

Overview of the Homestead Act of 1862

The Homestead Act which was signed on May 20, 1862 by President Abraham Lincoln and passed into law on January 1st of 1863 significantly influenced the development of the United States. The Homestead Act made obtaining 160 acres of land possible for any man *or woman* willing to fulfill a list of requirements. The Homestead Act opened up the west for settlement and eventually led to the granting of land to around 800,000 people before it was repealed in 1976.

In order to get a title to free land the following criteria had to be met:

- A homesteader who was the head of a family, 21 years of age and an American citizen or person who had filed a declaration to become a citizen must file an application for a claim.
- A filing fee of \$10 and a commission between \$2 and \$4 must be paid at the local land office.
- The homesteader then had six months before he or she must take permanent residence on the land. The homesteader could not leave the land for a period longer than six months or the claim would be forfeit.
- The homesteader must build a house and work the land for a period of 5 years prior to settling the claim. (The homesteader had a seven year interval to work the land as an allowance for severe weather, plagues, insects, etc.)
- After working the land for five years, the homesteader then must find two witnesses who could verify that he or she had worked and resided on the land for the five year period. The witnesses must then go to the local land office with the homesteader to sign the final documents which declared he or she “proved-up” on the claim. Another fee of between \$4 and \$6 was due.
- The homesteader also must post an ad in the local paper detailing his/her intention to file final claim on the land.

Other methods were also available to gain the land title.

- The homesteader could pay for the land at \$1.25 per acre after proving a six month residency and trivial improvements.
- Veteran soldiers after 1872 could count their years of service towards the five year requirement, but were still required to prove a one year residency.