

Sample Pages from



Created *by* Teachers *for* Teachers and Students

Thanks for checking us out. Please call us at **800-858-7339** with questions or feedback or to order this product. You can also order this product online at **www.tcmpub.com**.

For correlations to state standards, please visit
www.tcmpub.com/administrators/correlations

Exploring Primary Sources— Westward Expansion

This sample includes the following:

- Teacher's Guide Cover** (1 page)
- Teacher's Guide Table of Contents** (1 page)
- How to Use This Resource** (5 pages)
- Card Lesson Plan** (4 pages)
- Card** (2 pages)
- Document Lesson Plan** (6 pages)
- Document** (4 pages)

To Create a World ⁱⁿ which
Children **love** to Learn!

800-858-7339 • www.tcmpub.com



Westward Expansion

Teacher's Guide



Introduction

Why Are Primary Sources Important?	4
Research on Using Primary Sources	6
Analyzing Primary Sources with Students	11
Components of This Resource	15
How to Use This Resource	18
Standards Correlation	23
Creating Strong Questions	28

Primary Source Card Activities

Trails West	31
Transcontinental Railroad	35
American Bison	39
Progress of the Century	43
Covered Wagon	47
Family on the Plains	51
Great Oklahoma Land Rush of 1893	55
Roundup on the Sherman Ranch	59

Primary Source Reproduction Activities

The Northwest Ordinance of 1787	63
New Discoveries in North America	69
Whitman Letter	75
No Annexation of Texas	81
Homestead Act of 1862	87
Alaska Treasury Note	93
San Francisco in 1875	99
James Wanted Poster	105

Culminating Activities

Project-Based Learning Activity	111
Document-Based Questions	115

Making Connections

Technology Connections	120
Young-Adult Literature Connections	123

Appendix

References Cited	124
Answer Key	125
Digital Resources	128

How to Use This Resource

Lesson Plans

The learning outcomes are the focus throughout each lesson.

Digital-only reproducibles are clearly labeled.

Page references and digital filenames make lesson preparation easy.

The guiding questions help support development of inquiry by focusing on the primary source being studied.

Essential questions provide inquiry anchors for students as they investigate enduring understandings.

The Northwest Ordinance of 1787

Setting the Stage for Westward Migration

Learning Outcomes

- Students will be able to develop an understanding of the importance of the Northwest Ordinance and its impact on the statehood process.
- Students will analyze and categorize the sections of the Northwest Ordinance.

Materials

- Northwest Ordinance reproduction (northwestordinance.pdf)
- copies of Rules and Regs (page 65)
- copies of Excerpt of the Text of the Northwest Ordinance of 1787 (page 66)
- copies of Text of the Northwest Ordinance of 1787 (digital only); optional
- copies of Analyzing a Legal Document (page 67)
- copies of the Territorial Growth document-based assessment (page 68)

Essential Question

- How do territories become states?

Guiding Questions

- Why was this a significant document?
- How did your state enter the union? Did the Northwest Ordinance affect its entry?
- How did this document help bring order to the migration process?
- What might have happened to the process of forming states if this ordinance had not been written?

Introducing the Primary Source

- Ask students to describe what they already know about the Northwest Ordinance. Guide students to describe why they think it would be important to have guidelines for a territory becoming a state.
- Share the Northwest Ordinance reproduction, and ask students to study it carefully. Then, project the digital copy of the document, and distribute copies of Analyzing a Legal Document. Give students a few minutes to make lists of at least five observations or questions they have about the document.
- Introduce the essential question, and use the provided guiding questions to discuss elements

Students collaborate to interact with the primary source through inquiry, textual analysis, and engaging activities.

These assessments provide opportunities for students to independently practice primary source analysis.

Key content vocabulary from the historical background information is bolded in student texts and defined here for reference.

The Northwest Ordinance of 1787

Setting the Stage for Westward Migration

Analyzing the Primary Source

- Have small groups of students read the background information, Rules and Regs. (A copy of this text at a lower reading level is provided in the Digital Resources.) Review the key words with students as necessary. As students read, encourage them to annotate the text by underlining phrases that denote rules or guidelines.
- Distribute Excerpt of the Text of the Northwest Ordinance of 1787 to students. Note: Due to the length of this document, only an excerpt is included on this page. The full text is available in the Digital Resources. Have each student write a persuasive speech encouraging or discouraging religion, morality, and education. The other portion of the treatment of American Indians. Have students write speeches on one of these topics. They should include whether this article was enforced, whether it should have been enforced, how it can be interpreted, and any other points that would make an effective speech.
- Have students discuss what would happen if people in areas of the country could start their own states without present regulations and guidelines. What would happen if one of our states made the decision to become its own country? Have students research what would happen if a state tried to secede.

