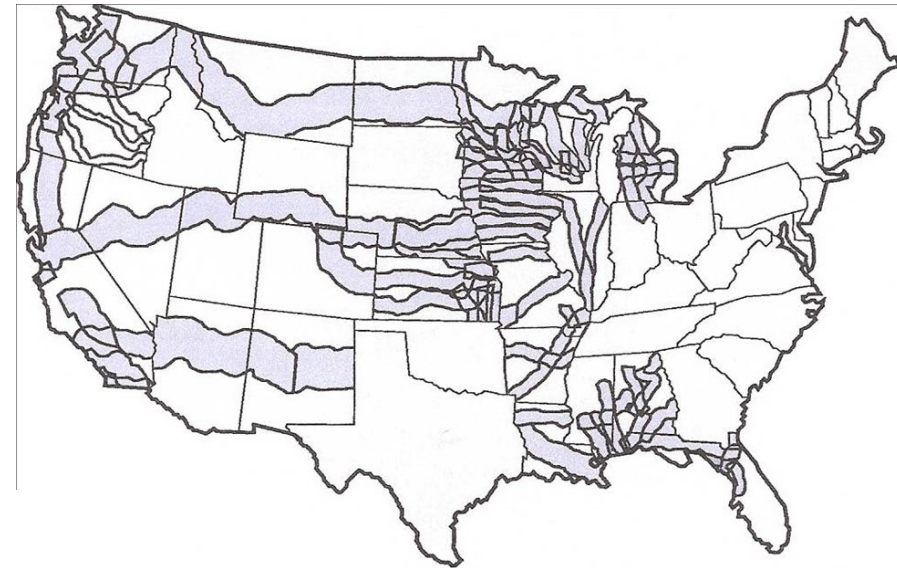
See Slide 53 for list of public land states

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October 2019

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**

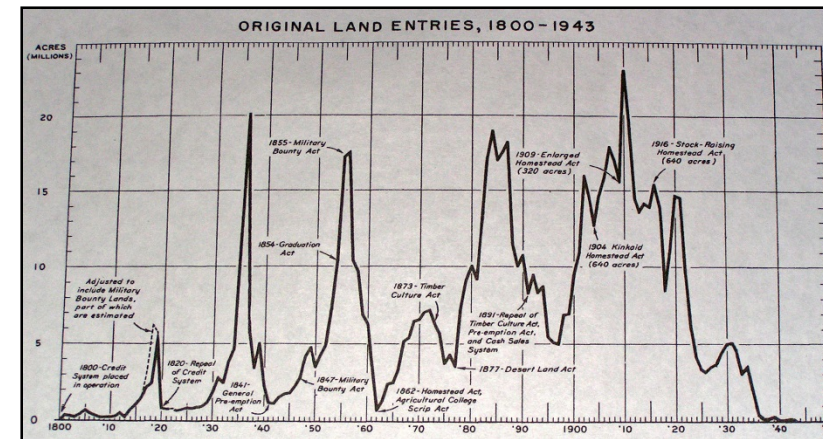


Railroad Land Grant Limits Map



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



ADMINISTERING THE PUBLIC DOMAIN – THE LAND DEPARTMENT



DEPARTMENT OF THE INTERIOR

In 1849 Congress gave this new department responsibility for administering public lands.

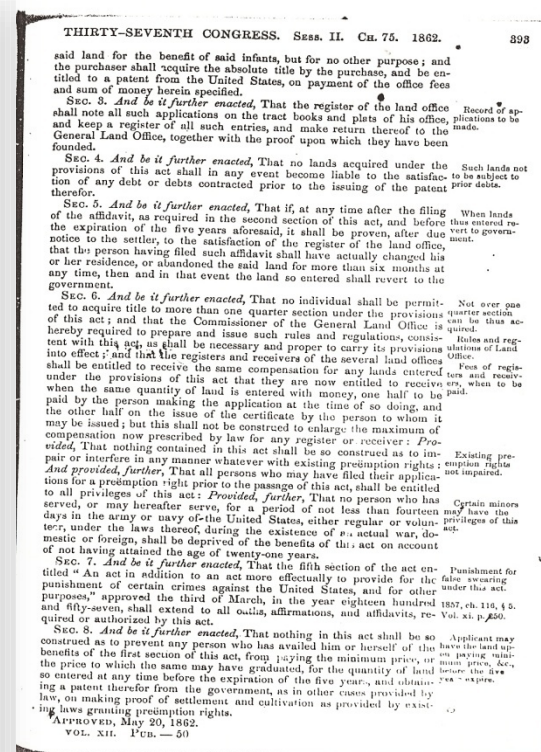
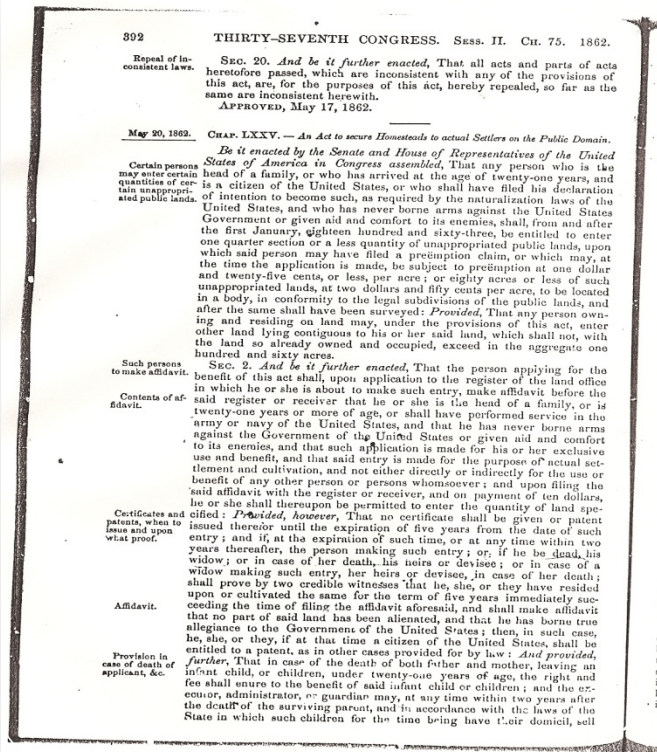
GENERAL LAND OFFICE

