



WALTON RELATIONS

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Walton County Genealogy Society

March 2016

History Detectives

Below are some requests for help we received recently. The full question on the Message Boards can be viewed by clicking the link in each query. You can see the full list of past queries in the History Detectives section of our website.

81. Caney Creek/Jackson Still – A woman who owns property in the area of the old Jackson Still would like to learn more of its history. We know the area was first owned by Elihu Jackson. There is an existing Caney Creek Community Cemetery by the church, and there was reportedly a black cemetery on the land that once held a turpentine still. Any recollections of that area would be appreciated.

82. Freeport Rail Line – Timber and turpentine was usually moved by rail. References have been found to a rail line between DeFuniak Springs and Freeport, probably owned by the Choctawhatchee Lumber Company of Freeport. Please share any maps or documents about such a rail line.

As always, let us know if you can provide answers or if you have questions by writing to WaltonCountyHeritage@cox.net.

Genealogy Meeting

The Walton County Genealogy Society will meet on Thursday, March 17, at 6:00 p.m. at the Walton County Heritage Museum. Contact **Wayne Sconiers** for more information about the meeting and resources available for your research.

Upcoming Reunions

Wright/McCall Reunion – Saturday, March 19, 11:00 a.m.-2:00 p.m., at the First Methodist Church Fellowship Hall on Circle Drive in DeFuniak Springs. Contact Howard Rinker at 850-892-5334 for more information.

April reunions are scheduled for the Alice Creek/New Home Families (Gone but Not Forgotten) and the Ward Family of Eucheeanna, but we do not have current information about those reunions.

Walton County Heritage Museum

Open Tuesday - Saturday, 1:00 - 4:00 PM
1140 Circle Drive, DeFuniak Springs, FL 32435

850-951-2127

www.WaltonCountyHeritage.org

WaltonCountyHeritage@cox.net

Major Public Land Laws of the United States of America

By H. C. Hank Klein

U.S. WAR BOUNTY LAND LAWS – It was the practice of the federal government to reward those who had served in the nation’s armed forces by providing veterans with warrants to purchase public lands as a reward for their service. The amount of land provided and how it could be taken differed under the numerous Military Land Bounty Acts of 1847, 1850, 1852, and 1855. The practice was discontinued with the Civil War; however, Civil War veterans were given concessions under the 1862 Homestead Act.

1785: LAND ORDINANCES – The sale of public lands at auction was the first general means of disposing of the public lands. Congress, under the Articles of Confederation, first provided for sale of land in the Land Disposal Ordinance of May 20, 1785. Under the Constitution the first land sales act came in 1796, with changes enacted in 1800, 1803, and 1804. There was no limitation on the acreage that could be purchased by an individual. None of these laws had residence or cultivation requirements.

1820: THE CASH SALES ACT – This Act did away with buying land on credit. The Cash Sales Act of April 24, 1820, required government land be purchased with cash up front. Lands were offered at public sale to the highest bidder at a minimum price of \$1.25 an acre. Repealed in 1891.

1841: THE PREEMPTION ACT – This act helped to establish the doctrine of Manifest Destiny in North America. The Act allowed for individuals living on Federal lands the first right to buy the land when it was surveyed. Many people were living on federally owned public lands and were better known as squatters. This legislation provided "squatter’s rights" to the land after it was available for sale. The first preemption law was enacted in 1799, after which Congress continued to enact preemption laws of temporary nature from time to time. A permanent preemption law came with the passage of the Act of September 4, 1841. A good example of this is when they opened the Nebraska/Kansas Territory in 1854; many people were living on the land already. They had squatter’s rights and could file for a preemption claim. They had 12-18 months to buy the land for no less than \$1.25 an acre. They also had to make minimal improvements to the land; *i.e.*, build a home, plow some ground, etc. Repealed in 1891.

1842: DONATION LAWS – There were a series of Acts that encouraged Anglo-American settlement of certain territorial acquisitions. Congress offered grants of lands to individuals who were already in possession of lands or were willing to immigrate to the areas of concern. Donation acts were passed for Florida in 1842 and 1844, Oregon in 1850, Washington in 1853, and New Mexico in 1854. Most of these laws required residence and cultivation.

