

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Exploring Historical Documents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Objectives: Students will analyze historical documents that reflect one family's experience securing their farm through the Homestead Act of 1862.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- Historical Documents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

Retrieved 06.07.22

(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 Custer County,

1885

I, James Meave Sr. of Custer Neb.
having filed my Homestead Application No. 7783, do solemnly swear that I am
a citizen of the United States and the
head of a family

that said application No. 7783 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 February 16th 1885
that my improvements consist of a house etc.

and that the value of the same is \$ 75⁰⁰; 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 ~~except~~

Attest Heath Dupree

James Meave Sr.
Sworn to and subscribed before me this 23rd day of April, 1885.

Melvan H. Scott
District
Clerk of the Court for Custer Neb.

By Heath Dupree

Note.—The claimant must fill up the blank places above, showing whether he is the head of a family or not, whether he is a 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 reason 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."

(4-196.)

HOMESTEAD.

Land Office at Broken Bow Neb.

August 2, 1880

FINAL CERTIFICATE
No. 7

APPLICATION
No. 7283

It is hereby certified That, pursuant to the provisions of Section No. 2207, Revised Statutes of the United States, Elizabeth Nene widow of James Nene has made payment in full for E² N² E⁴ S² E⁴

of Section No. 35 in Township No. 18 North of Range No. 24 West of the sixth Principal Meridian and containing 168 acres.

Now, therefore, be it known, That on presentation of this Certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said Elizabeth Nene shall be entitled to a Patent for the Tract of Land above described.

John Reese
Register.

Issue patent - to Elizabeth Nene widow of James Nene, G.M.D.

Homestead, Pre-emption & Commutation Proof.

TESTIMONY OF CLAIMANT.

Full and Specific Answers must be given to each Question.

Erasive Answers will be Fatal to the Proof.

Elizabeth Neve widow of James Neve, claimant, being first duly sworn, testified as follows:

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

Ans. Elizabeth Neve widow of James Neve Deceased. Age 48 years. Hus was

Question 2.—What is your post-office address.

Ans. Cliff Nebraska

Question 3.—Are you the identical person who made pre-emption filing No. (or homestead entry No. 7294) at

the North Platte land office on the 1st day of May, 1885; and what is the true description of the land now claimed by you?

Ans. I am 8th NE⁴ E² SE⁴ 35-19-24 NE

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

Ans. Wisconsin - Farming

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

Ans. No I have naturalized my husband.

In case the party is of foreign birth, a copy of his declaration of intention to become a citizen, or full naturalization certificate, officially certified, must be filed with the case. The latter is only required in final homestead entries.

Question 6.—Are you interested in any other entry or filing than the one upon which you now seek to make proof?

Ans. No

Question 7.—Have you ever made a pre-emption filing for any other tract of land, or made any other homestead entry or filing of any kind? (Answer each question separately, describe the land, and state what disposition you made of your claim.)

Ans. No

Question 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. No

Question 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 land agricultural land.

Good Farming

Question 10.—Is the land valuable for coal, iron, stone, or minerals of any kind? Has any coal or other minerals been discovered thereon or is any coal or mineral known to be contained therein? Are there any indications of coal, salines, or minerals of any kind on the land? If so, describe what they are.

Ans. No. No

Question 11.—If the land is timber land, state the kind, quality, and amount of timber thereon at date of initiating 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.

Ans. Not timber land

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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 or other enclosure, and who owns or controls the range or enclosure.

Ans. *Not so used & not so enclosed*

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 1st 1885. built house. took 20 acres @ \$3.00*

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

Ans. *None*

Ques. 15.—When did you actually move on this land and commence living permanently thereon?

Ans. *April 13th 1885.*

Ques. 16.—Where has been your actual personal residence and home during the whole time since the date of this filing or entry?

Ans. *On my Present claim*

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

Ans. *actual and continuous living there most of the time*

Ques. 18.—Have you resided or boarded elsewhere than on this land since commencing your residence thereon? If so, state when and where, how often, and for how long?

Ans. *Since last Oct. 89 I have boarded with my Grandsons at intervals being to full to stay right alone*

Ques. 19.—Where have you voted since establishing residence on this land, and where did you last vote, and how long have you voted there?

Ans. *I have no vote*

Ques. 20.—How many times have you been absent from said tract since you commenced actual residence thereon? Give the dates when each absence commenced and terminated, and the cause therefor.

