

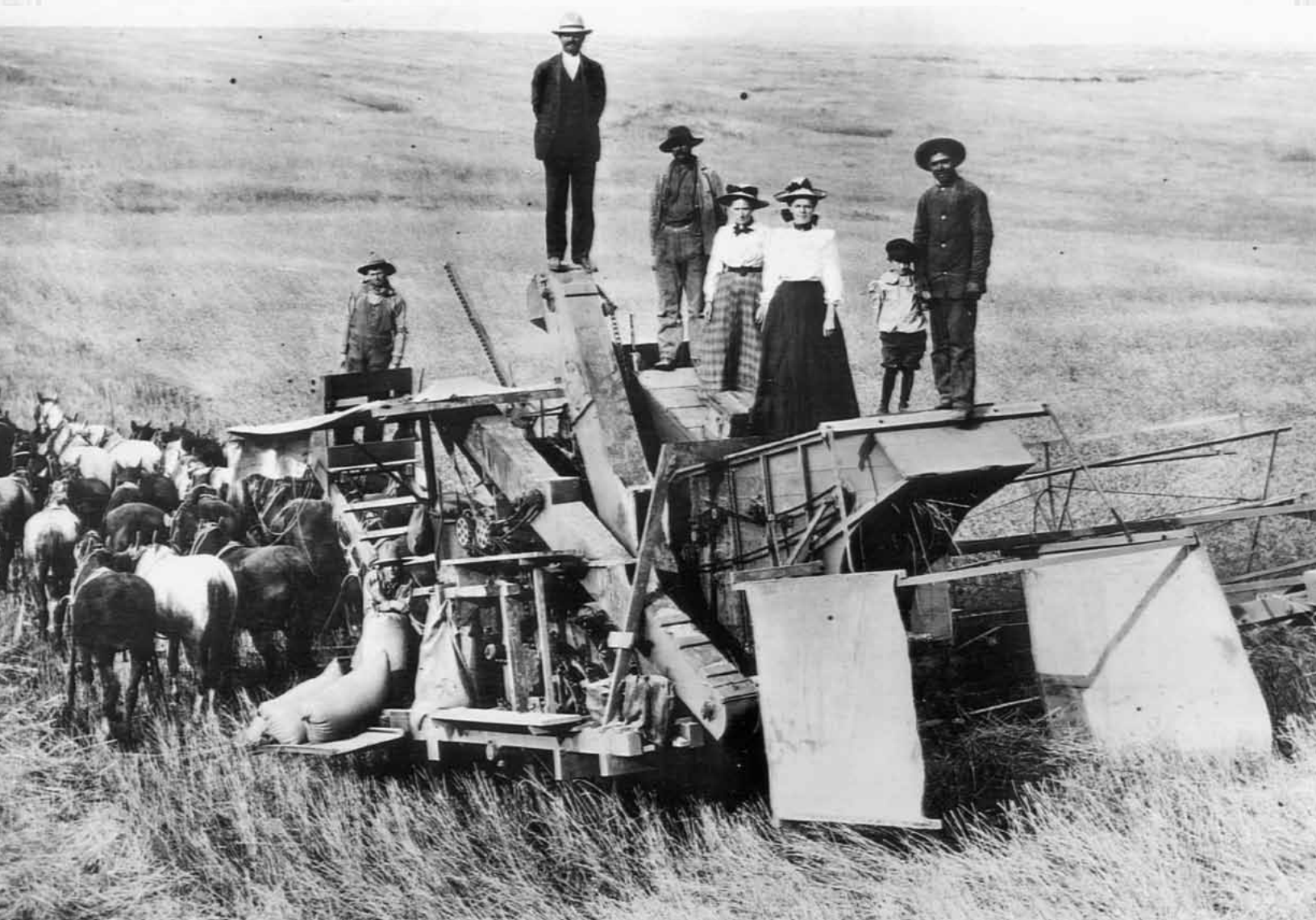


# How the West Was Settled

*The 150-Year-Old Homestead Act Lured Americans*

*Looking for a New Life and New Opportunities*

By Greg Bradsher



**W**hen the war for American independence formally ended in 1783, the United States covered more than 512 million acres of land. By 1860, the nation had acquired more than 1.4 billion more acres, much of it in the public domain.

How to dispose of the public land was a question that Congress addressed almost continuously.

At the nation's beginning, the land was seen primarily as a source of revenue to reduce the national debt, and most land laws adopted before the Civil War provided for the sale of public lands, after 1820, at \$1.25 an acre.

From the 1820s through the 1840s, westerners pushed for more liberal land laws, calling for "free homesteads" or "donations" for those who would settle on the land. During the 1840s, the call for homestead legislation received support from eastern labor reformers, who envisioned free land as a means by which industrial workers could escape low wages and deplorable working conditions.