1862: THE HOMESTEAD ACT – A victory for 19th century land reformers, the Act of May 20, 1862, gave 160 acres of “free” land to settlers. The law required the homesteader to be a citizen (or have declared intent to become one), be a head of a family, over 21 years of age, build a residence, and farm the land for a period of five years. After six months, settlers could change their homestead to a cash or preemption purchase. In 1891 this time was extended to fourteen months. Repealed in 1976 (except Alaska 1986).

1866: SOUTHERN HOMESTEAD ACT – This was a United States federal law enacted on June 21, 1866, to break a cycle of debt during Reconstruction following the American Civil War. Prior to this act, blacks and whites alike were having trouble buying land. Sharecropping and tenant farming had become ways of life. This act attempted to solve this by selling land at low prices so that southerners could buy it. Many people, however, could still not participate because the low prices were still too high. Ultimately, before too much land was distributed, the law was repealed in June 1876. Nevertheless, free blacks entered about 6,500 claims to homesteads, and about 1,000 of these eventually resulted in property certificates.

1887: GENERAL SEVERALTY LAW – The primary purpose of the Act of February 8, 1887, also known as the Dawes Severalty Act or the General Allotment Act, was to provide Indians living on reservations with individual freeholds, or allotments. A little-known provision of the law, Section 4, however, provides allotments to Indians who occupied public lands. These public domain allotments were administered in a manner similar to the other public land settlement laws.

1891: LAND REVISION ACT - The primary purpose of the Act of March 3, 1891, was to give the president the authority to "set aside and reserve any part of the public lands wholly or partly covered with timber or undergrowth, whether of commercial value or not." However, it did not explicitly authorize the use or development of resources on the reserved lands. Future legislation was passed for the development and maintenance of the reserved land. It repealed the old Preemption and Timber Culture laws, reduced Desert Land entries to 320 acres, while lightening irrigation requirements and extending from 6 to 14 months the time needed to commute a homestead claim into a preemption right under which title could be bought for \$1.25 an acre.

1894: CAREY LAND LAW – This law was enacted on August 18, 1894, and provided for grants of public land to western states willing to construct large-scale irrigation projects. Lands granted to states had to be sold to actual settlers in 160 acre tracts. The act had limited success.

1902: RECLAMATION ACT LAW – The Newlands Act of June 17, 1902, provided for federally funded irrigation projects. Lands within the projects were subject to the basic provisions of the Homestead Law. Individuals limited to overall ownership of up to 160 acres. In effect, the homestead provisions of this act were repealed in 1976 (except Alaska 1986).

1904: THE KINKAID ACT - This U.S. statute amended the 1862 Homestead Act so that one section (640 acres) of public domain land could be acquired free of charge, apart from a modest filing fee. It applied specifically to 37 counties in northwest Nebraska, in the general area of the Nebraska Sandhills. The act was introduced by Moses Kinkaid, Nebraska's 6th congressional district representative, and was signed into law by President Theodore Roosevelt on April 28, 1904, and went into effect on June 28 of that year.

1909: ENLARGED HOMESTEAD LAW – This legislation provided for 320 acre homesteads on semi-arid public lands designated as not susceptible to irrigation. Residence and cultivation were required. Enacted on February 19, 1909, the law was an act first extended to Arizona, California, Colorado, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming. In 1910 the law was amended to include Idaho and in 1915 South Dakota was brought under its provisions. Repealed in 1976 (except Alaska 1986).

1912: THREE-YEAR HOMESTEAD LAW – The Act of June 6, 1912, reduced time needed to perfect a homestead entry from 5 to 3 years. Residence and cultivation requirements also modified. Repealed in 1976 (except Alaska 1986).

1916: STOCK-RAISING HOMESTEAD LAW – This law was enacted on December 29, 1916, and provided for 640 acres on public domain land classified as chiefly valuable for grazing and forage crops. Residence and certain improvements were required. Passage of the Taylor Grazing Act in 1934 made this ineffectual. Repealed in 1976 (except Alaska 1986).

1938: PURCHASE OF PUBLIC LANDS FOR HOMES AND OTHER SITES - This law was enacted as the Small Tract Act on June 1, 1938, and amended on June 8, 1954. Each lot was 5 acres or less and could be used for residential, recreation, business or community purposes. These lands had previously been withheld from disposal by either Executive or Secretarial Order. Repealed in 1976 (except Alaska 1986).

SCRIP – By definition, scrip is a certificate which allowed the recipient to select a specified number of acres from the public domain. There were numerous types of scrip, among them being Agricultural College Scrip, Supreme Court Scrip, and Sioux Half-Breed Scrip. Conditions for each type of scrip varied, as did the acreage given.

