Kansas homesteaders at their claim shack in Clay County.
Homesteading is a great romantic theme running through the popular history of the American Midwest. It serves as a source of pride and inspiration for the estimated ninety-three million Americans who are descendants of homesteaders. Homesteading is to our collective memory of the Great Plains states as log cabin origins are to presidential campaigns or as cowboy and Indian stories are to the mythology of the Old West. Historians may debate the appropriateness and accuracy of homesteading’s repute, but the public clings to its sentimental attachment to homesteading.

Like much of the rest of the Great Plains region in the 1860s, Kansas was viewed by many as a wilderness. And there was some truth in it. The prairie landscape teemed with wildlife and botanical specimens, though little in the way of permanent settlement existed before 1855 in the area in northeastern Kansas that surveyors eventually marked off as Township 9S-3E, what would become Union Township in Clay County. E. J. Jenkins, a receiver in the U.S. Land

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1. Tina Williams, “The Homestead Act: A Major Asset-building Policy in American History,” working paper 00-9, September 2000, Center for Social Development, Washington University, St. Louis, Missouri, available online at http://www.community-wealth.org/...pdfs/...articles-publications/...individuals/...paper-williams.pdf. Williams based her estimate on projection formulas that utilized estimates of number of children, percent married, and total fertility rates to the fourth generation. Her high estimate was 92.8 million; the medium estimate was 46.4 million; and her low estimate was 20.3 million.
Office at Concordia, somewhat wistfully wrote about the experience of surveyors in such idyllic areas west of the Missouri River.

The timber along the streams abounded with wild-turkeys, and deer were numerous on the prairie; and as the men gathered around their camp-fires at night, they feasted on roast turkey and venison, and spent many pleasant evenings in story-telling, singing songs of bygone times, and in the usual rollicking fun-loving manner that attends camp life on the prairie.2

Early residents of the county reported that hungry Indians wandered through the area searching for food, but Jenkins stated that in the Republican Land District Indians were gone by 1870. Large cattle drives occasionally crossed the county. Clay County resident George A. Gray described the effects of a herd of several thousand Texas cattle that passed through the area in 1867, noting that “the track they made in crossing the country remained several years.” A few primitive trails cut through this area, but the land was remote and vacant.3

A Philadelphia newspaperman predicted that the 1862 Homestead Act would foster a change in this “wilderness” so that it would blossom as a rose.4 In the meantime and in such an undeveloped area, however, the homesteading settler had to generate food, fiber, and funds to support a family for five years of required residency as well as to build up a small cash reserve with which to develop the fledging farm for the future. All of these demands were coincident with harsh weather, pestilence, and unpredictable rainfall. We do not have to wonder why accounts of those who succeeded in the homesteading process continue to inspire and hearten those who care to learn about them.


Many of Union Township’s homesteaders had never before owned a parcel of land. Jenkins described many of the hopeful homesteaders who came through his Concordia Land Office as landless: “Hence the landless in those States were induced to make the trial by the gratuitous advice of friends, and elaborate articles in newspapers, culminating in the memorable words of an eminent journalist—‘Go West!’” Again of homesteaders he wrote, “Many of them were landless in their native States, and had come west to secure a home.”5

Most arrived with capital enough to purchase necessary equipment and supplies but little else. A new settler on the prairie faced the cost of building a suitable shelter for the family and of breaking the sod so that crops could be planted. “The fact that it required to break prairie three or four yoke of oxen, with a plow the beam of which would make a half-cord of stove-wood, with iron fixtures sufficient to make a respectable cow-catcher for a locomotive, did not occur to the mind until instilled into it by experience,” wrote Jenkins.6 In his 1865 guidebook, Edward Hall estimated that it cost $2.50 to $4.00 per acre to hire someone to break the sod. But as Kansas

6. Ibid., 15.
Many of Union Township’s homesteaders had never before owned a parcel of land. Most arrived with capital enough to purchase necessary equipment and supplies but little else. A new settler on the prairie faced the cost of building a suitable shelter for the family and of breaking the sod for planting. Brochures such as the one pictured here—The State of Kansas: A Home for Immigrants, produced in Topeka in 1865—provided settlers with a compendium of homesteading law and a full accounting of the benefits the state offered.

Historian Oscar Winther reported that many immigrants from England came to Kansas without any money at all.\(^8\) Other settlers, however, did bring cash. The settlers of Union Township provide us with many examples of families beginning with little and ending up with land and a future. Some settlers were successful, in spite of imperfections in the land acquisition process launched by the Homestead Act. It became a law, in the words of Dennis Johnson, that helped shape America.\(^9\)

Histories of Kansas routinely recognize the role of homesteading in the development of the state. A survey of history texts and treatments, however, reveals three areas of concern. First, descriptions of homesteading often treat it as a straightforward process that was uniform in nature throughout the last half of the nineteenth century and as a government program with simple and uncomplicated requirements for settlers. On occasion these brief summaries in standard histories of the era also erroneously report the costs and fees homesteaders paid to obtain their parcel. Two examples come in works by Kenneth Davis and Robert W. Richmond, which both report the required homesteading fees were $10. This amount underestimates by 45 percent the actual fee of $18 for a 160-acre parcel. It is true that the Homestead Act listed the fee at $10, but that amount does not reflect the actual total charged at the beginning and the end of the homesteading process by local land offices.\(^10\)

A second concern emanating from a review of the coverage of homesteading in Kansas is the lack of local success rates and of information regarding homestead cancelations. Studies report the rate of homestead entries finalized, commuted, and canceled for the entire state of Kansas or for the nation as a whole during the years when the Homestead Act was still in force. But we have little data about how those rates might have varied from region to region and little information about those who did not complete the homesteading process.

The third concern regarding the existing homesteading literature is the disagreement amongst scholars re-

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garding the success or failure of the Homestead Act as a whole to accomplish its stated purpose: to provide land for actual settlers. Historians such as William Frank Zornow, Henry Nash Smith, Marion Clawson, Homer E. Socolofsky, William Deverell, and, early in his career, Paul W. Gates concluded that, overall, the Homestead Act was unsuccessful. One example of these negative assessments comes from Zornow: “It could hardly be argued that the Homestead Act benefited the common man.” Other authors such as Dennis Johnson, Robert D. Ilisevich, and a later study by Gates gave the act a far more positive evaluation.11 On a scale from a wholly negative judgment to a positive one, where does a north central Kansas township find its place? It is a question of particular import for Union Township, as homesteading accounted for 55 percent of all entries in the settlement. This percentage is considerably larger than the rate of homesteading in Kansas as a whole, which has been estimated by some historians at 20 percent.12

To obtain material that would help provide data useful in addressing these three concerns, a detailed land analysis of Union Township, Clay County, Kansas, was conducted. Gates recommended this approach as a way of obtaining data that would help in understanding larger patterns and trends. One of his graduate students completed just such a land analysis in a Nebraska county about fifty miles from Union Township, which gives the current study some basis for comparison.13 The first step in the analysis of Union Township was to extract all deeds and mortgages from county records for the township from the beginning of settlement until 1920. Secondly, data was obtained from the National Archives and Records Administration for all homestead entries, cancelations, commutations, and final awards for the township.14 Data thus obtained provides information that will address the three concerns listed above.