Congress did, on occasion, offer free land in regions the nation wanted settled. But the landmark law that governed how public land was distributed and settled for over 100 years came in 1862. The Homestead Act, which became law on May 20, 1862, was responsible for helping settle much of the American West.

In its centennial year in 1962, President John F. Kennedy called the act "the single greatest stimulus to national development ever enacted." This past year marked the 150th anniversary of the Homestead Act.

The provisions of the Homestead Act, while not perfect and often fraudulently manipulated, were responsible for helping settle much of the American West. In all, between 1862 and 1976, well over 270 million acres (10 percent of the area of the United States) were claimed and settled under the act.

### Earlier Laws Bred Confusion for Settlers

Pre-Homestead Act legislation included the Armed Occupation Law of 1842, which offered 160 acres to each person willing to fight the Indian insurgence in Florida and occupy and cultivate the land for five years. Between 1850 and 1853, Congress offered 320 acres to single men and 640 acres to couples settling in the Oregon Country.

*Opposite:* Farmers with their combine in Washington State, ca. 1900. The Homestead Act of 1862 and later acts were responsible for helping settle the American West. This past year marked the 150th anniversary of the act. *Opposite, background:* This poster advertised land for sale for "6 per ct Interest and Low Prices," in Iowa and Nebraska in 1872. In the post-Civil War years, settlers moved westward into the Great Plains following the expansion of the railroads.

A similar, but less generous proposition was extended in 1854 to include the New Mexico Territory. During the 1850s, the demand for free land increased. The Republican Party's 1860 presidential platform called for passage of a homestead measure. President-elect Abraham Lincoln on February 12, 1861, said he thought a Homestead Act was worthy of consideration so "that the wild lands of the country should be distributed so that every man should have the means and opportunity of benefiting his condition."

In the decades before passage of the Homestead Act, there was opposition to giving away the public domain.

After the Mexican War added vast areas of land in the West, southern slaveholders worried that opening the undeveloped territories to small, independent farmers opposed to slavery would upset the delicate political balance between the slave and free states in the Senate.

Others voiced fear that the offer of free land would spur immigration from Europe. But the proponents of an act achieved success with "An Act to Secure Homesteads to Actual Settlers on the Public Domain" in 1862.

At that time, a billion acres of government land (much of it mountain and desert unfit for agriculture) were available for homesteading. Under the act, any citizen (or person who intended to become one) who was the head of a family, or a single person over 21, who had never taken up arms against the U.S. government could apply for a quarter-section of land—160 acres. Potential homesteaders included women who were single, widowed, or divorced or deserted by their husbands. Eventually, under certain situations, some married women could file homestead claims on land adjacent to their husband's holding.

The homesteaded land had to have been surveyed and be in one of the 30 "public domain states." All states were "public domain states" except the 13 original states, and Kentucky, Maine, Vermont, West Virginia, Tennessee, Texas, and eventually Hawaii.

There were, however, strict rules for those who got one of the parcels. The prospective homesteader paid a filing fee of 10 dollars to claim the land temporarily. Then he made a small payment to the land office representative. He had six months to begin living on the property. He

# Congress of the United States

At the Second Session

BEGUN AND HELD AT THE CITY OF WASHINGTON

in the District of Columbia

on Monday the 16th day of December one thousand eight hundred and sixty-one

AN ACT to secure homesteads to actual settlers on the public domain.

Be It Enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to be

could commute his claim before the end of five years to a cash entry, \$1.25 per acre, as long he had lived on the property for six months.

The government would issue a patent (deed) for the land after five years of continuous residence. But during that period, the homesteader had to build a dwelling and cultivate some portion of the land. No specified amount of cultivation or improvements was required, but there had to be enough continuous improvement and actual cultivation to demonstrate good faith.

During the five-year period, the homesteader could not be absent for more than six months a year, nor could he establish legal residence anywhere else. A leave of absence for one year or less could be granted when total or partial failure or destruction of crops, sickness, or other unavoidable casualty prevented a homesteader from supporting himself and his family. After publishing his intent to close on the property and paying a six-dollar fee, the homesteader received the patent for the land.

## A Slow, Early Start Picks Up Steam

The Homestead Act was often amended. The first amendment came in 1864, when a person serving in the U.S. military was

allowed to make a homestead entry (application) if some member of his family was residing on the lands. In January 1867, Congress allowed Confederate veterans to take homesteads if they signed an affidavit of allegiance to the U.S. government.

An 1872 amendment permitted veterans to receive credit for their period of service in determining the time required for residence in perfecting a homestead entry. This same privilege would later be extended to veterans of the war with Spain, the Philippine Insurrection, and World War I.