Document-Based Assessment

- Distribute copies of Territorial Growth. A digital copy of the primary source is provided in the Digital Resources (territorialgrowth.pdf).
- Have students think about what they've learned throughout this lesson, carefully analyze the primary source, and respond thoughtfully to the prompt.

Key Words

These key content words are included in both levels of the background information.

- confederation**—an organization made up of several groups
- ordinance**—a law put in place by government
- privileges**—rights or advantages
- regulations**—rules

How to Use This Resource *(cont.)*

Background Information

The historical background information provides students with key information about both the time period and the primary source. It is provided at two different reading levels to support differentiation. When preparing for a lesson, decide which level best meets the needs of your students. Use one level for all students, or differentiate the reading levels by student need.

- Encourage students to write strong questions they have as they read these texts. The *Creating Strong Questions* lesson on pages 28–30 will prepare students for this important aspect of the inquiry arc.
- Suggestions for annotations students could make while reading are provided in each lesson plan.

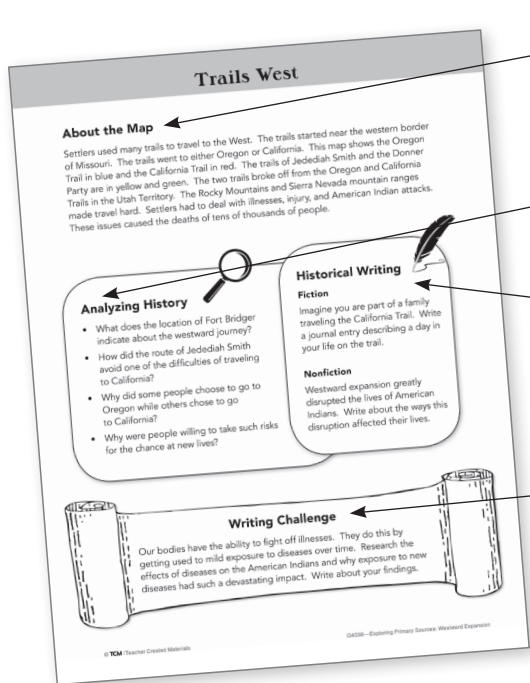
Within the Teacher's Guide, the texts are leveled at a seventh- to eighth-grade reading level and are denoted by a triangle in the top right of each page.

Texts leveled at a fifth- to sixth-grade reading level are denoted by a square and are only provided in the Digital Resources.

Glossary terms are bolded to highlight their importance to the content. All glossary words are included in both levels of the information. A Student Glossary is provided in the Digital Resources. This document includes the vocabulary words and definitions from all 16 lessons.

How to Use This Resource *(cont.)*

Student Activity Pages



Trails West

About the Map

Settlers used many trails to travel to the West. The trails started near the western border of Missouri. The trails went to either Oregon or California. This map shows the Oregon Trail in blue and the California Trail in red. The trails of Jedediah Smith and the Donner Party are in yellow and green. The two trails broke off from the Oregon and California Trails in the Utah Territory. The Rocky Mountains and Sierra Nevada mountain ranges made travel hard. Settlers had to deal with illnesses, injury, and American Indian attacks. These issues caused the deaths of tens of thousands of people.

Analyzing History

- What does the location of Fort Bridger indicate about the westward journey?
- How did the route of Jedediah Smith avoid one of the difficulties of traveling to California?
- Why did some people choose to go to Oregon while others chose to go to California?
- Why were people willing to take such risks for the chance at new lives?

Historical Writing

Fiction

Imagine you are part of a family traveling the California Trail. Write a journal entry describing a day in your life on the trail.

Nonfiction

Westward expansion greatly disrupted the lives of American Indians. Write about the ways this disruption affected their lives.

Writing Challenge

Our bodies have the ability to fight off illnesses. They do this by getting used to mild exposure to diseases over time. Research the effects of diseases on the American Indians and why exposure to new diseases had such a devastating impact. Write about your findings.

© TCM Teacher Created Materials

Background information provides a concise description of the primary source image students will study.

Activities for students increase in complexity, providing scaffolded opportunities for student engagement.

