

The Homestead Act of 1862

The First Entitlement Program

Jacob Freund

“An allusion has been made to the Homestead Law. I think it worthy of consideration, and that the wild lands of the country should be distributed so that every man should have the means and opportunity of benefitting his condition.”—Abraham Lincoln

PRESENTED WITH A DIVIDED nation at war with itself, President Abraham Lincoln turned to legislation to support and bolster the Northern cause. With an expansive Western frontier, Lincoln recognized an opportunity and signed into law the Homestead Act of 1862. In doing so, Lincoln provided for a system that would eventually distribute 10 percent of the land in the United States, approximately 270 million acres, to settlers. By the time the act was ended in 1896 for all states except Alaska, 4 million homesteads had been filed in what was the largest land giveaway in history. It became our nation's first major entitlement program, giving new opportunity to ordinary Americans. Expansion rapidly increased as settlers, motivated by the prospect of prosperity and success, displaced Native Americans. As a result, the railroad business flourished and the characteristics of American democracy were transformed. The Homestead Act of 1862 became a major turning point in American history because for the first time, a national entitlement program had been put into place. Most important, the idea was introduced to Americans that government could play an active role in encouraging the economic prosperity of its citizens.

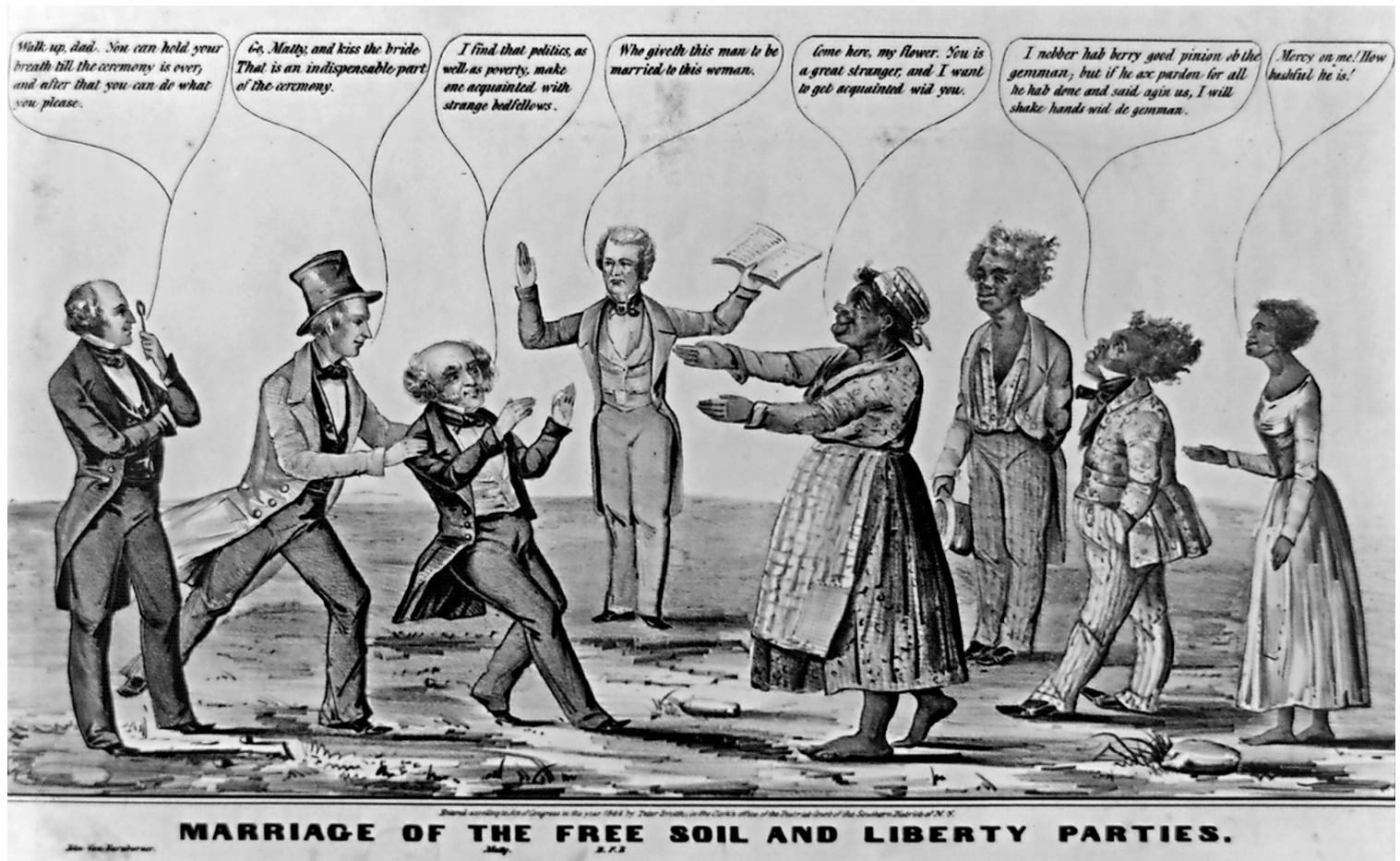
The idea of homesteading had resonated among settlers and politicians throughout the early nineteenth century, as the government considered what to do with the land in the West and whether or not it should be distributed. In the 1830s Henry Clay and his supporters sought to keep prices of Western land high and to leave the Native Americans undisturbed. Conversely, newspaper editor Horace Greeley and notable leaders in the East supported the notion of free land in the West in order to provide a location for surplus city workers to go.¹