In order to understand how the homesteading process contributed to the settlement of Union Township it is important to know the details of the Homestead Act and the amendments made to it during the years in which homesteading occurred in the township, from 1863 until 1889. The Homestead Act, signed in 1862 by Abraham Lincoln, represented the culmination of many trends in American political life, some of which can be traced back before 1789.15 The act took effect on January 1, 1863. The title of the bill that Lincoln signed is a telling reminder of a major purpose of the legislation: “An Act to Secure

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**Table 1: Union Township Homesteads by Parcel Size**

<table>
<thead>
<tr>
<th>Type</th>
<th>Sections not amidst R.R. Land ($1.25/acre)</th>
<th>Sections amidst R.R. Land ($2.50/acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular 80-acre</td>
<td>5</td>
<td>31</td>
</tr>
<tr>
<td>Parcel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Irregular 80-acre</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Parcel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular 120-acre</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Parcel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular 160-acre</td>
<td>39</td>
<td>2</td>
</tr>
<tr>
<td>Parcel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Irregular 160-acre</td>
<td>16</td>
<td>1</td>
</tr>
</tbody>
</table>

14. All deeds and mortgages for this era are available at the register of deeds office in the Clay County courthouse, Clay Center, Kansas, in both hard copy and digital form. Deeds and mortgages appear chronologically in two different series and are indexed by parcel and name. Land entry files for Union Township are available at the National Archives and Records Administration in Washington, DC. A typical land entry file contains the application for a homestead, the certificate for entry, witness statement(s) at time of final proving, an affidavit by the claimant at the time of proving, receipts for payment of fees, the final receiver’s receipt, and an indication of when the patent was dated and how it was sent to the entryman.

Homestead entries, Concordia, Kansas.” The bill set out the following criteria for potential homesteaders: applicants had to be the head of a family, or at least twenty-one years of age, or have performed service in the army or navy of the United States; a citizen of the United States or one who had declared an intention to become a citizen according to the naturalization laws of the United States; and able to attest that he or she had never borne arms against the United States or had given aid or comfort to its enemies. Males under the age of twenty-one who were married could thus apply, as could widows and single women. Married women, however, could not apply for a homestead entry.16

Settlers could choose up to 160 acres of available land that was on the market for $1.25 per acre or 80 acres of land that was selling for $2.50 per acre. The minimum size for a homestead was 40 acres, though no one completed a 40-acre homestead process in Union Township. The price for most land in the public domain at this time was $1.25 per acre. However, Congress had set the price of lands in even-numbered sections located within the odd-numbered sections deeded to the railroads at $2.50 per acre. The logic behind this provision was that lands closer to the railroad line would be more valuable because of access to shipping and transportation. Since Union Township was situated on the northern edge of the Kansas Pacific Railroad lands, this logic probably did not apply to the local situation. The farm-market roads serving these $2.50 per acre sections in Union Township—sections 22, 24, 26, 28, 30, 32, and 34—did not head toward the railroad line but rather in the opposite direction to the nearby towns of Wakefield, Oak Hill, and Broughton.17

Settlers could only select land that had been assessed by government surveyors, a provision that did not affect Union Township since its survey was complete by the end of 1856.18 The selected land had to “be in a body,” that is, all portions of the 160 acres had to be connected. The parcel also had to conform to the legal divisions of the public survey. The settler could make a homestead entry on land he or she was trying to preempt at the time the bill was passed. No evidence exists that any Union Township homesteaders had previously been squatters on the land they later homesteaded. The law also allowed an owner or a resident to enter adjacent land as a homesteader as long as the total acreage of the entire parcel did not exceed 160 acres.

The law then laid out a procedure that the hopeful settler could follow in order to participate in the homesteading process. After applying at the appropriate land office with the register in charge, the settler completed an affidavit affirming that he or she met all the basic requirements of the law and the entry was 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 of any other person or persons whomsoever.”19 The initial fee for a 160-acre homestead entry was $14.00; $10.00 as required by the statute and $4.00 as fees for the local land office receiver and register.

The settler had to wait five years before the homesteading process was complete. Then the settler had a two year window, after five years but before a total of seven years had passed since initial entry, to prove on the affidavit of two credible witnesses that he or she had resided on and cultivated the parcel for a full five years and was not absent from the parcel for more than six months at a time during the five year proving period. Furthermore, the settler and the witnesses had to attest that no portion of the land had been alienated (mortgaged, or become liable for the satisfaction of any debt), that the settler had remained loyal to the government of the United States, and that the settler was or had become a full citizen of the United States. Vouching for a settler was serious business, as the Homestead Act stipulated that all oaths taken, affirmations made, or affidavits completed were subject to a March 3, 1857, law that declared all attempts to falsify statements were acts of perjury and would be prosecuted as such by the government.20

17. David M. Ellis, “The Homestead Clause in Railroad Land Grants,” in The Frontier in American Development: Essays in Honor of Paul William Gates, ed. David M. Ellis (Ithaca, N.Y.: Cornell University Press, 1969), 48; Gates, “Public Land Issues,” 367. Doubling the price of lands in even-numbered sections located within the odd-numbered sections deeded to the railroads at $2.50 per acre. The logic behind this provision was that lands closer to the railroad line would be more valuable because of access to shipping and transportation. Since Union Township was situated on the northern edge of the Kansas Pacific Railroad lands, this logic probably did not apply to the local situation. The farm-market roads serving these $2.50 per acre sections in Union Township—sections 22, 24, 26, 28, 30, 32, and 34—did not head toward the railroad line but rather in the opposite direction to the nearby towns of Wakefield, Oak Hill, and Broughton.
18. “Field Notes of the Subdivisional Lines of Township No. 95 of Range No. 3E of the 6th Principal Meridian in the Territory of Kansas,” State Archives and Library Division, Kansas Historical Society, Topeka, Kansas.
20. See paragraph 5 in chapter 116 in the Revised Statutes of the 34th Cong., 3rd Sess., available online at http://memory.loc.gov/cgi-bin/ampage.
Several people were legally entitled to file the final proving papers for the claim: the actual settler; the widow of a deceased settler; heirs of the settler if both the settler and his wife were deceased; or, in the case of a widow who had made the original entry, her heirs if she was deceased. Once one of these parties paid the final fees, the local land office would request that the General Land Office in Washington, DC, issue a patent for the parcel. The law also made provision for the sale of a homestead claim before the expiration of the first five years if the guardian of orphaned children under the age of twenty-one desired to sell the land for the exclusive benefit of the minors. The purchaser of such a homestead could get the final patent once all the criteria above had been satisfied. No one in Union Township obtained a final patent in this manner. Prior participation in the preemption program did not prevent someone from participating in the homesteading process. Any settler, also called an entryman, could at any time during his or her five-year residency pay the government price for the land and obtain a patent for it, a process called commutation.

The Homestead Act was in effect for 123 years, until it was repealed during the Ronald Reagan administration. According to land historian Paul W. Gates, the original act, only two pages in length, proved to be a venerable part of land law in the United States and represented the triumph, or near-triumph, of Thomas Jefferson’s agrarian ideal. Historical geographer James R. Shortridge argued that the distribution of free land through the homestead process successfully established the image of the yeoman farmer in the minds of nineteenth-century settlers moving to the northern plains. They arrived ready to care for the garden this area of the continent had come to symbolize.21

Regulations added to the Homestead Act reflected the government’s attempts to control fraud. From the government’s point of view, the ever-increasing regulations were necessary to prevent land speculators from eroding the basic purpose of the law, namely to provide free land for actual settlers.22 From the prospective homesteader’s point of view, the requirements and stipulations must at times have seemed overwhelming.