The first claim under the Homestead Act of 1862 was made on January 1, 1863, most likely by Daniel Freeman, a few miles west of Beatrice, Nebraska.

With the end of the Civil War, homesteading began in earnest. In 1865, applicants filed for fewer than a million acres. A year later, the total was nearly 1.9 million acres. In 1872, more than 4.6 million acres were claimed.

During the first decade after the act's passage, few homesteaders took up land in Ohio, Indiana, and Illinois. More substantial numbers staked out homesteads in Missouri, Iowa, Michigan, Wisconsin, and Minnesota. By 1976, when homesteading was ended in all but Alaska, those five states contained about 20 percent of all homesteads.

The Homestead Act of 1862 offered settlers a quarter-section of land, 160 acres, in "public domain" states, with five-year residency on the claimed land.

Before the Civil War, settlements had begun to spring up in eastern Kansas and Nebraska. After the war, the influx began. Pioneers first moved out along streams, where good farming land and timber awaited them. After 1870, they advanced onto the rolling plains. Every mile of railroad across Kansas or Nebraska drew settlers westward. After 1875, when the Red River War cleared southwestern Kansas of Native tribes, the tide swung in that direction, following the Santa Fe Railroad. Other settlers built their homes along the Union Pacific right-of-way in Nebraska.

African Americans were part of this early movement westward, especially to Kansas. Some were former slaves coming from Tennessee. After the end of Reconstruction in 1877, a new wave of African Americans came to Kansas. The 1879 exodus alone brought to Kansas approximately 6,000 African Americans, primarily from Louisiana, Mississippi, and Texas. Many settled in Nicodemus, in northwest Kansas. Between the earlier gradual migrations and the 1879 exodus, Kansas gained nearly 27,000 black residents in 10 years.



Daniel Freeman (left), it is believed, made the first claim under the Homestead Act on January 1, 1863, for land at Beatrice, Nebraska. As required by law, he certified in his affidavit (right) that he was a head of household and was applying “for the purpose of actual settlement and cultivation” and not for any other person.

### A Famous Family Comes To DeSmet, South Dakota

As settlers pushed westward during the 1870s, every state bordering the Mississippi River except Arkansas and Minnesota lost population. Between 1871 and 1880, the government issued more than 64,500 patents. Many of these were in the upper Midwest. Other frontiersmen turned northward to the level grasslands of Dakota country, where settlement had begun in the late 1850s with migrations from Minnesota and Nebraska. Migration did not assume sizable proportions until 1868, when the Sioux were driven to a reservation west of the Missouri River.

The result was the first “Dakota Boom” between 1868 and 1873. Favorable weather and excellent crops contributed to the rush, but equally important were railroad connections that assured farmers decent markets in the Midwest.

A second Dakota Boom took place between 1873 and 1878, brought about in part by the Black Hills gold rush of 1875

(Affidavit)

Homestead  
Land Office.

Brownville N.T. January 1<sup>st</sup> 1863

I Daniel Freeman of Yage County Nebraska Territory Having Filed my application No. 1 for an Entry under the Provisions of the act of Congress approved May 20<sup>th</sup> 1862 Entitled; an act. To secure Homesteads to actual Settlers on the Public Domain Do Solemnly Swear that I am the Head of a Family and over the age of Twenty one years and a Citizen of the United States that I never has Borne arms against the Government

and partly because of the extension of railroad lines.

A third Dakota Boom took place between 1878 and 1885 as railroad lines, especially the Great Northern Railroad, pushed further west, and prosperity returned to the country after the Panic of 1873. The most spectacular burst of settlement occurred between 1881 and 1885, when 67,000 settlers took up homesteads in the territory.

European immigration fed these booms.

Many Irish moved to Nebraska, Minnesota, and the Dakota Territory. Germans continued to migrate by the thousands to Kansas, Nebraska, Dakota, Minnesota, and Texas. Settlers from Scandinavian countries came in droves. From 1865 onward, tens of thousands of immigrants came from Norway, Sweden, and Denmark, and the number increased yearly until 1882, when 105,362 arrived.

Joining the third Dakota land boom was the Ingalls family.

Charles and Caroline Ingalls of Wisconsin continually looked for a place to settle. They lived in Kansas, Iowa, and Minnesota before finally settling in De Smet, South Dakota, and opening a store. In February 1880, at the land office at Brookings, Charles Ingalls filed on a 160-acre homestead one mile from De Smet.

While homesteading in De Smet, the Ingalls family faced many of the hardships

that nearly all homesteaders experienced: backbreaking labor, solitude, and natural disasters. The family lived and worked on the homestead except during the bitter winter months, when they moved into town and lived in a room above the family store.

In 1886 the Ingallses received a patent for the land. Their daughter Laura Ingalls Wilder wrote about her homestead experiences in the series of “Little House” books, and the last four books describe the family’s time in De Smet.