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

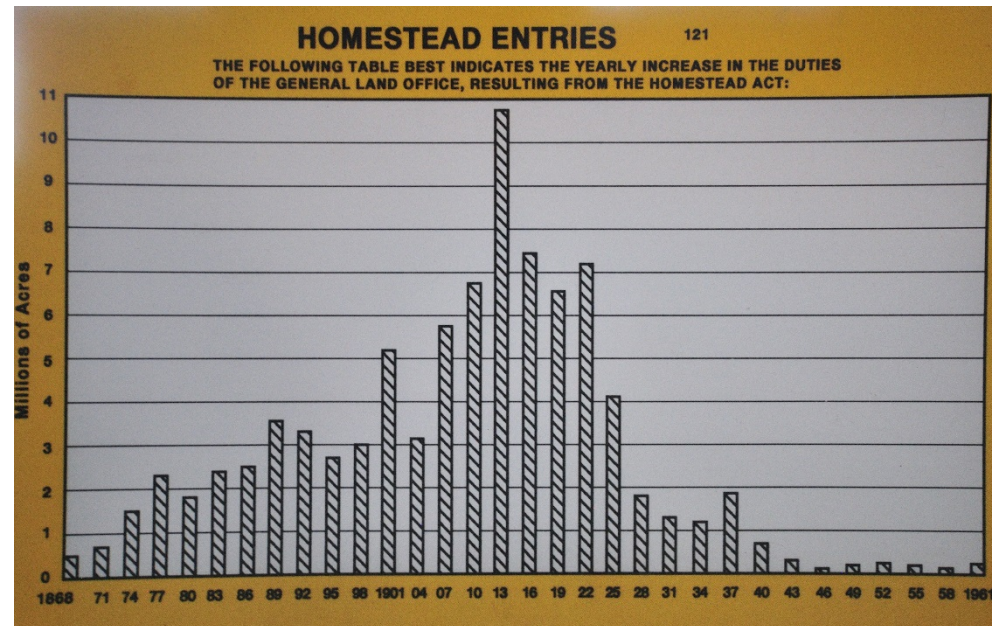
THE HOMESTEAD ACT OF 1862



NARA Link to Homestead Act: <https://www.ourdocuments.gov/doc.php?flash=false&doc=31>

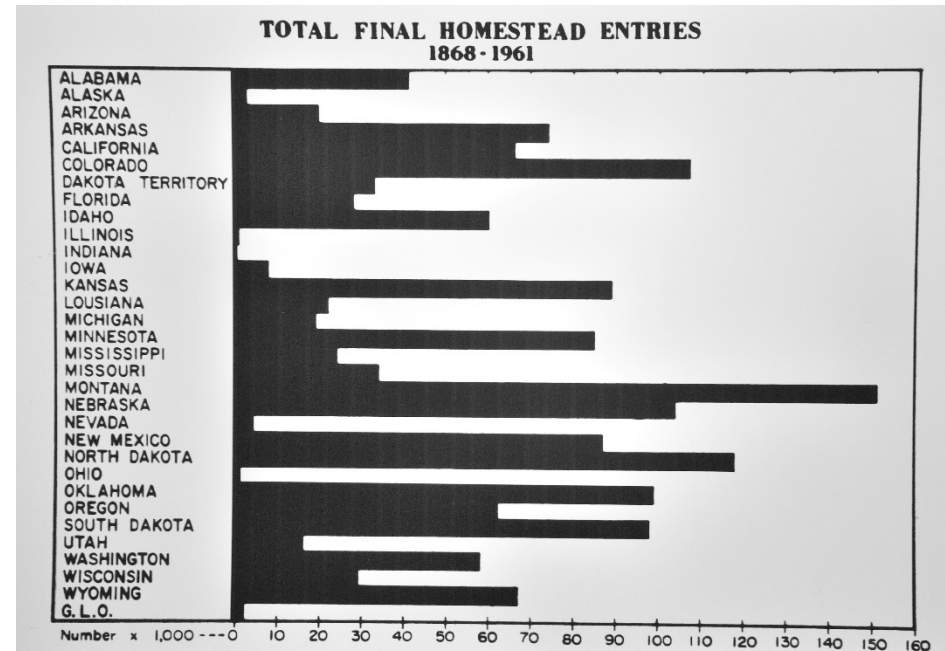
HOMESTEAD HIGHLIGHTS

- 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)



HOMESTEAD HIGHLIGHTS

- 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 settlers 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