The first step for a would-be settler was to locate an available parcel. The tract book in the nearest land office

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22. Fraud in connection with the homestead process existed in many forms, from jobbers recruiting dummy entrymen to hold favored spots to “judicially arranging filings and relinquishments among members...
was the only official record of what land was open for homesteading and what parcels within that area of land had not yet been selected. Once a parcel was chosen and entry was made, the settler had to live on and improve the land for at least five years. Before seven years had passed, homesteaders had to file for a final receiver’s receipt. This document served as official proof of ownership and a settler could file it at the courthouse. Union Township homesteader Albert Pettet did just that after receiving his final receiver’s receipt from the Concordia Land Office on March 15, 1876. Receipt courtesy of the Clay County Courthouse.

The land office receiver issued a final receipt once all the forms were complete. The final receiver’s receipt served as official proof of ownership. Settlers could file the receipt at the courthouse and then mortgage the property. Meanwhile, the land office would forward all relevant documents to the General Land Office in Washington, DC. After officials approved the final proof claim for the homestead, they issued a patent that would be delivered, at the choice of the patentee, by the commissioner of the General Land Office in Washington, DC, or by the register at the local land office. In a few instances, the General Land Office in Washington, DC, would mail the patent to an agent who would then deliver it to the claimant. There is evidence of this process from Union Township, in the patent earned by Gilmour Stratton for his section 5 homestead, which was

statement and subsequently filing a formal application for a homestead entry on the same parcel. When making a formal application for a homestead, the settler had to declare that he or she did not already own 320 acres of land within the United States and had not abandoned any land he or she had owned in Kansas. If, at the time a homestead application was filed, the settler had not yet entered (started living on) the parcel, he or she had six months in which to make entry. Some settlers took advantage of this provision to return “home” to bring a wife and family to the new parcel. The residency requirement, at least five but not more than seven years, began at the time of entry if the settler had entered the parcel before applying or on the date of the homestead application if the settler had not yet entered the property.

Once five years had passed, the settler had to complete an affidavit stating that he or she had fulfilled all requirements of the statute and abided by all the regulations of the land office. Two credible witnesses also had to file affidavits verifying the statements made by the settler. The witnesses had to state how long they had known the applicant and to describe proof of residence and cultivation. Family members who served as witnesses would sometimes state that that they had known the claimant only for the duration of the residency, when in fact they had obviously known him or her far longer. Occasionally the affidavits also included descriptions of improvements the settler made to the property and gave details of cultivation and use of the land. The witnesses had to affirm that no one else who had a homestead or preemption right lived on the parcel.

The first step for a would-be settler was to locate an available parcel. The tract book in the nearest land office was the only official record of what land was open for homesteading and what parcels within that area of land had not yet been selected. Once a parcel was chosen and entry was made, the settler had to live on and improve the land for at least five years. Before seven years had passed, homesteaders had to file for a final receiver’s receipt. This document served as official proof of ownership and a settler could file it at the courthouse. Union Township homesteader Albert Pettet did just that after receiving his final receiver’s receipt from the Concordia Land Office on March 15, 1876. Receipt courtesy of the Clay County Courthouse.

was the only official record of what land was open for homesteading and what parcels within that area of land had not yet been selected. The prospective homesteader could either file a declaratory statement for a $2.00 fee, which would hold the parcel, or apply immediately for a homestead entry. The declaratory statement procedure was technically a part of the preemption process, although numerous instances appear in the tract book for Union Township of settlers filing a declaratory of a family [so that] a large area could be held under effective control at minimum cost for an extended period of time.” Marion Clawson, Uncle Sam’s Acres (New York: Dodd, Mead & Co., 1951), 85; see also Ray Allen Billington and Martin Ridge, Westward Expansion: A History of the American Frontier, 5th ed. (New York: Macmillan Publishing, 1982), 639; Everett Dick, The Lure of the Land: A Social History of the Public Lands from the Articles of Confederation to the New Deal (Lincoln: University of Nebraska Press, 1970), 151; and Johnson, The Laws that Shaped America, 79.
To all to whom these presents shall come, Greeting:

Homestead Certificate No. 1875

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the

Homestead Act, 1862, whereby it appears that pursuant to the Act of Congress approved May 20, 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim

of Hiram Howard, recorded in the Records of the General Land Office, Junction City, Kansas, in the

form of a Final Certificate No. 326, in the name of the State of Kansas, containing three

hundred and sixty acres, as patentee.

According to the Official Map of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

The land therein described to the said Hiram Howard, to have and to hold the said tract of Land aforesaid, together with the appurtenances thereunto belonging, for ever.

In testimony whereof, I, Ulysses S. Grant, President of the United States of America, have caused the said Certificate to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the first day of July, in the year of our Lord one thousand eight hundred and seventy-five, and of the Independence of the United States of America the one hundredth.

By the President: Ulysses S. Grant, President.

Secretary

Recorder of the General Land Office.

Recorded, Vol. 4, Page 408.

After a settler's final paperwork had been submitted and a final receiver's receipt issued, the land office would forward all relevant documents to the General Land Office in Washington, DC. After officials approved the final proof claim for the homestead, they issued a patent such as the one pictured above for Union Township settler Hiram Howard on May 20, 1873. These certificates would be delivered, at the choice of the patentee, by the commissioner of the General Land Office in Washington, DC, or by the register at the local land office. Patent courtesy of the Clay County Courthouse.

sent by the General Land Office to a firm named Beatty and Hanna, presumably of Clay Center, Kansas.23

Settlers would then file the patent at the courthouse. The patent featured a presidential signature that settlers and their descendants often treasured, believing it to be from the president's own hand. Homesteader George A. Gray recalled, "The election was held in the log school house, and my father helped by one vote, to carry the state for U. S. Grant. The next term of office to which he was elected, President Grant signed my father's patent to a quarter section of land. A fair exchange of favor, was it not?" The presidential signatures on patents for Union Township land, however, were affixed by presidential staff in the White House.24

The land offices in Junction City and later in Concordia recorded ninety-nine successfully completed homestead entries for Union Township. Successful homesteads were either regular or irregular 80-acre parcels, regular 120-acre parcels, or regular or irregular 160-acre parcels. Irregularly shaped parcels reflect the realities of the original government survey of the area. Surveyors accounted for the curvature of the earth and inaccuracies in surveying by reducing the acreage of the westernmost quarter mile of the township and by enlarging the acreage in the northernmost quarter mile in each township. Thus any 80- or 160-acre parcel that involved acreage in these areas was smaller or larger than 80-acre parcels and quarter sections in other portions of the township. In addition, river lots in the sections through which the Republican flowed (sections 1, 2, 12, and 13) contained irregular amounts of acreage broken up into numbered lots.