It wasn't until 1848 that the idea of giving away free public land rose to national attention, when the Free-Soil Party formed and adopted homesteading as one of its major goals. Free Soilers were comprised of antislavery

Whigs, abolitionist Liberty Party members, and a coalition of Northern Democrats, who stated that distributing free plots of farmland was in the best interest of the United States' economy. They anticipated that settlers would develop the land and pay back a portion of their revenue to the government through taxes. According to their 1848 platform, they spoke for the “public benefits” of all Americans and exclaimed that they would operate under the banner, “Free Soil, Free Speech, Free Labor, and Free Men.”² Although the party dissipated after putting up two unsuccessful presidential candidates in the elections of 1848 and 1852, it laid the foundation for a future homestead act, setting up the West for further expansion.

The road toward homestead legislation took a step further when the emerging Republican Party accepted a free land policy that would accommodate both homestead supporters and those who supported the prevention of the spreading of slavery to the West. The party, which essentially adopted the beliefs of the Free-Soil Party in regard to the Western frontier, viewed that expanding westward via a homestead act would rapidly spread anti-slavery notions. Moreover, during the election of 1860, the Republican Party's presidential candidate, Abraham Lincoln, adopted a platform advocating for the passing of a “satisfactory homestead measure.”³ As a result, Republicans gained a majority in both houses of congress and won the presidency, paving the way to passing a homestead act.

Given that this was one of the most polarized eras in our nation's history, the idea of a homestead act was met with great resistance. Democrats, North and South, believed it was not the role of the government to give away land to its citizens. *The Richmond Enquirer* provided one such example in 1854 when it stated that a homestead bill, “asserts it to be the duty of the government to supply the wants of the lazy and improvident.”⁴ President James Buchanan spoke out against



The "Marriage of the Free Soil and Liberty Parties" (1848) portrays the racial tensions that pervaded all sections of the nation in the decades before the Civil War. Courtesy Library of Congress.

such an act, saying, "The honest poor man, by frugality and industry, can in any part of our country acquire a competence for himself and his family, and in doing this he feels that he eats the bread of independence. He desires no charity, either from the Government or from his neighbors."⁵ He subsequently vetoed homestead legislation that was placed before him in 1860, despite it being passed by the Senate three times prior. Opposition to the act also consisted of Southern slave owners who feared that if it were passed, not only would the anti-slavery cause spread, but African-Americans would be motivated to leave the South and head West to establish a better life. The South knew that free land meant a greater chance of slave-free states.

