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Lincoln's Legacy - Homestead Act & Land



It has long been a cherished opinion of some of our wisest statesmen that the people of the United States had a higher and more enduring interest in the early settlement and substantial cultivation of the public lands than in the amount of direct revenue to be derived from the sale of them. . . . This policy has received its most signal and beneficent illustration in the recent enactment granting homesteads to actual settlers. Since the 1st day of January last the before-mentioned quantity of 1,456,514 acres of land have been taken up under its provisions.
Abraham Lincoln, December 8, 1863, Lincoln's Third State of the Union Address.

Homestead Act

May 20, 1862 - 12 Stat. 392

Lincoln signed the Homestead Act on May 20, 1862. Ten percent of the United States, or 275,000,000 acres of land were given to settlers under this act. Between 1879 and 1886, more than 100,000 people settled in northern Dakota. To claim 160 acres of free land, a man or woman had to be head of a household and 21 years old. The homesteader had to pay an \$18 filing fee and live on the homestead for 5 years. The law required that they build a house, measuring at least 10' x 12', and have at least 10 acres of land under cultivation. Immigrants from foreign lands were required to become U.S. citizens in order to claim land.

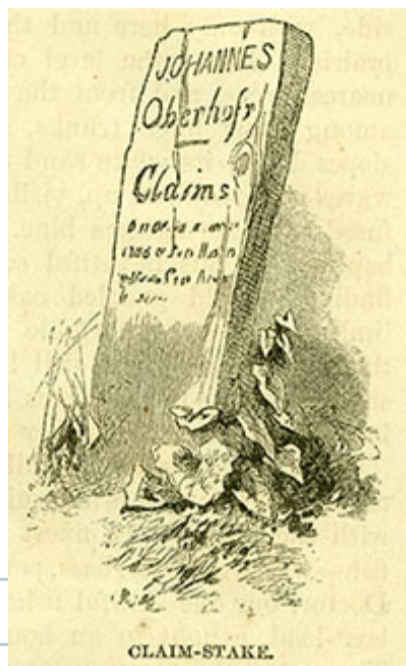
The first person to file a homestead claim in northern Dakota was Joseph Rolette, Jr., of Pembina, on June 10, 1868, on Section 4, Township 163-57, Pembina County. Rolette died in 1871 and never proved up his homestead claim. Nelson E. Nelson of rural Pembina, was the first person to secure a homestead patent in northern Dakota. He filed his claim on December 19, 1870, and received his homestead patent, or final ownership certificate on August 1, 1877.

Bertine's Tale

One Homesteader's Story: Bertine's Tale

Bertine Sem was born in Snassa, Norway on August 12, 1879. She emigrated to North Dakota arriving in April 1902. Sem declared her intent to become an American citizen on May 7, 1902, and that same day, filed for her homestead in Bentinck Township, Bottineau County. The nearest town was Westhope, to the northeast, and Bottineau, the county seat, was 32 miles to the east. She filed her final homestead papers on December 22, 1904, at the land office in Mohall.

Like many young women who homesteaded in northeastern North Dakota, she married. Bertine Sem married Erick Sannes, also from Snassa, Norway, on January 25, 1905. Unlike many of her contemporaries, her husband moved to her homestead to raise their family of six children: Melvin, Olaf, Esther, Bertha, James, and Harold. Bertine died on May 27, 1955, her husband on July 30, 1972.



CLAIM-STAKE.

Surveying Land

Public lands in the West were surveyed and platted into one mile square grids, called sections, each containing 640 acres. Thirty-six sections, or a six-by-six-mile square became a township. With the Homestead Act of 1862, the government granted 160 acres, or a quarter of a section, to people who lived on and farmed a tract of land in the West.

A survey party consisted of a surveyor using a transit, a rodman using a rod, and two chain men using chains. Each chain is made up of 100 links, each measuring 7.92 inches. The total length of the chain is 66 feet, which is equivalent to 4 rods. An area 10 chains by 10 chains square equals one acre.