Of those who completed homestead entries in Union Township, seventy-four, a vast majority, were married males, and most of these had children, so that there

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23. Circular from the General Land Office: Showing the Manner of Proceeding to Obtain Title to Public Lands by Purchase, by Location with Warrants or Agricultural College Script, by Preemption and Homestead (Washington, DC: General Land Office, 1867), 4; Gilmour Stratton, File jacket, Final certificate 1356, Completed homestead entries, Concordia, Kansas.

were 257 children amongst those who made entry. The average number of children for these families was 3.4, with the number of children per family ranging from 0 to 11. Some of the married males at the completion of the process had been single at the time they applied for the homestead, and some of the unmarried males who completed the homesteading process later married. Two of the three unmarried females who completed the homesteading process were Elnora Robinson and Helen A. Robinson, likely sisters. Their homesteads were full quarters in the same section (7) as Charles Robinson, perhaps their father or brother. Elnora and Helen entered their homestead parcels on May 20, 1870, approximately one year after Charles entered his adjoining parcel. Settlement of adjacent parcels by relatives was common and not illegal if each entryman was a bona fide settler who lived on and developed the parcel. Mary Thompson was a widow with 8 children when she entered a full quarter in section 4 on August 17, 1866. She completed her homesteading process nearly seven years later.25

Five married males died during the homesteading process. In each case, the widow completed the homesteading process. Their success was likely the result of a combination of personal grit and help they may have received from neighbors or relatives who lived in the area. One of the settlers died very early in the five-year residency period and the others died in the latter portions of their residencies.26 Two unmarried settlers died during the homesteading residency period.

25. See the following in Completed homestead entries, Concordia, Kansas: Elnora Robinson, Final certificate 2295; Helen Robinson, Final certificate 2296; Charles Robinson, Final certificate 1300; Mary Thompson, Final certificate 634.

26. See the following in Completed homestead entries, Concordia, Kansas: Isaac Collett (Sarah), Final certificate 306; Johnson Dring (Alice Chambers), Final certificate 7453; William Dunn (Delilah), Final certificate 3215; Nathaniel Gleason (Mary), Final certificate 6417; James Yarroll (Esther), Final certificate 2886.
The first was David Gilbert, Jr., who entered 160 acres in sections 11 and 12 on April 6, 1871. He died on October 20, 1876; his father David Gilbert, Sr., completed the proving of his claim on January 10, 1878. Documents related to the final proving of his claim mention multiple heirs, but specifically name only Gilbert, Sr.  

The second unmarried settler who died during the homesteading process was Ann Feist, who entered 160 acres in section 21 on October 13, 1871. She died March 27, 1875. The final papers her heirs filed with the land office in Concordia indicate that she built a small frame house that had one door and one window, cultivated 13 of the 160 acres, built a stable, dug a well, and planted some fruit trees. The 160 acres she settled consisted of two 80-acre parcels abutted up against each other and totaling one mile by a quarter mile, an unusual farm configuration since most homesteaded parcels were a half mile by a half mile or a quarter mile by a half mile.

The earliest homestead application in Union Township was dated June 22, 1863, when Lyman D. Clark began his homestead process on river lot 3 in section 2 and on some adjoining land in the township immediately to the north of Union Township. His application was made when the homesteading program was less than six months old. Clark took up residence on his land on August 8, 1863. His homestead certificate (indicating that the homesteading process was complete) was dated November 19, 1868, which made Clark the first to complete the homestead process in the township. Clark’s homestead patent was dated October 20, 1871. His file gives no clue about the unusual, almost three-year delay between completing the process and the date of his patent.

In the early years of homesteading in Union Township, settlers traveled to the Junction City office to file their applications and to prove their claims after the passage of the required five years. When the land office for Clay County moved to Concordia in 1871, the journey for settlers became much longer. Many of them took advantage of the opportunity to file their final paperwork with the court in Clay Center. The only requirement for doing so was that the settler or the witnesses had to state in their sworn affidavit, “And by reason of distance of 45 miles we are unable to attend the Land Office in person,” as Thomas Tempero and Fred M. Ingersoll swore on their witness statement filed as a part of Elihu P. Ingersoll’s homestead proof on March 12, 1874. In later years, a special form allowed documents to be filed in Clay Center as a routine matter. Land office procedures allowed claimants and witnesses to make their sworn statements before a clerk as well as before a judge. In some cases, the Clay Center court would take the statements of the claimant and his or her witnesses but forward the papers to Concordia for official signature. In Union Township 66 percent of homesteaders took advantage of this provision to file papers in Clay Center rather than travel to Concordia.

27. David Gilbert, Jr. (Heirs of David Gilbert, Jr.), Final certificate 6483, Completed homestead entries, Concordia, Kansas.  
28. Ann Feist (William Guy), Final certificate 6220, Completed homestead entries, Concordia, Kansas. William Guy, who completed the process, was Feist’s nephew.  
29. Lyman D. Clark, Final certificate 155, Completed homestead entries, Junction City, Kansas, Land Office, Record group 49, National Archives, Washington, DC (hereafter cited by “claimant name, final certificate number, Completed homestead entries, Junction City, Kansas”).  
30. Elihu P. Ingersoll, Final certificate 981, Completed homestead entries, Concordia, Kansas.
The normal fee for making application for a quarter section of land was $14.00; for an 80-acre parcel not among railroad parcels it was $7.00; and for an 80-acre parcel among railroad parcels it was $14.00. In 2010 dollars, the 1870 fee of $14.00 would be $238.39, not a trivial amount. If the parcel was “short” or “long,” meaning irregular in size, the fee varied accordingly. For example, Gilmour M. Stratton paid a $13.85.15 application fee for a 155.11-acre parcel in section 6. Charles Allen paid a $16.73.75 application fee for a 162.19-acre parcel in section 5. Fees related to the final proof of a homestead (normally $4.00 for 160 acres and $2.00 for 80 acres) could vary as well based on whether the acreage was long or short. In 1880 settlers such as Thomas Lormer in section 7 would also have to pay a folio fee of $1.00 at the time of proving.31

Asahel P. Lawrence faced quite a challenge when he began the process of entering his homestead claim after filing his initial papers at the Junction City Land Office. He discovered that the parcel he had applied to enter was different from the parcel on which he wanted to live and make improvements. The problem began with the complicated manner of making legal descriptions of the land. Consider the following two legal descriptions:

Option A—W1/2NE1/4 & SE1/4NE1/4 & NE1/4SEQ1/4, 8-9-3

Option B—E1/2NW1/4 & NW1/4NE1/4 & SW1/4NW1/4, 8-9-3

Each option described a 160-acre parcel comprised of one 80-acre parcel and two 40-acre parcels, all of which were contiguous. Both options existed within the same section, but they represented different pieces of land. On June 20, 1868, Lawrence applied for Option A. His final papers tell us that he started to live on his property on November 20, 1868, but by October of that year, Lawrence had discovered the mistake. He described how it happened in a sworn statement filed at the Junction City Land Office on October 12, 1868. The statement was probably written by the land office clerk, though it is signed by Lawrence. Two witnesses, John Cain and John Kempton, signed an affidavit on the same day stating that they were neighbors of A. P. Lawrence and that they had read the above statement and could affirm that it was correct in every detail. As a result, the land description on Lawrence’s homestead application papers was changed from Option A to Option B.32 Lawrence was no doubt glad the error had been found early in his application process.

