

The Homestead Act [modified]

Headnote: *The Homestead Act of 1862 was created by Congress to provide settlers with land in the Western United States.*

This Act was recently named one of the most significant documents in U.S. history, as part of the Our Documents initiative that named 100 Milestone Documents that have influenced the course of U.S. history.

Section 1. The Senate and House of Representatives of the United States of America **decree** that heads of families and adults over 21 years old, if they are citizens and have *never fought against the U.S.*, may claim a **quarter section** of unclaimed public lands. Beginning in 1863, claims may be filed, which may be subject to **preemption** at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such *unclaimed lands*, at two dollars and fifty cents per acre...

Section 2. And be it further enacted, that the person applying for the benefit of this act shall...make an **affidavit**...indicating that *he or she* is the head of a family, or is 21 years or more of age, or 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*...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. After filing the affidavit with the register, and paying ten dollars, he or she shall be permitted to enter the quantity of land specified. *He or she must then live on the land for five years*....

Section 5. ...If it shall be proven that the person who filed an affidavit actually changed his or her residence, or *abandoned the land for more than six months at any time*, then the land 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...

Source: Law passed by the U.S. Congress, May 20, 1862

Word Bank:**Decree:** make a legal proclamation; announce a law**Quarter section:** 160 acres**Preemption:** the right to purchase something before others, particularly land**Affidavit:** a formal, sworn statement of facts**Provision:** particular requirement or stipulation**Borne:** past tense of “to bear,” meaning: to carry or use**Revert:** return to**Reading Questions:**

1. List the qualifications for those who could claim land under this Act.
2. Who is excluded from the Homestead Act and why?
3. Who was supposed to benefit from this act?
4. Consider possible issues with implementing the Act. Given the times, what might have gone wrong with this program?

Focus Question:

Why is the Homestead Act historically significant? Use quotes or information from the text to support your answer.

Source: <http://teachinghistory.org/teaching-materials/teaching-guides/23560>