Ans. *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 they moved on the land, and how long they have lived there, and whether they actually reside there still.

Ans. *My husband lived with me until death March 1st 1885. April 13th 1885. lived there until death*

Ques. 23.—If your family has been absent any part of the time since moving on the land, state the causes for and the dates when each absence commenced and terminated.

Ans. *My husband was not absent until death March 1st 1885*

Ques. 24.—Who and by whom was your house built? Is it habitable at all seasons of the year?

Ans. *April 1st 1885. My Son. It is*

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Ques. 24.—Did you and your family live in said house during all of each or any winter since the date of your filing or entry? If not, state the duration and causes of such absence.

Ans. My husband did until death March 1st 1887
I have except last winter. So fable to stay alone

Ques. 25.—If your family has not lived with you on this claim since the date of your filing or entry, state the cause therefor, whom they did reside, and where they are now living.

Ans. My husband did until death March 1st 1887

Ques. 27.—Do you own any other residence house than the one now on your claim? If so, state where, and who occupies the same.

Ans. No

Ques. 28.—Describe fully the house on this claim, giving value thereof; also describe fully all other improvements thereon, of whatever kind, giving the value of each and total value of all improvements.

Ans. See house 14x30. 3 windows 2 doors board
& sod roof. \$15.0. Sod Table 14x14. \$25; Chicken house
\$20 Cave, \$40 Cistern \$5.0.
25 broke same in cultivation \$100
Total \$415-

Ques. 29.—What farm implements do you own and use on this claim? State kind and number, and how long you have owned the same.

Ans. Stirring Plow Cultivator, Wagon

Ques. 30.—What domestic animals and live stock do you own and keep on this claim? State kind and number of each kind.

Ans. one cow & chickens

Ques. 31.—State 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.

Ans. 2 beds & bedding, cooking stove & utensils
chairs, table

Ques. 32.—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.

Ans. No

Ques. 33.—How many seasons have you raised crops on this land, and what kind of crops have you raised each season.

Ans. 5 seasons. Corn wheat and oats

Ques. 34.—How many acres have you put in crops each year, and how much did you raise? State the amount in bushels of each kind. 85, or a cord. 50 bu 86, 6, 6 wheat, 101 bu. oats 50, 50 bu corn 150 bu

Ans. 87, wheat & corn, 2 ac. 80 bu. 88, 25 acres corn, 600 bu

89, 25 acres corn, 1000 bu

Ques. 35.—Have you the land in crop this year, or is it prepared for cropping the coming season? How much of the land is so cropped or prepared?

Ans. Yes use crops

Ques. 36.—Do you carry on any trade, profession, or business elsewhere than on this land? If so, state what business you have been engaged in while claiming this land, when it was carried on, and the distance from your claim.

Ans. No

Ques. 37.—If you have been employed in working for others away from this claim since you established residence thereon, state when, where, and for whom, in what occupation or capacity, how long have you so worked, and where you stayed and lived during that time.

Ans. Not been so employed

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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. Cliff T.P. where 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. No

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

Ans. Harmining no one

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 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. No

Witness Geo. M. Simpson [Signature of Claimant.] Elizabeth Neve ^{hus} widow of James Neve deceased

I, J. J. Shinn ^{County Judge} Clerk District Court, Custer County, hereby certify that each question in the foregoing deposition was orally propounded to the said Elizabeth Neve

and the foregoing answers severally given by him thereto before he signed the same and after being sworn according to law; that the said Elizabeth Neve is to me personally known (or satisfactorily identified by _____) as the person he represents 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 24 day of July A. D. 18 90

H. J. Shinn
Clerk District Court.
County Judge
Deputy.

Homestead, Pre-Emption & Commutation Proof

TESTIMONY OF WITNESS.

Question 1.—What is your true name, (christian and surname,) given in full, your age, residence, and present postoffice address? (Give description of land on which you reside, quarter-section, township and range.)

Answer: William H. Humborn age 32 years Relief Westbrook
S. 8th 32-18-24

Question 2.—What is your present occupation, and where and by whom have you been employed since April 1882 the date of claimant's alleged settlement on said tract?

Ans. Harassing for myself

Question 3.—Are you related to claimant or in any way interested in this claim, or are you connected with him in business of any kind?

