

# THE HOMESTEAD ACT

SEEN THROUGH LETTERS FROM EASTERN OREGON  
1905 - 1908

## PURPOSE AND SCOPE

This one-frame exhibit shows the requirements of and process of the Homestead Act of 1862 through quotes from a selection of letters sent to and from the Land Office in La Grande in eastern Oregon between 1905 and 1908.



It aims to give you an understanding of who could homestead and how it was to be done. As well, these letters will provide you with an insight into the lives of those pioneers who homesteaded in eastern Oregon at the beginning of the 20<sup>th</sup> century.

## OVERVIEW OF THE HOMESTEAD ACT

The Homestead Act of 1862 was created by Congress to provide settlers with land in the Western United States.

Congress enacted that any person who was head of a family, over 21, a citizen and had never borne arms against the USA could file a claim for up to a quarter section (160 acres) of unappropriated land. The claimant had to reside on the land for five years, and show evidence of having made improvements, before being granted title to the land.

## EXHIBIT LAYOUT

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Exhibit Layout*

P2 *Genesis of the Homestead Act,  
Acts Which Followed,  
La Grande Land Office*

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P5-13 *The 7 Steps of the Homestead Act*

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- Step 2 File the land claim
- Step 3 Live on the land for 5 years
- Step 4 File for proofing the land
- Step 5 Advertise the proof
- Step 6 Have the proof heard
- Step 7 Receive patent

Letters are shown and partially quoted.

Letter quotes are set at an angle, and matted in emerald green.

The covers in which the letters were sent are matted in slate blue.

The covers are shown with the letters, to help to tell the story.

Extra information is presented as short "Did you know?" paragraphs.

## GENESIS OF THE HOMESTEAD ACT

The Homestead Act was a product of the popular nineteenth century belief of "Manifest Destiny", the idea that land was there for the taking. Settlers could control, own and dispose of lands in the West. This encouraged settlement and development in the West.

It was based on the Donation Land Act of 1850, which applied to Oregon and Washington Territory residents. This act provided that each resident white or half-breed citizen could receive 320 acres of land. If married, the spouse could receive another 320 acres.

## ACTS WHICH FOLLOWED

After the Homestead Act was signed into law, other acts were passed to "fine-tune" the process. Those pertaining to Oregon were the Timber Culture Act of 1873, the Reclamation Act of 1902, the Kinkaid Amendment of 1904 and the Forest Homestead Act of 1906.

## LA GRANDE LAND OFFICE

This eastern Oregon district land office opened in 1867. The posts of Register and Receiver were appointed by the President. The Register acted as manager, processing forms and sending paperwork to the General Land Office. The Receiver performed the monetary tasks.



They processed a large number of claim types, including homestead, timber, mineral, reclamation and desert land entries, assisting prospective homesteaders through the seven steps involved in acquiring land, and which are shown on the following pages.

In 1906 when our story starts, both of these positions were filled by A.A. Roberts. However, he fell under the cloud of fraud allegations in early December of 1908, and resigned the following March. F.C. Bramwell was Register and Receiver during this time.

WHAT IS A

La Grande Land Office, Union County, Aug 5, 1905



Department of the Interior,

U.S. Land Office,

La Grande, Oregon

AUG. 5, 1905

Roscoe F. Young,

Hermiston, Or.

Sir,

The records of this office show that on May 20, 1905 there was issued to you D.L.E. Receipt No. 493 for SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , W  $\frac{1}{2}$  NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec. 15, T<sub>5</sub> N. R. 28 E. W. M. Your application was sent in by John Halley Jr., U.S. Commissioner at Hermiston, Oregon and according to the usual custom the receipt would be mailed to the officer who sent in the application. It has not been returned to this office, as Mr. Halley surely has it if he has not given it to you.

Very respectfully,

*Wm. Roberts*  
Receiver.

# QUARTER SECTION?

## UNDERSTANDING SURVEY TERMS

When referring to a particular piece of land, it was necessary to define exactly in which part of which section the land was located.

To interpret the survey jargon, you must work backwards from the right.

