



# THE MUSEUM GAZETTE

## The Homestead Act of 1862

We are all familiar with “free” offers that sometimes consume more time, energy - and even money - than they are worth. In the late nineteenth and early twentieth centuries, the government of the United States gave away free land, a commodity craved by countless enterprising Americans. Nevertheless, both those who received the free land and the government that gave it were eventually forced to consider the ultimate price of the gift.

Certainly the passage of the Homestead Act of 1862 was one of the most significant milestones in the westward expansion of the United States. By granting up to 160 acres of free public land to individuals, the United States government endorsed the popular notion of the West as a place where any ordinary citizen could improve his lot by self-assertion, perseverance, and hard work. Furthermore, under provisions of the Act - and those of later amendments that increased the size of the grant and shortened the period of compulsory residence - more than 270 million acres, or approximately ten percent of the entire land area of the 48 contiguous states, was transferred from the public domain to private ownership.

When the thirteen original states won their independence in 1783, the new nation owned a great deal of western land unsettled by Europeans. At the same time, the country was heavily in debt. It made sense to sell the land and pay the debts.

At first, federal land sold slowly because large speculators and the states themselves owned cheaper land that was closer to settled areas. However, by the middle 1830s, land sales began to account for over forty percent of federal revenues. Land sales even helped to create a brief surplus in the federal treasury. A political struggle ensued between land speculators, who wanted to buy land in large parcels, and actual settlers, who wanted it sold in smaller, farm-sized units - say, 160 acres, which many people of the period considered the optimal amount that could be profitably managed by a farm family. In the long run, Congress sympathized with the larger number of its constituents and reduced the unit of sale from 640 acres in 1796 to 80 acres in 1820.

The federal government also gave away land for public purposes as early as 1785. For instance, it donated land to the new states to support public elementary school. Other land was doled out to army and navy veterans, for people with disabilities, for earthquake victims, and even as donations to religious organizations. But these gifts paled in comparison to federal railroad grants, which reached thirty million acres during the 1850s.

Giving away land to ordinary individuals was more controversial. Critics charged that if the federal government could give away land to the landless, there was nothing to prevent it from giving cash to the cashless. One Maryland congressman argued that “not one man in a hundred” could take advantage of free land

if it were offered. Ironically, then, homestead legislation was denounced by its opponents as a benefit for the few at the expense of the many.

Nevertheless, in the 1840s and 1850s, Congress made several attempts to distribute free land to settlers. Southerners opposed these measures, fearing that free land and small farmers were not in the best interest of plantation slavery. Only with the secession of the southern states at the beginning of the Civil War could Congress pass, and President Abraham Lincoln sign, the Homestead Act of 1862.

The Act required that a prospective homesteader be either a head-of-household or a single person over the age of 21. (Single women were eligible to claim homesteads, and many did. Depending on time and place, approximately five to twenty per cent of homesteaders were women). The homesteader had to be a citizen of the United States or to have filed his intention to become one. Once he filed his claim, he had six months to begin living on the property. During the five years of required residency, he had to build a dwelling and raise crops. He could not be absent for more than six months in any given year, nor could he establish legal residence anywhere else. Finally, once the homesteader completed his period of residency, he was required to publish his intent to close on the property in order to allow others to dispute the claim.

Although homesteaders included former slaves, laborers from eastern cities, and newly-arrived immigrants from Europe, the most successful settlers were those who came from farming areas not too far removed from the frontier. Eastern laborers rarely had either the skills or the inclination to become farmers, and landless families from Europe or the American South often lacked the necessary capital, livestock, and farm implements to take advantage of free public land.

Most western settlers were not homesteaders in the legal sense. For every 160 acres granted by the government to homesteaders, settlers and speculators purchased 400 acres of the public domain for cash. Until 1880, homesteaders could not claim unsurveyed land, and often the best

lands were taken before the surveyors arrived. To acquire good land, settlers frequently took frontier acreage by “preemption.” That is, they became squatters until they could legally purchase the property from the government. Another alternative was to buy land from speculators or from the railroads.

