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Revelations of a Homestead File

Ann Johnson Barton*

Swedish American genealogists with homesteaders in their ancestry have a rich source of information not duplicated anywhere. A homesteader's file—available to the public for a nominal fee from the National Archives in Washington, D.C.—provides a panoramic view of his farm and a peek into his personality. There are several documents per file, each with its own perspective on the farmer and his family. The modern-day researcher becomes privy to where, when, and how that farmer lived.

The *Application* tells the exact date that the man claimed his parcel of homestead land as well as the specific address of that land recorded as section, township, and range. Homesteaders were allowed only a part of a 640-acre section. Sections were divided into quarters. Some homesteaders could claim a full quarter (160 acres) while those who chose land near the railroad were entitled to just 80 acres or half of a quarter section. The homestead application records the specific portion of a particular section. As an example, my paternal great-grandfather claimed 80 acres in the eastern half of the southwest quarter of Section 8, Township 14 North (of the baseline at the Kansas border), Range 3 West (of the 6th Principal Meridian). This address is unique to John Peterson, my great-grandfather, and tells me that his property was located in Polk County, Neb. It also tells me that he valued proximity to the railroad. He registered his claim on 6 December 1876 when he was sixty years old. To me, that indicates tremendous courage.

How, you may ask, could he find homestead land still available fourteen years after passage of the Homestead Act? Another homestead document, *Homestead Proof-Testimony of Claimant*, reveals the answer. John Peterson testified that “there was a house on said land when I took possession.” A prior homesteader who had not made a go of it had abandoned this land. [Note: When I examined the property, I could see why. It was largely gully. But John Peterson wanted to be near his sons who had claimed better land in the area several years earlier.] The fact that John Peterson received a U.S. Patent Deed for the property tells me something of his determination and, perhaps, the patience of his wife.

In his homestead proof, John Peterson testified that he had been naturalized and that he, his wife, and one child had lived continuously on the land since 6 December 1876. He claims to have built a sod house, a fence, barn, corn crib, and granary, and planted both forest and fruit trees in addition to cultivating 60

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acres upon which he raised five crops—all conditions of the Homestead Act. He estimated that his farm was worth \$700 (about \$11,500 in current dollars). John Peterson was an industrious man, eager to meld into American society.

The number on John Peterson's original application was 15,944. His final certificate of entitlement to a patent for the tract of land he claimed was numbered 10,472. In other words, only two-thirds of those who expected to own a homestead had persevered to the completion of its requirements. That says something of the harshness of the conditions for farming and adds to the stature of those who earned their patent.

One of the bonuses of the homestead papers is a glimpse of the signature of the claimant. The homesteader was obligated to sign several of the documents. From this requirement, I learned that John Peterson could write, although his hand was shaky.

John Peterson's eldest son, John P. Johnson, could not write in 1873 when he applied for homestead land. His documents were signed with his mark. However, by the time John P. Johnson applied for Timber Culture land in 1886, he was able to sign his own name. All of John Peterson's other sons could write in the 1870s.

Yet John P. Johnson, of all the family members, received the most public land from the U.S. government. Like everybody else, he could claim only one homestead. On 3 March 1873, however, Congress passed the Timber Culture Act which enabled settlers who planted 40 acres of trees to claim an additional 160 acres of public land (or 80 acres if that land were located near the railroad tracks). The intent of this act was to temper the climate and provide future building material. The task was so difficult that Congress was compelled to amend the act to require only ten acres to be planted with trees.

In order to earn a patent on timber culture land, a settler had to keep his trees alive for eight years. After the Nebraska grasshopper scourge of 1874-75 destroyed many young trees, a further amendment was passed by Congress stating that if two witnesses could support a claim that grasshoppers destroyed trees of a particular age, the time for planting and growing trees and the making of the final proof "shall be extended the same number of years as the trees planted on said claim were destroyed."

That many farmers experienced real misfortunes with this act is evidenced by the fact that John P. Johnson's original application for timber culture land was numbered 964 and his final certificate was 230. Proofs similar to those required by the Homestead Act were also required of Timber Culture Act claimants. John P. Johnson planted mostly cottonwood trees and box elder, as they were easy to grow and keep alive. And how did John P. Johnson know how many acres of trees he had planted? In his proof of qualification for a patent deed, he stated that he "measured the ground with a rod pole."