In the midst of the Civil War, the Republican-led Congress passed the Homestead Act with little resistance. The act, authored by Speaker of the House Galusha Grow and supported by President Lincoln, passed in the House by a vote of 107 to 16 on February 28, 1862, and in the Senate by a vote of 33 to 7 on May 6, 1862. President Lincoln signed it into law on May 20 and the Homestead Act of 1862 went into effect.

The Homestead Act allowed citizens of the United States to claim and occupy up to 160 acres of land that had been surveyed but was unoccupied by any other citizen. To qualify a citizen had to be the "head of a family, or [one] 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 become such."⁶ Additionally, if a citizen resided on the land for five years while making improvements on the land, he or she would receive title to the land. However, excluded from these provisions were the Native Americans, who were considered nonwhite and noncitizens.

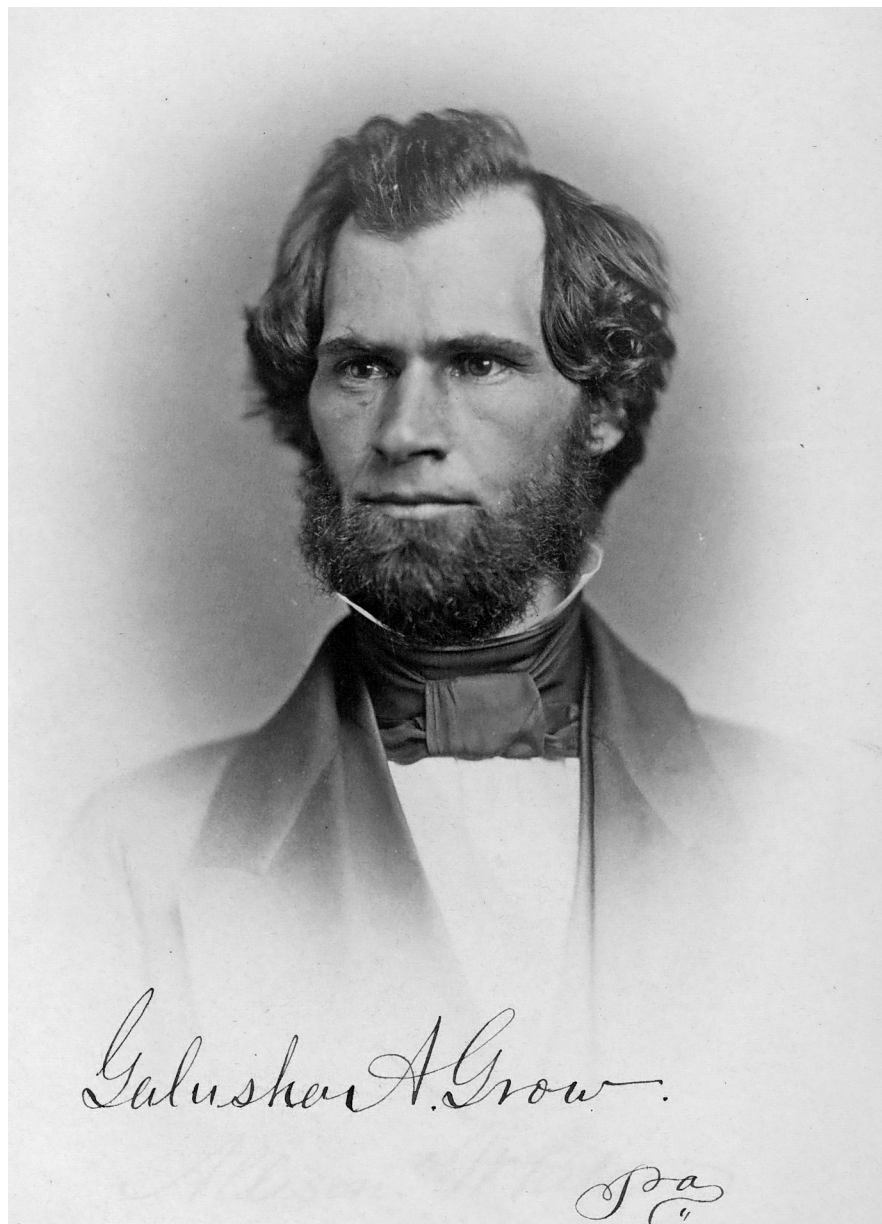
The act was unique in comparison to other acts or policies previously instituted in the country. Founding fathers including Adams, Jefferson, and Franklin had established that it was Americans' natural right to have the opportunity to obtain property. With the Homestead Act, Lincoln took that natural right to property a step further. The act allowed a "certain person [to] enter certain quantities of certain unappropriated public lands."⁷ Thus,