One Iowa land company promoted its properties as “Better than a Free Homestead.” Its advertisement effectively summarized the disadvantages of claiming free land, warning prospective homesteaders that they might have to “go far out into the wild and unsettled districts, and for many years be deprived of school privileges, churches, mills, bridges, and in fact all the advantages of society.”

Even if a homesteader did find a promising homestead location, he faced substantial expense in his gamble to acquire it. Building a house, digging a well, constructing a fence, purchasing seed grain, and acquiring draft animals and farm implements cost far more than did land itself. Of course, many early homesteaders tried to make do with less by, for instance, burrowing crude temporary homes in the ground, trading labor for the use of farm animals, or walking great distances for water. In other words, many paid for the privilege of claiming free land with privation.

The authors of the Homestead Act imagined that settlers would find well-watered acreage that would provide the wood for fuel, fences, and the construction of homes, as in the East. Homesteads on the tallgrass prairie of Minnesota, Iowa, and eastern Nebraska and Kansas roughly met these expectations. But across the ninety-eighth meridian where most homesteaders staked their claims-pioneers found treeless grassland where early dwellings often had to be built with sod and where dried buffalo dung (“chips”) had to serve as fuel. Worse, the settlers discovered that rainfall in the shortgrass prairie was cyclical and that in drought years, dry winds might destroy the crops and blow away the thin layer of topsoil. Between 1888 and 1892, half the population of western Nebraska moved back to Iowa and Illinois.

Even when homesteaders were blessed with

adequate rainfall, they were subject to natural disasters unknown, or at least unusual, farther east. Summer hailstorms and prairie fires destroyed crops ready to harvest, as did hordes of grasshoppers so overwhelming that they might cover the ground six inches deep, break tree limbs with their weight, and eat every organic object - sometimes even fence posts. Blizzards, combined with sub-zero temperatures, also took lives as well as crops.

Of the nearly two million entries made on public land, approximately 783,000 men and women “proved up” and completed the homesteading process. On the other hand, roughly sixty percent of homesteaders never received title to the lands they had tried to farm. Even these figures probably exaggerate the number of successful homesteaders. Many homesteads were “dummy entries” made by employees of cattle ranchers and lumbermen, who claimed public land and then deeded it to their employers. Using such methods, huge tracts of timber and ranches of thousands of acres were removed from the public domain to become a source of private profit.

During the late nineteenth century, homesteading was frequently promoted as a “safety valve” for discontented city workers, but it is not surprising, given the difficulty of acquiring a homestead, that for every urban laborer who became a farmer, twenty farmers moved to the city. Another popular misconception is that most homesteading was attempted in the late nineteenth century. In fact, more than seventy percent of all successful homesteading took place during the first three decades of the twentieth century.

Nevertheless, the homesteading era virtually ended in 1935 when President Franklin Roosevelt withdrew the remainder of the public domain in preparation for a nation-wide conservation program. By that time, the consequences of encouraging farming in areas of cyclical drought were brought home to the entire nation by the environmental crisis known as the Dust Bowl. In the early 1930s, huge dust storms swept across the former prairie, stripping the topsoil from land that had been over-plowed and over-grazed for the previous forty years.

In 1976, Congress formally repealed the Homestead Act for all states except Alaska, and homestead entries there were ended ten years later. Today, no free public land is available to individuals, and the federal government rarely sells parts of the public domain.

Although homesteading land is no longer available, almost all the records generated by the homesteading process still exist and are a valuable resource for historians and genealogists. Called land-entry case files, these records held by the National Archives describe improvements made to properties, including houses constructed, wells dug, crops planted, trees cleared, and fences built. Some case files mention the military service and naturalization process of the homesteader as well as the names of other family members who lived on the land.

In 1936 - the year after most homesteading was effectively ended - Congress created Homestead National Monument as a memorial to all the settlers who had built the American West. Administered by the National Park Service, the monument is located in Beatrice, Nebraska, one of the earliest homestead claims, about forty miles south of Lincoln. It tells the story of one of the great free offers of history - the Homestead Act of 1862.