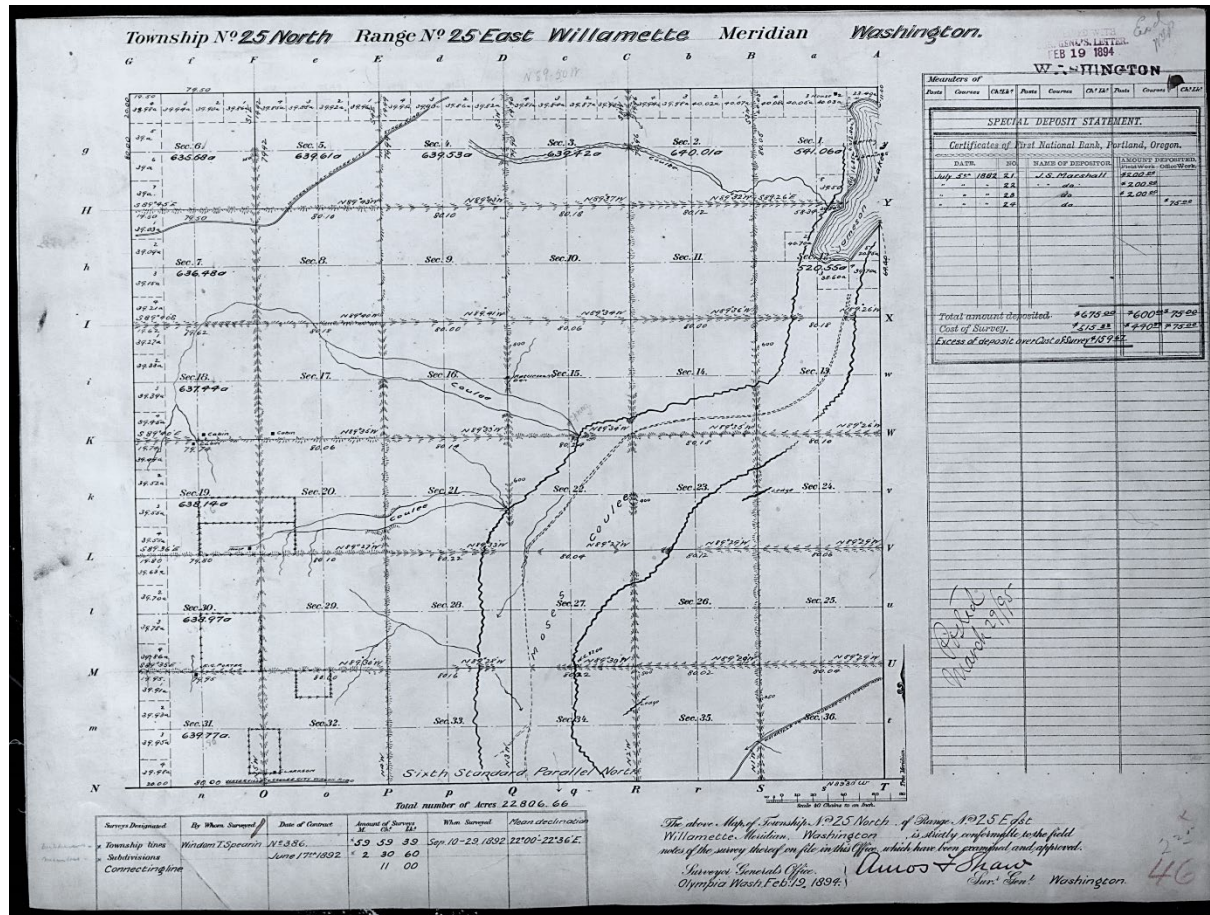
SECRETARY

LAND & RAILROAD DIVISION

FEDERAL COURTS

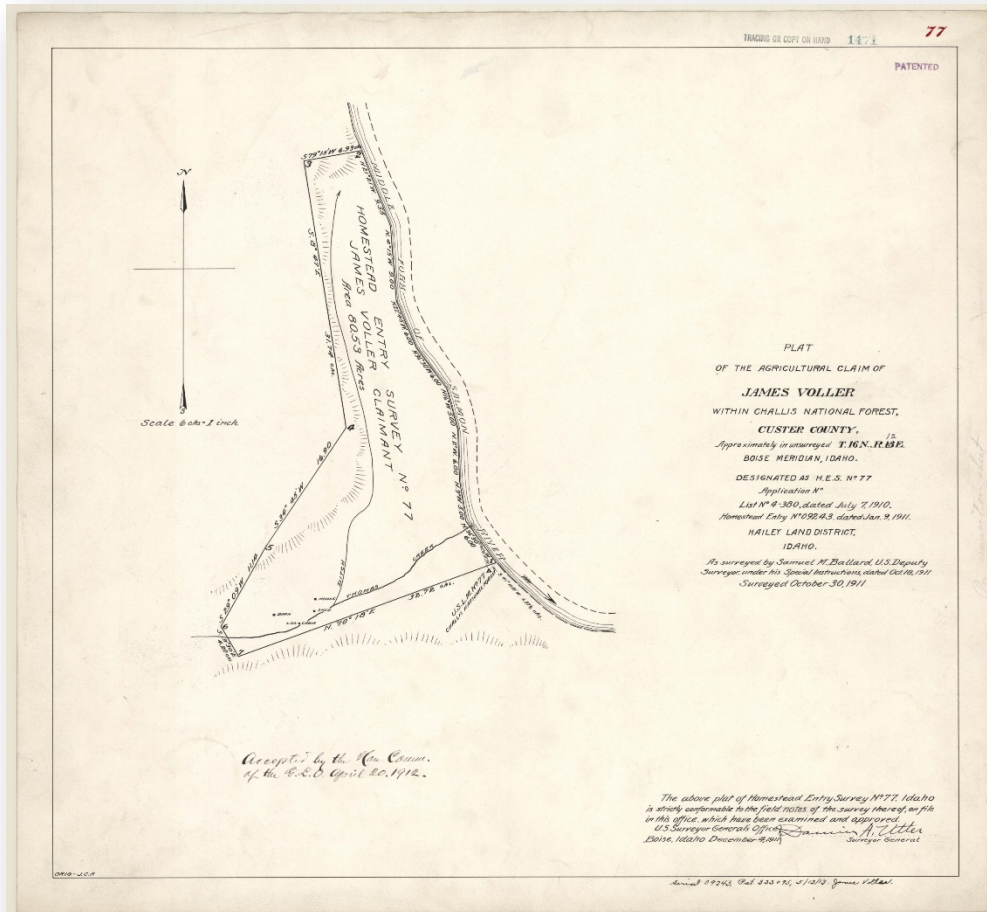
James Muhn
NARA PRESENTATION
October 2019

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.

SURVEYING THE LAND



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



PUBLIC LAND LAW AND RECORDS BASICS

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

U.S. LAND OFFICE, DEPARTMENT OF THE INTERIOR, RECEIPT NO. 899881
HOMESTEAD ENTRY APPLICATION, Miles City, Mont.
I, John M. Suits, a resident of Montana, do hereby apply to enter, under Section 2289, Revised Statutes of the United States, the E 1/4 Sec 6 T 3 R 8 M 6 Township 3 N, Range 45 W, Meridian, containing 15.220 acres, within the Miles City, Mont. land district; and I do solemnly swear that I am not the proprietor of more than 160 acres of land in any State or Territory; that I am a native born citizen of the United States, and am married and over 21 years of age that my post-office address is Cattanch, Montana; that this application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation; that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that I am not acting as agent of any person, corporation, or syndicate in making this entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that I do not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for myself, and that I have not directly or indirectly made, and will not make, any agreement or contract, in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which I may acquire from the Government of the United States will inure in whole or in part to the benefit of any person except myself. I further swear that since August 30, 1890, I have not entered and acquired title to, nor am I now claiming, under an entry made under any of the nonmineral public-land laws, an amount of land which, together with the land now applied for, will exceed in the aggregate 320 acres; and that I have not heretofore made any entry under the homestead laws (except none); that I am well acquainted with the character of the land herein applied for and with each and every legal subdivision thereof, having personally examined same; that there is not to my knowledge within the limits thereof any vein or lode or quartz or other rock in place bearing gold, silver, zinc, lead, tin, or copper, nor any deposit of coal, placer, cement, gravel, salt spring, or deposit of salt, nor other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners, or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially nonmineral land, and that my application therefor is not made for the purpose of fraudulently obtaining title to mineral land; that the land is not occupied and improved by any Indian.

John M. Suits
JAN 1 1912

NOTE.—Every person swearing falsely to this entry affidavit will be punished as provided by law for such offense. (See Sec. 501, R. S., 1906.)

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

COMPLYING WITH THE LAW

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.



COMPLYING WITH THE LAW

CULTIVATION

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.



COMPLYING WITH THE LAW

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.

HOMESTEAD ACT OF MAY 20, 1862. *x 70 x 1/2*
(8th Section.)

I, *A. J. Danner*, claiming the right to ^{*commute*} under the 8th section of the act of May 20, 1862, my homestead entry No. *329*, made upon the *S 2 1/4 of N 2 1/4 R 4 S 23 E 1/4 of T. 6. N. 4* section *4*, township *8 N.*, range *3 West* do solemnly swear that I made settlement upon said land on the *7th* day of *December*, 18*70* and that since said date, to wit: on the _____ day of _____, 18*70*, I have built a house on said land, and have continued to reside therein up to the present time, and that I have broken and cultivated *Twenty* acres of said land.

I further swear that I have not heretofore had the benefit of the Homestead Act, nor abandoned an entry previously made under its provisions.

Henry A. De Tamer
LAND OFFICE, *Neboval, W.V.*
December 13, 187*2*
Sworn and subscribed to before me this *13th* day of *December*, 187*2*
M. C. Child
Register.

FILING PROOF

(4-1207)

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

Sarah J. Davis, formerly Sarah J. Smith, widow of
L. M. Smith deceased, being called as a witness in her own behalf in support
of homestead entry, No. 4059 (in Sec. 4, Chap. 28, R.S. 236, P. 27)

testifies as follows:

Ques. 1.—What is your name, age, and post-office address?
Ans. *Sarah J. Davis, age 49, Registrar, Park County, Montana*

Ques. 2.—Are you a native born citizen of the United States, and if so, in what State or Territory were you born?
Ans. *A naturalized citizen, and born in (Canada) Belleville, Canada.*

Ques. 3.—Are you the identical person who made homestead entry, No. 4059, at the
Bozeman Montana land office on the 9th day of
May 1901, and what is the true description of the land now claimed by you?
Ans. *Being the identical person who made the above homestead entry, and the description is*
as follows: Sec. 14, Twp. 2 North, R. 3 East, Tm. P. 7N.