### Land Aplenty, But Not All of It

Homesteaders very frequently did not have access to the best lands. By 1871, almost 128 million acres had already been granted to the Union Pacific and Central Pacific Railroad Companies to aid construction of the nation’s first transcontinental rail line.

An anti-railroad feeling swept over the West and finally brought these grants (going back to 1850 and totaling some 181 million acres) to an end in 1871.

Given the rules regarding land granted to the railroads (largely in the form of 10 to 40 alternate sections along their routes for each mile of track laid) homesteaders were often forced to stake their claims 30 to 60 miles from transportation. Alternate sections



Above: African Americans settlers in Nicodemus, Kansas, after Reconstruction. Up to 27,000 ex-slaves had migrated to northern Kansas by 1879. Below: Charles and Caroline Ingalls of Wisconsin moved west, filing on a 160-acre homestead one mile from De Smet, South Dakota, in February 1880, where they opened a store. Their daughter Laura Ingalls Wilder wrote about her homestead experiences in the series of "Little House" books.

**HOMESTEAD.**

APPLICATION, No. 4091

LAND OFFICE AT Brookings D.T.  
February 19<sup>th</sup> 1880

S. Charles P. Ingalls, of Kingstons Co. S.D.  
North East (1/2)  
do hereby apply to enter, under Section 2280, Revised Statutes of the United States, the North East (1/2)  
quarter of Section 3, in Township 110, of Range 5-6, contain-  
ing 160 2/3 acres.

Charles P. Ingalls

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LAND OFFICE AT Chauteau, Dak  
February 27 1880

I, G. W. Utter, Register of the Land Office, do hereby certify that the above  
application is for Surveyed Lands of the class which the applicant is legally entitled to enter under Section 2280, Revised Statutes of  
the United States, and that there is no prior valid adverse right to the same.

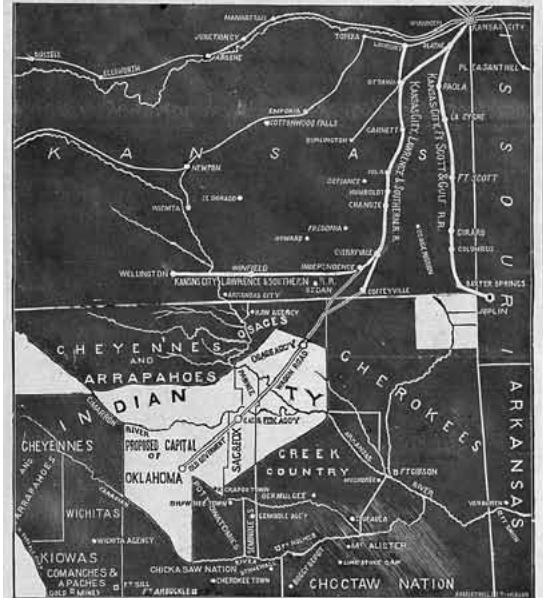
G. W. Utter Register.

# THE PRESIDENT

In his last message to Congress, strongly recommends that the Indian Territory be opened for settlement, and there is no doubt but that Congress at its present session will pass the necessary act declaring the unoccupied lands in

## INDIAN TERRITORY

THAT  
GARDEN OF THE WORLD,  
OPEN FOR  
HOMESTEAD AND PRE-EMPTION



MAP OF INDIAN TERRITORY,  
Showing the Lands that will be subject to Homestead Entry and How to Reach Them.  
White indicates Homestead Lands, of which there will be over 10,000,000 Acres.

In view of the early opening of the Territory, it is necessary for those who would improve the opportunity to secure Free Land and Homes in this magnificent country, to be prepared to start as soon as the lands are declared by Congress to be subject to Homestead Entry. The rush will be great, and early comers will have every advantage.

Every Person 21 Years of Age or Over will be ENTITLED TO 160 ACRES.

## COFFEYVILLE & INDEPENDENCE

The two large towns on the Border, and the nearest points to the Public Lands will be the  
GREAT OUTFITTING POINTS  
FOR  
Immigrants to the Indian Territory.  
The Old Government Wagon Road starts from both these points. Plenty of Wood and Water on the route, and all large streams and bad crossings are avoided.

retained by the government near railroads were either sold at \$2.50 an acre or limited to homesteads of 80 acres. Settlers wanting choice land adjacent to the railroads had to buy from the railroads at a price that in 1880 averaged \$4.76 an acre.

Large amounts of public domain lands were also given to the states under the Morrill Land-Grant Act of 1862. This law granted each state 30,000 acres of public land for each member of Congress to fund establishment of agricultural and technical arts colleges. The older, non-public domain

states, which benefited most because of their large populations, were authorized to locate their acreage anywhere in the West. In all, the states received 140 million acres in the form of land scrip through the Morrill Act and similar measures. Nearly all of the scrip passed through the hands of speculators on its way to final users. Often jobbers purchased thousands of acres at 50 cents an acre, then resold it to pioneers at prices ranging from 5 to 10 dollars an acre.