At the end of the homesteading process, the settler was required to present the receipt for initial fees that he or she had paid five or more years earlier. In cases where the settler had lost or misplaced the receipt, the land office would accept, as they did for Charles Ingram when he proved his homestead claim in section 34, a sworn statement that “I have lost said Homestead Receipt, that although I have made diligent search therefore I am unable to find it and that it is lost beyond recovery.” Keeping track of and properly storing small sheets of paper in a primitive prairie cabin was likely a legitimate challenge. Robert D. Blue, for one, produced a very tattered receipt when he was making final proof for his homestead in section 20 of Union Township.33

The claimant was also required to file an affidavit at the time of proving that described the improvements he or she had made to the property. As proof of serious and substantial settlement on the property, the land office looked for evidence of completed buildings, cultivation of the land, and the digging of a well. Taken together, these three categories of improvements served as the principal indicators that the land was going to an “actual settler,” a primary purpose of the original Homestead Act of 1862. Two witnesses were also required to file sworn statements affirming all the improvements cited by the claimant.

Settlers in Union Township built three types of houses to satisfy homesteading regulations: frame, stone, and log. The frame house was the most common of the three in the township; none of the proving affidavits in Union...
Township reported a sod house as proof of residence. However, Charles Allen, who settled in section 5, reported on his final documents that he had lived in a sod house for a year before he finished construction of his stone house featuring a basement. In affidavits, claimants and witnesses routinely described a newly constructed home as “a comfortable place to live.”

Final affidavits also listed the various outbuildings that the claimant had constructed during the proving period. The buildings and other improvements reported in Union Township, along with the frequency of their appearance, include: stable (log or stone), eighty-one; hog pen, fifty; corral, forty-seven; granary, twenty-nine; hen house, twenty-nine; corn crib, seventeen; barn, seven; and smoke house, two. Several homesteaders including Mary Gleason in section 9 described their stables as “Kansas stables.” Contemporary observer Jenkins described a Kansas stable as “made by forks set in the ground, with poles laid across, covered with straw or prairie grass, the whole structure surrounded with straw and corn-shocks.”

As proof of cultivation, the settlers listed the numbers of acres they had opened up for crops. The average number of acres broken for 80-acre parcels was 37 and for 160 acres, a quarter section, the average was 47. Final proving affidavits listed three types of trees planted by settlers, including fruit, forest, and hedge. The witnesses to Samuel Earley’s homestead proof stated that the fruit from Earley’s trees in sections 10 and 11 tasted “swell.” Forest trees likely referred to trees planted for the purpose of eventually yielding lumber. Hedge trees were most often used to enclose fields and serve as pasture fences. Both Ralph Fowles in sections 15 and 22 and James Remington in section 18 reported that they

34. Charles Allen, Final certificate 8951, Completed homestead entries, Concordia, Kansas.

had planted two miles of hedge, an improvement that no one else in the township reported. Hand-dug wells were by far the most commonly reported source of water, although a few settlers also reported the use of improved springs and cisterns.

Some of the proving documents for the township reported the types of crops raised, including wheat, corn, oats, barley, rye, and potatoes. William M. Reed reported on an 1887 proving form the furniture he and his bride of four years had in their home: “Two beds and one lounge table, bureau and dressing case, cook stove, heating stove, clock, and dishes. Have had them all the time that is the most of them.” He also listed the farm implements he owned: “2 cultivators, 2 stirring plows, 1 wagon, 1 mowing machine, 1 hay rake, one self binder. Have owned some of the implements two years and some for five years.”

The homesteading procedures discussed above and the reviews of how these procedures were implemented in Union Township reflect the provisions of the original law. After the Homestead Act’s passage in 1862, however, Congress passed several amendments that liberalized the benefits of the law, especially for Union veterans of the Civil War. These benefits were particularly felt in Union Township, which, like Kansas generally, welcomed a large influx of Union veterans. “It has been asserted,” historians George Anderson and Terry Harmon noted, “that in no other state did Union veterans constitute so large a percentage of the population.”

The first amendment was enacted on March 21, 1864, and one of its provisions affected active duty Union forces, including one soldier who later settled in Union Township. The amendment allowed soldiers currently in service to file an affidavit for homestead entry with their commanding officer. It was possible to forward the resulting document to a family member who could then present it to the register and receiver in the appropriate land office. Leander McChesney, a native of New Jersey, took advantage of this provision to declare on February 25, 1865, in Dinwiddie County, Virginia, before Captain Judson Clark that he wished to enter an 80-acre parcel in Minnesota. McChesney authorized a representative to file the affidavit in the land office in Minneapolis. McChesney only lived in Minnesota for one year after the war; he later moved to Clay County, Kansas, to homestead.

Among other provisions, the amendment of June 21, 1866, made two minor changes to the 1862 law that directly affected Union Township settlers. The amendment allowed people to pay a $5.00 fee for an 80-acre parcel rather than the previously required $10.00 fee for any entry. Also, the amendment required that claimants take a separate oath affirming that they had “not borne arms against the United States, or given aid and comfort to its enemies.” Previously this affirmation was simply a part of the general oath dealing with the other provisions of the act. After January 1, 1867, all Union Township homesteaders followed these new provisions when they proved their claims.

The amendment to the Homestead Act made on April 4, 1872, brought major changes to the homesteading process, particularly for veterans. It allowed all persons who served in Union forces during “the rebellion” ninety days or more to enter 160 acres of land even in “the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated.” The original law had limited entry in sections amidst railroad land to 80 acres. The amendment also allowed the veteran to deduct from the required residency the amount of time served during the war. Disabled veterans could deduct the term of enlistment (usually three years) from the residency requirement of five years no matter how long they served before discharge. The only limitation on this provision was that the veteran had to reside on the land for at least a year. The minimum residency thus required was one year if the settler entered the parcel immediately after application, or up to eighteen months if the settler had waited up to six months to enter the parcel. The amendment also allowed those veterans who had entered an 80-acre parcel to enter additional land up to a total of 160 acres. The widow or heirs of a soldier who died during the war could also apply for these benefits, a
Table 2: Union Veterans Who Qualified for Shortened Residency in Union Township

<table>
<thead>
<tr>
<th>Name and Section</th>
<th>State of</th>
<th>Time Served</th>
<th>Residency Shortened</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hiram Howard (5)</td>
<td>WI</td>
<td>36 months</td>
<td>36 months</td>
</tr>
<tr>
<td>G. M. Stratton (6)</td>
<td>WI</td>
<td>18 months</td>
<td>7 months</td>
</tr>
<tr>
<td>A. P. Lawrence (8)</td>
<td>VT</td>
<td>36 months</td>
<td>3 weeks</td>
</tr>
<tr>
<td>G. C. Gleason (9)</td>
<td>MA</td>
<td>10 months</td>
<td>3 weeks</td>
</tr>
<tr>
<td>J. Yelton (10)</td>
<td>MN</td>
<td>18 months</td>
<td>1 month</td>
</tr>
<tr>
<td>W. Champion (11)</td>
<td>MI</td>
<td>18 months</td>
<td>13 months</td>
</tr>
<tr>
<td>G. Austin (12)</td>
<td>MI</td>
<td>24 months</td>
<td>10 months</td>
</tr>
<tr>
<td>H. A. Dennison (14)</td>
<td>WI</td>
<td>10 months</td>
<td>8 months</td>
</tr>
<tr>
<td>A. S. Bowden (14)</td>
<td>IL</td>
<td>35 months</td>
<td>none</td>
</tr>
<tr>
<td>J. S. Martin (15)</td>
<td>WI</td>
<td>14 months</td>
<td>1 month</td>
</tr>
<tr>
<td>H. Morgan (17)</td>
<td>OH</td>
<td>34 months</td>
<td>1 month</td>
</tr>
<tr>
<td>W. Mitchell (19)</td>
<td>PA</td>
<td>33 months</td>
<td>12 months</td>
</tr>
</tbody>
</table>

Although the help extended to Union veterans in the 1872 amendment was generous, some veterans who applied for benefits such as a shortened residency did not, in the end, reap a substantial advantage. Some veterans, for example, saw only a minimal reduction.