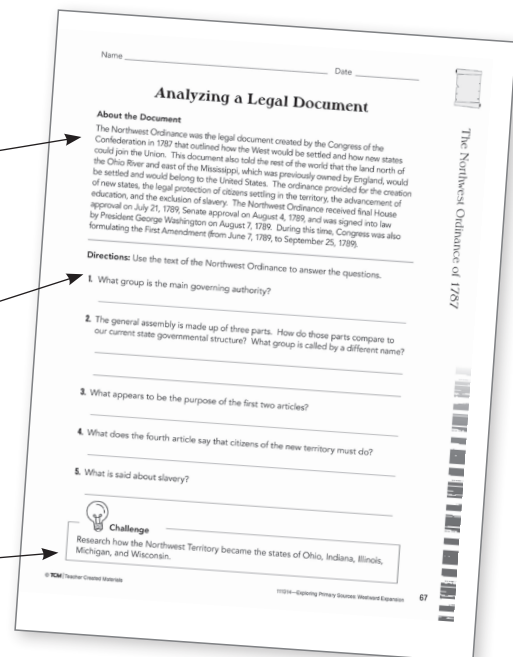
Fiction and nonfiction writing prompts promote deeper connections to the primary source.

An inquiry-driven writing task challenges students to take their learning to the next level.

Key information about the primary source reproduction prepares students for the activity.

Engaging activities encourage students to use higher-order thinking skills as they analyze the primary source.

Extension challenges are provided to engage students in more complex tasks.



Name _____ Date _____

Analyzing a Legal Document

About the Document

The Northwest Ordinance was the legal document created by the Congress of the Confederation in 1787 that outlined how the West would be settled and how new states could join the Union. This document also told the rest of the world that the land north of the Ohio River and east of the Mississippi, which was previously owned by England, would be settled and would belong to the United States. The ordinance provided for the creation of new states, the legal protection of citizens settling in the territory, the advancement of education, and the exclusion of slavery. The Northwest Ordinance received final House approval on July 21, 1789, Senate approval on August 4, 1789, and was signed into law by President George Washington on August 7, 1789. During this time, Congress was also formulating the First Amendment (from June 7, 1789, to September 25, 1789).

Directions: Use the text of the Northwest Ordinance to answer the questions.

1. What group is the main governing authority?
2. The general assembly is made up of three parts. How do those parts compare to our current state governmental structure? What group is called by a different name?
3. What appears to be the purpose of the first two articles?
4. What does the fourth article say that citizens of the new territory must do?
5. What is said about slavery?

Challenge

Research how the Northwest Territory became the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

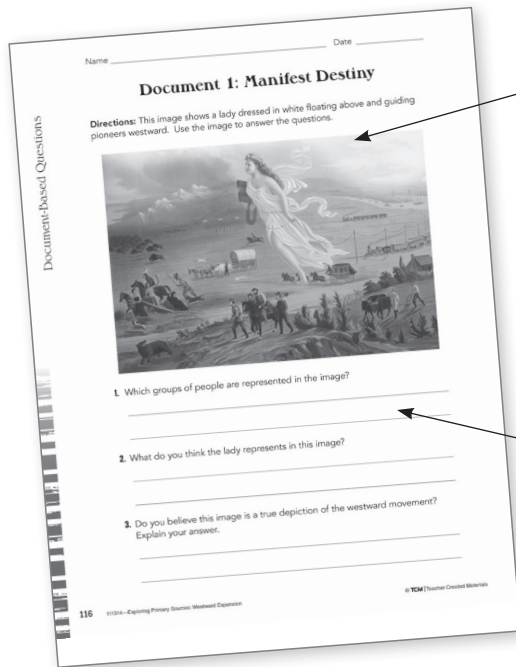
© TCM Teacher Created Materials

- **Hint:** Find and use the photograph button on your copier when copying student reproducibles, including document-based assessments. This will produce clearer images that will be easier to analyze.

How to Use This Resource *(cont.)*

Document-Based Assessments

A document-based assessment (DBA) connected to the content of each lesson gives students an opportunity to practice primary source analysis. These DBAs practice key skills needed for many social studies assessments in middle school and high school.



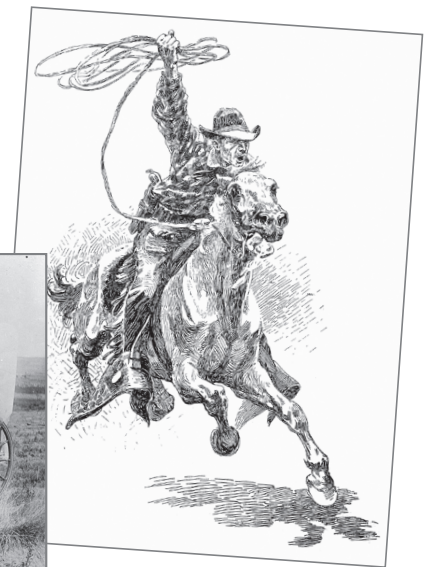
Each DBA includes a visual or textual primary source.