The cash sale system perhaps did more harm to potential homesteaders than did

the railroad and education grants. Congress, even after the enactment of the Homestead Act, ordered the auction of millions of acres of good agricultural lands in Nebraska, Kansas, Colorado, Oregon, Washington, California, New Mexico, and in practically all of the states in the Great Lakes region and in the Mississippi Valley where the government still had land.

After 1870, Congress was reluctant to put any more public lands up for auction but still offered land for purchase. The richest and most fertile sections of Kansas, Nebraska, Missouri,



Opposite: In 1887, Congress made more land available by opening the remaining Indian lands to settlers. A poster advertises the opening, which led to the “land rush” in Oklahoma. Above: The Oklahoma District was opened for settlement at noon on April 22, 1889, and new towns like Guthrie (above in 1893) arose quickly.

California, Washington, and Oregon were opened to cash purchase, and great landed estates were established in this way.

### Homesteaders’ Lands A Target for Fraud

The first step in abolishing the cash sale system was taken in June 1866, when Congress provided that all public lands in Alabama, Arkansas, Florida, Louisiana, and Mississippi would be subject only to entry under the Homestead Law.

All land transactions had ceased in these states during the Civil War. The law was intended to prevent speculators from monopolizing the land when it was restored to market and to encourage the growth of small holdings among the freedmen.

A combination of Southern resentment and Northern economic interests resulted in southern lands again made being subject to cash entry on July 4, 1876. From that

date until 1889, every session of Congress fiercely debated the question of reserving all the public lands for homesteaders. Despite the availability of lands for cash purchase, homesteading still continued in the South, and some 192,000 patents were issued to homesteaders in the five southern public domain states.

Homesteaders’ chances of settling on good lands were further reduced by the activities of speculators and those engaged in fraud. Land jobbers moved west in advance of surveying crews and purchased the best spots at \$1.25 an acre under the 1841 Preemption Act, which applied to unsurveyed lands. Speculators also bought up military bounty-land warrants and scrip issued under the Morrill Act, which could often be purchased for less than face value.

Some of the best prairie land of Kansas, Nebraska, Dakota, and the Pacific states was sold to speculators in blocks of 10,000 to

600,000 acres. Not until 1889 did Congress address the problems associated with cash purchases by limiting purchases to 320 acres. But until then, more land was sold yearly after 1862 than before the Homestead Act was passed. These sales allowed speculators to secure about 100 million acres between 1862 and the close of the century, 10 times more than were homesteaded during those years.

Then there was the problem of fraudulent homesteading.

Speculators took advantage of the “commutation clause” in the Homestead Act, which allowed any homesteader not wishing to wait five years to be granted a homestead patent to purchase 160 acres for \$1.25 an acre after six months’ residence. Jobbers employed people to spend six months on some favored spot, then bought the land at \$1.25 an acre, often far below its actual worth. Speculators also developed devices to circumvent the law’s insistence on suitable



#### To learn more about

- The Ingalls family’s homesteading experience in De Smet, Dakota Territory, go to [www.archives.gov/publications/prologue/2003/winter/](http://www.archives.gov/publications/prologue/2003/winter/).
- The “Exoduster” emigration of African Americans to Kansas, go to <http://www.archives.gov/publications/prologue/2008/summer/>.
- How to do research in Land Entry Case Files, go to [www.archives.gov/research/land/](http://www.archives.gov/research/land/).



habitation. Some wheeled portable cabins from claim to claim and hired witnesses to swear they had seen a dwelling on the property, omitting the fact the “dwelling” would be on a neighbor’s homestead the next day.

Regardless of these obstacles to choice lands, a potential homesteader’s first hurdle was to gather sufficient funds to travel west, build a suitable house, fence property, and purchase tools and seed. And a pioneer needed enough money to support himself until he made his land self-supporting.

Once in a chosen area, the prospective homesteader was often confronted by the reality that the only available acreage was inferior farmland far from transportation. To get good land in the West, one had to buy from speculators and land jobbers, and the prices ranged often from 1 to 15 dollars an acre.

In Kansas, some 10 million acres were available to homesteaders in the early 1880s, but most of this lay in the arid western part of the state. If willing to purchase undeveloped land, homesteaders could obtain former Indian holdings, state-owned land, or railroad property, all suited for agriculture, at prices ranging from \$1.25 to \$3.50 an acre. Many did.

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 tall grass prairie of Minnesota, Iowa, eastern Nebraska, and Kansas roughly met these expectations. But for those who settled further west, the land did not always offer readily available water and wood.