Ques. 4.—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)
Ans. *House built in 1890, established residence June 1890. House 12 by 10 ft. 20 ft. Living room 10 ft. 10 ft. 10 ft. 10 ft. Total value \$2000*

Ques. 5.—Of whom does your family consist? and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)
Ans. *Consist of two; I have lived continuously on the land since first residence thereon (married).*

Ques. 6.—For what period or periods have you been absent from the homestead since making settlement, and for what purpose? and if temporarily absent, did your family reside upon and cultivate the land during such absence?
Ans. *Have not been absent from the homestead since making settlement.*

Ques. 7.—How much of the land have you cultivated each season and for how many seasons have you raised crops thereon?
Ans. *Seasons, and cultivated same for seven seasons and raised crops for six seasons.*

Ques. 8.—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?
Ans. *No, not within limits of incorporated city or town, and is not used for trade or business.*

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.
Ans. *Mountainous and prairie, and is most valuable for agricultural purposes.*

Ques. 10.—Are there any indications of coal, salines, or minerals, of any kind, on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)
Ans. *Have no indications of coal, salines, or minerals, of any kind, on the land, and is not valuable for agricultural purposes.*

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)
Ans. *Have never made any other homestead entry.*

Ques. 12.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?
Ans. *Have not sold, conveyed, or mortgaged any portion of the land.*

Ques. 13.—Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)
Ans. *Have no personal property elsewhere than on this claim.*

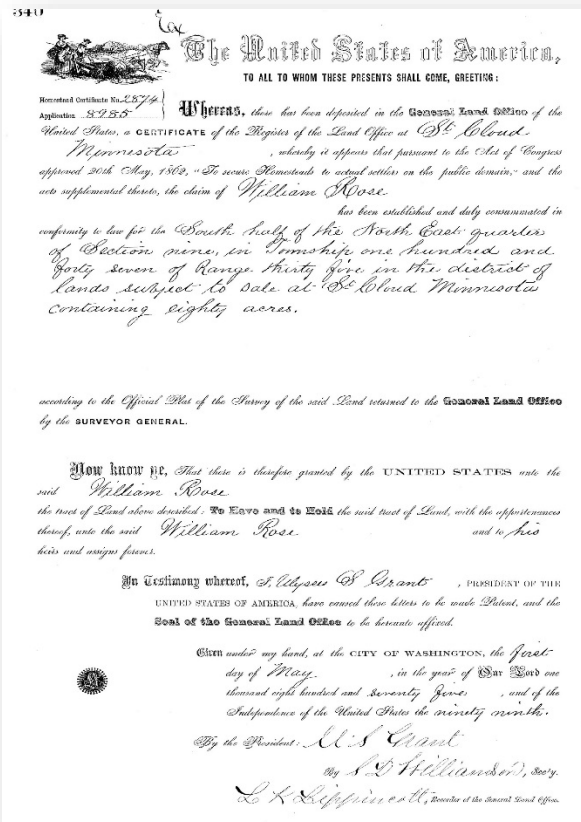
Ques. 14.—Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral) made by you since August 30, 1890.
Ans. *None whatever, but this homestead application.*

Sarah J. Davis, formerly Sarah J. Smith, widow of L. M. Smith deceased.
Sign plainly with full christian name.

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.

PATENTS

Certificate Patent (Issued prior to July 1, 1908)



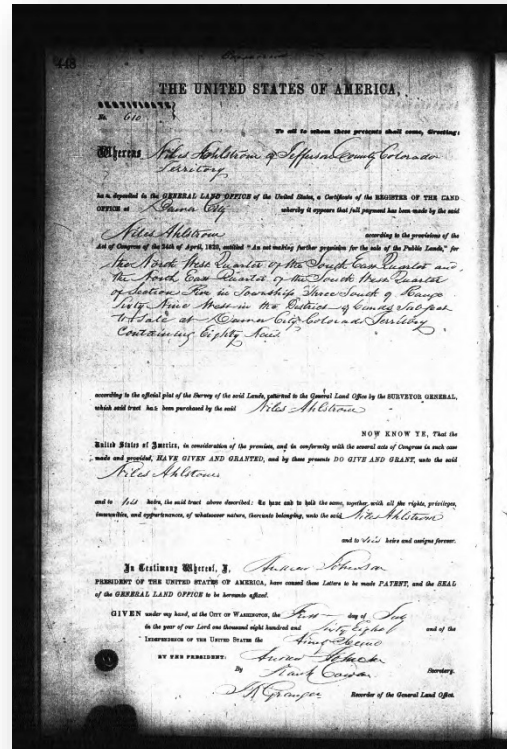
Upon final adjudication, homesteaders were issued a patent for the lands they had entered. Patents recite the name of the claimant, the legal description of the lands to which title are being passed, and reservations and most easements that that tract was subject. Since the 1830s, patents were *not* 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.

PATENTS

CASH FORM PATENT [Commuted Entry]

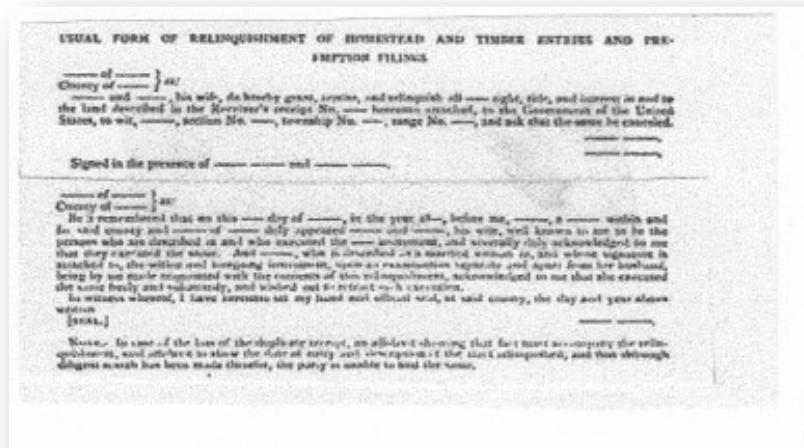


Patents issued for Homestead entries proved up under the Section 8 commutation clause used cash patent forms citing the Act of April 24, 1820—the general sales authority for public lands.

UNSUCCESSFUL HOMESTEAD ENTRIES

RELINQUISHMENTS

A relinquishment was a voluntary surrender of an entry. Before 1880, lands covered by a relinquished Homestead entry could not be 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

DECISIONS RELATING TO THE PUBLIC LANDS. 95

HOMESTEAD ENTRY--RESIDENCE--PUBLIC OFFICER.

GEORGE W. SHEPPARD.*

A homestead entryman, who cultivates and improves the land embraced in his entry, but who never resided thereon, is not excused because elected to a public office which requires his residence elsewhere.

Commissioner McFarland to register and receiver, Bloomington, Nebraska,
April 12, 1883.