Students use general knowledge of the time period, what they learned in the lesson, and details in the primary source to respond to the constructed-response questions.

Digital Resources

Projecting primary sources while students are analyzing them allows for whole-class discussions.

At times, projecting full-color versions of a primary source may be more beneficial than copying them on black-and-white copiers.



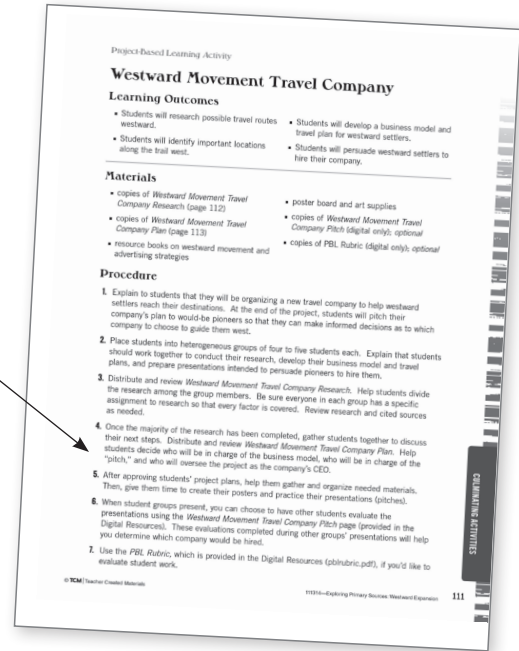
How to Use This Resource *(cont.)*

Culminating Activities

Project-Based Learning Activity

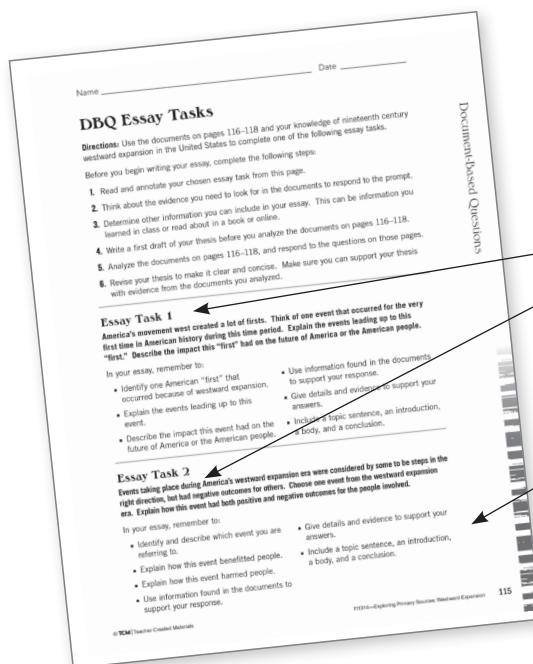
Engaging project-based learning (PBL) activities provide opportunities for students to work collaboratively and share what they've learned about the content.

Student presentations of PBL work are excellent for inviting guests to visit and see what students are doing.



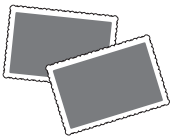
Document-Based Questions

Document-based questions (DBQs) require students to analyze multiple DBAs and then respond to essay tasks in cohesive, well-supported essays.



Two essay tasks allow students to choose which DBQ they'd like to answer.

Each has a specific question and indicators to guide student responses.



Westward Bound

Learning Outcomes

- Students will be able to describe ways that historical events have been influenced by, and have influenced, physical and human geographic factors in local, regional, national, and global settings.
- Students will be able to compare the desires of settlers and American Indians and why each wanted land.



Materials

- copies of the *Great Oklahoma Land Rush of 1893* primary source card (landrush.pdf)
- copies of *Settling In* (page 57)
- chart paper; *optional*
- copies of the *Early Bird Gets the Land* document-based assessment (page 58)

Essential Question

- How can new developments be good for some people and bad for others?

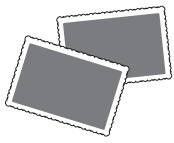
Guiding Questions

- What is depicted in this photograph?
- Where are these people going?
- What emotions do you think the people are feeling?
- Some people are racing on horses, and others are in wagons. Explain which people have the better chance of getting to the land they want.