### When Dreams Died On the Central Plains

The homesteader’s first task often was to build a house where there was no timber. Pioneers usually built a dugout first, scooping a hole in the side of hill, blocking the front with a wall of cut sod, and covering the top with a few poles that held up a layer of prairie grass and dirt. These homes were often washed away by rains and were always dirty.

Still, they housed whole families for months or even years before giving way to a more permanent structure—the sod house. But even these sod houses had manifold problems, and it is not surprising that every family built a frame dwelling or log cabin as soon as possible.

A family “holds down” a lot in Guthrie, Oklahoma, after the area was opened the morning of April 22, 1889. By sunset, over 1.9 million acres had been claimed. Oklahoma City had 10,000 tent dwellings by that night and Guthrie, nearly 15,000.

The next task was to obtain water where no springs existed. If the frontiersman lived near a stream, he hauled water to his home in barrels; if not, he depended on collected rainwater. Others dug wells by hand. In lowlands near streams, wells were only 40 or 50 feet deep. On higher tablelands, water lay 200 or 300 feet below the surface. Not until the 1880s was well-drilling machinery commonly available to pioneer families.

Then came the task of keeping warm when there was little ready fuel. While some homesteaders were able to get hold of timber to burn, others depended on dried buffalo and cattle manure. Special stoves for burning hay were widely sold during the 1870s.

The plains environment made life difficult and defeated the dreams of many.

Every season brought new hardships. Floods often surged across the countryside during the spring. Summer usually ushered in a wave of heat and drought. In hot temperatures, streams dried up, animals died,



## New Acts of Congress, And New Kinds of Fraud

Other federal laws influenced the settlement of the American West after the landmark Homestead Act.

As the wave of homesteaders pushed beyond the 100th meridian, which divides the continent roughly in half, Congress recognized that settlers in public lands west of that line needed more land than those east of it in order to establish successful farms. Therefore, new laws allowed settlers to acquire up to 1,120 acres when used in conjunction with the preemption and homestead laws.

To promote the growth and preservation of timber on the western prairie and to adjust the Homestead Act to western conditions, Congress passed the Timber Culture Law of March 3, 1873, which was intended to promote the planting of trees. The Desert Land Act of March 3, 1877, intended to promote the establishment of individual farms, was actually backed by wealthy cattlemen. Neither law proved successful.

The Timber and Stone Act of June 3, 1878, put almost 3.6 million acres of valuable forest land into private hands before it was finally repealed in 1900. The act applied only to lands “unfit for cultivation” and “valuable chiefly for timber” or stone in California, Nevada, Oregon, and Washington and was extended to the remainder of the public domain (except Alaska) in 1892. It allowed claimants to buy up to 160 acres at \$2.50 an acre. A timber magnate could use dummy entrymen to grab the nation’s richest forest lands for little cost. The act was so unsatisfactory that the General Land Office recommended its repeal almost annually between 1878 and 1900.

Land fraud became so bad that Congress in 1879 created the first Public Lands Commission to look into revising land laws but paid little attention to its recommendations.

The head of the General Land Office, William A. J. Sparks, declared in 1885 that “the public domain was being made the prey

Above: Thousands of settlers waited at Kiowa, Oklahoma, on July 29, 1901, amid freight cars and wagons for a drawing for the right to homestead. Other sections were opened to land rushes. Below: Homesteaders in New Mexico, undated. Although much of the better land had been acquired between 1862 and 1890, good land in the West still remained, and the westward movement continued after 1890.



and work was made that much harder. Summer also brought grasshopper invasions in some years. The worst was in 1874, when the Great Plains from Dakota to northern Texas was devastated.

Then came autumn, when tinder-dry grass would often ignite and begin prairie fires. Winter brought ice and snow. Often a pioneer family lived for days with horses, pigs, calves, and chickens within their house.

Settlers across the 98th meridian (running southward from the middle of North Dakota through the middle of Texas) discovered that rainfall in the short grass prairie was cyclical and that in drought years, dry winds might destroy the crops and blow away the thin layer of topsoil.

Many failed to solve the problems of housing, water, heating, and the environment and vacated their homestead claims, often fleeing back east or settling somewhere else in the West. In the 19th century at least a million homesteaders gave up on the land for which they had entered a Homestead Act application.

Among the unsuccessful homesteaders were the Cathers from Virginia, who claimed a 160-acre homestead just outside of the town of Red Cloud, Nebraska, in 1882. The family found homesteading to be difficult and unrewarding. They gave up without obtaining a patent and moved to Red Cloud. The daughter, Willa S. Cather, addressed the triumphs and tragedies of many of the homesteaders in her novel *O Pioneers!* (1913) and would win the Pulitzer Prize in 1922.



of unscrupulous speculation and the worst forms of land monopoly through systematic frauds carried on and consummated under the public land laws.”