I have received your letter of February 8 last, transmitting an application for the reconsideration of my decision of December 1, 1882, rejecting proof tendered by George W. Sheppard, on homestead entry No. 3101, covering the SE. $\frac{1}{4}$ Sec. 23, T. 2, R., 16 W. The party filed homestead declaratory statement No. 1088 for the land in question March 15, 1875, and the entry was made September 14, 1875. The proof shows that a house was built on the land during the following month; that about 75 acres are under cultivation, and that crops of wheat, corn, and rye have been raised each year since 1877, but no residence has been established on the tract by Sheppard or any member of his family. In March, 1876, he was appointed deputy county clerk of Franklin County; in January, 1877, he was appointed clerk *vice* former occupant resigned, was elected to the same office in the fall of 1877, and continued to hold the same until January, 1880.

The proof, which was made October 2, 1882, nearly three years after the expiration of his term of office, was rejected for the reason that he had not established a residence on the land embraced in his entry, and consequently his case did not come under the rule of the Department which permits a person, who after establishing an actual residence thereon is elected or appointed to a public office requiring his continuous residence at some place other than his homestead, to be temporarily absent therefrom during the term of such office.

In his application for a review, Mr. Sheppard refers to a decision rendered by the acting Secretary of the Interior, October 25, 1873, in the case of *Benson v. Western Pacific Railroad Company*; but a careful examination of this decision shows that the cases are not analogous. So likewise the case of *Solomon Males*, decided by this office July 10, 1876, and which is referred to by Sheppard, cannot be accepted as authority for allowing final papers to issue on a homestead entry where no residence is shown.

I therefore decline to modify my decision of December 1, 1882.

* See 2 L. D., 154.

CANCELLATIONS

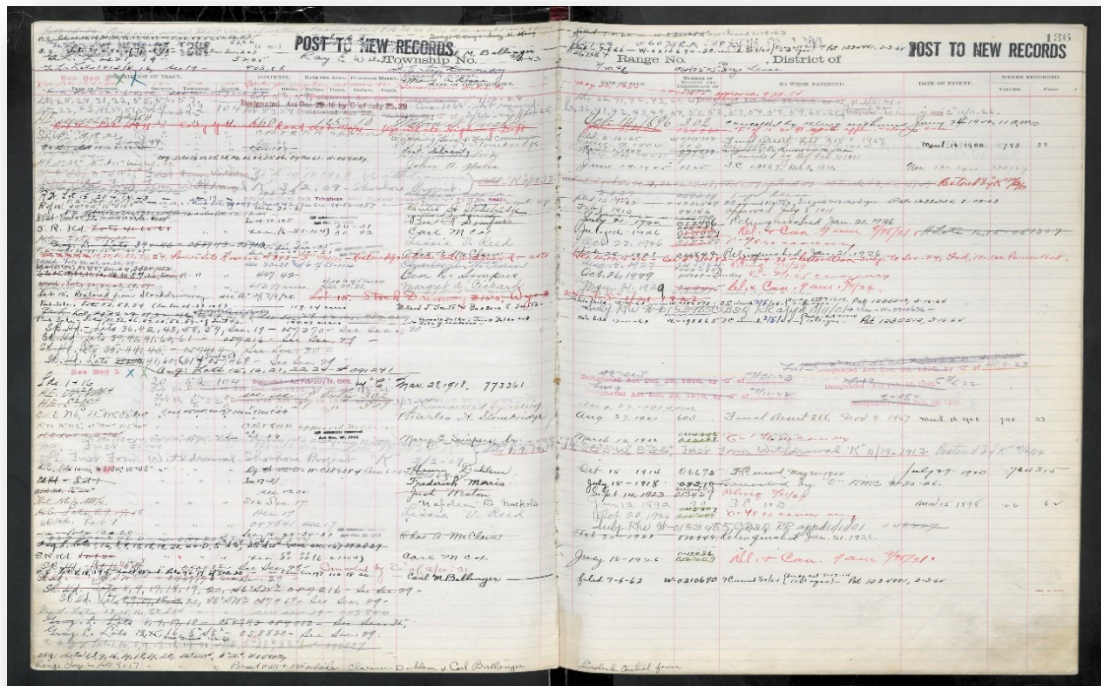
There were many reasons the General Land Office could cancel a Homestead entry. Abandonment of an entry by a settler was a common reason. Contests filed by third-parties alleging failure on the part of a homesteader to fulfill some requirement could also result in cancellation. The General Land Office could cancel an entry if 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.

RECORD KEEPING

TRACT BOOKS



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 order 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.

18								19									
ABSTRACT of Declaratory Statements filed in the Land Office at <i>Central City</i> during the month of _____, 188__ on lands which have been offered at public sale under the President's Proclamation.								ABSTRACT of Declaratory Statements filed in the Land Office at <i>Central City</i> during the month of _____, 188__ on lands which have been offered at public sale under the President's Proclamation.									
NO. OF STATEMENT FILED	DATE OF SETTLEMENT	DATE WHEN FILED	NAME	DESCRIPTION	SECTION	TOWNSHIP	RANGE	REMARKS	NO. OF STATEMENT FILED	DATE OF SETTLEMENT	DATE WHEN FILED	NAME	DESCRIPTION	SECTION	TOWNSHIP	RANGE	REMARKS
2740	Jan 12 1880	Jan 25 80	Robert M. Hillman & Co		18	1	2	85 21	2741	Jan 20 80	Jan 25 80	Robert M. Hillman & Co		18	1	2	85 21
2742	Jan 20 80	Jan 25 80	Nehemiah D. Buehler & Co		18	26	2	85 21	2742	Jan 25 80	Jan 25 80	John D. Bailey		18	26	2	85 21
2743	Jan 25 80	Jan 25 80	Daniel A. Bird		18	27	2	85 21	2743	Jan 25 80	Jan 25 80	John C. Rockhill		18	27	2	85 21
2744	Jan 25 80	Jan 25 80	John W. Merriam		18	3	2	85 21	2744	Jan 25 80	Jan 25 80	John C. Rockhill		18	3	2	85 21
2745	Jan 25 80	Jan 25 80	John W. Merriam		18	4	2	85 21	2745	Jan 25 80	Jan 25 80	John C. Rockhill		18	4	2	85 21
2746	Jan 25 80	Jan 25 80	John W. Merriam		18	17	2	85 21	2746	Jan 25 80	Jan 25 80	John C. Rockhill		18	17	2	85 21
2747	Jan 25 80	Jan 25 80	John W. Merriam		18	19	2	85 21	2747	Jan 25 80	Jan 25 80	John C. Rockhill		18	19	2	85 21
2748	Jan 25 80	Jan 25 80	John W. Merriam		18	20	2	85 21	2748	Jan 25 80	Jan 25 80	John C. Rockhill		18	20	2	85 21
2749	Jan 25 80	Jan 25 80	John W. Merriam		18	30	2	85 21	2749	Jan 25 80	Jan 25 80	John C. Rockhill		18	30	2	85 21
2750	Jan 25 80	Jan 25 80	John W. Merriam		18	23	2	85 21	2750	Jan 25 80	Jan 25 80	John C. Rockhill		18	23	2	85 21