Introducing the Primary Source

1. Explain that in the 1800s, owning land was very important to people. They were willing to give up the lives they had known for the chance to get land for their families. Remind students that the land the pioneers were taking had once belonged to American Indians.
2. Share the photograph from the primary source card. Give students a few minutes to make lists of at least five observations or questions they have about the image.
3. Introduce the essential question, and use the provided guiding questions to discuss the pioneers staking claim to what once was American Indian land. Encourage students to ask their own questions to facilitate further inquiry.



Westward Bound *(cont.)*

Analyzing the Primary Source

1. Have student pairs read the background information, *Settling In*. (A copy of this text at a lower reading level is provided in the Digital Resources.) Review the key words with students as necessary. As students read, encourage them to annotate the text by jotting notes about the conflict between the government's plans and the American Indian tribes.
2. Provide time for students to complete at least two of the activities from the back of the primary source card.
3. Draw a T-chart on the board. Have students work in groups to discuss what the settlers wanted and what the American Indians wanted. List the desires of both groups of people, and use the chart to discuss their differences.
4. Place students into seven small groups. Assign one of these American Indian tribes to each group: *Apache, Cherokee, Cheyenne, Chickasaw, Choctow, Comanche, and Creek*. Have the groups research the effects that settling the Oklahoma Territory had on these American Indian tribes. Have groups present their findings to the class.

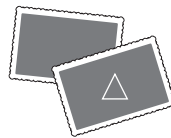
Document-Based Assessment

- Distribute copies of *Early Bird Gets the Land*. A digital copy of the primary source is provided in the Digital Resources (earlybird.jpg).
- Have students think about what they've learned throughout this lesson, carefully analyze the primary source, and respond thoughtfully to the questions.

Key Words

These key content words are included in both levels of the background information.

- **grazing**—a method of feeding cattle on grassland
- **stake**—to mark an area as one's own
- **territory**—an area of land
- **treaty**—an agreement



Settling In

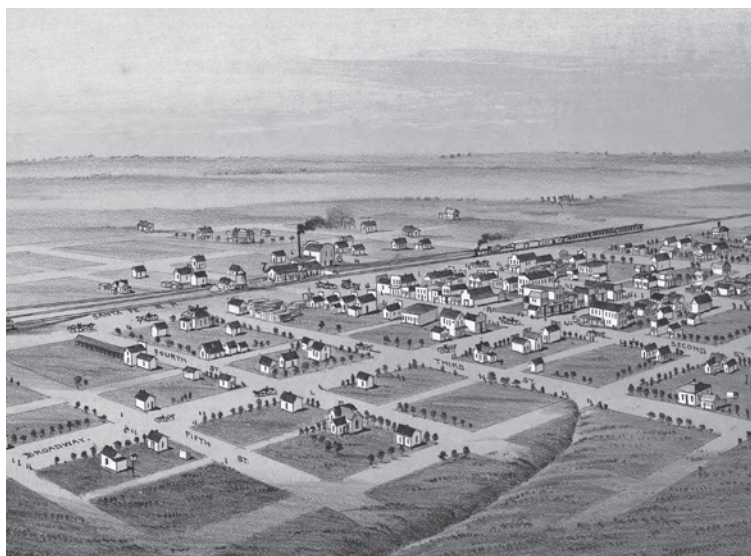
In the early 1800s, President Andrew Jackson supported the separation of white men and American Indians. The Indian Removal Act was passed. It forced American Indians to live in a new area in present-day Oklahoma. In the new **territory**, several tribes were assigned territories. They built new homes and new American Indian nations.

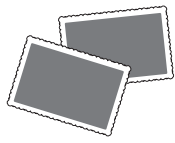
The five major American Indian nations from the Southeast were now located in that area. A new **treaty** was formed between these tribes and the United States government. It stated that the tribes would have the land “for as long as the grass grows, and the water flows.”

But things changed. Over the next 50 years, the settlers continued to require more and more land as they moved west. The Cherokee tribe owned a strip of land on the Kansas-Oklahoma border called the Cherokee Strip. The Cherokee were leasing this land to a cattlemen’s association. They earned \$100,000 per year from it. But settlers put a lot of pressure on the Cherokee to sell their land. They wanted to be able to farm the land instead. People in the East needed new land. In 1893, a very unusual action was taken to remedy their situation. A law was passed that forbid the **grazing** of cattle in the Cherokee Strip. This is what the Cherokee were doing on the land to make a living. So, they were forced to sell the now useless land. The United States government opened this land in the Indian Territory to settlers. This land was called the Oklahoma Territory.

