



# Homesteading FAQs

## Alaska

### What was homesteading?

Homesteading was a way people could obtain federal land virtually free if they met certain requirements, including living on the land and cultivating a portion of it. Homesteading has not been legal on federally managed lands in Alaska since Oct. 21, 1986, although it was legal for 88 years before that. Congress passed the original homestead law in 1862 to provide small farms to anyone over age 21, the head of a family, or to immigrants willing to become citizens. The law's purpose was to help settle the country and provide new opportunities. From the start, women, minorities, and immigrants could homestead.

### What is a homestead?

Most dictionaries provide several definitions for the word "homestead." Three common definitions are--

1. A place where a family makes its home, including the land, house, and outbuildings.
2. A legal concept meaning such a place occupied by the owner and his/her family and exempted from seizure or forced sale to meet general debts.
3. A tract of public land granted by the U.S. Government to a settler under provisions of the *1862 Homestead Act* (as amended or other homestead legislation) to be developed as a farm. (Note: Certain later homestead legislation or amendments to homestead legislation modified the intention for the tract to only become a "farm.") The word "homesteading" then refers to establishing a homestead or living on the homestead and (hopefully) making a living off it. In the context of the *1862 Homestead Act* and later homestead-era legislation, "homesteading the land" meant fulfilling the legal requirements to be awarded the land by receiving a patent granted by the federal government.

### What was the history leading up to the *1862 Homestead Act*?

As the United States emerged as a new nation in the late 18th century, it accumulated title to land through various ways: 1) relinquishment of western land claims by the 13 original colonies, 2) by wars and conquest, and 3) by purchases made by the federal government (such as the Louisiana Purchase, Gadsden Purchase, and Alaska Purchase). The new nation sold some lands to gain revenue to pay off federal debts. The government granted "bounty land" as payment to soldiers who fought in the Revolutionary War and later wars. Yet that left hundreds of millions of acres owned by the federal government, with people wanting to gain ownership and use of portions of the land. As a result, some people simply squatted on the land in frontier regions without obtaining formal rights

to it. Not having legal title led to problems, such as the government selling that land and any improvements to someone else.

While new federal legislation passed in 1820 for the sale of public lands had helped some, this was not the solution everyone favored. In 1825, Senator Thomas Hart Benton of Missouri proposed giving free federal land to the people—with his action generally considered the first of its type. Thereafter, others came to view “free land” as desirable, including the 1840s Tennessee Congressman and future President Andrew Johnson. While the passage of the 1841 (Distributive) *Preemption Act* helped people already living on federal lands who wanted title to land in un-surveyed frontier areas. They still had a required payment for the land to gain title, and many people could not afford the cost. In the early 1850s, a political party, the Free Soil Party, arose with one of its main goals to make federal land available without cost for individuals and their families. After some initial legislative attempts, the Republican Party adopted the principle of free land as part of its platform in the 1860 election. Subsequently after the election, its candidate, Abraham Lincoln, fulfilled the promise and signed the 1862 *Homestead Act* on May 20, 1862.

### **How did homesteading come about?**

By the mid-19th century, there was growing support for the notion of the federal government providing free land to Americans and those people wishing to become Americans. In 1862, Galusha A. Grow, the Republican Speaker of the House, wrote the bill that was signed by President Lincoln as the 1862 *Homestead Act*. By this time, the Republican Party was officially in support of such legislation and had adopted it as a plank in their platform for the 1860 election.

### **When did homesteading begin?**

Homesteading originated with President Lincoln signing the original *Homestead Act* on May 20, 1862. Starting on January 1, 1863, people began filing land claims at Land Offices throughout the Midwest and West. Later, all 30 states or territories allowed homesteading with federal land, from Florida to Michigan to California. It wasn't until May 14, 1898, that homesteading was allowed in Alaska, when President William McKinley signed legislation extending various homestead laws to Alaska.

### **When did homesteading end?**

Homesteading officially ended on Oct. 21, 1976, with the passage of the *Federal Land Policy and Management Act*. On that day, the new law repealed all homestead laws nationwide. However, a 10-year extension was allowed in Alaska since it was a new state with fewer settlers. The last time anyone could file any type of homestead claim in Alaska was on Oct. 20, 1986. After that day, no more new homesteading was legal on federal land in Alaska.

### **How did the U.S. Government grant homesteads?**

After a homesteader met all legal requirements to obtain a homestead, the final step was for the federal government to issue a “land patent” to the homesteader. Federal officials signed this patent on behalf of the President of the United States to grant legal ownership or title to the homesteaded land. The patent cited the legal authority (law) to grant the homesteaded land, a legal description of

the land, certain information related to the original application for the homestead, and identified the land records office recording the patent.

### **Is “homesteading” allowed anywhere in Alaska today?**

**No.** Homesteading ended on all federal lands on Oct. 21, 1986. The State of Alaska currently has no homesteading program for its lands. In 2012, the State made some state lands available for private ownership through two types of programs: sealed-bid auctions and remote recreation cabin sites. The Alaska Department of Natural Resources has information on its [website](#) about these programs.

### **What was commuting or “buying out” a homestead?**

The original 1862 *Homestead Act* allowed homesteaders to get title faster to their claims under certain conditions than their five-year (later three years) time requirement to live on the claim. The expedited process is the “commutation” of a claim, or “commuting” a claim. When commuting a claim, the homesteader still had to live on and cultivate their claim for 14 months. The homesteader usually paid \$1.25 per acre for the land. The government issued patents for many “commuted homesteads” in Alaska, with title documents indicating that these homesteads were purchased and were not acquired under homestead laws for “free.” One of these “commuted homesteads” was near Chicken, a community about 60 miles north of Tok in eastern Alaska. The government issued a patent for the Chicken homestead in 1972.

### **Were there restrictions to claiming a homestead on federal land in Alaska?**

Similar to homesteading in the contiguous Lower 48 states, federal land in Alaska had to be officially open to homestead entry before a homesteader could file a claim. Prior to 1918, the land had to have a survey before it became available for homestead entry and people could register their homesteading claims with the General Land Office. Even so, people who settled on federal land before an official opening or survey generally had preference rights to file a claim for their land.

Early newspapers in Alaska often carried information on new land openings. For instance, a notice in the Valdez newspaper on August 11, 1912, reported that the “first surveyed township in Alaska will be thrown open to entry next Thursday, August 15.” This notice was for land near the Copper River. The article also read: “Actual settlers on the land prior to the survey thereof are allowed a preference right of ninety days in which to present their filings.” In that way, many settlers from the early 1900s got homesteads, but with patent dates long after (sometimes 20 or more years) they originally settled on the land. For example, John McCrary, an early settler at Copper Center in 1902, finally received patent to his homestead claim in 1938, taking 36 years.