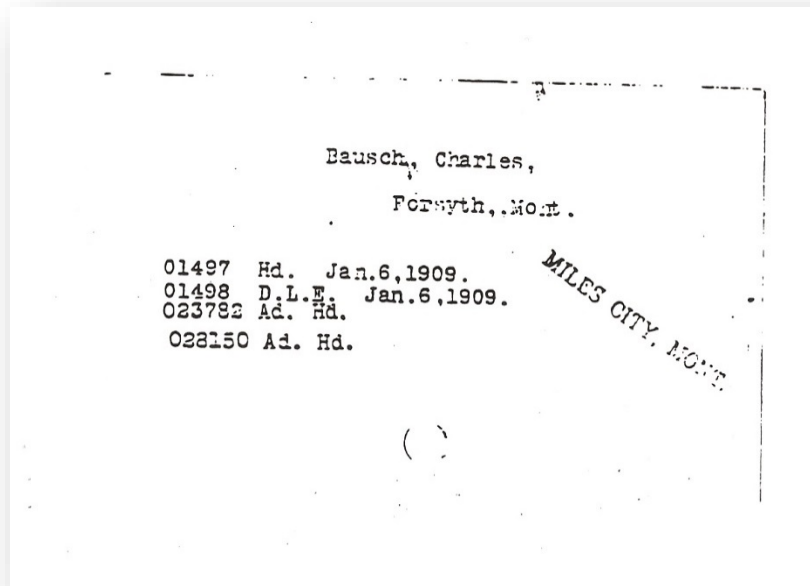
RECORD KEEPING

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 starting with 01.

RECORD KEEPING

ALPHABETICAL INDEX CARDS



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.

RECORD KEEPING

SERIAL REGISTER PAGE

KIND:		NAME					SERIAL No:	
		ADDRESS					DATE	
							NOTATIONS	
DESCRIPTION OF LAND		SECTION	TOWNSHIP	RANGE	AREA			
SE 4		14	28S	5W	160			
Horneslead		Cecil H. McAuley					05101	
		Columbus, N.M.					11-17-15	
							Patent certificate issued in compliance with 25" a c B 10-20-15. Trans 380 Nov 17, 15 returns. Transmitted to U. S. with Nov. 1915 returns.	
							2-5-16	
							Patented 1-24-1916. Pat. No. 509548. Entryman notified ord. mail.	
							2-21-16	
							Patent sent ord. mail to entryman at Columbus, N.M.	
DATE	NOTATIONS							
1-30-11	Filed application. Same allows 1. Applicant notified							
3-21-13	Filed appl. for reduction of area of cultivation. Transmitted C. E. S. with favorable recommendation. P. O. S. advised.							
1-7-14	U.S. BLM 12-27-13 reduces area of cultivation to 5 acres for second year of each year. Show after unit prod. Entryman notified. Ord. mail.							
1-12-14	Filed notice of intention to submit 34 proof. 2-24-14, 1914 before W. C. Hoover, U. S. Commissioner (Provisional) at the U.S. Land Office, New Mexico. Newspaper designated the <u>Arizona</u> at <u>Phoenix</u> , N. M.							
2-17-14	C. E. S. reports against entry. Ord. mail to hold & c.							
2-26-14	Filed proof from 2-24-14. R 12 51 908. S. on report C. E. S. Ord. mail to hold & c. Del. returns.							
6-17-15	Status report made H. L. D. in compliance with Cir. 384							

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.

RECORD KEEPING

CASE FILES

The General Land Office used two filing systems for the 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]

RECORD KEEPING

CASE FILES (continued)

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
<https://eservices.archives.gov/orderonline/start.swe?SWECmd=Start&SWEHo=eservices.archives.gov>.

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](https://www.archives.gov).

RESEARCHING A HOMESTEAD

THE ENTRY OF FRITZ RITSCHARD



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.

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HOMESTEADS**

**THE Best Place to Get a Farm
IS ON THE LINE OF THE
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The Lands are Rich. The Prices are very Low. The Time of Credit Long.
25 per Cent. Discount for Cash. 10 per Cent. for Improvements.

The Climate is very mild. The Winters are short. The Water is pure and good, and the Grasses are exceedingly
nutritious. Pastures are being made in Cattle and Sheep raising.

**NO PAYMENT OF PRINCIPAL IS REQUIRED FOR FOUR YEARS
After the First Installment has been Paid.**

A FREE RIDE TO LAND BUYERS.

FIVE MILLION ACRES

To select from, and Five Million Acres more of Government Land open for Homestead and Pre-emption, all lying along the line of the great Railroad.

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Give a good and reliable account of the country and its progress: the soil, climate, minerals, and agricultural products, and also give good advice
as to who should come to Kansas, when they should come, and what they should have, and point out to the poor man the
road to prosperity. A copy will be mailed free of cost by sending address to

Wm. G. D. Smith, District Clerk **JOHN P. DEVEREUX**, Land Commissioner Kansas Pacific Railway,
Lawrence, Kan.

RESEARCHING A HOMESTEAD

FINDING PATENTED HOMESTEADS

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

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Search Documents Results List

Printer Friendly

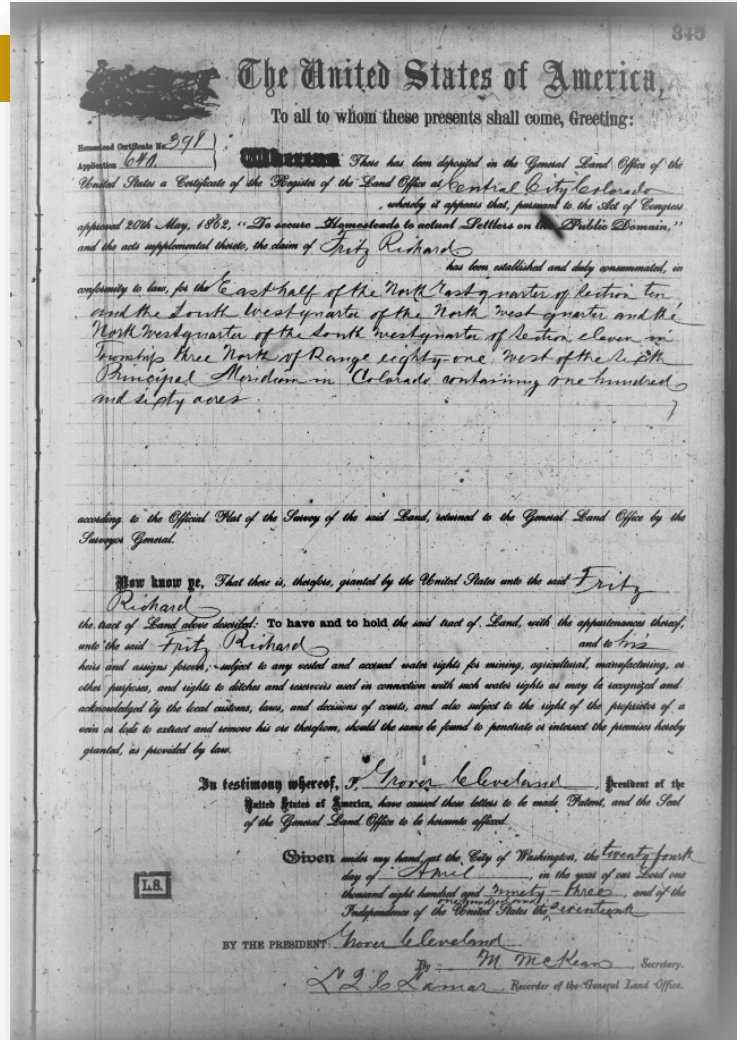
Patents 1 2 3 4 5

Note: An *Italic* entry denotes data that has not been indexed against the land patent document, and has no image.