Within a month after taking office, he suspended all final entries under the Timber and Stone Act and the Desert Land Act. In 1886 Sparks informed Congress that he had ordered land officers to accept no further applications for entries under the Preemption, Timber Culture, and Desert Land Acts. Sparks rescinded the order in the face of significant opposition, but its effect remained. Speculators, cattlemen, and lumber and mining companies hastened to act before the public domain closed to them.

### Oklahoma Opens Up, And the Rush Is On

During the 1880s, nearly 193,000 homestead patents were issued, nearly three times as many as in the previous decade. This resulted, by the late 1880s, in the public domain rapidly diminishing. In 1887 Congress, seeking to satisfy the nation's hunger for land, adopted a policy of giving individual farms to reservation Indians and opening the remaining Indian lands to settlers. The Great Sioux Indian Reservation in South Dakota and Chippewa lands in Minnesota and other Indian land was opened to settlement.

The most famous opening was the “land rush” in Oklahoma.

In 1885, Congress authorized the Indian Office to extinguish all native claims to the two unoccupied portions of the region—the Oklahoma District and the Cherokee Outlet.

For the next three years, Indian agents did nothing, knowing that any settlement would doom the whole reservation system. During that time, “boomers” continued moving into the areas. Western pressure forced the Indian Office in Washington to act. In January 1889, the Creeks and Seminoles were forced to surrender their rights to the Oklahoma District in return for cash awards of nearly 4.2 million dollars. Two months later, Congress



The Homestead Heritage Center, Homestead National Monument of America, in Beatrice, Nebraska, hosted celebrations of the 150th anniversary of the Homestead Act.

officially opened the district to settlers under the Homestead Act and authorized the President to locate two land offices there.

Acting under those instructions, President Benjamin Harrison announced that the Oklahoma District would be thrown open at noon on April 22, 1889. Thousands of people gathered for a land rush. A few days before the opening, they were allowed to surge across the Cherokee Outlet on the north and the Chickasaw reservation on the south to the borders of the promised land.

Most waited along the southern border of Kansas and the northern boundary of Texas. Rumor had it that many had already sneaked across the border to establish the town of Guthrie hours ahead of schedule, thereby earning the name “sooners.” On the morning of April 22, 100,000 persons surrounded the Oklahoma District. By sunset, every available homestead lot had been claimed, over 1.9 million acres. Oklahoma City had a population of 10,000 tent dwellings by that night and Guthrie, nearly 15,000. The rush also resulted in the creation of the towns of Kingfisher, Stillwater, and Norman. A little over a year later, on May 2, 1890, Congress created the Oklahoma Territory.

After the Oklahoma Territory was set up in 1890, its population was increased during the next years by a series of reservation “openings.” The Sauk, Fox, and Potawatomi lands, 900,000 acres in all, were thrown open in September 1891; the 3 million acres of the Cheyenne-Arapaho reservation went in April 1892. The latter were quickly settled by 30,000 waiting homesteaders. A more dramatic rush occurred at noon on September 16, 1893, when 100,000 to

150,000 home seekers rushed the 6.5 million acres of the Cherokee Outlet.

### Homesteading Continues In the 1890s as Laws Adjust

The call for reform in the land laws to benefit the homesteader resulted in a major change in August 1890, when Congress restricted anyone from acquiring more than 320 acres of public land in the aggregate under all of the land laws. The General Public Lands Reform Act of 1891 stopped the auctioning of public lands, repealed the Timber Culture and Preemption Acts (though not without some saving clauses), and placed additional safeguards in the Desert Land Act.

Speculators, for the most part, could no longer purchase whole counties for the minimum price, and land acquisition by fraudulent means was at least made more difficult. Unfortunately, these land reforms were not enacted until the areas most suitable for farming without irrigation had passed into private ownership.

Although much of the better land had been acquired between 1862 and 1890, good land in the west still remained, and the westward movement continued after 1890. All the Far West, with the exception of California, contained fewer farms in 1890 than the single state of Mississippi, and only half as many as Ohio.

The West was still the land of promise, and people continued to move there, some to fill the gaps between widely scattered farms in previously settled lands, others to new frontiers in Montana and Idaho. Much of the land was not the best, but improvements in irrigation and dry farming made it fertile and usable.

The four transcontinental railroads facilitated settlement in the 1890s. Also helping the homestead process was the existence of 123 land offices in 1891, the peak year for the number of land offices. Over 225,000 patents were issued during the decade.

In 1903 the General Land Office reported

495,306,529 acres in the public domain as unreserved and unappropriated.