For these veterans see the following in Completed homestead entries, Concordia, Kansas: Hiram Howard, Final certificate 502; G. M. Stratton, Final certificate 1356; A. P. Lawrence, Final certificate 549; G. C. Gleason, Final certificate 1597; J. Yelton, Final certificate 1187; W. Champion, Final certificate 2102; G. Austin, Final certificate 1165; H. Dennison, Final certificate 1265; A. S. Bowden, Final certificate 8345; J. S. Martin, Final certificate 1834; H. Morgan, Final certificate 6539; W. Mitchell, Final certificate 1915.

For these veterans see the following in Completed homestead entries, Concordia, Kansas: D. L. Chapman, Final certificate 9261; D. Darling, Final certificate 9120; R. Blue, Final certificate 9678; A. Pettet, Final certificate 3216; W. P. Gates, Final certificate 719; G. Randall, Final certificate 8768; C. Wake, Final certificate 1245.

Dwight L. Chapman enlisted in Illinois, serving ninety days before discharge due to disability. He applied for his original, irregular 80-acre parcel in section 2 on January 1, 1872. On June 10, 1873, he applied for an additional 80 acres adjoining his property in section 10. He proved both entries on February 22, 1879, completing a full period of residency on his land.

David Darling enlisted in Illinois and served for thirty-six months. He applied for a full quota of 160 acres in an alternate railroad section on July 17, 1873. His period of residency was not shortened.

Robert D. Blue enlisted in Ohio and served for a full thirty-six months. He applied for a full quota of 160 acres (40 acres at $1.25 and 120 acres at $2.50) on June 14, 1876. His period of residency was shortened by twelve months.

Albert Pettet served with an Ohio company for a hundred-day enlistment. He added an 80-acre parcel of $2.50 land in section 22 to his already settled 80-acre parcel in section 26 on September 25, 1873. His residency period was not shortened. His additional entry parcel was 1.75 miles separated from his original entry. (Regulations allowed for 160-acre benefits comprised of non-contiguous parcels only for veterans making an additional entry.)

William Preston Gates served with a Vermont unit for twenty-six months. He added an 80-acre parcel in section 26 on September 10, 1873, to the parcel he had previously entered in the adjoining township. His residency was shortened by twenty-one months.

George Randall entered the service in New York and served with the Union Army for ninety days. He entered his full quota of 160 acres in section 28 on June 26, 1872. His period of residency was not shortened.

Charles Wake, who served with an Illinois unit for thirty-four months, first used his homestead right by entering 80 acres near Lincoln, Nebraska. He commuted the entry to cash and lived for a total of two and a half years there. When he moved to Clay County, he applied for another 80 acres, this time in section 30, on May 22, 1873. His residency was shortened on the second entry by about sixteen months.
in their residency requirements; others saw none at all. Perhaps they applied as a matter of pride in their military service even though they knew the actual benefit would be nominal. Other veterans fell prey to bureaucratic errors, including Charles Robinson, a settler on 160 acres in section 7, who hoped he could take advantage of a shortened residency period when he reported his nine months of limited service with the Michigan Infantry. Apparently, the War Department could not find record of his service. A recent search of files in the National Archives also did not uncover any record of his war service. Needless to say, he completed his full five years of residency.

On March 3, 1873, an amendment was made to the 1872 amendment, expanding the benefit Union veterans could exercise by enacting the following policy: “That any person entitled under the provisions of the foregoing sections to enter a homestead, who may have heretofore entered under the homestead laws a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.”44 Thus anyone who entered an irregular parcel of less than 160 acres, such as a river lot or a shortened parcel along the west edges of the township, could enter an additional quantity of land up to 160 acres total. This new provision created vast amounts of paperwork, despite the relatively small size of the additional entry parcels. Land office officials at both the local and the national level must have wondered about the congressional wisdom that gave birth to this new benefit for Union veterans.

Details exist in National Archives files of two Union Township settlers who took advantage of this 1873 provision. Lyman D. Clark, who filed the earliest Union Township application on June 22, 1863, and completed the process five years later, entered a 40-acre parcel and two river lots in section 2 and two lots in the township immediately north of Union Township. The total number of acres for his homestead entry was 156.17 acres. Clark died on July 5, 1904. In 1926 his son Harry L. Clark exercised his deceased father’s unused benefit for an additional entry of 3.83 acres, the balance of 160 acres available to Clark. Harry Clark assigned the estate’s right to these 3.83 acres to the W. E. Moses Land Script & Realty Co. of Denver, Colorado. Moses, in turn, put the Clark portion with two others to create a package of 44.21 acres. Moses sold this land scrip to Manuel Aguirre, an immigrant from Spain, who used 44 of the 44.21-acre package to enter land in Elko County, Nevada. Aguirre faced substantial challenges to get his Nevada land title properly processed. The result is a massive file of affidavits, court decisions, land office correspondence, and probate records for the 3.83 additional acres to which the heirs of Lyman Clark were entitled.45

The second Union Township settler to take advantage of fractional additional entry was Leander McChesney. He entered 153.05 acres in section 30 (36.39 acres at $1.25 and 116.66 at $2.50) on March 28, 1874; he completed the homestead proving process on March 15, 1876, taking advantage of a shortened residency because of his Civil War service with a New Jersey unit. In 1878 Washington, DC, attorney J. Vance Lewis helped McChesney locate an available parcel of land for which he could use his extra acreage allotment of 6.95 acres. Attorney Lewis appointed Jacen Lowell, Jr., of Cass County, Dakota Territory, as a substitute attorney on the case. Lowell located lot 1, 30-145N-48W in what is now North Dakota, containing 12.85 acres. McChesney paid the fees associated with entering lot 1 plus the cost of the excess acreage above his scrip for 6.95 acres. He received his final certificate for the lot on December 4, 1879. The law did not require him to live on the lot, and presumably he was able to sell it at a later date.46 In summary, the amendment succeeded in giving a small additional benefit to Civil War Union soldiers, but the value of the fractional entries probably did not compare favorably with the bureaucratic cost of administering the benefit.

