1. Divide the class into three groups and ask each group to do the following:
	* **Railway owners**
	As railway owners you will want to maximize your profits. Your lawyers are ready to look over both acts to see how your company can make the most money. As a group plan whatever strategies you can to do so. (In your thinking, be sure to include use of the land you will acquire.)
	* **Land Speculators**
	You are neither settlers nor railway owners, but people who want to buy land as cheaply as possible and then re-sell it at a much higher rate. Your lawyers will look at both these acts to find as many loopholes as possible for ways in which you can purchase land for re-sale.
	* **Settlers**
	You are people who want to purchase land for farming. The Homestead Act seems like the bonanza you have been waiting for. However, profiting from both these acts may be harder than you imagine. Discuss the various difficulties you may face in terms of staking your claim to land, holding on to it, and making it profitable.
2. Now have each group present their strategies to the class. What conflicts are evident? What problems do students foresee, if any?

**The Homestead Act
May 20, 1862**

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

Be it enacted, 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 of 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, or 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 or 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. 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 a family, or is twenty-one or more years 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 he 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 inure 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, and payment of the office fees and sum of money herein specified.. ..

### The Pacific Railway ActJuly 1, 1862

An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean. . . .

Be it enacted, That [names of corporators]; together with five commissioners to be appointed by the Secretary of the Interior... are hereby created and erected into a body corporate... by the name... of "The Union Pacific Railroad Company"... ; and the said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain and enjoy a continuous railroad and telegraph... from a point on the one hundredth meridian of longitude west from Greenwich, between the south margin of the valley of the Republican River and the north margin of the valley of the Platte River, to the western boundary of Nevada Territory, upon the route and terms hereinafter provided...

Sec. 2. That the right of way through the public lands be... granted to said company for the construction of said railroad and telegraph line; and the right... is hereby given to said company to take from the public lands adjacent to the line of said road, earth, stone, timber, and other materials for the construction thereof; said right of way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad when it may pass over the public lands, including all necessary grounds, for stations, buildings, workshops, and depots, machine shops, switches, side tracks, turn tables, and water stations. The United States shall extinguish as rapidly as may be the Indian titles to all lands falling under the operation of this act...

Sec. 3. That there be... granted to the said company, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of mails, troops, munitions of war, and public stores thereon, every alternate section of public land, designated by odd numbers, to the amount of five alternate sections per mile on each side of said railroad, on the line thereof, and within the limits of ten miles on each side of said road... Provided That all mineral lands shall be excepted from the operation of this act; but where the same shall contain timber, the timber thereon is hereby granted to said company...

Sec. 5. That for the purposes herein mentioned the Secretary of the Treasury shall... in accordance with the provisions of this act, issue to said company bonds of the United States of one thousand dollars each, payable in thirty years after date, paying six per centum per annum interest... to the amount of sixteen of said bonds per mile for each section of forty miles; and to secure the repayment to the United States... of the amount of said bonds... the issue of said bonds... shall ipso facto constitute a first mortgage on the whole line of the railroad and telegraph...

Sec. 9. That the Leavenworth, Pawnee and Western Railroad Company of Kansas are hereby authorized to construct a railroad and telegraph line... upon the same terms and conditions in all respects as are provided [for construction of the Union Pacific Railroad].... The Central Pacific Railroad Company of California are hereby authorized to construct a railroad and telegraph line from the Pacific coast... to the eastern boundaries of California, upon the same terms and conditions in all respects [as are provided for the Union Pacific Railroad].

Sec. 10 ...And the Central Pacific Railroad Company of California after completing its road across said State, is authorized to continue the construction of said railroad and telegraph through the Territories of the United States to the Missouri River... upon the terms and conditions provided in this act in relation to the Union Pacific Railroad Company, until said roads shall meet and connect...

Sec. 11. That for three hundred miles of said road most mountainous and difficult of construction, to wit: one hundred and fifty miles westerly from the eastern base of the Rocky Mountains, and one hundred and fifty miles eastwardly from the western base of the Sierra Nevada mountains... the bonds to be issued to aid in the construction thereof shall be treble the number per mile hereinbefore provided... and between the sections last named of one hundred and fifty miles each, the bonds to be issued to aid in the construction thereof shall be double the number per mile first mentioned...