The Homestead Act

Exploring Historical Documents

Grades: 7-8

Objectives: Students will analyze historical documents that reflect one family's experience securing their farm through the Homestead Act of 1862.

What's Inside?
- Teaching instructions
- Background for teachers
- Historical Documents
- National Archives Written Document Analysis Worksheet

Sources: The National Archives & The National Park Service
Teaching Instructions

Learning Objectives
- Students will be able to answer both guiding questions.
- Students will examine documents and be able to place them in the correct chronological order of how they would have been done under the provisions of the Homestead Act of 1862 regardless of date and name on the documents.

Procedure
- Ask students if they have ever had to produce documentation of who they are or when they were born? Why did they have to do this? Why is it important to have documentation?
- Explain that students will learn what type of documents had to be completed in order to earn a Homestead Patent.
- Distribute the National Archives Written Document Analysis Worksheet and the Neve Land Records to each student. Students will need to complete a worksheet for each of the records.
- Students may be placed into groups to reduce the time needed to complete the analysis.

Assessment Materials
Once students have completed their analysis, have them describe some of the information that they found to be interesting as well as discussing any questions that they might have. Discuss with students whether they feel the paperwork was too much, not enough, or just right. Discuss why.

Source: https://www.nps.gov/teachers/classrooms/homestead-act-paperwork.htm
Retrieved 06.07.22

Background

President Abraham Lincoln made the Homestead Act a law by signing it on May 20, 1862. This law gave 160 acres of land away to individuals who met certain requirements. In order to file a claim, an individual had to be at least 21 years of age or be the head of household. This law allowed women to file claims and own land. The act also required a person to be a citizen of the United States or declare intention to gain citizenship. This allowed many European immigrants, African-Americans and others to stake claims as well. Many railroads and western towns sent representatives to European countries to entice people to move to the United States. These representatives showed pictures of beautiful towns with tree-lined streets and rich soil for farming.
The applicant of a claim had to file an affidavit with the local land office stating they met the conditions required by the law. At this time, the claimant would pay a fee of $12 for filing the paperwork.

Once the filing was complete, there were additional requirements to meet in order to receive the patent and title to the land. A person had to build a home, live on the land, make the land his/her permanent residence, and work the land for a period of 5 years. Many people who came to claim land paid for the services of a locator. This person would assist them in finding an unclaimed tract of land. Many locators showed individuals land near their own claim in order to "settle" the country and have neighbors nearby.

After living on the land, building a home, and farming the land for 5 years, it was time to "prove up." This simply required the homesteader to find two individuals who would serve as witnesses. These witnesses had to state they had known the homesteader for 5 years, knew the claimant had tilled the land and grown crops. With witnesses in tow, a claimant would proceed to the land office to "prove up," paying another small filing fee of $6 and having both witnesses sign the final documents. Afterwards, the claimant would receive a final certificate or patent to the land, having met all the conditions.

**Homesteading by the Numbers**

- 10 Percent of U.S. land given away under the Homestead Act.
- 30 Number of states in which homestead lands were located.
- 40 Percent of homesteaders that "proved up" their claims earned a deed from the federal government.
- 123 Years the Homestead Act was in effect.
- 160 Acres in a typical homestead claim.
- 4,000,000 Approximate number of claims made under the Homestead Act.
- 27,000,000 Total number of acres distributed by the Homestead Act.

Source: [https://www.nps.gov/teachers/classrooms/homestead-act-paperwork.htm](https://www.nps.gov/teachers/classrooms/homestead-act-paperwork.htm)
Retrieved 06.07.22
HOMESTEAD AFFIDAVIT

Under Section 2974, Revised Statutes, for settlers who cannot appear at the District Land Office.

Office of the Clerk of the Court

James [Name], of [Place], [State], do solemnly swear that

I am a citizen of the United States and the Head of a Family

that said application No. [Number] 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

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 [Date]; that my improvements consist of [Description]; and that the value of the same is $ [Value]; that owing to great distance

I am unable to appear at the District Land Office to make this affidavit, and that I have never before made a homestead entry escape.

Sworn to and subscribed before me this [Date] day of [Month], [Year].

[Signature]

Registrar, United States Land Office

Note: The statement must fill up the blank places above, showing whether he is the head of a family, the age of all persons, whether a minor child, or not; the date of settlement; the description of the land; the date of acquisition; the name of the state and county; the date of settlement; the date of entry; and whether there is any exception to the claim, or whether the same has been made a homestead escape.
Document 2 – Final Affidavit

(4-190)

HOMESTEAD.

Land Office at Broken Bow, Neb.