A map was created to show the new territories. Settlers were recruited to settle there. In a bizarre scene, over 100,000 courageous settlers lined up on the Kansas border to the north of Oklahoma. At the shot of a gun, these men, women, and children charged into the territory and struck a claim to their own land. The primary source card shows people leaving the starting line to **stake** claims to land in the newly opened Oklahoma Territory.

The people farmed the land and started new lives in the area. Today, many American Indian reservations still exist in Oklahoma, but their population is very low compared to what it was before the arrival of pioneers.





Name _____ Date _____

Early Bird Gets the Land

Directions: This photograph shows a gathering of people who entered a drawing for Oklahoma land. Study the photograph, and answer the questions.



Great Oklahoma Land Rush of 1893

1. What do you see in the photograph?

2. How is this event different from the race to stake claims?

3. What can you say about people's interest in having land?



Great Oklahoma Land Rush of 1893

About the Photograph

Between 1820 and 1840, many tribes were relocated to lands west of the Mississippi. This was so white settlers could have more land in the East. President Andrew Jackson and Congress promised these lands to the tribes in the Indian Removal Act of 1830. But as more settlers moved westward, this promise was not kept. The government pressured the Cherokee to sell some of their land. They did, and the land known as the Cherokee Strip was opened to settlers. Thousands of white pioneers wanted to claim the land. This photograph shows people leaving the starting line at noon on September 16, 1893. They had to race to stake claims to land in the Oklahoma Territory. It was the largest land rush America ever experienced.

Analyzing History



- What forms of transportation are shown in this image?
- Summarize the main events happening in this photograph.
- Not everyone was able to get land. What do you suppose those people did once all the land was taken?
- Describe how the Cherokee people were affected by settlers in the 1890s.

Historical Writing



Fiction

Imagine you are a part of this event. Clearly describe what is happening around you as you race from the starting line. Include as many details as you can.

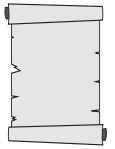
Nonfiction

Write about the events of the Great Oklahoma Land Rush of 1893 from the perspective of a member of the Cherokee Nation.

Writing Challenge



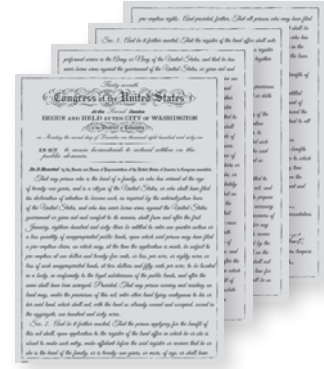
Research the Oklahoma Territory and the American Indian tribes from the area. Create a historical time line for the region. Include information through the 1800s.



Come and Get It—160 Acres of Free Land

Learning Outcomes

- Students will be able to describe the ways that historical events have been influenced by, and have influenced, physical and human geographic factors.
- Students will be able to analyze and interpret the provisions in the Homestead Act.



Materials

- *Homestead Act of 1862* reproduction (homesteadact.pdf)
- copies of *America's Bread Basket* (page 89)
- copies of the *Text of the Homestead Act of 1862* (page 90)
- copies of *Free Farmland for Hard Working Pioneers* (page 91)
- copies of the *Homestead Act Stamp* document-based assessment (page 92)

Essential Question

- What motivates people to take on difficult challenges?

Guiding Questions

- How did the Homestead Act change America?
- In what ways did it affect the lives of the American Indians on the Plains?
- How did the Homestead Act boost the railroad business?
- Why was this free land an attractive offer for farmers living in European countries?



Introducing the Primary Source

1. Tell students that the Homestead Act provided opportunities to farmers in America.
2. Share the *Homestead Act of 1862* reproduction, and ask students to study it carefully. Then, project the digital copy of the document, and distribute copies of *Text of the Homestead Act of 1862*. Read the text with students. Give students time to make lists of at least five observations or questions they have about the document.
3. Introduce the essential question, and use the provided guiding questions to discuss the opportunities and challenges homesteaders faced. Encourage students to ask their own questions to facilitate further inquiry.

Come and Get It—160 Acres of Free Land (cont.)

