

SUMMARY OF THE HOMESTEAD ACT OF 1862

BACKGROUND

With the secession of Southern states from the Union and therefore removal of the slavery issue, in 1862, the Homestead Act was passed and signed into law. The new law established a three-fold homestead acquisition process: filing an application, improving the land, and filing for deed of title. Any U.S. citizen, or intended citizen, who had never borne arms against the U.S. Government could file an application and lay claim to 160 acres of surveyed Government land. For the next 5 years, the homesteader had to live on the land and improve it by building a 12-by-14 dwelling and growing crops. After 5 years, the homesteader could file for his patent (or deed of title) by submitting proof of residency and the required improvements to a local land office.

Local land offices forwarded the paperwork to the General Land Office in Washington, DC, along with a final certificate of eligibility. The case file was examined, and valid claims were granted patent to the land free and clear, except for a small registration fee. Title could also be acquired after a 6-month residency and trivial improvements, provided the claimant paid the government \$1.25 per acre. After the Civil War, Union soldiers could deduct the time they served from the residency requirements.

Physical conditions on the frontier presented even greater challenges. Wind, blizzards, and plagues of insects threatened crops. Open plains meant few trees for building, forcing many to build homes out of sod. Limited fuel and water supplies could turn simple cooking and heating chores into difficult trials. Ironically, even the smaller size of sections took its own toll. While 160 acres may have been sufficient for an eastern farmer, it was simply not enough to sustain agriculture on the dry plains, and scarce natural vegetation made raising livestock on the prairie difficult. As a result, in many areas, the original homesteader did not stay on the land long enough to fulfill the claim. In other areas, like the Pacific Northwest, to clear the land, huge trees had to be chopped down. Soil was poor and typical crops would not grow in the thin soil.

However, homesteaders who persevered were rewarded with opportunities as rapid changes in transportation eased some of the hardships. Six months after the Homestead Act was passed, the Railroad Act was signed, and by May 1869, a transcontinental railroad stretched across the frontier. The new railroads provided easy transportation for homesteaders, and new immigrants were lured westward by railroad companies eager to

sell off excess land at inflated prices. The new rail lines provided ready access to manufactured goods and catalog houses like Montgomery Ward offered farm tools, barbed wire, linens, weapons, and even houses delivered via the rails.

Many pioneers populated the land, building towns and schools and creating new states from the territories. In many cases, the schools became the focal point for community life, serving as churches, polling places and social gathering locations.