**W M** = the **Willamette Meridian**, with coordinates 122.7438° W, was decided on in 1851. Its intersection with the **Baseline** [45.5209° N] in west Portland is called the **Initial Point**, and it is from here that all of Oregon and Washington were surveyed.

**R 28 E** = **Range 28 East**

This represents a vertical column 6 x 6-mile blocks 28 blocks east of the Willamette Meridian.

**TP 5 N** = **Township 8 South**

Once you get to the 28<sup>th</sup> block east along the Baseline, you have to go 5 blocks north to get to TP 5 N. See the gray shaded area in first image at right.

**Section 15**. Each block was divided into 36 sections, 1 mile long and 1 mile wide. This made a total of 640 acres per block. The sections were numbered similarly to how the ground was worked when cultivated. See **Section 15** shaded gray at right.

A quarter of a section is 160 acres, the maximum allowed for applications for land under the Homestead Act.

Thus, these aliquots

- the southwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 15,
- the west  $\frac{1}{2}$  of the southeast  $\frac{1}{4}$  of section 15,
- the southeast  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of section 15

give you these four pieces of contiguous land.

See the shaded gray areas in the section at right.



6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

SW $\frac{1}{4}$ of NE $\frac{1}{4}$	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	SE $\frac{1}{4}$ of SE $\frac{1}{4}$
SW $\frac{1}{2}$ of SW $\frac{1}{4}$	SE $\frac{1}{2}$ of SW $\frac{1}{4}$	SW $\frac{1}{2}$ of SE $\frac{1}{4}$	SE $\frac{1}{2}$ of SE $\frac{1}{4}$
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	SE $\frac{1}{4}$ of SE $\frac{1}{4}$
SW $\frac{1}{2}$ of SW $\frac{1}{4}$	SE $\frac{1}{2}$ of SW $\frac{1}{4}$	SW $\frac{1}{2}$ of SE $\frac{1}{4}$	SE $\frac{1}{2}$ of SE $\frac{1}{4}$

# STEP 1: LOOK FOR "FREE LAND"

P.E. Renno, Irrigon, Morrow County,  
regarding the south and west boundaries of the La Grande Land Office:

... I want to get some blue prints  
down in central Oregon and do not  
know where to send for them ...

P.S. How many Land Offices  
are there in Oregon.

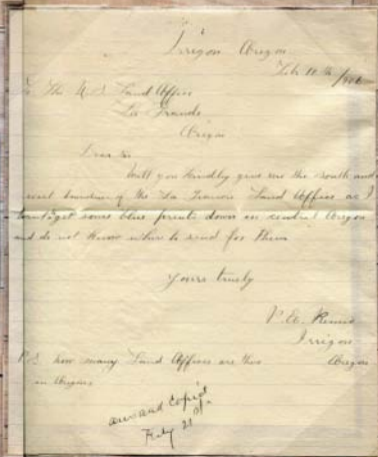


## Did you know?

Burns was the only other land office  
in eastern Oregon at that time.

The La Grande Land office served  
the following counties:

Union, Grant, Umatilla,  
Morrow, Baker, Wallowa



# The Homestead Act of 1862



*Thirty-Seventh*  
Congress of the United States,  
*At the Second Session*  
BEGIN AND HOLD AT THE CITY OF WASHINGTON  
in the District of Columbia  
on Monday the second day of December  
one thousand eight hundred and sixty-one

---

An act to secure Homesteads to actual Settlers on the Public Domain.

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Be it enacted by Congress that heads of families and adults over 21 years old, if they are citizens and have never fought against the U.S., may claim a quarter section of unclaimed public lands.

As of the first day of January 1863, claims may be filed, which may be subject to preemption at one dollar and twenty-five cents per acre for up to 160 acres, or at two dollars and fifty cents per acre for eighty acres or less of such unclaimed lands.

**SEC. 2.** And be it further enacted, That the person applying for the benefit of this act shall make an affidavit indicating that he or she is the head of a family, or is 21 years or more of age, or 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...

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.

After filing the affidavit with the register, and paying ten dollars, he or she shall be permitted to enter the quantity of land specified. He or she must then live on the land for five years.