Lincoln passed an act giving Americans the opportunity to claim property out West if certain criteria were met. "The unemployed will find employment, the homeless will find homes; manufacturers and commerce will be invigorated by the new markets which will be opened in the immense and fertile regions which remain to be settled," claimed Representative Stephen Foster when he defined the intended effects of this act to Congress.⁸ The act was intended to give ordinary citizens and struggling farmers an equal chance at achieving prosperity. If a citizen received land as a result of the act, he or she was given the chance to succeed, and in return would contribute to the economic stability of the community.

The Homestead Act was the first entitlement program provided by the federal government. It provided that Americans develop the land, farm it, and produce crops that would aid in economic growth. This established a cyclical relationship between the settler and the nation. Consequently, the government, in order to further establish its new role in distributing land to settlers, passed provisions to the act.

The Timber Culture Act, passed in 1873, allowed homesteaders to receive an additional 160 acres of land as long as the settler dedicated 40 of those acres to planting trees.⁹ Both acts served to attract many thousands of settlers to the wide-open spaces of the American West. The Timber Culture Act added an additional incentive for Westward expansion. Its passing allowed the original intention of the Homestead Act to provide an opportunity to businesses, farmers, and poor citizens who needed a new start, to become prosperous in America.¹⁰

An immediate result of the Homestead Act and the allure of the free land it provided was the rapid influx of Westward migration. To accommodate this rapid inundation of settlers, the government passed



House Speaker Galusha Grow was the author of the Homestead Act. *Courtesy Library of Congress.*

the Pacific Railway Act of 1862. Passed three months after the signing of the Homestead Act, this became the first national act promoting the growth of railroads. It called for the building of a transcontinental railroad that connected the Central Pacific Railroad from California to the Union Pacific Railroad in Nebraska.¹¹

The Pacific Railway Act exemplifies a provision to the Homestead

Act as it too granted public lands, but these specifically to the railroads. It allowed railroads to claim land in alternating 200-foot and 10-mile sections along the rail lines under construction. Under this act, a portion of land that was set aside by the Homestead Act was given to railroad companies so they could expand and grow. In total, the government gave railroad companies about 130 million acres of land,