Analyzing the Primary Source

1. Using your local landmarks as a point of reference, help the class decide about how much land 160 acres would be in your area. (**Hint:** One square city block is usually about 6 acres.) Next, tell them where the 160 acres would have been in 1862 and what it would have looked like. Then, read the first paragraph of the background information, *America's Bread Basket*, together to explain what they would have had to do to own that property.
2. Have small groups of students read the remainder of *America's Bread Basket*. (A copy of this text at a lower reading level is provided in the Digital Resources.) Review the key words with students as necessary. As students read, encourage them to annotate the text by underlining the difficulties homesteaders faced and drawing stars beside the opportunities they received.
3. Distribute copies of *Free Farmland for Hardworking Pioneers* to small groups. Have them use their activity sheets to develop multimedia presentations explaining the Homestead Act of 1862 to prospective homesteaders.
4. To learn more about the Homestead Act of 1862, see page 121 for a technology-based extension activity.

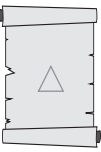
Document-Based Assessment

- Distribute copies of *Homestead Act Stamp*. A digital copy of the primary source is provided in the Digital Resources (homesteadstamp.jpg).
- Have students think about what they've learned throughout this lesson, carefully analyze the primary source, and respond thoughtfully to the questions.

Key Words

These key content words are included in both levels of the background information.

- **hardy**—able to take on difficulty
- **immigrant**—a person who comes from another country
- **yield**—produce



America's Bread Basket

The Homestead Act of 1862 gave citizens up to 160 acres (647,497 square meters) of public land if they lived on it for five years, built a house, improved the land, plowed 10 acres, fenced a certain portion, and paid a small fee. From 1863–1900, 600,000 farmers received their own land.

When some Americans settled in the plains region, they discovered that the territory was not just a dry, flat land. It was a land with rich soil. Most years, the region had enough rain to grow wheat, grains, and corn. More and more families wanted to move west, so people began calling for the sale of this public land.

Congress finally passed the Homestead Act in 1862. With this act, the United States Congress decided to promote the settlement of the Great Plains and to give adventurous farmers a free piece of land to “homestead.” Congress believed that this Homestead Act would expand the country westward. The act would provide hardworking citizens new opportunities to own and develop land. The congressmen dreamed that one day the region would develop into farming communities. These would be the “bread basket” for America.

However, as one way of life was improving, another way of life was getting worse. The Homestead Act was very harmful to American Indians. They lost more and more land. They did not have legal deeds to the territory. So, the land was now being given away piece by piece to settlers.

Settlers to the plains region included American families as well as **immigrant** families from Sweden, Finland, Germany, Norway, the Ukraine, and Russia. When the Civil War ended, some freed slaves also migrated to Kansas to begin new lives.

Politics eventually took over the “homesteading business.” The government gave millions of acres of public land to the railroads. The railroads, in turn, resold the land to settlers and sent land agents to Europe to promote the selling of the land to immigrants.

Homesteading in the plains was full of challenges. There were no trees to build cabins, so sod houses were made. There was no wood to burn, so corncobs and “cow chips” were used for fuel. Life on the plains was never consistent. One year, the land would **yield** a rich crop. The next year, drought, hail, or grasshoppers would ruin it all. But these pioneers were **hardy** souls. They kept working and trying to improve their lives. Slowly, inventions such as the steel plow, barbed wire, and reapers helped improve farming methods.



Text of the Homestead Act of 1862

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

Be It Enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

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 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, on 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 and 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.

Section 2. And be it further enacted, 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 the family, or is twenty-one years, or more, 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 be 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 enure 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, on payment of the office fees and sum of money herein specified.

Section 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.

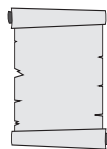
Section 4. And be it further enacted, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

Section 5. And be it further enacted, That if at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government.

Section 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; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued, but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: Provided that nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights: And provided, further, That all persons who may have filed their applications for a pre-emption right prior to the passage of this act shall be entitled to all privileges of this act: Provided, further, That no person who has served or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof during the existence of an actual war, domestic or foreign, shall be deprived of all benefits of this act on account of not having attained the age of twenty-one years.

Section 7. And be it further enacted, That the fifth section of the act entitled “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,” approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations and affidavits, required or authorized by this act.

Section 8. And be it further entered, 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 therefor from the government, as in this case provided by law; on making proof of settlement and cultivation as provided by existing laws granting pre-emption rights.



Free Farmland for Hardworking Pioneers

About the Document

In 1862, Congress passed the Homestead Act. It became law on January 1, 1863, during the middle of the Civil War. The Homestead Act allowed anyone to file for a quarter section (160 acres) of free land. The land would belong to the homesteader at the end of five years. But he had to build a house on the land, plow ten acres and plant crops first. He would also have to fence a portion of the land, live on the property, and pay a small fee. The Homestead Act was revised several times. This was to cover other areas of the United States where settlement needed to be encouraged. The last use of the Homestead Act was for the settlement of Alaska.