## STEP 2: FILE THE LAND CLAIM

Asa S. Arbogast, Ritter, Grant County, Aug 14, 1906

Ritter, Ore Aug. 14/1906

B.S. Land Office

Dear Sir,

I wish to buy  
isolated land. Please let me  
know what I will have to  
do. I wish to buy the  
N.E.  $\frac{1}{4}$  & N.W.  $\frac{1}{4}$  of Sec. 31, T.7, R. 30, E. 16 W.

Thanking you for the information  
I am  
Very Truly Yours

Asa S. Arbogast  
Ritter, Oregon

Ans and copied  
Aug 17

I wish to buy isolated land.

Please tell me what I have  
to do.

Asa S. Arbogast  
Ritter, Ore.



B.S. Land Office  
Le Grand,  
Ore.

Did Asa eventually file a claim, have it proofed and receive a patent?

Yes, patent was granted by President Wilson on Dec 16, 1914 for 40 acres, in Section 27.

This is different from the first request, which was for land in Section 31.

### STEP 3: LIVE ON THE LAND FOR 5 YEARS

Maggie Russell, Wallowa, Wallowa County, June 6, 1906

General Land Office  
La Grande  
Oregon

June 6 1906

Sir

Can a better witness for a sister  
or sister on a homestead. I want to make final proof on my  
homestead. Can I stay off the homestead for the purpose  
of making money to bear the expense of final proof. I  
will not be off longer than a month.

I can offer good proof. Some of the family has lived on my  
homestead every day since six months before I filed. I had  
no other home. I never paid board or rent. I have improvements  
to exceed a thousand dollars.

Maggie Russell  
Wallowa  
Ore.

Mr. Frank Victor  
Wallowa  
Ore.

Two and a half copies July 8<sup>th</sup>

I want to make final proof on my homestead ...

... I can offer good proof. Some of my family has lived on my homestead every day since six months before I filed. I had no other home. I never paid board or rent. I have improvements to exceed a thousand dollars.

Did you know?  
Women could file a claim for land.



Was Maggie's hearing for final proof successful?

Yes, her patent was granted by President T. Roosevelt on Dec 6, 1906 for 160 acres.



SEC. 3. And be it further enacted, That the register of the land office shall note all such applications on the tract books and plats of, his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. And be it further enacted, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. ...If it shall be proven that the person who filed an affidavit actually changed his or her residence, or abandoned the land for more than six months at any time, then the land shall revert to the government.

SEC. 6. And be it further enacted, That no individual shall be permitted to acquire title to more than one quarter section under the provisions of this act.

SEC. 7. Everything in "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes" applies here.

SEC. 8. And be it further enacted, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act, from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefore from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting preemption rights.

APPROVED, May 20, 1862.



## STEP 4: FILE FOR PROOFING THE LAND

Send me a blank. I want to make a proof on my land as soon as my time is up. My five years is up May the sixth. When will I have to advertise. I want to deal as soon as possible. I will prove up at Pendleton Oregon.

W.A. Franklin, Freewater, Umatilla County, Jan 12, 1907



Was William's hearing for final proof successful?

Possibly. Certainly he was granted a patent for 160 acres, but not until April 1909, by President W.H. Taft

### Did you know?

The President signed all patents up until 1833. Then he had a special secretary sign them, essentially forging his signature! After 1948, the President no longer had to have his signature on patents.

any?<sup>21</sup>  
yes Jan 12 1907  
freewater Oregon  
send me a blank  
I want to make a proof  
on my land as soon  
as my time is up  
my five years is  
up May the 6  
when will I have to  
advertise I want to  
deal as soon as possible  
I will prove up at  
pendleton Oregon  
W.A. Franklin  
Application No 11352

## STEP 5: ADVERTISE THE PROOF

I send you herewith an affidavit of Samuel Hobson's publication which he writes has never been received.

### Did you know?

This was the format used for the proof publication notices at that time.