John Peterson's second son Charles (anglicized from Carl)—the first to come to the United States—made his 80-acre homestead claim on 16 October 1871. In his final proof, he describes his house as being a frame structure

measuring 12' x 16' with one room, two doors, and two windows. He had also built a sod kitchen 12' x 18' with one room, one door, and two windows. He constructed a stable of lumber and sod measuring 12' x 40', a frame granary 8' x 16', and a frame corn crib 8' x 32'. He cultivated 60 acres of land and planted 8,000 forest trees. He bored a well 96' deep. We don't have a photograph of this early farm, but such specific descriptions invite visualization.

Two of John Peterson's sons bought railroad land in Polk County, Nebraska, under the Union Pacific Railway Act passed by Congress in 1862, just six weeks after the homestead provisions were enacted. The warranty deeds for these sales are nowhere near as descriptive as the homestead papers, but they do give the location of the land, the amount paid for it, and the date of purchase.

In the 1880s, another John Peterson—this one my mother's uncle by marriage—claimed homestead land in Minnesota. In 1888 he signed an affidavit stating that he could not produce his original receipt for the land he claimed as it was destroyed by fire at the time his house burned down in December 1885. He was, however, the same person who laid claim to the northeast quarter (160 acres) in Section 30, Township 129 North, Range 46 West. It was signed by both John Peterson in his own hand, and the register [registrar]. Unlucky John Peterson had made an affidavit the previous year before the same register, that time declaring that his name on his naturalization certificate had been misspelled, but that he was, in fact, the same person who had been granted citizenship. Despite all the problems this immigrant homesteader had, he went on to receive a U.S. patent on his land, dated 13 March 1890.

In his final homestead proof, John Peterson describes the rebuilding of his house. With the help of his neighbors, it took but two weeks. A brand new baby—the fourth—had arrived the previous month. Time was, quite literally, of the essence. Peterson's homestead proof gives the dimensions of each of his buildings and the depth of his three wells. It lists his household furniture (which he states was all necessarily new in 1886) and his farm implements. His crops and his animals were also identified.

Because citizenship, or at least the filing of naturalization papers, was required of both homestead and timber culture applicants, an individual immigrant's file will contain an *Affidavit* of intention to become a citizen, *Naturalization—1st Papers*, wherein the immigrant renounces allegiance to all foreign powers and particularly the sovereign of his country, and a *Certificate of Naturalization* or *Certificate of Citizenship*.

Locating specific homestead papers takes a bit of perseverance, but the rewards are well worth the effort. They draw you right into the lives and the homes of your ancestors.

First of all, you need to know the names of your homesteading ancestors, both man and wife, and the state and county they lived in. The courthouse, located in the various county seats, has records dating back to the founding of the county. Go to the Recorder's Office and ask to see the early deed index. Find your farmer's name, and note the description of the land (Section, Township,

Range) as well as the date. Then find the actual U.S. Patent Deed in the appropriate deed book. Verify that the name of the purchaser is your ancestor. But don't stop there.

The patronymic naming system prevalent in Sweden at the time the farm immigrants arrived in this country resulted in many people having the same name. This is why you need to know the farmer's wife's name and why you need to locate the deed of sale for this same property. While only the farmer signs the deed of purchase, the deed of sale also contains the wife's name. If both names match those of your ancestors, you have probably found the correct deed. Make a photocopy of both deeds. They are precious treasures.

Now you can write to the National Archives for a copy of your ancestor's homestead (or Timber Culture Act) file. You will need to supply the following information:

- Homesteader's name (man only)
- Type of land entry, i.e., homestead or timber culture
- Certificate number on the deed of purchase
- Legal description of the land by section, township, and range
- Land office where the papers were originally filed.

The above information may all be found on the purchase deed. Then write to
National Archives Records Administration
Civilian Records Branch - Land
9th & Pennsylvania Ave., N.W.
Washington, D.C. 20408

and request a copy of your ancestor's papers. Do not send money as prices vary depending on the number of papers in the file. The minimum charge is \$10.00. If you wish to make any inquiries by telephone, call the Civilian Records Branch at 202-501-5395. Ask for the land records office.

It takes two to ten weeks to process your order, depending on the backlog. When you receive your papers, a part of history will become personalized.

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Editor's Note: Reproductions of John Peterson's homestead documents, which are described herein, could not be included. According to the author: "Although I possess copies of the homestead papers I allude to, they are legal size and *already difficult to read* [emphasis mine]. The required reduction for *SAG*, it seems to me, would result in total frustration for the reader."¹

Fortunately, more legible documents from another individual's homestead file—my great-grandfather, John Erickson—are illustrated in the article "Genealogical Workshop: Records of an Immigrant Family. Part 3," which appears on pages 37-54 of this issue.

¹ Ann Johnson Barton to James E. Erickson, 4 April 2000.