

Free Land! (cont.)

Historical Background Information

Many people had traveled west to settle new land. Most settlers went to Oregon and California. They passed through the Great Plains on their way. People thought of the Plains as a large desert. Then, it was discovered that this "desert" had rich soil. The United States government wanted people to farm the land. They hoped that farmers could raise enough food for the whole country.

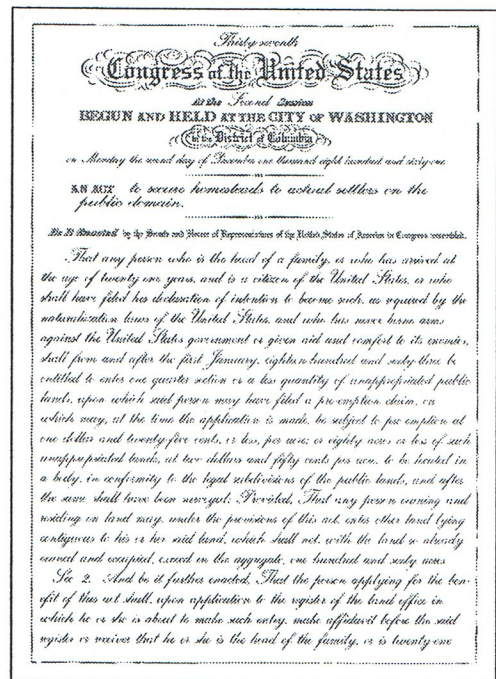
In 1862, President Abraham Lincoln signed the Homestead Act.

This law offered pioneers 270 million acres (about one million square km) of free land in the Great Plains. Any citizen or immigrant could buy 160 acres (0.65 square km) for just \$18.00!

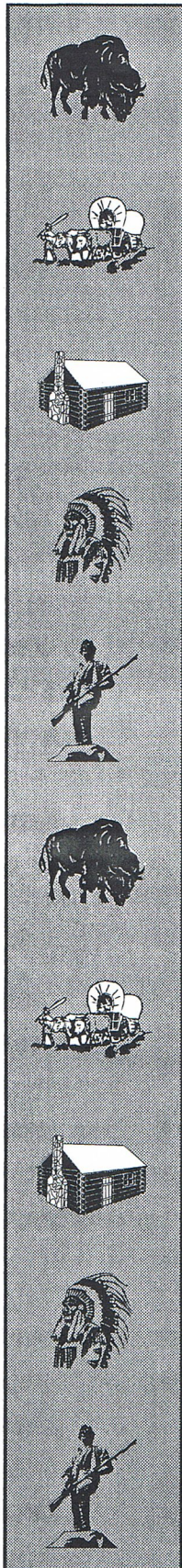
To apply for the land, the person had to be the head of the household. He or she had to be at least 21 years old. Both single women and former slaves could apply. They had to agree to farm the land for at least five years.

They also had to build a house and improve the land. At the end of the five years, each homesteader had to find two neighbors who would sign a statement of proof. This statement told the government that the homesteader had improved the land. The pioneer then officially owned the land.

The movements of people west affected the American Indians. The plains had been their home for many years. Suddenly their land was given to new settlers. The American Indians were forced to fight or leave. Some fought and died. Most went to live on reservations. One state continued to use the Homestead Act until 1986. It was the greatest land giveaway in United States history.



First page of the 1862 Homestead Act



Text of the Homestead Act

AN ACT to secure homesteads to actual settlers on the public domain.

Be It Enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States government or given aid and comfort to its enemies, shall from and after the first January, eighteen-hundred and sixty-three be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a pre-emption claim, on which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre; to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: Provided, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate, one hundred and sixty acres.

Section 2. And be it further enacted, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of the family, or is twenty-one years, or more, of age, or shall have performed service in the Army or Navy of the United States, and that he has never borne arms against the government of the United States, or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever, and upon filing the said affidavit with the register or receiver and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: Provided, however, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time or at any time within two years thereafter, the person making such entry, or if he be dead, his widow, or in case of her death, his heirs or devisee, or in case of a widow making such entry, her heirs or devisee, in case of her death – shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid and shall make affidavit that no part of said land has been alienated and that he has borne true allegiance to the government of the United States, then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent as in other cases provided for by law: And provided further, That in case of the death of both father and mother leaving an infant child, or children under twenty-one years of age, the right and fee shall enure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

Section 3. And be it further enacted, That the register of the land office shall note all such applications on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

Section 4. And be it further enacted, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

Section 5. And be it further enacted, That if at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government.