William E. Weir, Long Creek, Grant County, July 30, 1906

### NOTICE FOR PUBLICATION.

Department of the Interior,  
U.S. Land Office at La Grande, Or.  
< date >

Notice is hereby given that  
< claimant >

of < town >, Oregon, who, on < date > made homestead entry No. < claim no. > for < survey coordinates of land claimed > has filed notice of intention to make final five-year proof, to establish claim to the land above described, before register and receiver of the U.S. land office at La Grande, Oregon, on the < day > day of < month >, < year >.

Claimant names as witnesses: < list of names of four witnesses and cities of residence >.  
< name of register >, Register.

Was Samuel Hobson's hearing for final proof successful, after he had published his intent to prove?

Probably. He was granted a patent almost a year later on July 29, 1907 for 160 acres, by President Theodore Roosevelt.

Long Creek, Oregon,  
July 30, 1906.

U. S. Land Office,  
LaGrande, Oregon.

Dear Sir,

I send you herewith a n affidavit of Samuel A. Hobson's publication which he writes has never been received.

Sincerely,

William E Weir

Long Creek Ranger  
William E. Weir  
Ranger  
Long Creek, Oregon



U. S. Land Office,  
LaGrande, Oregon.

# The United States of America,

Do all in regard here presented shall mean, Reading:

WHEREAS, a Contract of the Department of the Interior of the United States, bearing

has been concluded in the Interior Land Office whereby it appears that, pursuant to the act of Congress of May 20, 1862,

"to grant homesteads to small farmers on the Public Domain" and the act supplementary thereto, the case of

JOHN B. WILLIAMS, FORTMOUTH (JOHN B. ROBERTS),

has been considered and duly examined, it is hereby declared that the applicant qualifies for the homestead quarter of the northwest quarter of section twenty and the west half of the southeast quarter and the southeast quarter of the northwest quarter of section thirty-third in township four north of range twenty-four east of the WILLAMETTE MERIDIAN, OREGON, containing and more or less acres,

according to the official plat of the Survey of the said land, returned to the DEPARTMENT OF THE INTERIOR by the Surveyor-General

JOHN BROWN TO, That there is available granted to the UNITED STATES under the said contract the tract of land described in said plat as being the said tract of land with the improvements thereon, with the title and surplus of the said contract. Thereby subject to any valid and unexpired rights for mining, agriculture, manufacturing or other purposes, and rights of ditches and easements, and in connection with such water rights as may be recognized and acknowledged by the local authorities, and decisions of courts, and that a warrant for the said land being granted, a copy of any statute for ditches or water constructed by the authority of the United States.



BY SECRETARY OF THE INTERIOR: WILLIAM H. TAFT

President of the United States of America, has caused these orders to be made public and the act of the Interior Land Office to be formally affixed.

WITNESSED under my hand and the Seal of the Department of the Interior at Washington, D. C. this 15th day of

May of 1907

and attested at the City of Washington, D. C. this 15th day of May, 1907.

JOHN BROWN TO, Secretary of the Interior

In the presence of  
W. H. Taft  
John B. Roberts  
Secretary of the Interior

RECORD OF DEEDS, Patent Office 217438

## STEP 7: RECEIVE PATENT

## STEP 6: HAVE THE PROOF HEARD

Mrs Ida Roberts-Welchel, Wallowa, Wallowa County, Jul 7, 1907

Mr Corley is sending in this mail. My application to make  
committed proof on my home stead. If it is possible for you to  
arrange the date for any time between the 3rd week in August  
and the 5 of September. except September 2.

It will be a great favor to me as I must undergo a serious  
throat operation and I want to have this done before the  
disagreeable fall weather begins. This is the reason for my  
communicating so near the expiration of a five year residence.

Was Ida's hearing for final proof successful?

No. In fact, the Commissioner of the General Land Office denied her proof as the forestry service said that her residence was insufficient. Ida was a nurse and thus had to leave the homestead to earn money.

After more hearings and decisions, Ida appealed and the Secretary of the Interior reversed the decision. Her patent for 160 acres was granted by President W.H. Taft on July 17, 1911.

Yours truly  
Ida Roberts-Welchel

and July 9/17