### The Early 20th Century Brings A Growth in Homesteading

During the first decade of the 20th century, homesteading increased in the plateau and basin states, as settlers moved into the cold desert of southern Oregon and into interior Washington, California east of the Sierras, and Arizona. Homesteading did not increase in Alaska, despite the gold rush.

The Enlarged Homestead Act of February 19, 1909, increased the maximum permissible homestead to 320 acres of nonirrigable land in parts of Colorado, Montana, Nevada, Oregon, Utah, Washington, Arizona, and Wyoming. The law responded to the dryland farming movement that grew soon after the turn of the century. Lands previously thought to be useful only for grazing now became valuable for agriculture as farmers adopted techniques of deep plowing, compacting, summer fallowing, and seeding drought-resistant crops. As with the 1862 Homestead Act, the homesteaders had to reside on the land.

The Enlarged Homestead Law further stimulated a homestead rush already under way in the West. In Montana, it pushed the number of entries from 7,500 in 1909 to nearly 22,000 the following year. The crush of settlement activity led to more homestead entries being patented after 1900 than before. During the decade 1901–1910, over 372,000 patents were issued.

Between 1901 and 1920, many of the homesteaders were women. Before 1900, women accounted for less than 10 percent of the homesteaders. But with increased publicity, such as Elinore Pruitt Stewart's *Letters of a Woman Homesteader* (1914), homesteading opportunities for women grew significantly. Women represented about 10 to 15 percent of the homesteaders in some states, such as Colorado, Wyoming, Montana, North and South Dakota, and Utah, during the early

20th century. A significant portion of southeastern Oregon's dry-farm homesteaders, perhaps as many as one in six, were young, single women.

Congress further liberalized the homesteading laws in 1912, but the rush for homesteads slowed with America's entrance into World War I in 1917. Many homesteaders were drafted into the military, while others left to take well-paying industrial jobs in the cities. After the war, the bust continued as drought swept across many parts of the West, and agricultural and livestock economic prices collapsed. In addition, little good agricultural land remained in the public domain after World War I.

In 1934 President Franklin D. Roosevelt withdrew most public lands in the western United States for classification, primarily for conservation measures. The Taylor Grazing Act of 1934, the purpose of which was to rebuild the western range, substantially decreased the amount of land available to homesteaders in the West. Because much of the prime land had been homesteaded decades earlier, successful homestead claims dropped sharply after this time. During the 1930s, only slightly more than 40,000 patents were issued.

On March 7, 1946, President Harry S. Truman by executive order reopened all public lands, except those with uranium deposits, to homesteading. But homesteading was coming to an end as relatively few desirable places were available to homestead, and urbanization took hold. From 1941 to 1960, only some 8,400 patents were issued. The Federal Land Policy and Management Act of 1976 finally put an end to homesteading in all the public lands states but allowed homesteading to continue in Alaska until 1986.

Perhaps as many as 2 million people filed some 4 million claims under the Homestead Act. At least a million patents were issued, and about 800,000 people received one or more patents for about 280 million acres.



Homestead laws, despite their inadequacies, did foster economic growth, which was certainly in the national interest. They enabled large numbers of people of modest means to obtain farms, either free or at relatively low cost.

The United States' greatest period of agricultural expansion was between 1860 and 1920. It is probably safe to say that Homestead Act accounted for a substantial proportion of the new farms opened during that period. And certainly the Homestead Act left an important legacy in the development of the country.

In 1936, the year after most homesteading was effectively ended, Congress created the Homestead National Monument of America in Beatrice, Nebraska, as a memorial to all the settlers who had built the American West and to commemorate the changes to the land and the nation brought about by the Homestead Act of 1862. **P**

#### NOTE ON SOURCES

The National Archives and Records Administration holds the original Homestead Act as well as the Land Entry files and the Homestead files (patented and unpatented).

The 1885 annual report of the Commissioner of the General Land Office to Congress and other documents are available of the Bureau of Land Management's website: [www.blm.gov/es/st/en/prog/glo/historical\\_documents.html](http://www.blm.gov/es/st/en/prog/glo/historical_documents.html).

More information about the Homestead Act may be found at the website for the Homestead National Monument of America: [www.nps.gov/homel/historyculture/index.htm](http://www.nps.gov/homel/historyculture/index.htm).



#### Author

**Greg Bradsher's** previous contributions to *Prologue* have included articles on the discovery of Nazi gold in the Merkers Mine (Spring 1999); the story of Fritz Kolbe, 1900–1943 (Spring 2002); Japan's secret "Z Plan" in 1944 (Fall 2005); Founding Father Elbridge Gerry (Spring 2006); the third Archivist of the United States, Wayne Grover (Winter 2009); Operation Blissful, a World War II diversionary attack on an island in the Pacific (Fall 2010); and the Nuremberg Laws (Winter 2010).