Image	Accession	Names	Date	Doc #	State	Meridian	Twp - Rng	Aliquots	Sec. #	County
	CO0610...345	RICHARD, FRITZ	4/24/1893	398	CO	6th PM	003N - 081W	E½NE¼	10	Grand
							003N - 081W	SW¼NW¼	11	Grand
							003N - 081W	NW¼SW¼	11	Grand
							003N - 081W	E½NE¼	10	Grand
							003N - 081W	SW¼NW¼	11	Grand
							003N - 081W	NW¼SW¼	11	Grand
	COCOAA 003072	RICHARD, FRITZ	4/24/1893	398	CO	6th PM	003N - 081W	E½NE¼	10	Grand
							003N - 081W	SW¼NW¼	11	Grand
							003N - 081W	NW¼SW¼	11	Grand
	929419	RITSCHARD, CARL	1/18/1924	024333	CO	6th PM	003N - 081W	E½SW¼	8	Grand
							003N - 081W	SE¼	8	Grand
							003N - 081W	S½S½	9	Grand
							003N - 081W	E½NW¼	17	Grand
							003N - 081W	NE¼	17	Grand
	483025	RITSCHARD, FRITZ	7/20/1915	019906	CO	6th PM	003N - 081W	SE¼SW¼	3	Grand
	CO0490...475	RITSCHARD, FRITZ	4/9/1901	47	CO	6th PM	003N - 081W	SW¼SE¼	3	Grand
							003N - 081W	SW¼SE¼	3	Grand
							003N - 081W	SW¼SE¼	3	Grand
	COCOAA 003080	RITSCHARD, FRITZ	4/9/1901	47	CO	6th PM	003N - 081W	SW¼SE¼	3	Grand
							003N - 081W	SW¼SE¼	3	Grand
	915234	RUDOLPH, FOREST J	8/29/1923	024166	CO	6th PM	003N - 081W	S½NW¼	4	Grand

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, Ritichard, 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

ABSTRACT REGISTER BOOK NOTATION FOR FRITZ RITSCHARD

HOMESTEAD ACT OF MAY 20, 1862.

REGISTER OF ENTRIES made at the Land Office at CENTRAL CITY, COLORADO, under the Homestead Act, from the First day of October, 1897, to the 31st day of October, the same month, inclusive.

NUMBER OF APPLICATION	DATE OF APPLICATION	TRACT ENTERED (SECTION OR PART OF SECTION)	NUMBER OF SECTION	NUMBER OF TOWNSHIP	NUMBER OF RANGE	ACRES	NAME OF APPLICANT	RESIDENCE	FEES	COMMISSIONS	REMARKS
637	Oct 15, 1897	E 1/4 N 20 W E 1/4 S 11 W	26	1st	7th	160	Harry Rohacker	Cutter, Colo	10 00	6 00	
638	4 22 "	S 1/4 S 20 W E 1/4 S 11 W and E 1/4 N 11 W	19 30	5th	7th	160	John R. Vanderheide	Evergreen "	10 00	6 00	Cancelled by relinquishment Dec 17 th 1897 at 3:30 PM
639	" 31 "	N 1/4 S 20 W E 1/4 S 11 W	23	6th	7th	160	Mr. Agnes Ellis	Hutchinson "	10 00	6 00	FC # 391
640	" 4 "	E 1/4 S 20 W S 1/4 N 20 W E 1/4 S 11 W	10 11	3rd	8th	160	Fritz Ritschard	Wrennburg "	10 00 110 00	6 00 24 00	DO # 2824, FC # 398 - 1/24/97

RESEARCHING A HOMESTEAD

Final Certificate No. 398
Homestead Application No. 640
James O. P.
LAND OFFICE
AT
November 28th, 1892.
Sect. 10 & 11, Town. 3 N., Range 81 W.
Fritz Ritchard.

Approved April 1st, 1893,
J. L. Patterson, Clerk,
Division C.
Patented April 24th, 1893
Recorded, Vol. 1, page 345
23 h. 28

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.

RESEARCHING A HOMESTEAD

(4-089.)

HOMESTEAD AFFIDAVIT

Under Section 2294, Revised Statutes, for settlers who cannot appear at the District Land Office.

Office of the Clerk of the Court
For Grant County,
October 28, 1887.

I, Fritz Ritschard, of Kremming Grant Co. Cal.,
having filed my Homestead Application No. 640, do solemnly swear that I am
over 21 years of age, and have declared
my intention to become a citizen of the
United States;
that said application No. 640 is made for the purpose of actual settlement and cultivation;
that said entry is made for my exclusive use and benefit, and not directly or indirectly for the use or
benefit of any other person or persons whomsoever; that I am
now residing on the land I desire to enter, and that I have made a bona fide improvement and settlement
thereon; that said settlement was commenced in October 1884,
that my improvements consist of Cabin, stable, two
corrals, fence, ditch & well
and that the value of the same is \$ 500.00; that owing to the long distance
about 80 miles from Central City
I am unable to appear at the District Land Office to make this affidavit, and that I have never before
made a homestead entry ~~except~~.

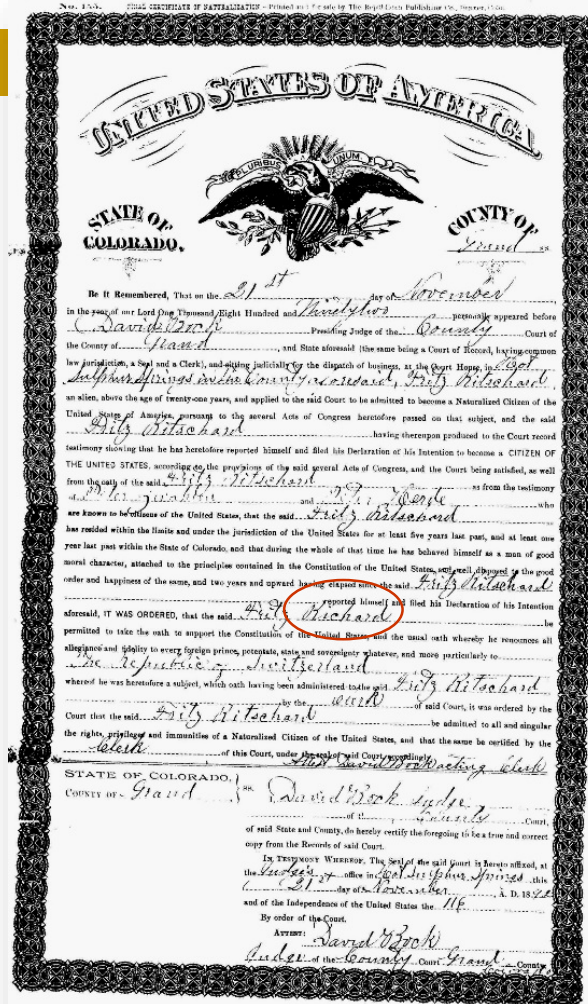
Fritz Ritschard
Sworn to and subscribed before me this 28 day of October, 1887.
Frank N. Briggs, Judge
& acting Clerk of the Court for Grant County