Application No. 7

It is hereby certified, That, pursuant to the provisions of Section No. 3, Revised Statutes of the United States, Elizabeth Nee, widow of James Nee, has made payment in full for


of Section No. 35, in Township No. 18 north of Range No. 24 east of the 2nd Principal Meridian, containing 16.8 acres. For the said Elizabeth Nee,

Now, therefore, it is known, That, on presentation of this Certificate to the Commissioner of the General Land Office, the said Elizabeth Nee, shall be entitled to a Patent for the Tract of Land above described.

John Blythe, Register.

Issue patent to Elizabeth Nee, widow of James Nee.

https://www.nps.gov/media/photo/gallery-item.htm?pg=0&id=ee117dfa-983f-48ba-986b-e27a0de9fdb7&gid=AC94A9BE-98A8-4DDE-B7FE-18AC4AC1C9FA
Homestead, Pre-Emption & Commutation Proof.

TESTIMONY OF CLAIMANT.

Full and Specific Answers must be given to each Question. Executed Answers will be Fatal to the Proof.

Elizabeth Jones, alias Emma Jones, claimant, being first duly sworn, testifies as follows:

Question 1. What is your correct name, your age, and occupation? If employed by any person, state by whom.
Answer.

Question 2. What is your post-office address?
Answer.

Question 3. Are you the identical person who made pre-emption filing No. (or homestead entry No.) on the 1st day of January, 18--- at the spot, and what is the true description of the land now claimed by you?
Answer.

Question 4. Where did you live before settling upon this land, and what was your occupation?
Answer.

Question 5. Are you a citizen of the United States, or have you declared your intention to become such?
Answer.

I have naturalized my husband.

If the party is of foreign birth, a copy of his declaration of intention to become a citizen, or full naturalization papers, if already naturalized, must be filed with the case. The latter is only required in final homestead entries.

Answer.

Question 6. Have you ever made a pre-emption filing for any other tract of land, or made any other homestead entry or filing of entry of any kind? (Answer each question separately, describe the land, and state what disposition you made of your claim.)
Answer.

Question 7. 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?
Answer.

No.

Question 8. What is the character of the land? Is it timber, meadows, prairie, grazing, or ordinary agricultural land?
Answer.

Prairie land; agricultural land.

Question 9. Is the land valuable for fuel, stone, or minerals of any kind? Has, are, or other minerals been discovered therein, or in any coal or mineral, known to be contained therein? Are there any indications of coal, salines, or other mineral on the land? If no, describe what they are.
Answer.

No.

Question 10. If the land is timber land, state the kind, quality, and amount of timber thereon at date of filing your claim, the amount still standing, how much has been cut and removed, and by whom, and whether the same has been disposed of, and to whom; also whether any other person than yourself has any interest in the timber, and if so, what kind of interest.
Answer.

Timber land.
Document 4 – Testimony 1 pg. 2

Ques. 12. – If the land is used for grazing purposes, state how and by whom it is so used, and whether it is within any stock range or fence of other enclosures, and who owns or controls the range or enclosures.
Ans. Not on land, not on land.

Ques. 13. – When did you first make an actual personal settlement on this land? State what you did to make such settlement, and the character and value of the improvements you then placed upon the land.
Ans. April 13, 1885. Built house, started fence on same.

Ques. 14. – Was the land occupied by any other person when you made such settlement? If so, state who lived there, and how you obtained possession.

Ques. 15. – Where did you actually move on this land and commence living permanently thereon?
Ans. April 13, 1885.

Ques. 16. – Where has been your actual personal residence and locus during the whole time since the date of this filing or action?
Ans. See my present claim.

Ques. 17. – Has your residence on the land now claimed been actual or continuous, continuous or at intervals? Explain what you mean by actual continuous residence.

Actual and Continuous During three years of the time.

Ques. 18. – Have you rented or leased anywhere on the land since commencing your residence thereon? If so, state when and where, how often, and for how long.
Ans. Never rented, rented to one man.

Ques. 19. – Have you ever leased or rented the land since commencing your residence thereon? If so, state when and where, how often, and for how long.
Ans. Never rented, rented to one man.

Ques. 20. – How many times have you been absent from and tract upon which you commenced actual settlement therein? (Give the dates when each absence commenced and terminated, and the cause therefor.)

Not been absent except as stated above.

Ques. 21. – Have you a family, and of whom does your family consist?
Ans. I have no family.

Ques. 22. – Has your family resided with you on this claim? If so, state when and where, how often, and for how long.
Ans. My husband lived with me until death, March 12, 1887, April 13, 1889. Have been married.