A March 3, 1879, amendment to the original law provided for two changes, one fairly minor and the other much more significant. The minor change dealt with notifying the land office at least thirty days ahead of one’s intention to complete the proving process. This advance notification allowed the land office to place a needed notification allowed the land office to place a needed

44. U.S. Statutes at Large 17 (1873): 605–6, available online at http://memory.gov/cgi-bin/ampage.
45. Moses used 3.09 acres of the Clark benefit, 31.20 acres from the benefit earned by settler Ira Bradley of Dixon County, Nebraska, and 9.92 acres of additional entry benefits earned by settler John Strasser who homesteaded in Grand Island, Nebraska, to create the 44.21 acre package. Aguirre was not able to use .21 acres of the 44.21-acre package he purchased. Lyman Clark, Final certificate 155, Completed homestead entries, Junction City, Kansas.
46. Leander McChesney, Final certificate 11081, Completed homestead entries, Concordia, Kansas. The tract book for Union Township, held by the regional National Archives and Records Administration archives in Kansas City, Missouri, gives evidence of other Union Township settlers who obtained additional fractional parcels under this amendment, but few details of the transactions are given. The settlers and the location of their additional entries are: G. M. Stratton, LaGrande, Oregon; the heirs of W. Julius Champion, Sacramento, California; William H. H. Mitchell, Walla Walla, Washington Territory; Algermon S. Dutton (who never indicated in his Union Township filings that he was a Civil War veteran), Colorado; and James H. Stocker, Roseburg, Oregon.
notice in a local newspaper and post an announcement in the land office itself regarding the impending proving process and the names of the witnesses who would attest to the claimant’s statements. The more significant change in this 1879 amendment removed the 80-acre limitation for entries by non-veterans in the even-numbered sections amidst railroads lands just as the 1872 amendment had removed this restriction for Union veterans. Union Township settler Jeremiah Towle took advantage of this new provision and added 40 adjacent acres to his original 80-acre entry in section 24.47

Not everyone who started the homesteading process completed it. Records documenting these canceled homestead entries are not as comprehensive as the records for completed entries. In some instances, the only mention of a prior homestead entry appears in the completed papers of a subsequent homesteader on a particular piece of land. These phantom homesteaders may or may not be listed in the tract books that were maintained both in the local land office and in Washington, DC. Figure 1 shows the percentages of canceled Union Township homestead entries by type. The total number of homestead entries for Union Township was 158. Of this total, eight entrymen commuted their entry to cash payment, ninety-nine entrymen completed the homesteading process, and fifty-one canceled their entries. The rate of completion (both through the complete homesteading process and through commutation) versus cancelation for Union Township is 67.7 percent.

Homesteaders who decided to pay cash for their land rather than complete the five-year residency requirement canceled their original entry by a process known as commutation. The government allowed these commutations under the provisions of the eighth section of the original 1862 homestead law. The homesteading law required the commuting settler to reside on and cultivate the parcel for not less than six months. The process required for a commuted homestead entry was the same as that for a cash preemption purchase. The purchaser paid the government price for the land, $1.25 or $2.50 per acre, but did not receive any credit for the initial fees he or she had paid at the time of homestead entry. The settler had to balance this financial loss against the advantages of receiving title to the land more quickly, thus being able to sell the land or mortgage it. Table 3 lists the eight commuted homestead entries for Union Township. They occurred throughout the settlement period; the average residency period was nineteen months, considerably shorter than the minimum requirement of a sixty-month residency. Only three of the eight commutations seem motivated by the desire to sell or mortgage the property immediately. This Union Township rate does not correspond to the estimate of historian Everett Dick who found that, in many cases, 90 percent of commuted homestead entries were sold in the first three months after the issuance of a patent.48

There is evidence of two types of canceled entries. First, a settler who did not wish to complete the process could relinquish his or her entry by writing and signing some variation of the following statement on the back of the receiver’s receipt issued at the beginning of the process: “Thereby certify that I have this day relinquished

47. U.S. Statutes at Large 20 (1879), 472; Jeremiah H. Towle, Final certificate 10612, Completed homestead entries, Concordia, Kansas.

all my right title and interest to the within described tract of land to the government of the United States.” The relinquishing settler received no refund for either the declaratory statement fee or the homestead entry fee. The signature of the relinquisher was notarized or witnessed by two friends. Two of the Union Township relinquishers were women; seven were immigrants. Forty percent of the relinquishers subsequently entered other parcels of Union Township land. Relinquishments could be sold and traded, although such transactions were informal and not recorded in land office records.49.

In several cases, the relinquisher and the subsequent entryman appeared in the land office on the same day; the former to make the parcel available and the latter to enter the property so no one else could get it. These closely timed land office transactions seem to indicate that the process could be collegial rather than adversarial. In other cases, the relinquished property remained vacant for periods from a few weeks to four years. Demand for land, however, remained high during this period and some was always interested in taking up vacated land.50

Three men relinquished their homesteads after completing a residency period longer than the minimum of five years: William Towner, section 7, six years; Benjamin Dunn, section 24, seven years; and John Reed, section 10, seven years. They present us with a puzzling situation. Did they conclude that they could not meet the remaining requirements of the homestead proving process? Or were they merely “holding” the parcel until another friend or relative could enter the property and begin the five year residency clock once again? In two of these three instances, there is evidence that the relinquishers may have been holding the parcel for a relative.51

The second type of homestead entry cancelation occurred through abandonment. Anyone who found a parcel that seemed abandoned could become a contestant at the land office against the person who made the original homestead entry. The contestant had to post a notice on the land in question and/or a newspaper notice letting people know of the upcoming procedure as well as attempt to notify the original entryman. Contestants

51. William Towner, 2673; Benjamin Dunn, 7501; John Reed, 6893; all in the canceled entries series for Concordia, Kansas. William E. Towner, single, relinquished the southeast quarter of section 7 after living on it for six years. Shortly thereafter, another single man, H. D. Towner, made a homestead entry on the quarter only to relinquish it seven months later. The mystery remains. The pattern may be slightly clearer on the relinquishment of the southwest quarter of section 10 by John Reed. He subsequently entered a timber claim on the quarter only to relinquish it three years later. The next entryman on the quarter was William M. Reed who brought the process to successful completion in 1887. It appears that John and William M. were father and son and that the former was “holding” the parcel for the latter. The other relinquishment that occurred after a residency of seven years was that of Benjamin W. Dunn in section 24. Dunn had previously relinquished a homestead entry after a residence of a few months in section 14. Archibald Fitzgerald was the next entryman on the relinquished section 24 parcel; he also relinquished it, this time after two years of residence. James M. Heskett obtained the final preemption patent on this parcel in 1883. No known relationship exists among these three parties.