with the states adding another 50 million acres of land grants.¹²

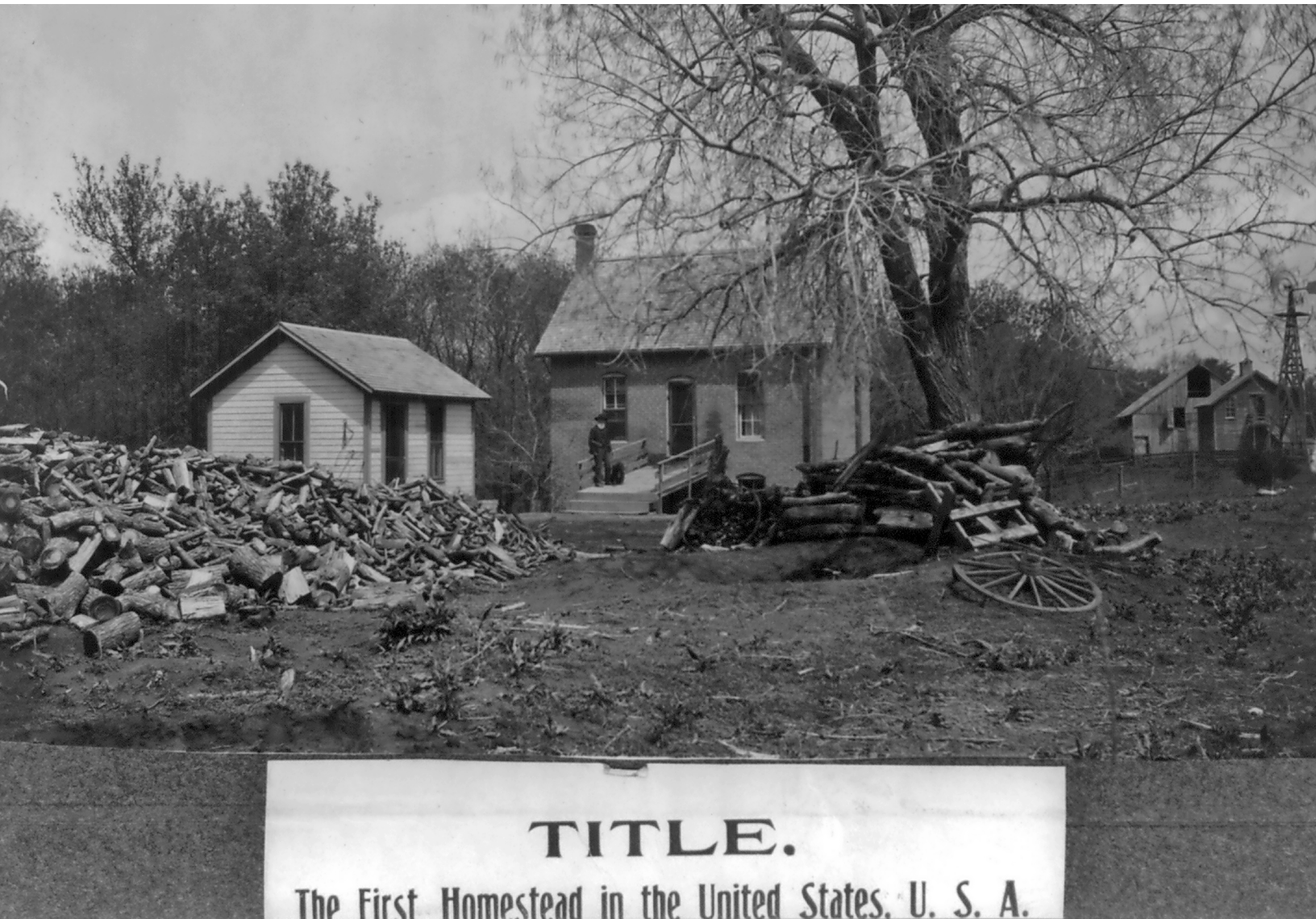
American wheat production in 1859 was 175 million bushels, but by 1878, national wheat production was 449 million bushels.¹³ However, the act did not just result in agricultural growth; it was also the impetus behind the boom of the railroad industry. In fact, railroad companies collaborated with the government to promote the settlement of the West through the Homestead Act. The railroad companies sold the land grants that they had received from the government

through the act to homesteaders to increase the number of settlers moving out West, benefitting the railroad companies.¹⁴

This was the moment where the Homestead Act introduced a piece of the entitlement identity to America. The passage of the Pacific Railway Act incited the rapid growth of the transcontinental railroad. The government established that it not only had a right, but an obligation, to use the lands in the West for the good of the nation and for the greater economic prosperity of its citizens. Henry Sibley, a con-

gressional delegate from Minnesota, supported this newfound role of the government, stating:

“It is not only in the power of Congress under the Constitution, but it is binding on that body, as the custodian of the public property, to dispose of the public lands in such a manner as may directly or indirectly inure to the benefit of the greatest number of its citizens, so far as that can be accomplished without injury to any portion of the country.”¹⁵



The Daniel Freeman homestead, in Gage County, Nebraska, was the very first claim made under the Homestead Act. *Courtesy Library of Congress.*

The Pacific Railroad Act represented government action in providing an opportunity for more settlers to travel out West to claim public land provided under the Homestead Act, in addition to supporting the railroad companies and sparking rapid transportation developments. The acts, in concert, allowed for the faster shipping of manufactured goods, the opportunity for prosperity, and spurred economic development. However, the land given away under the Homestead Act did not come without a price.