MAJOR MINERAL and TIMBER LAND LAWS

1866: LODGE MINING ACT – The first general mining act passed after the discovery of gold in California in 1849. It provided for the exploration and occupation of the public mineral lands and recognized the local mining camp laws that had arisen in the west. Provisions of the law which was passed on July 26, 1866, dealt with the location, survey, and patenting of lode, vein, and quartz claims.

1870: PLACER MINING ACT – Enacted on July 9, 1870, this law provided for the patenting of placer mining claims. An individual or association could make claims of up to 160 acres. Lands were patented at \$2.50 per acre.

1872: GENERAL MINING ACT – Enacted on May 10, 1872, this law amended the Lode Mining Act of 1866 and Placer Act of 1870. The law limited lode claims to 1,500 feet in length and 600 feet in width. Placer claims were restricted to 20 acres for individuals or 160 acres for an association. To hold a claim, \$100 of work was required each year, and improvements of a certain value had to be made before patent could issue. This act is still the basis of mining activity on non-public lands today.

1873: COAL LAND ACT – Enacted on March 3, 1873, this law while not the first coal lands law was, until the passage of the General Mineral Leasing Act of 1920, the means of disposing of public lands chiefly valuable for coal. The act provided for the sale of lands within 15 miles of a railroad for a minimum \$20 an acre or \$10 an acre if further out. Up to 640 acres could be purchased. Some provisions of the law required the making of improvements.

1873: TIMBER CULTURE ACT – Enacted on March 3, 1873, this legislation offered 160 acres of public land to an individual willing to plant 40 acres of trees for ten years. Later amendments changed planting and time requirements. Residence on the claim was not a requirement. The act was of little success. Repealed in 1891.

1877: DESERT LAND ACT – This Act of March 3, 1877, provided for the entry of 640 acres of irrigable public land. Claimant had to construct an irrigation system but no residence was required. At the end of three years, land could be patented after payment of \$1.25 per acre. In 1890 acreage for entries was reduced to 320 acres. Provisions of the act were at first extended to only the states of California, Nevada, and Oregon, as well as the territories of Arizona, Dakota, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming. The law was extended to Colorado in 1891. This settlement law is still “on the books.”

1878: TIMBER AND STONE ACT – As initially enacted into law on June 3, 1878, this act only affected the areas of California, Oregon, Nevada, and Washington. By the Act of August 4, 1892, Congress extended law to the remainder of the public domain. These laws provided for the sale of lands chiefly valuable for timber or stone at a minimum price of \$2.50 an acre. No residence was required. Repealed in 1955.

1906: FOREST HOMESTEAD ACT – This Act of June 11, 1906, opened entry lands chiefly valuable for agricultural purposes within national forests to entry under the Homestead Law. Entries limited to 160 acres. Repealed in 1962.

1920: GENERAL MINERAL LEASING ACT – This Act of February 25, 1920, provided for the lease of coal, petroleum, oil shale, and other specific minerals. These minerals had all previously been subject to sale or location under other mineral laws. As originally enacted, the law provided for the protecting and development of minerals named, with royalties to be paid to the United States on the minerals extracted.

1934: TAYLOR GRAZING ACT - This Act of June 28, 1934, provides for the regulation of grazing on the public lands (excluding Alaska) to improve rangeland conditions and regulate their use. The law initially permitted 80,000,000 acres of previously unreserved public lands to be placed into grazing districts to be administered by the Department of the Interior. As amended, the law now sets no limit on the amount of lands in grazing districts. Currently, there are approximately 162,000,000 acres inside grazing allotments.

1976: FEDERAL LAND POLICY AND MANAGEMENT ACT - This Act governs the current way in which the public lands administered by the Bureau of Land Management are managed. The Federal Land Policy and Management Act phased out homesteading in the United States by repealing all of the pre-existing Homestead Acts (except for Alaska which remained for an additional 10 years).

Reference - Portions of this list of Land, Mineral and Timber Laws was initially provided by Blake Bell, Historian, Homestead National Monument, Beatrice, Nebraska. This list is not definitive. See *Public Land Law Development* written by Paul Gates for more information about each law and for other minor land laws.

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Walton Relations is a publication of the Walton County Genealogy Society. Wayne Sconiers, President.

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Diane Merkel, at WaltonCountyHeritage@cox.net or call 850-897-4505.