### Table 3: Union Township Entries Commuted from Homestead to Cash

<table>
<thead>
<tr>
<th>Section</th>
<th>Name</th>
<th>Date of Entry</th>
<th>Commutation</th>
<th>Mortgage or Sale</th>
<th>Length of Residency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>H. Eveland</td>
<td>5/15/1882</td>
<td>7/21/1883</td>
<td>S: 7/24/1883</td>
<td>14 months</td>
</tr>
<tr>
<td>9</td>
<td>C. Tilton</td>
<td>12/17/1883</td>
<td>8/17/1885</td>
<td>M: 8/19/1885</td>
<td>20 months</td>
</tr>
<tr>
<td>11</td>
<td>J. Gilbert</td>
<td>10/12/1869</td>
<td>5/2/1870</td>
<td>M: 2/10/1874</td>
<td>7 months</td>
</tr>
<tr>
<td>11</td>
<td>P. Cushing</td>
<td>8/12/1869</td>
<td>4/24/1871</td>
<td>S: 2/18/1873</td>
<td>20 months</td>
</tr>
<tr>
<td>13</td>
<td>D. Dalrymple</td>
<td>6/5/1886</td>
<td>4/30/1888</td>
<td>M: 5/1/1888</td>
<td>22 months</td>
</tr>
<tr>
<td>17</td>
<td>A. Seume</td>
<td>1/10/1870</td>
<td>10/17/1871</td>
<td>Tax Deed: 5/6/1876</td>
<td>21 months</td>
</tr>
<tr>
<td>26</td>
<td>J. Sloan</td>
<td>8/27/1881</td>
<td>11/26/1883</td>
<td>S: 11/15/1884</td>
<td>27 months</td>
</tr>
<tr>
<td>34</td>
<td>F. Peppercorn</td>
<td>8/22/1870</td>
<td>4/10/1872</td>
<td>S: 3/17/1874</td>
<td>21 months</td>
</tr>
</tbody>
</table>

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49. For one example, see William M. Van Every, 5187, Canceled entries, Concordia, Kansas; Dick, The Lure of the Land, 154.

50. One Union Township relinquisher, George Nicholson, forfeited his rights to W1/2SWQ, 32-9-3, on July 6, 1878. Later he appealed for restoration of those relinquished rights, received a denial from the General Land Office on February 6, 1887, then appealed the denial only to later withdraw his appeal. His case was closed on November 28, 1887 (12306, Canceled entries, Concordia, Kansas).
could not locate most of the original entrymen listed in the above pullout, with the exception of Lindley Millard. Albert Pettet contested Millard’s entry; one of the witnesses in Pettet’s case, J. H. Stocker, said, “I handed him (Millard) the notice and he read it in my presence. He said he would not appear at the contest as he did not want to hold the land.” Millard lived in nearby Clay Center at the time.52

Testimony Supporting Contested Claims in Union Township

Some homestead entry cancelations occurred through abandonment. Anyone who found what seemed to be an abandoned parcel could become a contestant at the land office against the person who made the original homestead entry. The contestant had to post a notice on the land in question and/or a newspaper notice announcing the upcoming procedure as well as attempt to notify the original entryman. If the original entryman could not be found, the contestant or one of the witnesses had to give a sworn statement in the land office giving evidence of the homestead’s abandonment. Collected here are examples of statements made against township settlers who had seemingly abandoned their claims.

Section 2, Dwight L. Chapman vs. John Aull, 1871: “He has left the country and wholly abandoned said land. There is no house on said land now.”

Section 5, H. N. Lawrence vs. James C. Church, 1872: “He has never built a house or lived on said land. No person has resided on said land during the last eight months. He could not be found in Clay County.”

Section 8, Peter Erickson vs. Bathsheba Wing, 1872: “She has left the neighborhood and wholly abandoned said land. There is no improvement whatever on said land and no person has ever lived on the same.”

Section 22, Benjamin Adams vs. William Kynaston, 1873, in which neighbor Ralph Fowles gave a statement in support of Adams: “The said William Kynaston never built a house or lived on said land.

There is no house or buildings of any kind. . . . He has done no work . . . during the last 8 months except to gather the corn that was planted last year. All the improvements he ever made . . . was to break about 3 ½ acres which was planted last year. And he commenced to dig a cellar.”

Section 22, Thomas E. Carson vs. William Dalton, 1871: “He has left the country and wholly abandoned said land. He never made a settlement on any kind.”

Section 24, Napoleon B. March vs. John Alsop, 1874, in which Thomas H. North gave the following testimony on behalf of March: “There is no house or improvements of any kind on said land. . . . The land is in its wild and natural state.” He additionally reported: “There is no house on said land. . . . The said tract is now in its wild and natural state, the dug out house and improvements having been destroyed.”

Section 26, Albert Pettet vs. Lindley Millard, 1873: “He has never built a house or lived on said land. There is no house of any kind.”

Sources: Cancelled homestead entries, Concordia, Kansas: D. L. Chapman vs. John Aull, Affidavit 698; H. N. Lawrence vs. James C. Church, Affidavit 1558; Peter Erickson vs. Bathsheba Wing, Affidavit 8735; Benjamin Adams vs. William Kynaston, Affidavit 2972; Thomas E. Carson vs. William Dalton, Affidavit 6813; Napoleon B. March vs. John Alsop, Affidavit 8028; Napoleon B. March vs. John Stevens, Affidavit 6882; Albert Pettet vs. Lindley Millard, Affidavit 9738.
the National Archives for eight.53 However, only three of those who obtained successful judgments subsequently received a patent for the parcel that had been the object of the legal procedure.

This detailed land analysis of completed and canceled homestead entries for Union Township sheds some light on the three issues identified at the opening of the article. During the span of time when the homesteading process was active in Union Township, the homestead law was frequently amended and regulations were changed with some regularity. The experience of a homesteader in the early years of this period was quite different from that of those who participated in the program toward its end. The simplicity and clarity of the original homestead law was slowly replaced by more legislative and regulatory complexity. Completing the homesteading process in 1889 required a great deal more attestable evidence than had been the case in 1868. Toward the end of the period under consideration, homesteading proved to be a rather complicated process.

How does the homesteading success rate in Union Township of 67.7 percent compare to national rates? Paul Gates reported that the success rate for homesteading on a national basis from 1862 to 1890 was 58 percent. He included both commuted entries and entries brought to conclusion by the formal proving process.54 Using the same criteria, the success rate for Union Township is almost ten points above the national average. Analysis of the canceled entries for this township reveals a varied picture of those who did not complete the homesteading process and suggests that many who began it did not get very far in accomplishing the necessary requirements. The homesteading process involved a large quantity of Union Township land, and it successfully placed actual settlers on the land, the central purpose of the original Homestead Act. Detailed land analyses of other sections of the Midwest or of other time periods during the existence of the homesteading law may yield different results. But evidence from this one small township on the Great Plains adds credence to a positive assessment of the Homestead Act of 1862.53

53. See in Canceled entries, Concordia, Kansas: John Aull, 698; James C. Church, 1558; Bathsheba Wing, 8735; William Kynaston, 2972; William Walton, 6813; John Alsop, 8028; John Stephens, 6882; Lindley Millard, 9738. Those for whom files do not appear to exist in the National Archives are Finley Hutton (section 5) and Antiome Deshane (section 6). We learn about the abandonment of Finley Hutton in the file of William P. Sturges, who later entered the parcel but did not complete the homestead process. See William R. Sturges, 9142, Canceled entries, Concordia, Kansas: Hutton “has never lived upon that land, he never made a settlement of any kind, he never was out in Kansas, a friend of him [sic] filed for him, when he was living in Philadelphia. There is no improvements [sic] made on said land by any party whatsoever.” Witnesses in the file of S. L. Stratton reveal some information about Antiome Deshane’s abandonment, noting that he “has never lived upon, improved, or cultivated any portion of said land, he never made any settlement of any kind on said land, there is [sic] no buildings on said land whatever. We don’t know him. He is not living in Clay County, Ks to our knowledge.” Stratton eventually obtained a patent for this parcel in section 5 (S. L. Stratton, Final certificate 3189, Completed homestead entries, Concordia, Kansas).