Throughout the early history of the United States, Native Americans were continually displaced, constantly being pushed further West. Following Andrew Jackson's signing of the Indian Removal Act of 1830, it became the only territory, at least in theory, where the Indians could live without interference from the white population. But to provide settlers with the land guaranteed to them under the Homestead Act, the Native Americans had to be displaced.

Jackson had guaranteed the Native Americans perpetual autonomy in the West. So, naturally, the Native Americans viewed the encroachment of the homesteaders as threatening, and were greatly angered that their land was redistributed to white settlers. In 1864, Cheyenne and Arapaho Indians stormed stagecoach lines and attacked settlers in an effort to defend their ancestral land. Furthermore, they fought the United States Army for control of Western lands.¹⁶ The Plains Indian Wars, a series of conflicts between American settlers and Native Americans in the late nineteenth century, intensified the notion that Americans were entitled to the land out West as guaranteed by the government. As part of this strategy, settlers and the army attempted to eradicate buffalo, one of the most important resources for the Indians on the Plains. Between 1872 and 1875, white settlers killed 9 million buffalo, making the Plains

nearly uninhabitable for the Native Americans. The loss of the buffalo deprived the Native Americans of essential supplies including food and hides that were crucial for their survival.¹⁷ As the Native Americans' supplies were depleted, their living conditions became unbearable and the population began to diminish. According to the United States Bureau of the Census (1894), the Plains Indian Wars eventually cost the lives of about 30,000 Indians. As a result, the majority of Native Americans in the West agreed to move onto government run reservations. By moving onto reservations and abandoning their ancestral land, the Indians' homelands became available to be distributed under the Homestead Act.¹⁸

In 1893, Frederick Jackson Turner, a historian at the University of Wisconsin finished what is now known as his Frontier Thesis. In this thesis, he concluded that what separated America from the rest of the world was the constant availability of land in the West. He claimed that the Western frontier defined American culture and beliefs, and dovetailed with our democratic system of government. The thesis contended that, "American democracy is fundamentally the outcome of the experiences of the American people in dealing with the West." Jackson asserts that a result of this newfound democracy was the newly defined role of the national government in helping its citizens conquer the unknown territory. This unknown territory, made available and usable by the Homestead Act, provided America with its national characteristics. As Americans became accustomed to the constant availability of free land, provided by the government in the West, the notion that the land was morally and rightfully theirs grew. Consequently, Americans developed a greater sense of independence, individualism, and self-reliance.¹⁹

The Homestead Act was a culmination of years of deliberation on what to do with the vast expanse of Western lands. When Abraham Lincoln signed it into law, he intended it to provide land to ordinary citizens. In effect, he began what became the nation's first entitlement program. As a result, the government destroyed the way of life for most Native Americans and gave their land to white citizens for free. In addition, to promote the rapid settlement of the West, the government passed the Pacific Railway Act, which further displaced Native Americans in the name of white progress. A key motivation of the government to give away free land was to increase the economic output of the Western territories, thereby increasing the overall prosperity of the nation. This never before seen system set a precedent for entitlement programs passed in the twentieth century and beyond. In that effect, the Homestead Act was a turning point in American history by introducing the theory that government should be active in providing the economic prosperity of their citizens.

Notes

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JACOB FREUND is a senior at The Wheatley School in Old Westbury, New York, and initially wrote this article as part of the National History Day Competition, in which he was awarded first place in New York State. He arrived at his thesis, that the Homestead Act of 1862 was the nation's first entitlement program, as opposed to programs that came out of the New Deal, while examining the different aspects of the Civil War. What interested him about this topic was the fact that such a magnificent act, one that lead to the largest land giveaway in the history of any nation, could be overlooked by so many.

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