

History Question of the Month

How did the early settlers of our city obtain legal title to their land?

Answer

The early settlers of our city obtained legal title to their land through one of three Federal Land Acts. The majority obtained their land through the Home Stead Act of 1862. This act was signed into law by President Abraham Lincoln. The purpose was to encourage the settlement of the west with an influx of homesteaders that through hard work would create a new agricultural industry. Although enacted in 1862, it did not become available to those in the Utah Territory until the signing of the Rail Road Act of 1869.

To be eligible, one had to be the head of the household, at least 21 years of age; or if younger had to have spent service in the Army or Navy of the U S, never born arms against the U S or given aid or comfort to its enemies. They did not need to be citizens, only, the intent, to become a citizen. Upon the payment of a small fee, they could temporarily settle on the designated land, which was in increments of 40 acres up to a maximum of 160 acres. They then had 5 years with a maximum of 7 years to build a house and make improvements to land, while living on the land continuously during that period of time. At the end of 5 years, by paying another small fee, and having 2 neighbors testify to the fact they had made the improvements and lived their continuously for 5 years, they could apply for a patent which gave them legal title to the land. If at the end of seven years, they hadn't filed for a patent, the land was returned to the government.

Most of the rest of the early settlers received pre-emptive grants authorized under the Land Act of 1820. After occupying the land for 6 months they could obtain a patent by paying the government \$1.25 an acre, with a minimum of 80 acres.

The remaining few received their legal title through the Land-Grant College Act of 1862 or the Morrill Act. They paid the government up front for their property. The money for the sale then went to fund Land Grant Colleges.