Erick Sannes & Bertine Sem
January 25, 1905
Photo by Erickson Studio, Bottineau
Erling Sannes Collection,
SAHRL 798:010

Teacher Resources: [4th Grade Math Project](#)

Teacher Resources: [8th Grade Math Project](#)

Acquiring the Land

Alternatives to the Homestead Act

Not all land in northern Dakota was acquired under the auspices of the Homestead Act. A number of alternative methods were employed in acquiring the public domain.

Pre-Emption Entry 1841

Some intrepid individuals settled in northern Dakota before the government was organized. They were living on the land before the General Land Office officially sold or even surveyed the tract, and were thus given a pre-emptive right to acquire the land from the United States. A law passed by the United States government in 1841 allowed a person on the land (squatter) the first claim to 160 acres of unsurveyed land. The price of \$1.25 per acre was due as follows: filing fee of twenty-five cents an acres with the balance due eighteen months later.

Cash Entry

April 24, 1820 - 3 Stat. 566

An earlier act of Congress, passed in 1820, allowed an individual to purchase land from the United States government at the price of \$1.25 per acre

Timber Culture Act

March 13, 1874

The Timber Culture Act of 1873 was another law that encouraged homesteading and the planting of trees in the west. If a settler planted 40 acres of timber (reduced to 10 acres in 1878) and fostered their growth for 10 years, the individual was entitled to that quarter section of land. The Timber Culture Act also permitted homesteaders who occupied their land for three years, with one acre of trees under cultivation for two of those three years, to receive a patent to the land. The law was eventually repealed in 1882. Many homestead files from the West contain documents of proof related to the Timber Culture Act.



Erastus A. Williams, U.S. Surveyor General, with survey crew, circa 1892, Bismarck, ND. Note the survey transit and chains draped over the shoulders and held by the two chain men. E.A. Williams, a prominent member of the state legislature from 1872 - 1916, served as U.S. Surveyor General from 1890 until 1907.
SAHRL E0048

Desert Land Act

March 3, 1877

The Desert Land Act of 1877 was designed to foster settlement of the arid and semi-arid regions of the west, specifically in Arizona, California, the Dakotas, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The Act allowed anyone to purchase 640 acres of land for 25 cents per acre if the land was irrigated within three years of filing. A rancher could receive title to the land any time within the three years upon proof of compliance with the law and payment of one additional dollar per acre. The homestead files of cattle ranchers in the region west of the Missouri River contain documents of proof related to the Desert Land Act and Timber Culture Act.

Agricultural College Scrip

Lincoln signed the Morrill Act on July 2, 1862, giving each state a minimum of 90,000 acres of land to sell, to establish colleges of engineering, agriculture, and military science To support the agricultural colleges, these certificates were sold and allowed a person to purchase 160 acres at \$1.25 per acre. There was a limit of three sections, or 1,920 acres in each township.

Soldiers' Homestead

Sections 2304 to 2309 of Revised Statutes of United States

As a benefit to Civil War veterans, this act, an extension of a benefit to veterans of the War of 1812, allowed a soldier, officer, or seaman, who had served for at least 90 days in the Army, Navy, or Marines of the United States during the War of the Rebellion, to take up 160 acres on surveyed lands, even within the 40 mile trans continental railroad corridor.

Indian Homestead

March 3, 1875

To encourage Indians to engage in farming this act provided 160 acres to the 21 year old, head of household, provided "that he has abandoned his tribal relations and adopted the habits and pursuits of civilized life."

Land of Dakota

Dakota is presenting her virtues as a potential state, for the inspection of Uncle Sam while Columbia prepares to add Dakota to the roster of the union. This type of advertisement was printed for the Commissioner of Immigration of Dakota Territory, to encourage settlers to come and take up the 24,000,000 acres of land available as of 1887.



Dakota Applying for Statehood, printed by the Forbes Lithography Manufacturing Company, Boston, Massachusetts, 1887.
SHSND 6015

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612 East Boulevard Ave.
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58505

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