



Madison County Genealogical Society



Madison County Genealogical Society
P.O. Box 1031, Norfolk, NE 68702-1031
mcgs@telebeep.com

www.rootsweb.ancestry.com/~nemcgs/
www.nesgs.org/~mcgs

Homesteading

By Charlton Ryan

After President Lincoln was elected President, Congress passed the Homestead Bill on May 20, 1862. This bill made it possible for a person who met three conditions to file a claim for free land. The conditions were:

1. Be 21 years of age or older
2. Be a citizen of the U.S. or intend to become a citizen
3. Be a person who never bore arms against the U.S.

Those who met the conditions were entitled to 160 acres of land. Those who staked out their future property on railroad grant land, however, could only choose 80 acres.

The future landowner had to go to the nearest federal land office with a property description and file an application for the land. After filing, the applicant was allowed six months to move onto the land and begin making improvements. Then the applicant had to maintain "continuous residence" on the property from the time of filing until a five-year period was up.

After five years, but not more than seven and a half years, the applicant could appear with two witnesses who were to testify that the applicant had met the terms of his land claim, which included making improvements. The settlers referred to this process as "proving up." Once the claimant proved that he had met the requirements, the federal government issued him (or her) a land patent, which was essentially a deed to the homesteader's land issued by the government.

Fewer than half the land claims made in Nebraska were ever proven, or completed. For various reasons, the claimants failed to prove up. Many claimants found the stipulation requiring five years of continuous residence too difficult, some found the conditions too harsh, some had problems with claim jumpers and/or Indians, some lost their lives, and others returned to families back home. Homesteaders earned their land, even if it was free.

Homesteading Terms

Entryman Person filing the claim at the Land Office

Agent Or land agent. Helped people who were new to the area find a suitable claim. Sometimes an agent could help the homesteader describe the property in order to file the homestead application. Unfortunately, some land agents were unscrupulous and charged big prices.

Speculator A person who either bought land from a settler with the intention of selling it at a higher price or a person who filed a claim with the intention of selling the land rather than living on it for five years. The land speculator might hire people to make fraudulent claims.

Commutation To pay the declared federal price of the land in order to get a patent.

Preemption Right A person who was already living on land before the government surveyors arrived frequently felt that because he lived there, he had the right to have that particular piece of property as his homestead. He felt he had a preemption right to the land.

Land Clubs Were formed by groups of settlers in particular locations. They worked together to keep outsiders from their land club area. Forming a land club made it possible for settlers to live on unsurveyed land. After a survey, and after the government put the land up for sale, the land club members worked together to control land prices.

Jumper Someone settling in on a previously occupied homestead, a claim jumper. If a homesteader ever left his land for a period of time, he left himself and his land open to the jumper. If the jumper could get to the land office and prove that the homestead was unoccupied, the jumper could take out a homestead application on the property.

Filing The process of making an application for homestead land.

Patent When the homesteader had fulfilled all requirements for property ownership, the government issued him or her a patent—similar to a deed proving ownership. Copies of patents issued to homesteaders may be obtained from the Government Land Office

Relinquishment Throwing in the towel. Giving up the homesteading process. Leaving. Or selling out to a jumper.

Proving Up Proving to the land office that the terms of making a homestead were completed.

Squatter A person illegally living on government land.

Saline Land Grant Government land around salt springs which was turned over to the state. Nebraska got 72 sections of land this way.