Note.—The claimant must fill up the blank places above, showing whether he is the head of a family or over twenty-one years of age; whether a native citizen, or has declared his intention to become a citizen; whether he and his family, or some member thereof, is residing on the land, giving the date of actual settlement, describing the dwelling-house and improvements, and stating the value of the same, and stating reasons for not appearing at the District Land Office. If claimant ever before made a homestead entry, describe the same; if not, draw a line over the word "except."
(1189—26,006.)

APPLICATION AFFIDAVIT FOR FRITZ RITSCHARD

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.

RESEARCHING A HOMESTEAD



FRITZ RITSCHARD'S NATURALIZATION DOCUMENT

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

(4-389)
HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

Fritz Ritschard being called as a witness in his own behalf in support of homestead entry, No. 644, for the SW 1/4 of Sec. 11, T. 33 N., R. 10 W., 8th Mer., testifies as follows: of SW 1/4 of Sec. 11, T. 33 N., R. 10 W., 8th Mer.

1. Ques. 1—What is your name, age, and post office address?
Ans. Fritz Ritschard, age 44 years, Federal Land, Grand County, Colorado.

Ques. 2—Are you a native born citizen of the United States, and if so, in what State or Territory were you born?
Ans. I was a naturalized citizen.

Ques. 3—Are you the identical person who made homestead entry, No. 644, at the Federal City, Colorado land office on the _____ day of _____, 18____, and what is the true description of the land now claimed by you?
Ans. I am. The SW 1/4 of Sec. 11, T. 33 N., R. 10 W., 8th Mer. of the SW 1/4 of Sec. 11, T. 33 N., R. 10 W., 8th Mer. of the SW 1/4 of Sec. 11, T. 33 N., R. 10 W., 8th Mer.

Ques. 4—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)
Ans. In 1887. The house is 18x24 feet, one story, with a porch. I have also a well, a barn, and a corral. I have also a well, a barn, and a corral. I have also a well, a barn, and a corral.

Ques. 5—Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)
Ans. Of myself, my wife, and one child. We have.

Ques. 6—For what period or periods have you been absent from the homestead since making settlement, and for what purposes; and if temporarily absent, did your family reside upon and cultivate the land during such absence?
Ans. I have been absent only a few days at a time on business. They did.

Ques. 7—How much of the land have you cultivated each season and for how many seasons have you raised crops thereon?
Ans. One acre in garden, 40 acres in hay, stock, corn.

Ques. 8—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?
Ans. It is not.

Ques. 9—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.
Ans. Prairie, hay, and grazing land, team, good, agriculture.

Ques. 10—Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)
Ans. There are none. It is more valuable for agricultural purposes.

Ques. 11—Have you ever made any other homestead entry? (If so, describe the same.)
Ans. I have not.

Ques. 12—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?
Ans. I have not.

Ques. 13—Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)
Ans. I have not.

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this 21st day of November, 1892.
Fritz Ritschard
Classical Book Binder, at the County Court
of Grand County, Colorado

[SEE NOTE ON FOURTH PAGE.]

*No case the party is of foreign birth, a certified immigrant from the court records of his declaration of intention to become a citizen, or required to file (five year) homestead claim.

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."

James Muhn
NARA PRESENTATION
October 2019

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.

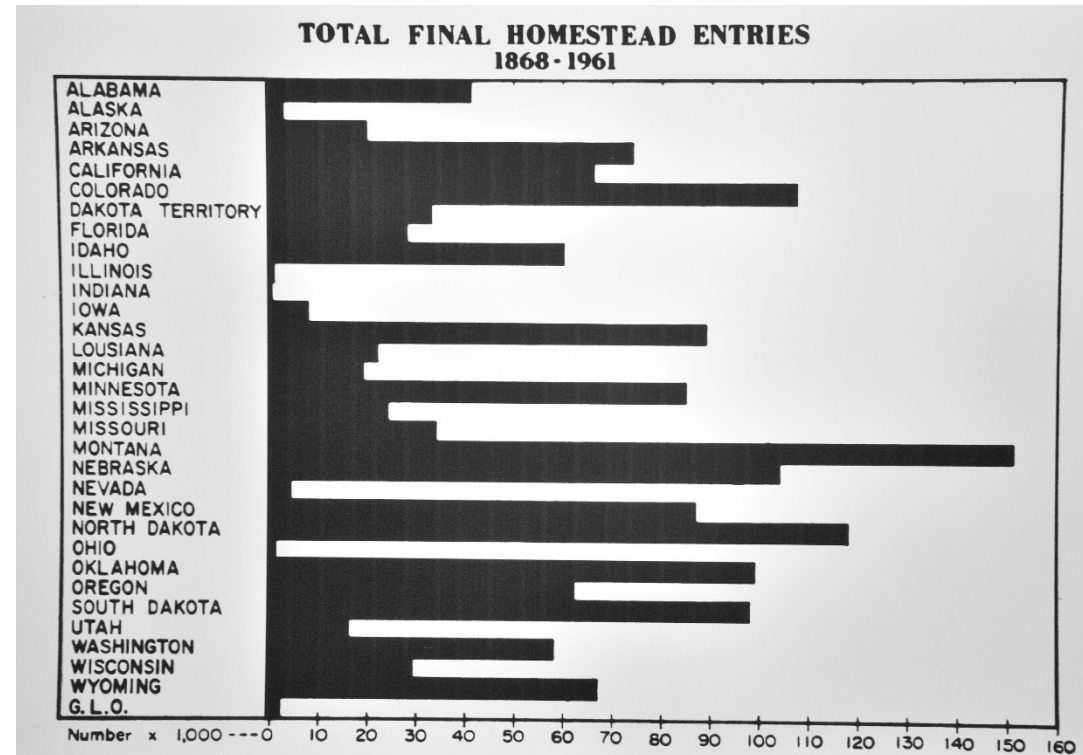
RELINQUISHMENT: A voluntary surrender of an application, right, entry, or claim.

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

SOURCE FOR TERMS: Bureau of Land Management, *Glossary of Public Land Terms* (Reprint), Washington, DC: Bureau of Land Management, 1959.

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

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James Muhn
NARA PRESENTATION
October 2019

ILLUSTRATION SOURCES

BUREAU OF LAND MANAGEMENT

JAMES MUHN

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

U.S. DEPARTMENT OF THE INTERIOR MUSEUM



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