Directions: There are people who would like to settle in the West. They have heard that land is available, but they are unsure how to get it. Create a digital slide presentation describing the Homestead Act of 1862. Your presentation should answer the following questions, so people will understand what they need to do to own and keep the land:

Title slide

What is this presentation about?
Who created it?

Slide 3

When can the homesteader own the land? Who can own the land if the homesteader dies?

Slide 6

Can a person own more than one piece of land?
Who can own land before the age of 21 years?

Slide 1

Who is eligible to apply for owning this land? List the personal requirements.

Slide 4

Who will keep the records for all the tracts of land?

Slide 7

Although the land is "free," there is a fee for filing and closing costs. How does Section 8 state these requirements?

Slide 2

What promises must the settler make when he signs an affidavit (agreement) as to how the land will be used?

Slide 5

Why would the act require that the land not be used to settle debts?
What happens if the homesteader abandons the land?

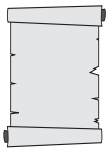
Final slide

Thank you/Questions



Challenge

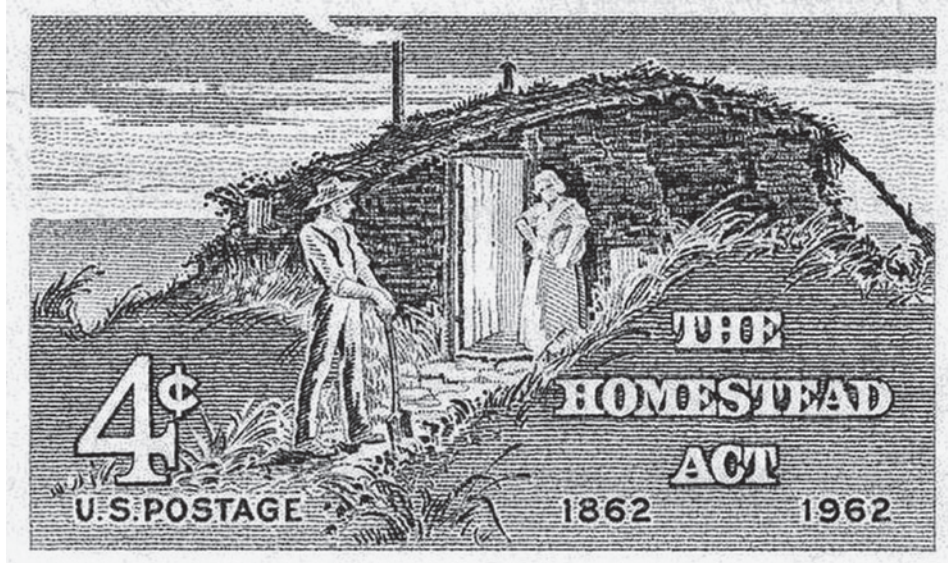
Create a slide presentation in response to the Homestead Act from the perspective of the American Indians.



Name _____ Date _____

Homestead Act Stamp

Directions: Use the image to answer the questions.



1. What is depicted in this image?

2. How does the creation of this stamp reflect the importance of the event?

3. What other time period might be commemorated in this way? What image might be used to commemorate the event?

Homestead Act of 1862

Thirty-seventh
Congress of the United States

At the Second Session
BEGUN AND HELD 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.*

Be It Enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

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 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, on 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 and 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. And be it further enacted, 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 the family, or is twenty-one years, or more, 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 be 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 enure 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 domicil, 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, on payment of the office fees and sum of money herein specified.

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. And be it further enacted, That if at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered 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; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quality of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued, but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: Provided that nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing

pre-emption rights: And provided, further, That all persons who may have filed their applications for a pre-emption right prior to the passage of this act shall be entitled to all privileges of this act: Provided, further, That no person who has served or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof during the

existence of an actual war, domestic or foreign, shall be deprived of all benefits of this act on account of not having attained the age of twenty-one years.

Sec. 7. And be it further enacted, That the fifth section of the act entitled "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," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations and affidavits, required or authorized by this act.

Sec. 8. And be it further entered, 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 therefor from the government, as in this case provided by law; on making proof of settlement and cultivation as provided by existing laws granting pre-emption rights.

Calushart Crow
Speaker of the House of Representatives

Solomon Foot,
President of the Senate pro tempore

Abraham Lincoln

Approved, May 20, 1862