Ques. 23. – Have you any one of your family been absent from this claim? If so, state when and where, how often, and for how long.
Ans. My husband was absent until death.

Ques. 24. – When and by whom was your home built? Is it inhabited at all seasons of the year?
Ans. April 13, 1885. Not done.
Ques. 25. Did you not own family live in said house during all of each or any winter since the date of your filing or entry? If yes, give the description and value of such dwellings.

Ann. They resided in said dwelling house from Oct. 1889.

Ques. 26. If your family has not lived with you on this claim since the date of your filing or entry, state the reason thereof, where they did reside, and when they are now living.

Ann. My husband did until death March 1st 1885.

Ques. 27. Do you own any other evidence than the one now on your claim? If so, state where, and also enclose the same.

Ann. No.

Ques. 28. Describe fully the house on this claim, giving value thereof; also describe fully all other improvements thereof, stating kind, size, and the value of such and kind and value of same improvements.

Ann. Red house 44x30. 9 windows. 8 doors. Board.

Ques. 29. Bed & head board $15.00.

Ques. 30. Table 4x4x4 $12.50.

Ques. 31. Chair 15.00.

Ques. 32. Chicken house 20.00. Coop 5.00.

Ques. 33. Kitchen garden $20.00.

Ques. 34. Jersey cow $100.00.

Ques. 35. Total $171.00.

Ques. 36. What farm implements do you own and use on this claim? State kind and number, and how long you have owned the same.

Ann. Diving, bow, cultivator, mowers.

Ques. 37. What domestic animals and live stock do you own and keep on this claim? State kind and number of each.

Ann. 1 cow & 4 chickens.

Ques. 38. What articles of furniture of every kind you keep and use in your residence on this claim, and how long have you had them there.

Ann. 3 beds & bedding, cooking stove & utensils, chairs, table.

Ques. 39. Have you any personal property or live stock, of any kind, elsewhere than on this claim? If so, describe the same and state where the same is kept.

Ann. No.

Ques. 40. How many acres have you raised crops on this land, and what kind of crops have you raised each season.

Ann. 0 acres.

Ques. 41. How many acres have you put in pasture each year, and how many did you rent? State the number in both.

Ann. 35 acres, 3.28 acres.

Ques. 42. How much do you anticipate to raise this year, or is it prepared foropping the winter season? How much of the land is in corn or pasture?

Ann. 20 acres. 50 acres.

Ques. 43. Have you the land so dry this year, or is it prepared foropping the winter season? How much of the land is in corn or pasture?

Ann. 20 acres. 50 acres.

Ques. 44. If you have been employed in working for others away from this claim since you first engaged residence thereon, where, and for whose, in what occupation or capacity, how long had you so worked, and where you

Ann. Not here to employed
Ques. 38. Where are you assessed for taxes, personal, real estate, or license, and when and where have you paid taxes since claiming this land?
Ans. "Clyff NP. When due, same place.

Ques. 39. Are the improvements on this land assessed for taxes? If so, at what valuation? Have such taxes been paid, if so, when and by whom?
Ans. 96.

Ques. 40. What use is made of this land, and who, besides yourself and family, uses it or causes it to be used?
Ans. "Has same.

Ques. 41. Have you sold, transferred, or mortgaged this land, or offered or agreed to sell or dispose of it, and at what price?
Ans. No.

Ques. 42. Do you make this entry in the interest of or for the benefit of some one else, or has any person other than yourself and family any interest, immediate or prospective, in this entry? If so, state for whom the entry is made.
Ans. No.

Ques. 43. Has any person paid your expenses for making this entry, or paid you wages or a salary on condition that you make said entry, or agreed to do either, or agreed to pay the entry money for you, or to pay the fees or commissions, with the agreement or understanding that you will deed the land after entry is made?
Ans. No.

Ques. 44. Do you make this entry in good faith, for the exclusive purpose of a home and farm for yourself and family?
Ans. I do.

Ques. 45. Did you leave or abandon a residence on your own land to reside on the land herein described, and claimed by you.
Ans. "Your.

[Signature of Claimant] 

Elizabeth Greer, Widow of James Greer, deceased.

[Signature of Claimant] 

Finis L. Godwin, Clerk, District Court, Custer County, hereby certify that each question in the foregoing deposition was fully propounded to the said Elizabeth Greer and the foregoing answers thereto given by her therein before he signed the same and after having sworn according to law that the said Elizabeth Greer is to me personally known (or sufficiently identified by) as the person he represented himself to be in making this proof; that I have called his attention to the laws and penalties against false swearing, and that the foregoing deposition was sworn to and subscribed before me this 24th day of July, A.D. 1882.

