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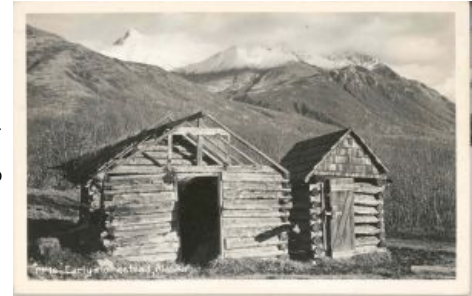
What was homesteading?

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 possible on federal lands in Alaska since Oct. 21, 1986, although it was allowed 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 purpose was to help settle the country and provide new opportunities. From the start, women, minorities, and immigrants were allowed to homestead.

What is a homestead?

Most dictionaries usually provide several definitions for the word "homestead." Three common ones 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; and
3. a tract of public land granted by the U.S. government to a settler under provisions of the 1862 Homestead Act (or its amendments 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 always only become a "farm.")



The word "homesteading" then refers to establishing a homestead or living on it and (hopefully) making a living off of it. In the context of the 1862 Homestead Act and later homestead era legislation, "homesteading the land" meant fulfilling the requirements needed to be awarded the land by receiving a patent that was 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 later 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 (e.g. Louisiana Purchase, Gadsden Purchase, Alaska Purchase). Some of the lands were sold by the new nation with the revenue used to pay off federal debts. Other lands were granted as "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 it. As a result, some simply squatted on the land in frontier regions without obtaining formal rights to it. Yet not having legal title led to problems. These could include the land being sold to someone else along with their improvements.

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 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 Pre-emption Act helped those wanting title to land in unsurveyed frontier areas, it still required payment 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 being 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 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 in the Midwest and West. Later, homesteading was allowed in all 30 states or territories with federal land, from Florida to Michigan to California. Homesteading was not allowed in Alaska until May 14, 1898, when President William McKinley signed legislation extending various homestead laws to Alaska.

When did homesteading end?

Homesteading officially ended on October 21, 1976 with the passage of the Federal Land Policy and Management Act of 1976. On that day, all homestead laws were repealed 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 October 20, 1986. After that day, no more new homesteading was allowed on federal land in Alaska.

How did the U.S. Government grant homesteads?

After a homesteader had met all requirements of law to obtain a homestead, the final step was for the federal government to issue an official document, called a land patent, which was signed by federal officials on behalf of the President of the United States granting legal ownership to the homesteaded land. These grants cited the legal authority (law) enabling the grant to be made as well as a legal description of the land being granted to the homesteader. They also provided certain information related to the original application for the homestead and where the patent was recorded.

Is "homesteading" allowed anywhere in Alaska today?

No. Homesteading ended on all federal lands on October 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 under certain conditions to get title to their claims faster than their time requirement to live on the claim (five years, later three years). This was a process called "commutation" of a claim, or "commuting" a claim. When commuting a claim, the homesteader still had to live on and cultivate the claim for 14 months. The homesteader usually paid \$1.25 per acre for the land. Many "commuted homesteads" were also patented in Alaska, with title documents indicating that they were acquired by purchase and not under homestead laws for "free." One of these "commuted homesteads" was near the community of Chicken in northern Alaska, around 60 miles north of Tok. The homestead was patented 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 homestead claims could be filed. Prior to 1918, the land had to be surveyed to register claims with the General Land Office. Even so, people who settled on land before an official opening or survey generally had preference rights to file a claim on their land. Early newspapers in Alaska often carried information on new land openings. For instance, a notice in the Valdez, Alaska paper on August 11, 1912 reported that the "first surveyed township in Alaska will be thrown open to entry next Thursday, Aug. 15." It was for land near the Copper River. The article also stated: "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 their original settlement on the land, sometimes 20 or more years later. For example, John McCrary, an early settler at Copper Center, Alaska in 1902 finally received patent to his homestead claim in 1938.

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