Section 6. And be it further enacted, That no individual shall be permitted to acquire title to more than one quarter section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued, but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: Provided that nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights: And provided, further, That all persons who may have filed their applications for a pre-emption right prior to the passage of this act shall be entitled to all privileges of this act: Provided, further, That no person who has served or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof during the existence of an actual war, domestic or foreign, shall be deprived of all benefits of this act on account of not having attained the age of twenty-one years.

Section 7. And be it further enacted, That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations and affidavits, required or authorized by this act.

Section 8. And be it further enacted, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in this case provided by law; on making proof of settlement and cultivation as provided by existing laws granting pre-emption rights.

Name _____

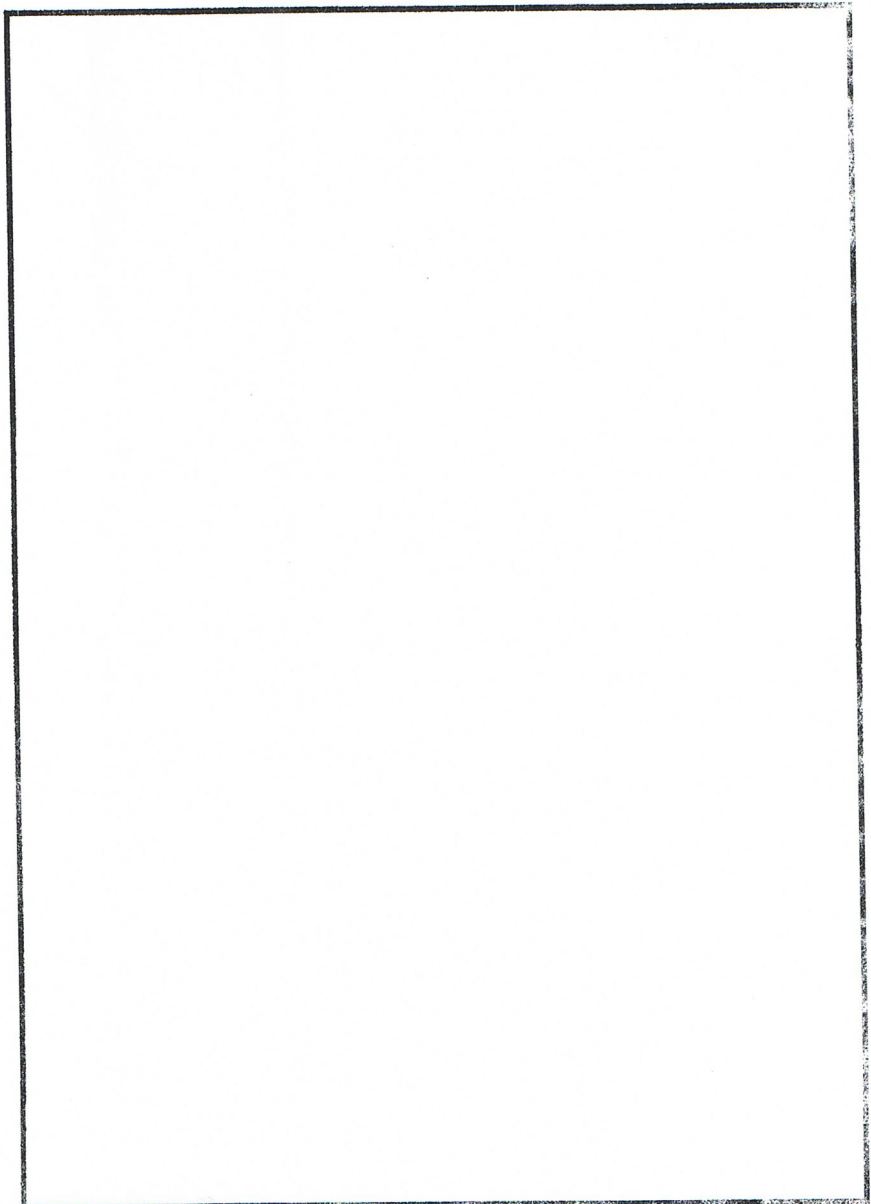
Advertising Homesteads

Background Information

The Homestead Act provided land to many settlers in the United States. To get the land, a person had to be at least 21 years old. They also had to be the head of the family. In return for the land, they promised to farm it and build a house. At the end of five years, they had two neighbors sign a statement. This statement said that they had made the land a better place. Then the government gave them the land. Unfortunately, the American Indians had to move off the land in the Plains. They were placed on reservations.

Activity

Directions: In the space to the right, create a poster either for or against the Homestead Act of 1862.



Challenge

Find out which state gave away homesteads until 1986.