Ans. No No

Question 4.—How far from the residence of claimant on said tract, do you reside, and how long have you lived there?

Ans. 2 miles 5 years

Question 5.—Give the names and residences of two or more persons living nearer to the claimant of this tract than yourself. If none are nearer than you, give the names of two or more next nearest, and state the land on which they reside.

Ans. Mat Woloszyk sec 35-18-24 W.
John Mader. sec 1-17-24 W.

Question 6.—How long have you known Elizabeth ^{deceased} the claimant, for whom you appear as a witness, where has he been living since you first knew her up to the present time, and is he the identical person she represents herself to be?

Ans. 20 years as the claimant described. Yes

Question 7.—Are you well acquainted with the land embraced in this claim? Give correct description thereof; also state the extent of your knowledge, and how you know what you affirm.

Ans. Yes. E² NE² & E² SE² 35-18-24 W.
Know by personal knowledge

Question 8.—How often have you been on this tract of land since claimant's alleged settlement thereon, at what time or times, and when did you last see him on the land?

Ans. average once every two weeks various times yesterday

Question 9.—Is said tract within the limits of an incorporated town or selected site of a city or town, for used in any way for trade or business?

Ans. No No

Question 10.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Prairie land Harassing

Question 11.—Are there any indications of coal, minerals, or salines on this land?

Ans. No

Question 12.—Is it within any stock range or fence or other inclosure? If so, give the names of the parties owning or in any manner controlling such inclosure or range.

Ans. not so enclosed

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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.

Ans Not timber land

Ques. 14.—What is this land used for, and who (if any one) besides the claimant is in any manner interested in or uses or controls the land or claims the timber thereon?

Ans Farming no one

Ques. 15.—What has been claimant's occupation since you first know ~~her~~ and where has she been employed, and by whom?

Ans Farming & housekeeper for herself on her claim

Ques. 16.—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 the most of the time on account of being too feeble to stay alone being on her claim often

Ques. 17.—Does claimant's family reside on said land? When 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 1887.

Ques. 18.—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. 19.—State in full and in detail all the facts within your knowledge as to the claimant's actual residence upon this 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 saw her often saw her stock there know she has lived there since April 13th 1885. & lives there now

Ques. 20.—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 absent except as stated above

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Ques. 21.—State in detail the character of the improvements what they consist of, and when they were made; the value of each distinct improvement, fully describing the same; also whether they were made by the claimant or by some other person.

Ans. Sod house 14x20. 2 windows. 2 doors.
Sod roof. \$100. Sod stable. 75'. Store house \$20.
Cave \$25. Cistern \$45.
25 in 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 habitable during all seasons of the year.

Ans. 14 x 20. 2 windows. 2 doors. Sod roof.
It is

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

Ans. \$1500 not to my knowledge

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

Ans. April 13th 1885.

Ques. 25.—How much 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 number of seasons crops were raised.

Ans. 30 acres broken same ploughed
I do not know, but know fair crops
were raised each season since 1885 don't know
value corn wheat & oats - 5 seasons

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.—a. Is claimant the owner of 320 acres in this or any other State or Territory? b. Did claimant leave or abandon a residence on her own land, or ~~in~~ reside on the land herein described?

Ans. a. not to my knowledge b. not to my knowledge

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

Ans. I believe she intends to remain

Ques. 29.—Does claimant, with his family, reside on said land at the present time? You will explain how you know ~~that she~~ resided there, as you have heretofore stated.

Ans. she does has no family
by living near, seeing her there often.
know she lives there

William F. Thompson
[Signature of Witness]

Analyze a Written Document

Meet the document.

Type (check all that apply):

- | | | | | |
|---|------------------------------------|--|--|--|
| <input type="checkbox"/> Letter | <input type="checkbox"/> Speech | <input type="checkbox"/> Patent | <input type="checkbox"/> Telegram | <input type="checkbox"/> Court document |
| <input type="checkbox"/> Chart | <input type="checkbox"/> Newspaper | <input type="checkbox"/> Advertisement | <input type="checkbox"/> Press Release | <input type="checkbox"/> Memorandum |
| <input type="checkbox"/> Report | <input type="checkbox"/> Email | <input type="checkbox"/> Identification document | | <input type="checkbox"/> Presidential document |
| <input type="checkbox"/> Congressional document | | <input type="checkbox"/> 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?