[Signature of Deputy Clerk] 

County Judge
(Ques. 12.) If the land is timber land, state whether the timber, or any portion thereof, and what portion, if any, has been cut or removed, and by whom.


(Ques. 13.) What is this land used for, and who, if any one, besides the claimant, is in any manner interested in or impolit of the land or claims the timber thereon?

Ans. Farming, the one.

(Ques. 14.) What has been claimant's occupation since you first knew him and where has he been employed, and by what means of support for himself and his family?

Ans. Reared 2 children for himself and his family.

(Ques. 15.) Has he had any other living or boarding place than on this land during the existence of his present claim? If so, state where he has been living or stopping.

Ans. Not until last fall, she has been staying with her grandson on the west side of the town on account of being free to stay above being on her claim.

(Ques. 16.) Does claimant's family reside on said land? Where did they move thereon? How long have they lived there, and do they still reside thereon? If not, where do they reside?

Ans. She has no family. Her husband died March 1st, 1880.

(Ques. 17.) Has claimant's family been absent from said land since moving thereon? If so, state how often, how long each time, and the cause of said absence or absences.

Ans. Since death as stated above.

(Ques. 18.) State in full and in detail all the facts within your knowledge as to the claimant's actual residence upon said claim, when and how often, you have seen him upon the land, what were the evidences that he actually lived on the tract how long he has lived there, and whether he lives there now.

Ans. I have seen her often, save her strike there, I knew she has lived there since April 1st 1880, and lives there now.

(Ques. 19.) If claimant has been absent from said land since his alleged settlement, state fully how often, when, how long each time, and for what purpose.

Ans. Not been about except as stated above.
Ques. 21. State in detail the character of the improvements, what they consist of, and when they were made; the time of each distinct improvement, fully describing the same and whether they were made by the claimant or by some other person.

Ans. Soda house 14 x 20. 2 windows. 2 doors.
Sod roof. 100. Sod table. 75. Sod house 25.
Cove #2. Cove door 75.
25 ac. cultivation 100.
Made by claimant.

Ques. 22. Give the size, construction, and material of claimant's house on said tract; also state whether the same is calculated during all seasons of the year.

Ans. 14 x 20. 2 windows. 2 doors. 2 doors.
25 ac.

Ques. 23. What is this land worth, and was it ever offered for sale?

Ans. Not to my knowledge.

Ques. 24. When did claimant commence living upon this land?

Ans. April 18, 1885

Ques. 25. How many of said land has been broken, how much plowed since being broken, and how much put into crop each season? State kind of crops raised, their value, and amount of cattle grown were raised.

Ans. 30 acres broken. 1 acre ploughed.
I do not know. Best known fair crops were raised each season since 1885. Don't know value crops when I took it. 1 season.

Ques. 26. Is said land in crops this season, or has it been prepared for cropping the coming season?

Ans. Yes, in crops.

Ques. 27. Is claimant the owner of 320 acres in this or any other State or Territory? Did claimant lay or abandon a residence on said land or otherwise make improvements, or do any other thing to make said land his own?

Ans. Not to my knowledge.

Ques. 28. Do you believe that claimant intends to continue residence on this land after making said proof, or does he intend to remove therefrom?

Ans. I believe he intends to remain.

Ques. 29. Does claimant, with his family, reside on said land at the present time? You will explain how you know.

Ans. Yes. He lives there.

Billings, F. B. [Signature]
[Seal]
# Analyze a Written Document

## Meet the document.

Type (check all that apply):

- [ ] Letter
- [ ] Speech
- [ ] Patent
- [ ] Telegram
- [ ] Court document
- [ ] Chart
- [ ] Newspaper
- [ ] Advertisement
- [ ] Press Release
- [ ] Memorandum
- [ ] Report
- [ ] Email
- [ ] Identification document
- [ ] Presidential document
- [ ] Congressional document
- [ ] Other

Describe it as if you were explaining to someone who can’t see it.

Think about: Is it handwritten or typed? Is it all by the same person? Are there stamps or other marks? What else do you see on it?

## Observe its parts.

Who wrote it?

Who read/received it?

When is it from?

Where is it from?

## Try to make sense of it.

What is it talking about?

Write one sentence summarizing this document.

Why did the author write it?

Quote evidence from the document that tells you this.

What was happening at the time in history this document was created?

## Use it as historical evidence.

What did you find out from this document that you might not learn anywhere else?

What other documents or historical evidence are you going to use to help you understand this event or topic?