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**The Homestead Act
May 20, 1862**

(U. S. Statutes at Large, Vol. XII, p. 392 ff.)

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

Be it enacted, 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 become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first of January, eighteen hundred and sixty-three, be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: Provided, That any person owning or residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Sec. 2. That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one or more years of age, or shall have performed service in the Army or Navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon he permitted to enter the quantity of land specified: Provided, however, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry -- or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death -- shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law: And provided, further, That in case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of said infant child or children, and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, and payment of the office fees and sum of money herein specified.. ..

1. What is meant by the term "public domain"?
2. Who is entitled to secure a grant of land from the Federal Government? Can women secure such a grant? Freed slaves? Confederates or former Confederates?
3. What is the largest amount of land a person can secure from the Federal government through this act?
4. How much per acre did land under the Homestead Act cost?
5. The Homestead Act was meant to ensure that United States citizens who actually wanted to farm land were the recipients of the government's assistance. Who else might have wanted to profit from this deal, and how? How is the law trying to prevent various abuses?
6. How did this law support the idea of a “freeholder” or “yeomen” society that was encouraged by Thomas Jefferson?
7. Do you think the Homestead Act was successful in supporting a “freeholder” society?

### The Pacific Railway ActJuly 1, 1862

(U. S. Statutes at Large, Vol. XII, p. 489 ff.)

An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean. . . .

Be it enacted, That [names of corporators]; together with five commissioners to be appointed by the Secretary of the Interior... are hereby created and erected into a body corporate... by the name... of "The Union Pacific Railroad Company"... ; and the said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain and enjoy a continuous railroad and telegraph... from a point on the one hundredth meridian of longitude west from Greenwich, between the south margin of the valley of the Republican River and the north margin of the valley of the Platte River, to the western boundary of Nevada Territory, upon the route and terms hereinafter provided...

Sec. 2. That the right of way through the public lands be... granted to said company for the construction of said railroad and telegraph line; and the right... is hereby given to said company to take from the public lands adjacent to the line of said road, earth, stone, timber, and other materials for the construction thereof; said right of way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad when it may pass over the public lands, including all necessary grounds, for stations, buildings, workshops, and depots, machine shops, switches, side tracks, turn tables, and water stations. The United States shall extinguish as rapidly as may be the Indian titles to all lands falling under the operation of this act...

Sec. 3. That there be... granted to the said company, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of mails, troops, munitions of war, and public stores thereon, every alternate section of public land, designated by odd numbers, to the amount of five alternate sections per mile on each side of said railroad, on the line thereof, and within the limits of ten miles on each side of said road... Provided That all mineral lands shall be excepted from the operation of this act; but where the same shall contain timber, the timber thereon is hereby granted to said company...

Sec. 5. That for the purposes herein mentioned the Secretary of the Treasury shall... in accordance with the provisions of this act, issue to said company bonds of the United States of one thousand dollars each, payable in thirty years after date, paying six per centum per annum interest... to the amount of sixteen of said bonds per mile for each section of forty miles; and to secure the repayment to the United States... of the amount of said bonds... the issue of said bonds... shall ipso facto constitute a first mortgage on the whole line of the railroad and telegraph...

1. What corporation was created based on this act?
2. What do you think was the difficult terrain on which to lay track? What other difficulties do you foresee in terms of crews of men living and working in a variety of environments as they lay tracks?
3. Why do you think the government is providing for the building of telegraph poles along the length of the railroad?
4. The act is giving the railroad the right of way on public lands. How much land on either side of tracks does this include? What does the government promise to do about American Indian tribal claims to this land?
5. In Section 3 the act provides the railroad with more land than what is needed to give it a right of way. Why will this land fronting the railroad tracks be even more valuable than land given to homesteaders at a distance from the railway?
6. Other than the gift of large land grants, what method of financing the railway does the bill propose in Section 5?
7. Since the bonds will be awarded based on completed mileage of railway track, which company would ultimately be awarded the most money? How does this set up a competition between the two railways?
8. How did this act support the ideas of “internal improvements” and the “American System” that were encouraged by Henry Clay and other Whigs?